

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 09, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 9, 2012 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, Chief Deputy Clerk

MINUTES: Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 19, 2011 as corrected. The motion was seconded by Commissioner Chappell, and carried.

2012 APPOINTMENTS: The following election of officers and appointments were made.

Comm. Koppenhafer made a motion of officers for the Board of County Commissioners as follows; Chairman, Steve Chappell, Vice Chairman, Larrie D. Rule and Commissioner of Deeds, Gerald W. Koppenhafer, seconded by Comm. Chappell and motion carried.

Comm. Chappell moved to appoint the following persons to the respective offices, 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. Kent Aiken
- Region 9 Economic Development Board; Steve Chappell, Alternate; Larrie D. Rule
- Southwest Regional Transportation Committee; Larrie D. Rule, Alternate; Steve Chappell
- Veteran's Affairs Officer, Bud Carrier. Term to expire Jan. 2013.
- Legal Publications; Cortez Journal

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of December 31, 2011. (See attached).

ROAD: Road Supervisor Dean Roundtree, along with **GIS Mapping Specialist Doug Roth** presented the proposed 2012 Official Road Map for review. Commissioner Chappell moved to set the date of February 13, 2012 for a public hearing for review of changes and final acceptance of the 2012 Official Road map, Second by Comm. Koppenhafer motion carried. **Kathleen MacLean** along with **Loretta Murphy** held a discussion with the commissioners regarding County Road R and Road 30.2. Dean will take a look at the road in question.

SHERIFF'S OFFICE: Sheriff Spruell, Wanda Martin and Robin Cronk, met with the Commissioners to present a revised contract for law enforcement at the Casino between the Ute Mountain Ute Tribe and the Montezuma County Sheriff's Office. Commissioner Koppenhafer moved to sign the revised contract between the Ute Mountain Tribe and the Montezuma County Sheriff's office for Law Enforcement at the Casino. Second by Commissioner Chappell, motion carried (See Attached) **Emergency Manager Appointment:** Commissioner Chappell moved to name Sheriff Dennis Spruell as the Emergency Manager and for the hiring and oversight of a Deputy Emergency Manager. Second by commissioner Koppenhafer, motion carried.

BLM UPDATE: Mariette Eaton introduced **Connie Clementson** and **Matt Azhocar**.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of December, 2011. (See attached)

Administrator Ashton Harrison and **Finance Officer Amber Kingery** presented a proposed amendment to **agreement**. Commissioner Chappell moved to approve the Sick Leave Pool explanation and agreement with proposed changes for 2012 as presented. Second by Commissioner Koppenhafer the **County Sick Leave Pool**, motion carried. (See attached)

Montezuma County Public Health Department 2012 Fee Schedule: Commissioner Koppenhafer moved to approve the 2012 fee schedule for Adult and Children Immunizations as presented. Second by Commissioner Chappell, motion carried. (See attached)

Designation of Representative to County Health Pool: Commissioner Chappell moved to designate **Amber Kingery** as the Official Representative to all Montezuma County Health Pool members meetings and **Lynette Reece** as an alternate. Second by commissioner Koppenhafer, motion carried. (See attached)

Senior Transportation: Mary Holaday presented the **5311 Grant Agreement** (Administrative and Operating) for approval. Commissioner Koppenhafer moved to sign the **State of Colorado 5311 Grant Agreement** with Montezuma County as presented. Second by commissioner Chappell, motion carried (See attached)

ASSESSOR, Mark Vanderpool presented for signatures a contract of services between the Montezuma County Assessors Office and **Total Assessment Solutions Corp**. Commissioner Koppenhafer moved to sign the contract between the Montezuma County Assessor's Office and the Total Assessment Solutions Corp. as presented. Second by Commissioner Chappell, motion carried. (See attached)

LUNCH 12:15

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 public hearing is for the purpose of reviewing and determining AR 3-9 and AR 10-34 zoning request and pre-sketch Plan for a proposed 2-Lot Minor development on property owned by **Joseph Casey** and **Lorraine Simms** located at 27911 Road M, Dolores, Co. containing 39.23 acres, more or less. There was no public comment. Commissioner Chappell moved to approve the AR 3-9 zoning request for Lot #1 and AR 10-34 zoning for Lot #2 in the **Hot Iron Minor Sub Division** property owned by **Joseph Casey** and **Lorraine Simms** as presented. Second by Commissioner Koppenhafer, motion carried. (See attached) Commissioner Koppenhafer moved to approve the Final Plat for the **Hot Iron Sub Division** as presented, seconded by Commissioner Chappell, and carried. (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 recorded for the record. A public hearing to review an Industrial Zoning request on property owned by **Gerald** and **Verinia Fosnot**, business location of **Cortez Electric Inc.**, located at 10419 Hwy 491 Cortez, Co. consisting of 1.03 acres, more or less. There was no public comment. Commissioner Koppenhafer moved to approve the zoning request for property owned by **Gerald and Verinia Fosnot**, business location of **Cortez Electric, Inc.** located at 10419 Hwy. 491, Cortez, Co. as presented. Second by Commissioner Chappell, motion carried. (See attached)

Planning Director Susan Carver presented for final review and determination of the exemption request to adjust common lot lines between property located at 22877 Road D Cortez, Co. owned by **William D. Edgerton**; property located at 4500 Hwy 160-491 Cortez, Co. owned by **Patrick A. & Tracy M. Mullane**; and, property located at 4510 Hwy 160-491, Cortez Co. owned by Patrick and Tracy Mullane. Said request will not result in the creation of a new tract of land. Commissioner Koppenhafer moved to approve **RESOLUTION P-01-12** on property owned by Patrick and Tracy M. Mullane located at 4500 Hwy 160-491, Cortez Co. and property owned by William D. Edgerton located at 22877 Road D. Cortez, Co. contingent upon the recording of the deeds. Second by Commissioner Chappell and carried. (See attached)

Susan presented the **Road Maintenance Agreement** between the **Town of Mancos** and Montezuma County for continued maintenance of a portion of Road J that may be annexed into the Town of Mancos. There was no action taken at this time.

Also presented was a review and determination of a high impact application as submitted by **Shamaleko, H., LLC.** agents **Ken Banks** and **Gary Merrifield**, for the purposes of having 3 RV spaces on the property located at 13950 Road 22 Cortez, Co.. A public hearing will be set for this application; no further action was taken at this time.

Susan presented for review and determination of the Final Plat for a request to amend **Resolution NO.; P-47-94** whereby amending a common lot line between 2 separate parcels of land owners **David C.** and **Sharon Awdish** located at 14921 Road 26, Dolores, Co. Said request would add an additional 7 acres from a tract of land owned by the **Ruth Smoot Revocable Living Trust**. Commissioner Chappell moved to approval the amendment of Resolution No.; P47-94 and the Final Plat for amending a common lot line on land located at 14921 Road 26 Dolores, Co. as presented. Second by Commissioner Koppenhafer, motion carried. (See attached)

Fire Chief Jeff Vandevoorde and **Scott Ehmke** from **Empire Electric** met with the commissioners to discuss the 1997 Uniformed Building Code and the 2009 International Building Code. Empire Electric has requested to

use the 2009 International Building Code. Commissioner Chappell moved to approve the use of the 2009 International Building Code for the Empire Electric New Industrial Site as long as it meets or exceeds the 1997 Uniform Building Code. Second by Commissioner Koppenhafer, motion carried. (See attached)

Susan presented the Board with a letter of Resignation from **Jonathan F. Callender** for the **Montezuma County Planning and Zoning Commission**; Jonathan had filled a one year term vacated by **Tim Hunter**. Susan stated that the Commission was now down to 4 members and another person needed to be appointed. Commissioner Koppenhafer moved to appoint Gala Pock to serve the remainder of Tim Hunters term on the 1997 Uniform Building Code. Second by Commissioner Chappell, motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:

A letter from the History Colorado Center Re: National Register of Historic Places nomination of the **Indian Camp Ranch**, Montezuma County.

A letter from the History Colorado Center Re: National Register of Historic Places nomination of the **Montezuma Valley Irrigation Company Flume NO. 6 McElmo Creek Flume**, Cortez vicinity.

A letter from Colorado Department of Public Health and Environment Re: **Colorado Board of Health** Agenda.

A letter from the **Southwestern Water Conservation District** Re: A workshop regarding Structure of Financial Assistance program and a teleconference for an Auditor Selection Committee meeting.

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

MEETING ADJOURNED 4:20 p.m.

Clerk January 9, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 23, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 23, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 9, 2012 as corrected. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree presented the 2012 Road Plan. Comm. Rule moved to accept the 2012 road plan for the Road Department, seconded by Comm. Koppenhafer and carried.(See attached). Supervisor Roundtree said repairs to Road G will begin soon. The Board was informed that CDOT wishes to meet with a Commissioner and Road Staff on February 8, 2012 concerning their upcoming projects.

FOREST SERVICE representative met to discuss the status of the Red Arrow Mine road. **Patrick McCoy** land and mineral specialist with the USFS discussed the Red Arrow Mine Road. He understands the County is talking about obtaining the easement to the road. Mr. McCoy explained a letter from the County would be required to transfer jurisdiction of said road and to request the width of the road in the same letter. An environmental analysis and a comment period will be done then sent to Denver for approval before transfer can be done. Mr. Craig Liukko with the Red Arrow Mine asked if the special road use permit would remain in affect. Mr. McCoy said the permit would still be in affect at this time.

SPRINKLER BIDS: Bids were opened for the installation of a sprinkler system for Annex 3. Two bids were received. A bid was received from Western Slope Fire and Safety Inc. out of Gunnison, Co. Another bid is from Allstate Fire Protection Inc. from Commerce City, Co. The bids will be taken under consideration before being awarded. **LATER:** Comm. Rule moved to award the bid for the sprinkling system for Annex 3 to Allstate Fire Protection Inc. in the amount of \$25,800.00 and \$1,200.00 for the drywall, seconded by Comm. Koppenhafer and carried.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly update for the Fairgrounds. He reported on the income statement. He discussed the roof installation stating it looks good. Manager Young said the recent rodeos held showed a good turnout. Hunter safety will be held this weekend and the all Indian rodeo is scheduled. Tanner informed the Board of upcoming events that will be held at the Fairgrounds. He gave the Board a list of all events held at the Fairgrounds in 2011. He anticipates a very busy 2012.

FOREST SERVICE UPDATE: Kent Grant a Representative with the Colorado State Forest Service and James Dietrich met to update the Board. Mr. Dietrich discussed the Montezuma County Wildfire Plan. He said essentially the entire county is at risk and pointed out the high and extreme risk areas. There were five community meeting held and meetings with the various entities were done. Mr. Grant touched on the CWPP grants that may be available for subdivisions and other needs in the County. Comm. Koppenhafer moved to approve the Montezuma County Wildfire Protection Plan and map as presented, seconded by Comm. Rule and carried. The slash burn and fire ban law was discussed.

WEED PROGRAM: Don Morris, Eddy Lewis and LeeAnn Milligan gave an update regarding the County Weed Program. Ms. Milligan informed the Board that the Recovery Act grant will wrap up this year. Mr. Lewis discussed the logical roads status for 2011 and the treatment area status for 2011. (See attached) LeeAnn talked about the budget. The county roads were sprayed twice last year. LeeAnn presented the EPA pesticide general permit for discharges from the application of pesticides. (See attached)

LUNCH: 12:00

MILDRED ESTATES: Planning Director Susan Carver presented an amendment for Mildred Estates. The amendment is to amend a common lot line between lots 10, 11, and 12 on the final plat. Director Carver explained the amendment, stating the amendment would vacate lot 13. Jacque Cook, Mildred Estates Property Owners Association president, discussed the lot lines and the need to amend the lines. Comm. Rule moved to approve the final amended plat of lot 11, lot 12 and lot 13 of Mildred Estates, seconded by Comm. Koppenhafer and carried. (See attached)

EXEMPTION: Planning Director presented an exemption for realignment of Road 23 at the intersection of Highway 184. The property is owned by the Dunn Living Trust and Montezuma Valley Irrigation.

EXEMPTION request for Charlotte Wood was presented. Director Carver and property owner Charlotte Wood explained the exemption request. Comm. Koppenhafer moved to accept the final exemption plat for Resolution P-02-12, seconded by Comm. Rule and carried.

MAINTENANCE AGREEMENT A maintenance agreement between the County and the Town of Mancos concerning a portion of County Road J, Mancos was discussed. Comm. Rule moved to sign the maintenance agreement between the Town of Mancos and Montezuma County on .28 acres on Road J, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER OF SUPPORT: Comm. Rule moved to sign a letter of support of Axis Health Systems for their Health Care Innovation Challenge grant application, seconded by Comm. Koppenhafer and carried. (See attached)

CERTIFICATION OF COMPLIANCE: Comm. Koppenhafer moved to sign the certification of compliance immigration status – cooperation with Federal Officials, seconded by Comm. Rule and carried. (See attached)
COMM. RULE moved to sign a letter to Derrick Padilla, district manager Dolores Public Lands Office regarding Kinder Morgan’s 3D seismic project, seconded by Comm. Koppenhafer and carried. (See attached)

RESOLUTION P-09-11: Comm. Koppenhafer moved to approve Resolution P-09-11 and final exemption plat for resolution P-09-11 for Lewis Arriola Community Center and Dolores State Bank, seconded by Comm. Rule and carried. (See attached)

ORDERS: The following orders were presented for approval.

Comm. Rule moved to approve **Order #01-2012** to transfer from the Jail Bond Fund to the General Fund for jail operations for 2012 the amount of \$368,442.00. Seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Rule moved to approve **Order #2-2012** to transfer from General Fund to the Law Enforcement Authority Fund for overpayment in 2011 for November and December expenses of \$1,062.91, seconded by Comm. Koppenhafer and carried. (See attached)

ACCOUNTS PAYABLE: General Fund # 58781-58944 in the amount of \$359,704.09, Road and Bridge Fund # 23484-23536 in the amount of \$164,119.26, and Landfill # 6826-6854 in the amount of \$40,938.50 for the month of December, 2011 were approved for payment.

VETERANS SERVICE: Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for December, 2011, seconded by Comm. Rule, motion carried (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:

Invitation to the Seventh Annual Energy Forum and Expo Co.

Thank You from the The Nest Child Advocacy Center.

Regular Meeting notice and minutes of the Dolores Water Conservancy District.

Notice of special Board meeting of the Southwest Water Conservation District.

Colorado Board of Health agenda.

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

MEETING ADJOURNED 2:40 p.m.

Clerk January 23, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 30, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 30, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 23, 2012 as presented. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree said the Department is beginning to work on the retaining wall on a portion of Road G. Dean is looking at a skid steer for the crusher. He said he found a used one for \$13,000.00. Road 26 between Roads N and P is in bad shape. Supervisor Roundtree said the road is on the road plan. The Roundup crew is trimming trees and the Department is grading and fixing pot holes.

KATHLEEN MACLEAN met to talk about problems with a neighbor and other complaints on road R and 30.2. She said she has had her property surveyed to determine the property line between her property and property owned by Jack Hattaway. She said she is placing a fence on her property. She would like for the property to be protected for the natural drainage and from Mr. Hattaway taking a larger chunk of her property. She claims Mr. Hattaway's fence is in the county road right of way. Supervisor Roundtree will keep an eye on the situation.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted; Dennis Story, LouAnn Everett and Lori Higgins were present. Comm. Koppenhafer moved to approve the agreements for the Montezuma County Department of Social Services to reimburse Montezuma County for the County Attorney's services for Child Protection Programs and Child Support Enforcement, seconded by Comm. Rule and carried. (See attached)

FAIRBOARD APPOINTMENTS: Fairboard representative **Rodney Cox** said there are three openings on the Fairboard. Applications were received from Brett and Bernadette McClain and Matt Mecham. Comm.

Koppenhafer moved to appoint Matt Mechem to fill a vacancy until September 2012 and to appoint Brent McClain and Bernadette McClain to 4 year terms expiring in 2015, seconded by Comm. Rule and carried. (See attached)

MCELMO FLUME: The Board heard an update regarding the McElmo Flume. Linda Dowle and Susan Thomas informed the Board the Flume has been listed on the State's national register of historic sites. It was suggested the County apply for a State Historical Fund assessment grant. The assessment is to indicate what should be done to restore the Flume. Comm. Rule moved to sign the assessment grant application for the State Historical Fund and to work through Administrator Harrison, seconded by Comm. Koppenhafer and carried.

UTE MOUNTAIN ROUNDUP: Sue and Slim McWilliams and Rob Yates representing the Ute Mountain Roundup Rodeo and Fairgrounds Manager Tanner Young met to update the Board on the upcoming rodeo. Sue McWilliams discussed a parks and recreation GOCO grant and asked the Board to support the application so a roof could be installed on the grandstands and other work involved with the installation. She stated this is a matching grant. The Committee asked for a standing reservation for the Fairgrounds for the 2nd week in June so they could schedule the needed functions as far out as possible. Comm. Koppenhafer moved to reserve the date of the second week-end in June for the Ute Mountain Roundup until such time the Ute Mountain Roundup indicates they no longer need the facility it was further moved the Roundup will pay the annual rate for said use, seconded by Comm. Rule and carried.

SCHEDULE OF RECEIPTS AND DISBURSEMENTS FOR 7/01/2011 – 12/31/2011 was presented. Comm. Koppenhafer moved to accept the schedule of receipts and disbursements as presented by the Montezuma County Treasurer for 7/01/11 through 12/31/11, seconded by Comm. Rule and carried. (See attached)

SHERIFF'S OFFICE: Wanda Martin and Undersheriff Robin Cronk presented an updated Law Enforcement Authority contract. Comm. Rule moved to approve the Montezuma County Law Enforcement Authority Agreement number 2012-1, seconded by Comm. Koppenhafer and carried. (See attached) Ms. Martin presented the Equitable Sharing Agreement. Comm. Koppenhafer moved to sign the Equitable Sharing Agreement and Certification tracking number CO0420000, seconded by Comm. Rule and carried. (See attached) Undersheriff Cronk informed the Board that the juvenile program known as Partners has closed its office. He indicated the Pinon Project may take over the program.

LUNCH: 12:00

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. The hearing is for the purpose of reviewing and determining compliance concerns with the performance standards and conditions of High Impact Permit number 52 and possible determination of revocation of said permit. The property is located at 33350 Hwy 184, Mancos and consists of 10 acres more or less. Director Carver explained the nature of the complaint. Thomas Overington, owner of the property gave his side of the complaint explaining the problem with the hay he used as a barrier being eaten by deer, elk and other animals and he would like to find some type of hay the animals would not eat. He said the hay was used to help with the noise. He said he had tarps over the dog runs which proved impractical during the winter months. Comm. Chappell opened the hearing up to public comments at this time. **Gary Harding** spoke as to noise conditions being exceeded and stated accurate data would be needed

before any decision is made. **Jeff Salvatore** said he purchased neighboring property and said he hears dogs barking. He would like to see some kind of mitigation regarding the noise. **Greg Kemp** stated he drove past said kennel numerous times when he lived around Summit Lake and has not heard dogs barking. He said if this permit is rescinded he is certain a lot of people will want the same consideration concerning other permits. Hearing no further public comment Comm. Chappell closed that portion. Mr. Overington said he keeps the normal feed hay fenced in. An employ of the kennel said the hay is eaten by the deer, and sheep. She said the kennel has not been full and said if she has a complaint about barking, she will go quiet or shut up the dogs. The Board would like to listen to that portion of the hearing regarding the mitigation to the permit. Comm. Koppenhafer moved to continue this hearing until February 27, 2012 at 1:30, seconded by Comm. Rule and carried. (See attached)

EXEMPTION REQUEST: Planning Director Susan Carver presented a request for an exemption regarding the realignment of Road 23 at the intersection of Hwy. 184. Said property is owned by Montezuma Valley Irrigation and consists of 170 acres more or less and property owned by the Dunn Living Trust consisting of 87 acres more or less. Planning Director Carver presented the initial plat for the Dunn Living Trust exemption. Loretta Murphy with the GIS department explained the exemption stating an amendment would be required when the Bureau of Reclamation completes their study. Comm. Rule moved to sign exemption plat P-03-12 Montezuma County realignment of Road 23 and Colorado Highway 184 intersection, seconded by Comm. Koppenhafer and carried. (See attached)

EXEMPTION ADMENDMENT: Planning Director Carver presented a request to amend an existing exemption regarding properties owned by Brian Wilson at a location to be determined on Road CC, Pleasant View, Co. consisting of 154 acres and property owned by Rose A. Barton located at 13951 Road CC, Pleasant View, Co. consisting of 5.5 acres. Mr. Wilson wishes to purchase the northern 2+ acres of Rose Barton's property whereby the resulting Barton property will be 3 acres, more or less. Director Carver explained that no new tract shall be created by the approval of this request. It was explained the deed would actually transfer the property. Comm. Rule moved to give preliminary approval for an exemption to go to the planning and zoning Commission for Brian Wilson to add 2 acres from Rose A. Barton to his existing 154 acres, seconded by Comm. Koppenhafer and carried. (See attached)

COMMON LOT LINE EXEMPTION: Planning Director Carver presented a request for an exemption to adjust the common lot line between properties owned by SAR, I.C.R., (Indian Camp Ranch) LLC/ Sue Rodgers. Said property is located at 22204 Road K, Cortez, Co. and consists of 75 acres, more or less; and property located at 22420 Road K.3, Cortez, Co consisting of 35 acres, more or less. She stated the resulting parcels will remain in excess of 35 acres and no new tract shall be created by the approval of this request. Comm. Rule moved to approve the final exemption P.05-12 for Indian Camp Ranch on lot 26 and lot 27, seconded by Comm. Koppenhafer and carried.

LETTER: Comm. Rule moved to sign the letter to Derek Padilla, Dolores Public Lands District Manager regarding the tenderfoot livestock grazing permits, seconded by Comm. Koppenhafer and carried. (See attached)

APPOINTMENTS TO THE LODGER'S TAX BOARD: Comm. Rule moved to appoint **Deanna Truelsen** to the Montezuma County Lodger's Tax Board to a three year term expiring January, 2015, seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Koppenhafer moved to appoint **Judith Swain** to the Montezuma County Lodger's Tax Board to a three year term expiring January, 2015, seconded by Comm. Rule and carried. (See attached)

MANCOS CEMETERY DISTRICT: Comm. Koppenhafer moved to appoint Catherine Kennedy to the Mancos Cemetery District Board of Directors for a 6 year term, expiring January 2018, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:
E-mail from Bill Barrett Corporation informing the Planning Department they will start drilling on the new Koskie pad this Sunday. (See attached)

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

MEETING ADJOURNED 3:40 p.m.

Clerk January 30, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 6, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 6, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 30, 2012 as amended. The motion was seconded by Commissioner Koppenhafer, and carried.

AG-EXPO: Dena Guttridge and Dusty Beals, Representatives of the Ag-Expo met to inquire about hosting a Cortez Chamber After Hours scheduled for Thursday evening March 15, 2012 during the Expo. They wanted to know what they would be required to comply with. They would like to have beer and wine donated for the function and no alcohol would be sold. Ms. Guttridge said they have liability insurance in place. Clerk Deputies Tammy Neely and Debby Largent explained the procedure to serve liquor at such a function. Ms. Neely said that as long as no fees of any kind are charged or collected there won't be a need for a special events license. Comm. Koppenhafer moved to allow the Ag-Expo to serve donated alcohol, beer and wine, at the Chamber After Hours on Thursday, March 15, 2012 in the main building from the hours of 5:30 p.m. to 7:30 p.m., seconded by Comm. Rule and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January, 2012. (See attached).

ROAD: Road Supervisor Dean Roundtree reported the wall on a portion of Road G is completed. The Department is repairing potholes and doing some snow plowing. A call was received concerning the 4 way stop signs on Roads DD and 16. Dean will contact the complainant. It was suggested to have traffic counts done. GIS Specialist Doug Roth discussed the HUTF, CDOT report. He explained various roads on the report.

Comm. Koppenhafer moved to sign the certification of HUTF eligible miles for Montezuma County for 1/12/2012, seconded by Comm. Rule and carried. (See attached)

EMERGENCY MANAGEMENT: Did not appear

SOUTHWEST MEMORIAL HOSPITAL: Kent Helwig and John Nadone gave the quarterly update for SWMH. Mr. Helwig reported on how programs were funded. He said he feels they have a strong fiscal position. They are working on continued Physician recruitment. He said they are looking sometime in the future at building a replacement hospital and a facility for Doctors and other personnel. He said they are looking at various financing options as well. The situation with the Mancos Clinic was discussed. The ownership of the land and facilities was discussed. It was stated the Hospital Board owns the land and facility and contracts with SHS for the operation of the hospital. The Board asked that a better financial statement from Southwest Memorial Hospital be presented. (See attached)

BOARD OF HEALTH: Health Department Director Lori Cooper presented the year end report and a contract for signature. Director Cooper presented a master contract. She said all the programs are under the master contract. Comm. Rule moved to sign the intergovernmental agreement between the State of Colorado and the Board of County Commissioners of Montezuma County for the use and benefit of the Department of Public Health and Environment, seconded by Comm. Koppenhafer and carried. (See attached) Director Cooper reported on a meeting she attended regarding the Public Health Act and provisions of the act. She said there will be a school on Public Health held in Durango on May 25, 2012. This school deals with core public health services. She reported on grants the Department applied for and were awarded.

K-9 SEARCH & RESCUE: A letter from K-9 Search and Rescue was received requesting the possibility of the Team being included in the County's Worker's Compensation pool. (See attached)

ABATEMENT: It being the time set aside for the Kinder Morgan Abatement hearing. The roll was called and the proceedings were recorded for the record. Walker Knight with Kinder Morgan and Mary Ellen Denomy were on a conference call. Assessor Mark Vanderpool said this is a continuation of an abatement hearing regarding the production valuations on Kinder Morgan regarding tax year 2008. Assessor Vanderpool said an audit was done that revealed omitted values for 2008. He said these omitted values increased their production tax. The Assessor's recommendation is to deny the abatements. Walker Knight said he talked to his supervisors and they stated no changes in the abatement petition could be made. Mary Ellen Denomy spoke regarding the parties involved in the pipeline. Comm. Koppenhafer moved to agree with the Montezuma County Assessor on account numbers O100032, O100034, O100076, O100077, O100078 and O100079 for tax year 2008, seconded by Comm. Rule and carried. Comm. Chappell closed this abatement hearing. (See attached)

LUNCH: 12:00

WAIVER REQUEST: Planning Director Susan Carver presented a request from Lou Garon for a zoning fee waiver. Mr. Garon wishes to have two parcels zoned AR 3-9. The property is located at 15160 Road 35.3, Dolores consisting of 65 acres more or less. Comm. Rule moved to waive the zoning fee request on Road 35.3. This waiver is for the zoning fee only, seconded by Comm. Koppenhafer and carried. (See attached)

HIGH IMPACT PERMIT APPLICATION: Planning Director Susan Carver presented for review and determination, an application for a high impact permit. The application was submitted by Shameleko H. LLC, agent Ken Banks. The application is for the purpose of having 3 RV spaces on property located at 13950 Road 22, Cortez. Director Carver stated that no threshold standards will be exceeded per the application. Ken Banks and Gary Merrifield explained the application in detail. Director Carver said the 3 RV spaces are on 1.5 acres and 2 of the spaces are seasonal. She said she has talked to Sanitarian Melissa Matthews and Ms. Matthews has no concerns with the 3 spaces on one septic system. Comm. Koppenhafer moved to not require a PUD application and to keep the high impact permit application on file and to cap the area to 3 RV spaces but in the event a residence is constructed the 3 RV units will go away, seconded by Comm. Rule and carried.

ROAD J: A road maintenance agreement regarding a portion of Road J, Mancos, was discussed. Todd Kearns representing the Town of Mancos asked the Board what costs might be a shared charge to the Town on an annual basis. Administrator Harrison said any capital improvements to the Road done by the Town, the County would like to recoup costs in the event of any future development of the area and impacts that might occur.

SANDRA SHEPHERD met to request a letter from the Board regarding putting a home care office in her home. The home is located on 3 acres on Road 20 and is currently unzoned. Ms. Shepherd said the State is requiring a letter from the BOCC be done stating the office would not be in violation of the County's zoning code. Comm. Rule moved to sign a letter to the State Licensure Program Home Care Agency for Sandra Shepherd to have an office in her home and that said office is not out of compliance with the County's local zoning code, seconded by Comm. Koppenhafer and carried. (See attached)

GRANT APPLICATION: Comm. Koppenhafer moved to approve Resolution 2012-01 supporting the grant application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Trust Fund for the construction of the Montezuma County Fairgrounds grandstand roof, seconded by Comm. Rule and carried. (See attached)

SUSAN UNDERWOOD, ERNEST MANESS, and Rob Pope met to complain about CDOT not responding in a timely manner to access applications submitted by various developers. Ms. Underwood said CDOT is required to respond within 45 days of the application. Mr. Pope has concerns how CDOT's non response in regards to the County's Land Use Code requirements might affect him. Mr. Pope will try to contact CDOT.

RED ARROW MINE ROAD: Doug Roth and James Dietrich talked about where to stop the County's Forest Service easement and jurisdiction on the Red Arrow Mine Road.

HAY CAMP PIT: Comm. Koppenhafer moved to sign the letter addressed to Nathan Barton regarding the Hay Camp Pit number M-1990-025, seconded by Comm. Rule and carried. (See attached)

PAYROLL: General fund checks in the amount of \$383,754.02, District Attorney fund check #61058 in the amount of \$41,378.87, Treasurer fund check #61059 in the amount of \$308,497.39, Road department fund checks in the amount of \$80,644.42, Treasurer fund check #24320 in the amount of \$70,355.15; and Landfill fund checks in the amount of \$16,335.31, Treasurer fund check #7249 in the amount of \$13,202.80 were approved for payment.

RESOLUTION P-05-12 was signed. (See attached)

LETTER to Western regional Project Manager BLM Nevada State Office opposing the listing of the Greater Sage Grouse. (See attached)

LETTER to Derek Padilla, District Manager, Dolores Public Lands with a comment submittal regarding Tenderfoot Livestock Grazing Permit Renewal Scoping. (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:

Notice of regular Board Meeting for Southwest Water Conservation Dist.

Tri-State Generation & Transmission Association, Inc. Tri-State's 2012 ten year transmission plan.

CDOT letter regarding the TPR boundary revision process.

CCI meeting correspondence.

CHSDA memo request for child welfare funding consultant.

Letter from AXIS Health System concerning the County's support and commitment of \$25,000.00 for the operation of the ATU. (See attached)

DWCD regular meeting and minutes of 12/8/2011

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

MEETING ADJOURNED 3:45 p.m.

Clerk February 6, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 13, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 13, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 6, 2012 as amended. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board about the quotes he received on the purchase of two trailers for the Department. He recommended they purchase the CTS trailers. Comm. Koppenhafer moved to approve the Road Department's purchase of two 2012 CTS bottom dump trailers in the amount of \$56,700.00 after the trade in, seconded by Comm. Rule and carried. Supervisor Roundtree said a traffic count was completed on Road 10 and DD.

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 to review and determine the adoption of an updated Official County Road Map. Due to the fact this public hearing was not listed on the agenda for today's meeting, it was suggested the hearing be noticed and held on April 2, 2012 at 9:00 a.m. Comm. Rule made a motion to move this hearing to April 2, 2012 at 9:00 a.m., seconded by Comm. Koppenhafer and carried.

KATHLEEN MACLEAN discussed the problem with her neighbor on Road R and right of way issues.

CANYON OF THE ANCIENTS NATIONAL MONUMENT representative, Marietta Eaton informed the Board of the impending acquisition of the Alexander and Zwicker parcels.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of January, 2012. She talked about the insurance increase, NSF/ delinquencies, boots for the equipment operators, recycling tonnages being down and said wire has been ordered. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly report. He discussed the income statement. Manager Young said the hunter's safety class was well attended and the recent circus went very well saying about 1300 people attended the circus. He informed the Board of other activities scheduled at the Fairgrounds. He said the roof is done and looks very nice. He talked about drainage problems around the sheep and hog barns.

LIQUOR LICENSE: Clerk Deputies Tammy Neely and Debby Largent presented a renewal for a retail liquor store and a change of location for G Whil Liquors LLC. It was stated that a high impact permit may be required for the location change and the Planning Department has not yet been contacted concerning said permit. Deputy Neely said a letter of protest has been received concerning the new location. She also informed the Board that there have been violations issued to G Whil Liquors concerning sale of alcohol to a minor, noting that the state had taken action on the issue without notification to the county. The Board said a high impact permit is required for the change of location. A liquor license renewal was presented at the present location. Comm. Koppenhafer moved to approve the renewal for G Whil Liquors LLC for a retail liquor store located at 7033 Hwy 160/491, Cortez, seconded by Comm. Rule and carried.

TRIPLE H & J INC: Deputy Neely presented a liquor license renewal for Triple H & J Inc., (Smitty's Liquors). Comm. Rule moved to approve the renewal application for a retail liquor license for Triple H & J Inc, known as Smitty's Liquors, P.O. Box 839, Cortez, seconded by Comm. Koppenhafer and carried.

RESOLUTION: County Clerk Carol Tullis presented Resolution 2012-02, a resolution to conduct the 2012 Primary Election as a mail ballot election. Comm. Koppenhafer moved to approve Resolution 2012-02 a resolution for the approval to conduct a primary mail ballot election on June 26, 2012, seconded by Comm. Rule and carried. (See attached)

COMM. RULE moved to approve the publication of expenditures allowed and paid for Dec. 31, 2011, seconded by Comm. Koppenhafer and carried. (See attached)

SHERIFF'S OFFICE: Wanda Martin with the Sheriff's Office presented a Justice Assistance Grant application. She explained the grant saying they are asking for \$7,500.00. Comm. Koppenhafer moved to approve the Montezuma County Sheriff's Office apply for the 2012 Justice Assistance Grant in the amount of \$7,500.00, seconded by Comm. Rule and carried. The Board discussed the boarding of K-9 dogs in the absence of the handlers. Sheriff Spruell discussed supplying law enforcement to the Town of Mancos. He explained the Town has no Marshal at this time and the Town is actively seeking a new Marshal. Sheriff Spruell said his Office would agree to supply law enforcement for 30 days. Comm. Koppenhafer moved to approve the 2012 contract for 30 days between the Montezuma County Sheriff's Office and the Town of Mancos, seconded by Comm. Rule and carried. (See attached)

EMPLOYEE HANDBOOK: County Administrator Ashton Harrison presented for review and adoption amendments to the County Employee Handbook for approval. Administrator Harrison and Amber Kingery discussed the amendments to the County Employee Handbook. **LATER:** Comm. Rule moved to approve the Employee Handbook for Montezuma County for March 2012 as amended, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:30

EXEMPTION: Planning Director Susan Carver presented an exemption request for The Whole Fam Damily, LLLP on property located at 14680 Road 20, Dolores. She explained that the desire is to convey 13 acres, more or less to Edward G. Merritt Partnership, LLLP. The Merritt property is adjacent to the Whole Fam Damily, LLLP property consisting of 161 acres, more or less. The Edward G. Merritt Partnership wishes to convey 11 acres, more or less of their property to the Whole Fam Damily, LLLP to become part of their existing acreage. She said conflicts exist with the current property lines between said properties and a third property, owned by Edward G. Merritt Partnership, LLLP, located at 15806 Road 20, Dolores, consisting of 199 acres, more or less. The landowners have come to an agreement to adjust the property lines which would settle those conflicts. The resulting acreage on each tract of land will be in excess of 35 acres. Mr. Merritt explained the request in detail. He explained the exemption would clean up the fence lines. Comm. Koppenhafer moved to approve Resolution P-04-12 for property with the Whole Fam Damily, LLLP and Edward G. Merritt Partnership LLLP for property adjustments to straighten the property lines, seconded by Comm. Rule and carried. (See attached)

AFTER-THE-FACT EXEMPTION: Planning Director Carver presented an after-the-fact exemption request which would adjust the common lot line between properties owned by Phil R. and Rebecca A. Moore with property located at 24902 Road F, Cortez and consists of 10 acres, more or less; and property owned by the Reva L. Moore Family Trust, located at 24600 Road F, Cortez, consisting of 30 acres, more or less. The 10 acre, more or less, parcel was divided from the 30 acre, more or less parcel in 1983 without County approval. Director Carver said this request is to bring both parcels into compliance and that no new tract would be created by the approval of this request. Vicki Michaels and Melynda Carver, Trustees for the Reva L. Moore Family Trust explained the request. Comm. Koppenhafer moved to give preliminary approval for an after-the-fact exemption for property between The Reva L. Moore Family Trust and Phil R. and Rebecca A. Moore, seconded by Comm. Rule and carried. (See attached)

VETERAN'S SERVICE: Comm. Koppenhafer moved to approve the **County Veteran's Service Officers** monthly report and Certification of pay for January, 2012, seconded by Comm. Rule, motion carried (See attached)

IMPACT GRANT: Comm. Koppenhafer moved to sign the Colorado Parks and Wildlife impact assistance grant application, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:
Notice of regular meeting and minutes of the Dolores Water Conservancy District.

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

MEETING ADJOURNED 3:30 p.m.

Clerk February 13, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 27, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 27, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 13, 2012 as amended. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree discussed Road DD and Road 16. There have been a number of complaints regarding speeding vehicles on this road. Dean reported that they would be starting on the Annex 3 parking lot and that they had bladed some roads as the moisture had allowed. There was a general discussion on Roads 42 and 44 needing gravel, the commissioners will discuss these roads with the Forest Service. It was reported that they are still waiting for a signature on a deed for the right of way to proceed on Road 23.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted; Dennis Story and LouAnn Everett were present. Commissioner Koppenhafer moved to sign the Colorado Department of Human Services Certification of Compliance County Merit System for the year 2012. Second by Commissioner Rule and carried. (See attached)

SHERIFF'S OFFICE: Sheriff Spruell along with **Robin Cronk** with the Sheriff's Office presented a grant for signature. Commissioner Rule moved to sign an amended contract for funding a multi-jurisdictional drug task force between The Montezuma County Board of County Commissioners and the State of Colorado contract # 39383 as presented, Second by commissioner Koppenhafer, motion carried. (See attached)

RADIO TOWER: Lori Johnson, George Deavers, Tom Phelps and Ken Birtcher met with the Commissioners to discuss their concerns with the co-location of the radio tower located northwest of Roads 31 and W.

ORDER # 03-12 Commissioner Rule moved to approve a transfer from the Road Impact Fund to the Road & Bridge Fund in the amount of \$105,345.00. Second by Commissioner Koppenhafer, motion carried. (See attached)

FAIRGROUNDS: The Board conducted a site visit at the Fairgrounds at this time.

LUNCH: 12:00

CONTINUED PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held. The roll was called and the proceedings were recorded for the record. This hearing is for reviewing and determining compliance concerns with the performance standards and conditions of High Impact Permit No. 52. Said property is located at 33350 Hwy 184, Mancos. **LeeAnn Milligan** from the planning department presented the non-compliance for High Impact Permit No. 52 for the **Dog Hotel**. **Tom Overington** and **Elizabeth Cruffits** applicants held a discussion regarding their attempts to comply with the requirements from the permit. Commissioner Koppenhafer moved to continue the public hearing to July 2, 2012 at 1:30 for the applicants to be in compliance of High Impact Permit No. 52 at the Dog Hotel located at 33350 Hwy 184 Mancos. Second by Commissioner Rule, motion carried. (See attached)

AFTER-THE-FACT EXEMPTION: **LeeAnn Milligan** from the **Planning Department** presented for review and determination an after-the-fact exemption request on property owned by Donald J. and Sharon J. Hirman. The property is located at 13854 Road 33, Mancos, also known as lot 9 of the Bonita Acres Major Development. Lee Ann explained the development was created in 1993 wherein all other lots within the development exceeded 35 acres and lot 9 consists of 19 acres more or less. She further stated lot 9 was not approved by the Board at the time it was created, but it qualifies for said exemption from the subdivision regulations as it was created prior to the Land Use Code being adopted by the County. Commissioner Koppenhafer moved to approve Resolution P-07-12 an after the fact Exemption for applicants Donald J and Sharon J. Hirman property located at 13854 Road 33 Mancos, consisting of 19 acres more or less in the Bonita Acres Subdivision as presented. Second by Commissioner Rule motion carried. (See attached)

ADMINISTRATOR: **Ashton Harrison** presented for review and signature a letter to the **Southwest Colorado Resource Advisory Council** in support for the re-appointment of **Al Heaton** to Group 1. Commissioner Rule moved to sign the letter in support of the re-appointment of Al Heaton for the Southwest District RAC as presented. Second by Commissioner Koppenhafer, Motion carried. (See attached) Commissioner Koppenhafer moved to have Commissioner Chappell sign a letter of recommendation for **Jim Dietrich** to be appointed to the **Southwest Colorado Resource Advisory Council** seconded by Commissioner Rule, motion carried. Ashton discussed the purchase and training of a new financial software program from **Casselle Inc.** Commissioner Koppenhafer moved to approve the expenditure of \$37745.00 for the purchase of the **Casselle Inc.** software and training for Montezuma County. Second by Commissioner Rule, motion carried. Ashton presented a request from the **Montelores Early Childhood Council** to use the Montezuma County Annex building for the **Early Childhood Celebration Day**. Commissioner Koppenhafer moved to approve the request from the Montelores Early Childhood Council to hold their event on April 14, 2012 for the Early Childhood Celebration Day for families of young children, at the Montezuma County Annex, Second by Commissioner Rule, motion carried. (See attached) Also discussed a request from the Search and Rescue K9 Team for funds to help pay for insurance. Commissioner Rule moved to

give to the Search and Rescue K9 Team \$2000.00 for the year of 2012. Second by Commissioner Koppenhafer, motion carried.

CORRESPONDENCE: The following correspondence was read and noted and attached:

Letter from the **Colorado Dept. Of Public Health and Environment** re: 2011 Financial Assurance Review Montezuma County Landfill.

Letter from **La Plata County** re: update on lease space for United States District Court.

Letter from **Colorado Dept. Of Public Health and Environment** re: Colorado Board of Health Agenda.

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

MEETING ADJOURNED 3:30 p.m.

Clerk February 27, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 5, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 5, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 27, 2012 as amended. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree said the Department was plowing roads and conducting general maintenance. He informed the Board that Mike Bauer, with Montezuma Water Company will be requesting an easement at the Roundup shop. The water company is replacing lines and the meter at the shop will be replaced. There was general discussion concerning various gravel permits in the area.

PAYROLL: General fund checks in the amount of \$388,644.44, District Attorney fund check #61253 in the amount of \$40,994.30, Treasurer fund check #61256 in the amount of \$310,521.66, Road department fund checks in the amount of \$81,045.32, Treasurer fund check #24376 in the amount of \$69,840.84; and Landfill fund checks in the amount of \$15,610.00, Treasurer fund check #7273 in the amount of \$13,022.83 were approved for payment.

EMERGENCY MANAGEMENT: The Sheriff had been previously appointed by the Commissioners as the Emergency Manager and he has hired **PAUL HOLLAR** to work in the emergency management program. Mr. Hollar talked about various agencies he is looking forward to working with. He said he will be attending a conference in Loveland this week. Mr. Hollar talked about a few goals he has, one is getting a faith based initiative together in the area and another is working with Lt. Pierce for a program at the detention center.

COUNTY TREASURER Sherry Dyess reported the Title 1 monies were received from the Forest Service for disbursement to the school districts and the road and bridge fund. It was recommended that 75% of the funding be disbursed among the area schools with the remaining 25% going to the road and bridge fund. Comm. Rule moved to approve the certification of county public school fund allocations from the Forest Service for fiscal year 2011-2012, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: Planning director Susan Carver presented a final plat for a proposed 2 lot minor development for review and determination. Said plat is on property owned by Coy and Camela Gray located at 4115 Road 21, Cortez. Planning Director Carver explained the Planning Commission reviewed the sketch plan and recommended approval of said plan. Coy and Camela Gray represented their development. Comm. Koppenhafer moved to approve the final plat for the Coy Gray minor subdivision, seconded by Comm. Rule and carried.

AFTER-THE-FACT EXEMPTION: Director Carver presented for review and determination a final plat for an after-the-fact exemption request. The request as submitted by Phil R. and Rebecca L. Moore with property located at 24902 Road F, Cortez and consisting of 10 acres, more or less; and property located at 24600 Road F, Cortez owned by the Reva L. Moore Family Trust and consisting of 30 acres, more or less. Director Carver stated the properties were originally created in 1983 without County approval and is eligible for the exemption. Mylenda Carver represented the application. Comm. Koppenhafer moved to approve the after-the-fact exemption number P-06-12, seconded by Comm. Rule and carried. (See attached)

HIGH IMPACT PERMIT APPLICATION: Planning Director Susan Carver discussed a high impact permit application submitted by Brian and Joy Rason regarding the relocation of G Whil Liquors from its present location located at 7033 Hwy 160-491 to property located at 24002 Road G.2, Cortez. Said location would also house Joy's of the Southwest Foods, a wholesale and mail order business. Brian and Joy Rason represented the request. Director Carver explained the permit application saying the property has been used commercially for a number of years. The property is currently unzoned. Comm. Rule moved to forward the application for G Whil Liquors and Joy's of the Southwest Foods to the Planning and Zoning Commission, seconded by Comm. Koppenhafer and carried.

EXEMPTION: Director Carver presented an exemption request from the subdivision requirements for Danny and Jeanie Wilkin, Danny Wilkin said they wish to convey 27 acres, more or less, of parcel "b" to parcel "a" whereby creating a 65 acre, more or less tract of land. The remaining acreage of parcel "b" would be 3 acres, more or less, and the granting of this request would not create an additional tract of land. Comm. Koppenhafer moved to give preliminary approval for an exemption to Danny and Jeanie Wilkin at 24571 Road L, to create a 3 acre tract from a 31+ acre tract with the remaining acreage to be attached to the parcel located at 11792 Road 24.1, seconded by Comm. Rule and carried. (See attached)

SHERIFF SPRUELL stated that the Town of Mancos did not find a town marshal within the 30 day time frame and has requested a 30 day extension of the contract for law enforcement. Comm. Rule moved to approve the contract extension for 30 days between the Montezuma County Sheriff's Office and the Town of Mancos, seconded by Comm. Koppenhafer and carried. (See attached)

ADMINISTRATOR HARRISON presented for review the fund reserves (See attached) and a draft regarding the Community Development Action Plan through Region 9. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached:
RMMI (Rocky Mountain Microfilm and Imaging, Inc.)

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

MEETING ADJOURNED 12:05 p.m.

Clerk March 5, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 19, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 19, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 12, 2012 as amended. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree gave an assessment on a portion of Road K.3. He said the road is a non compliant road in its present condition. He stated the access from SH 491 onto Road K.3 is a shared access, servicing two businesses and one residence. One possibility is to allow the developer to use a portion of his road impact fees to bring the road up to standards. (See attached) Supervisor Roundtree said a waiver from the Bureau of Reclamation would not be issued regarding Road 23 but the process is moving along well. The specification requirements for paving the parking lot at Annex 3 was discussed. He talked about other road projects.

ACCOUNTS PAYABLE: General Fund in the amount of \$471,569.89, Road and Bridge Fund in the amount of \$65,379.16, and Landfill in the amount of \$48,103.03 for the month of February, 2012 were approved for payment.

ORDER # 04-12 Commissioner Koppenhafer moved to approve Order number 4 to transfer from the Capital Fund to the General Fund the amount of \$19,900.00 for the Fairgrounds roof rebuild to cover contingency included in the bid. Second by Commissioner Chappell, Comm. Rule recused himself from this motion. The motion carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report for the Fairgrounds. He gave a report on the income statement. He informed the Board of events held. He reported on the recently held Ag-Expo saying everything went well. Manager Young gave an update on upcoming events. (See attached)

RESOLUTION 2012-3: Comm. Rule moved to approve Resolution 2012-3 to authorize County Administrator Harrison to change the credit card services to First National Bank of Cortez, seconded by Comm. Koppenhafer and carried. (See attached)

ABATEMENT: It being the time set aside an abatement hearing is held for Derek Van Atta. The roll was called and the proceedings were recorded for the record. The petition is for tax year 2011 on parcel numbers R005432 and R005429. Appraiser Cynthia Claytor presented the abatement petition. She discussed the data collection time frame. The Assessor's Office recommended denial of the petition. Mr. Van Atta was on a conference call. He said the parcels are for sale and the asking price are below the assessed values. After hearing the evidence presented Comm. Rule moved to agree with the Assessor's Office and deny the petition for Derek Van Atta on parcel numbers R005432 and R005429 seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:
Letter from Office of Navajo Nation Scholarship & Financial Assistance.
Letter from Dolores Cemetery District informing them of a change in the Board.
Schedule of receipts and disbursements for 2/1/12 – 2/29/12.

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

MEETING ADJOURNED 11:20 a.m.

Clerk March 19, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 26, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 26, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 19, 2012 as presented. The motion was seconded by Commissioner Chappell, and carried.

ROAD: Road Supervisor Dean Roundtree presented a use permit from BLM to begin work on Road 23. Comm. Koppenhafer moved to authorize County Administrator Harrison to sign the 2012 Use Permit with the BLM for the County Road 23 realignment activities, seconded by Comm. Chappell and carried. (See attached)

ROAD 23: Review and determination of a request to amend an existing exemption regarding the realignment of Road 23 at the intersection of Hwy. 184. Comm. Koppenhafer moved to sign the first amended exemption plat P-03-12 seconded by Comm. Chappell and carried. (See attached)

Supervisor Roundtree stated the Department will begin work on the Annex 3 parking lot soon. Supervisor Roundtree informed the Board the Department is replacing damaged culverts and conducting other road repairs throughout the county.

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

SHERIFF'S OFFICE: Undersheriff Robin Cronk and Wanda Martin presented an emergency fire fund intergovernmental agreement. Comm. Koppenhafer moved to sign the Intergovernmental Agreement for participation in the Colorado Emergency Fire Fund between County of Montezuma and the State of Colorado, seconded by Comm. Chappell and carried. (See attached)

FAIRBOARD: Rodney Cox with the Montezuma County Fairboard gave a review of the County Fair events. . Mr. Cox informed the Board of a few events planned for the Fair this year. He said the Demolition Derby will be held again this year on the opening weekend on July 28, 2012. He said the Derby is the biggest money maker. A new

event scheduled is MWA Pro Wrestling on the Friday, August 3rd during the Fair. Another popular event is the salsa contest. They would like to expand this event by having commercial and individual categories. He said this event will be held on the same night as the pro wrestling. He explained the Ranch rodeo will be held on Saturday and he is hoping that day may bring in more people. A chuck wagon dinner is scheduled for the date of the sale. He said there will also be other events during the fair. He mentioned a carnival has contacted him and they are still in discussions regarding said carnival. (See attached)

COUNTY ADMINISTRATOR HARRISON presented the E-Verify Program for employment verification memorandum of understanding. Comm. Koppenhafer moved to allow County Administrator Harrison to sign the E-Verify MOU, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00

PLANNING: Planning Director Susan Carver presented a request to add a bath house to the existing San Juan Bible Camp, Ralph Cellar, agent. The property is located at 14250 Road 39.9, Mancos. She said the parcel consists of 20 acres and is currently an un-zoned parcel. Ralph Cellar represented the request. A letter from Natural Resource Consultant Steve Kelly regarding fire mitigation is on file. Comm. Koppenhafer moved that the addition of a bath house at the San Juan Bible Camp located at 14250 Road 39.9, Mancos does not exceed any threshold standards required for a high impact permit at this time, seconded by Comm. Chappell and carried. (See attached) **Director Carver** and Dennis Atwater discussed the recommendations of the Montezuma Planning and Zoning Commission to amend the Montezuma County Land Use Code. Director Carver informed the Board a public hearing regarding said amendments to the LUC will be scheduled for April 30, 2012 at 1:30 p.m.

BAKER SANITATION: Cancelled.

CORRESPONDENCE: The following correspondence was read and noted and attached:
Thank You letter from U S Department of Interior regarding the Road Department's building of a new parking lot for the Goodman Point Unit of Hovenweep National Monument on Road P.
Southwest Water Conservation District 30th annual water seminar agenda and registration form.

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

MEETING ADJOURNED 2:55 p.m.

Clerk March 19, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 12, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 12, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 5, 2012 as amended. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree was informed of a complaint on Road BB regarding the difficulty for large farm equipment to navigate the road. **Mike Bauer** with Montezuma County Water Co. discussed the replacement of a water pipeline at the Roundup Shop. He is requesting a 25 foot easement for a right-of-way at the County Shop at the Roundup facility. Comm. Koppenhafer moved to approve a right of way easement between

Montezuma County, grantor and Montezuma Water Co., Box 817, Dolores for an easement to replace a water pipeline and to bore the line on the western part of the pavement and dig the remaining feet, seconded by Comm. Rule and carried. Comm. Koppenhafer agreed to sign a 25 foot right-of-way easement to Montezuma Water Co. on the south end of the Lewis property, parcel number 535707200017, seconded by Comm. Rule and carried. (See attached) Supervisor Roundtree discussed other road issues.

ROAD 18: Comm. Koppenhafer moved to adopt the statement of the Board of County Commissioners regarding Montezuma County Road 18 Local Improvement District No. 1, seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer moved to hold a public hearing for April 30, 9:10 a.m. for said district, seconded by Comm. Rule and carried. (Copy of the public notice is attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of February, 2012. (See attached).

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of February, 2012. (See attached) She said income and tonnage is down. She explained they would receive more money by scrapping the scraper than the bid received and will sell said scraper for scrap.

GIS SYSTEM: Greg Kemp, Doug Roth and Tom Hooten met to discuss the possibility of using the GIS Mapping system to track agricultural products in Montezuma County. Mr. Hooten explained he and Greg Kemp are working with Live Well Montezuma and one of the goals is to do a food assessment whereby they can track food grown in the County and amount of the products that stays in the area. They are interested in possibly getting a producer co-op to help the area producers. Mr. Kemp said they would provide the GIS department with data to be tracked.

BOARD OF PUBLIC HEALTH: Public Health Director **Lori Cooper** gave the quarterly update. Ms. Cooper introduced **Laurel Schafer**, the new office manager. They discussed various items. Director Cooper informed the Board about Community Assessment, the 10 winnable battles, and budget requirements. She said the Department would like to focus on at least 2 of the 10 battles. Ms. Schafer talked about budget requirements and how she tracks the income and disbursements. Ms. Cooper would like the Board to authorize her to have signature authority to sign State contracts for existing programs. This request will be discussed at a later date. Director Cooper congratulated **Opal Stalker** being recognized by the State for her immunization efforts saying she received the 2012 Regional Sure Shot Award. **Melissa Mathews** gave an environmental update. She talked about solid waste and how she deals with complaints and enforcement.

ABATEMENT: It being the time set aside an abatement hearing is held for **David M. Greenan** for tax year 2011 on schedule number R006848. The property in question is located at 28240 Road H.6 The roll was called and the proceedings were recorded for the record. **Appraiser Cynthia Claytor** represented the Assessor's Office stating the comparison of sales she used during the data collection period. She said the land is listed as vacant land. The Assessor's Office recommends denial the abatement. David Greenan explained his petition in detail. He said the property is for sale and land prices have greatly decreased since 2008 and 2009 and he said the property is not worth what the appraised value is. After hearing the evidence presented Comm. Koppenhafer moved to agree with the Assessor's Office recommended value of \$103,960.00 on parcel number 560932201010 located at 28240 Road H.6, Cortez, seconded by Comm. Rule and carried. (See attached) Comm. Rule closed this hearing at this time.

SENIOR TRANSPORTATION: A transportation contract was presented for signature. **Mary Holaday** presented a CDOT transportation grant for approval. Comm. Koppenhafer moved to approve the grant between the State of Colorado and Montezuma County, 5310 (capital) transportation grant for the purchase of a van for the Senior Services, seconded by Comm. Rule and carried. (See signature page attached, complete grant on file with the Senior Service Department)

VETERANS SERVICE: Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for February, 2012, seconded by Comm. Rule, motion carried (See attached)

COUNTY ADMINISTRATOR HARRISON and Amber Kingery discussed the payroll procedure concerning the District Attorney's Office. Comm. Koppenhafer moved to have all Montezuma County employees be paid through the Administration Office with no exceptions, seconded by Comm. Rule and carried.

LUNCH:

PLANNING: The following items were presented:

Planning Director Susan Carver presented for final review and determination, a request to amend an existing exemption (P-7-86) regarding properties owned by **Brian Wilson**, consisting of 154 acres, more or less and property located at 13951 Road CC, Pleasant View, owned by **Rose A. Barton**. This parcel consists of 5.5 acres, more or less. Brian Wilson wishes to purchase the northern 2+ acres of Rose Barton's property whereby the resulting Barton property will be 3 acres, more or less. Director Carver explained that no new tract would be created if this request is approved. Comm. Koppenhafer moved to approve Resolution P-7-86 first amended on property owned by Brian Wilson and Rose A. Barton, seconded by Comm. Rule and carried. (See attached)

Planning Director Susan Carver presented 8 separate high impact permit applications and special use permit applications submitted by Kinder Morgan, CO2 Company. Said request is for the construction and use of 8 separate 3 acre, more or less, well pads, drilling of one CO2 well per pad; construction of tie-in pipelines and production activities on the following properties. Cortez LLC, a California LLC, agent Kenny Layman with the location being 8151 Road Y, Yellow Jacket, property located at 21657 Road 11, Yellow Jacket, owned by Daniel Lee and George Samuel Bangs, property owned by Joe and Mary Mahaffey located at 16990 Road 14, Yellow Jacket, the Albert G. and Dolores Joan Mahaffey property located at 17343 Road 14, Yellow Jacket; Marie Wilson Trust, Glen Wilson, Trustee. The property is located at 017540 Road 14, Yellow Jacket, PCW Partnership, agent Barbra Burks. The property is located at 17420 Road 14, Yellow Jacket, and property located at 8999 Road Y, Pleasant View, owned by Sidney Brent and Elaine M. Powell. **Bob Clayton** with Kinder Morgan explained the applications and future plans. Comm. Koppenhafer moved to forward 8 requests for high impact permits and special use permits on the following wells; HA-4, HB-6, HE-6, YA-6, YA-7, YB-6, YG-1, and YG-2 to the Montezuma County Planning Commission for review, seconded by Comm. Rule and carried.

CORRESPONDENCE: The following correspondence was read and noted and attached:

Executed copy of the Road Maintenance Agreement for County Road J. (See attached)

Invitation from US Department of the Interior, BLM regarding the continued implementation efforts of the Canyons of the Ancients National Monument's Travel Management Plan for Tuesday, March 13, 2012

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

MEETING ADJOURNED 2:20 p.m.

Clerk March 12, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 2, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 2, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 26, 2012 as presented. The motion was seconded by Commissioner Chappell, and carried.

ROAD: Road Supervisor Dean Roundtree and **Scott Ehmke** from **Empire Electric** met with the Commissioners to discuss that the county specifications be followed within the bidding plans for Roads 24 and L.3. Dean reported to the commissioners that he had gone over the plans with Scott. Some things discussed were the slope grades, stop signs and the speed limit for the road.

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 public hearing is for the purpose of reviewing and determining the **Official County Road Map**. **GIS Specialist Doug Roth** presented the proposed Official County Road Map as well as a slide show of the changes included within the map. There were no public comments given. Commissioner Koppenhafer moved to approve the 2012 Official County Road Map as presented on April 2, 2012. The motion was seconded by Commissioner Rule, and the motion carried. (See attached)

Emergency Manager Paul Holler gave his monthly report stating that he has completed his training requirements, and currently they are working on a Basic Emergency Plan that will include working with other agencies in the future.

Twelve Hours of Mesa Verde: Dani Gregory Event Director gave an over view of the event scheduled for May 12, 2012. She requested that alcohol be part of the event. It was stated that all beverages were to be

donated and no money would be collected for said beverages. The Commissioners referred Dani to the Montezuma County Clerks Office to verify that the proper liquor license procedures have been followed.

Richard Swanner: Met with the Commissioners to discuss a land boundary issue within his property. He was referred to the Planning Department so that he may follow the County prescribed procedures.

PLANNING: Planning Director Susan Carver along with **County Surveyor Ernie Maness** presented for review and determination of a final plat for the amendment of lots 10, 11 and 12 of the **Oakview Phase II Major Subdivision**, located at 12644 Road 40.5, Mancos Co. located in Sec 8, T.36N., R.13W., N.M.P.M. whereby amending the common lot line of the three properties as requested by **Janet Jacobs** and **Shelly Earl**. This request is provided for in Section 8104.2-Amendment of Plats in the Land Use Code. Said request will not create any additional tract(s) of land. Commissioner Rule moved to approve the amended Plat for lots 10, 11 and 12 of Oakview Phase II as presented. Seconded by Commissioner Koppenhafer, motion carried.

Susan Scott, Betsy Harrison and **Judith Swain** of the **Lodgers Tax Board** met with the Commissioners to discuss the allocation of the funds collected. Commissioner Koppenhafer moved to disburse the Lodgers Tax funds for Montezuma County in the amount of \$102,000.00 as follows \$2000.00 to the **Culture Center**, \$28,000.00 for the **Mancos Chamber**, \$28,000.00 for the **Dolores Chamber** and \$44,000.00 for **Mesa Verde Country** as recommended. The motion was seconded by Commissioner Rule and carried. (See attached)

COUNTY TREASURER Sherry Dyess along with **Kathy McCulley** from the treasurer's office met with the Commissioners to discuss the Interest on Penalty for **RIM Operating** and **Questar**. Sherry will present the payment to the Commissioners in the form of an order so a motion can be made on it. (See attached)

The meeting dated April 2, 2012 will be continued on April 3, 2012 at 12:00 at Shilohs Restaurant for an Inter-Governmental Conversation with Congressman Scott Tipton.

CORRESPONDENCE: The following correspondence was read and noted and attached:
There was no correspondence presented.

MOTION TO ADJOURN

MEETING ADJOURNED

Clerk April 2, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 9, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 9, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 2, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of March, 2012. (See attached).

ROAD: Road Supervisor **Dean Roundtree** said the Department is working on the mag-chloride program and work will begin on Road 27. Work on the parking lot at Annex 3 will also begin soon.

ROAD K.3: **Rob Pope and Terri Forth** discussed the right of way on Road K.3. Mr. Pope talked about signage on the access on the Road and Meadow Gold's driveway. He said the driveway does not enter K.3. It was decided to talk to CDOT to see what their requirements are before proceeding.

LANDFILL: Landfill Manager **Debby Barton** presented the profit and loss statement for the month of March, 2012. She discussed the upcoming E-Waste Recycling program annual spring event scheduled for April 20th by appointment and April 21st. Manager Barton said tonnages have just started to pick up. (See attached)

SENATE BILL 1775: **Mathew Clark** met to discuss Senate Bill 1775. This bill deals with the public lands renewable energy act in the form of wind and solar energy development. He explained the bill puts framework in place for renewable energy. He discussed the various impacts in the bill. Mr. Clark is asking for a letter of support from the County. A question was raised as to how the mineral payments would affect the PILT payments the County receives. Mr. Clark will look in to that and get back to the Board. (See attached)

ASSESSOR VANDERPOOL discussed the abatement appeals concerning Questar and Rim. He recommends the County does not appeal the State Board of Equalization's decision and process the abatements. It was the decision of the Board not to appeal. The Assessor's Office will begin to process the abatements.

LEGISLATIVE DAY: Judi Lichliter, President of the Republican Women's and others met to thank the Board for all they do in representing this County.

LUNCH:

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. Said hearing is for the purpose of reviewing and determining a commercial zoning request and a high impact permit request for a proposed liquor store and Joys of the Southwest mail order warehouse. This hearing does not involve the issuance of a liquor license at this location. The property is owned by Joys of the Southwest, LLC, agents Brian Rasch and Joy Kyzer-Rasch and is located at 24001 Road G.2, Cortez. Planning Director Carver presented the application. She stated the property is currently unzoned and there is a commercial/industrial zoning application on file. Joy and Brian Rasch represented the application in detail. Mr. Rasch said they plan to remodel the inside and implement fencing and drive through windows as well as other improvements. He said the work will be done in stages. Comm. Chappell opened the hearing to public comments at this time. Hearing no comments, that portion was closed. A copy of a letter from Russell and Theresa Marcum that was presented in opposition to the liquor license being approved at this location that was filed with the liquor license transfer application was presented at this time for the record. After hearing all the evidence presented Comm. Koppenhafer moved to approve the application for the commercial zoning request for a tract of land at 24001 Road G.2 owned by Joys of the Southwest and the high impact permit application for a liquor store and Joys of the Southwest mail order and retail warehouse for the sale of jams, jellies and other canned goods contingent upon the public hearing to see if the liquor license can be transferred to that location, seconded by Comm. Rule and carried. Comm. Chappell closed the hearing. (See attached) (See findings and permit attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of determining 8 separate high impact permit applications and special use permit applications submitted by Kinder Morgan, CO2 Company, Bob Clayton, agent. The roll was called the public notice was read and the proceedings were recorded for the record. Said request is for the construction and use of 8 separate 3 acre more or less, well pads, drilling of 1 CO2 well per pad; construction of tie-in pipelines and production activities on the following properties: (1) Cortez, LLC, a California LLC, Agent Kenny Layman, located at 8151 Road Y, Yellow Jacket. (2) Property owned by Daniel Lee and George Samuel Bangs located at 21657 Road 11, Pleasant View, (3) the Joe L. and Mary E. Mahaffey property located at 16990 Road 14, Yellow Jacket, (4) Albert G. and Dolores Joan Mahaffey property located at 17343 Road 15, Yellow Jacket, (5) Marie Wilson Trust, Glen Wilson Trustee property located at 17540 Road 14, Yellow Jacket, (6) PCW Partnership, Barbra Burks, agent located at 17420 Road 14, Yellow Jacket, and (7) The Sidney Brent and Elaine M. Powell property located at 8999 Road Y, Pleasant View. The special use and high impact permits are for the following wells; HA-4, HB-6, HE-6, YA-6, YA-7, YB-6, YG-1 and YG-2. Planning Director Carver explained the applications in detail. Bob Clayton, Superintendent and Stan Mannis, Field Supervisor for Kinder Morgan represented the application. Mr. Clayton stated the demand for CO2 is growing. Mr. Clayton said he has spoken to each landowner involved and found them to all be in agreement and has submitted a comment letter from the BLM. (See attached) He said they have a lot of work planned for the future and this is just the beginning. Comm. Chappell opened the hearing up to public comment at this time. **Joe Mahaffey** spoke in support of the 8 Kinder Morgan projects. Hearing no

further comments, Comm. Chappell closed that portion. Director Carver presented the proposed findings and permits. After hearing all the evidence presented Comm. Koppenhafer moved to approve the high impact permit number 646 and special use permit for Kinder Morgan for the construction, operation, and maintenance of a CO2 well pad site on property located at 8151 Road Y, Yellow Jacket, Co., owned by Cortez, LLC, a California LLC.

Comm. Koppenhafer moved to approve a high impact permit number 647, special use permit for the purpose of constructing, operating, and maintaining a CO2 well pad site associated well tie-in pipelines on property owned by Sidney Brent and Elaine M. Powell located at 8999 Road Y, Pleasant View, Co.

Comm. Koppenhafer moved to approve high impact permit number 648 and special use permit for Kinder Morgan CO2 Company for the constructing, operating, and maintaining a CO2 well pad site and associated well tie-in pipelines on property owned by Daniel Lee and George Samuel Bangs located at 21657 Road 11, Pleasant View, Co.

Comm. Koppenhafer moved to approve high impact permit number 649 and special use permit for Kinder Morgan CO2 Company for the constructing, operating, and maintaining a CO2 well pad site and associated well tie-in pipelines on property owned by Joe L. and Mary E. Mahaffey located at 16990 Road 14, Yellow Jacket.

Comm. Koppenhafer moved to approve high impact permit number 650 and special use permit for Kinder Morgan CO2 Company for the constructing, operating, and maintaining a CO2 well pad site and associated well tie-in pipelines on property owned by Albert G. and Dolores Joan Mahaffey located at 17343 Road 15, Yellow Jacket, Co.

Comm. Koppenhafer moved to approve high impact permit number 651 and special use permit for Kinder Morgan CO2 Company for the constructing, operating, and maintaining a CO2 well pad site and associated well tie-in pipelines on property owned by Albert G. and Dolores Joan Mahaffey located at 17343 Road 15, Yellow Jacket, Co.

Comm. Koppenhafer moved to approve high impact permit number 652 and special use permit for Kinder Morgan CO2 Company for the constructing, operating, and maintaining a CO2 well pad site and associated well tie-in pipelines on property owned by Marie Wilson Trust, Glen Wilson, Trustee, located at 17540 Road 14, Yellow Jacket, Co.

Comm. Koppenhafer moved to approve high impact permit number 653 and special use permit for Kinder Morgan CO2 Company for the constructing, operating, and maintaining a CO2 well pad site and associated well tie-in pipelines on property owned by Marie Wilson Trust, Glen Wilson, Trustee, located at 17540 Road 14, Yellow Jacket, Co. All motions were seconded by Comm. Rule and carried. (See attached) (See binder named KINDER MORGAN CO2 COMPANY L.P. special use and hi impact permits for wells HA-4, HB-6, HE-6, YA-6, YA-7, YB-6, YG-1 and YG-2. On file in the County Clerk's Office.)

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 AR10-34 zoning request on two separate tracts of land that were created by an after-the-fact exemption. The properties are owned by Phil R. and Rebecca A. Moore with property located at 24902 Road F, consisting of 10 acres, more or less; and property owned by Reva L. Moore Family Trust located at 24600 Road F, consisting of 30 acres, more or less. Director Carver gave the Board an overview of the application. Melynda Carver represented the application. Comm. Chappell opened the hearing to public comment, Hearing none that portion was closed. After hearing all the evidence presented Comm. Rule moved to approve the AR10-34 zoning request on two separate tracts of land that were created by an after-the-fact exemption for Phil R. and Rebecca A. Moore located 24902 Road F consisting of 10 acres, more or less, and property owned by the

Reva L. Moore Trust located at 24600 Road F consisting of 30 acres more or less, seconded by Comm. Koppenhafer and carried. (See attached)

EXEMPTION REQUEST: Planning Director Susan Carver presented an exemption request to adjust the common lot line between properties owned by William D. Edgerton located at 4382 Hwy 160-491, Cortez. Said property consists of 3.15 acres, more or less, property located at 4330 Hwy 160-491, Cortez consisting of 3.27. Attorney Slough asked the Board if they felt he should recuse himself from these proceedings since he recently used Mr. Edgerton's septic services. No objections were raised for the need for Attorney Slough to be recused. William and Susan Edgerton informed the Board of their wishes. He said he has four tracts and wants to adjust the common lot lines to straighten them out. No new tract will be created by this request. Comm. Rule moved give preliminary approval of Resolution P10-88 first amended and to give preliminary approval of the exemption resolution P08-12, seconded by Comm. Koppenhafer and carried. (See attached)

ORDER NUMBER 5: Order number 5 was presented for approval to transfer from the Unallocated General Fund to the General Fund for a penalty on interest to QEP in the amount of \$53,418.90 and to RIM in the amount of \$12,102.64 for a total of \$65,521.54. Comm. Koppenhafer moved to approve order number 5 to transfer from the Unallocated General Fund to the General Fund the amount of \$65,521.54 for penalty on interest to QEP and RIM, seconded by Comm. Rule and carried (See attached)

CORRESPONDENCE: The following correspondence was read and noted and attached:
Final Determination from DOLA on Community Connections.

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

MEETING ADJOURNED 4:15 p.m.

Clerk April 9, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 16, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 16, 2012 at the courthouse in Cortez, Colorado, there were present:

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

COMM. CHAPPELL called the meeting to order at 10:30 a.m.

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 9, 2012 as presented. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: 10:30 a.m. The Board conducted a conference call with Jim Horn with CDOT regarding Road K.3, Cortez. Mr. Horn talked about what CDOT might require. He said they may need to obtain accident history at that location or safety concerns in order to close the access. He asked if anyone has talked to Maverik about the access and what problems they might have. Mr. Horn will explore the issue further and get back to the Board. The Board will approach Maverik about possible solutions to the access problem. (See attached) Mr. Rob Pope said he talked to the store manager in the past and was told that the corporate office would need to be contacted. The applicant will be in touch with Supervisor Roundtree before beginning the construction.

LUNCH: 12:30

PUBLIC HEARING: It being the time set aside a public hearing is held to review and determine an AR35+ zoning request and pre-sketch plan. The roll was called, the public notice was read and the proceedings were recorded for the record. The request is for a proposed 3-lot minor planned unit development on property owned by Bruce and Tris Downer, Andrew Fowler, Barbara E. Holmes and Catherine Baudoin. The property is located at 17665 Road G, Cortez containing 40.71 acres more or less. Planning Director Susan Carver explained the application. She said the property is currently unzoned and there is a problem with a bridge crossing McElmo Creek being 12' wide and said a variance from the 24' width to the road and bridge standards is requested. Erin

Johnson represented the applicants. She said the bridge meets the 12' width and load limit of 75,000 lbs. Fire Chief Jeff VandeVoorde explained the bridge should be 12' in width with railings and meet the 75,000 lbs load limit. He suggested the width of the bridge be posted as well. Comm. Chappell opened the hearing to public comment at this time. Hearing no public comments that portion was closed. Comm. Chappell continued this hearing until April 23, 2012 at 2:00 p.m.

PLANNING: Planning Director Susan Carver presented a preliminary request to amend the Palmer Single Lot Development to add an additional access point off Road 15. Said property is located at 26730 Road 15, Pleasant View, Co. Empire Electric Association wishes to have an additional access point to service their Anasazi Substation. Comm. Koppenhafer moved to give preliminary approval for a second driveway access off Road 15 at 26730 Road 15, Pleasant View, Co. Empire Electric property, seconded by Comm. Rule and carried (See attached)

NOTICE: A notice of construction of a warehouse on property owned by Kinder Morgan CO2 located at 17801 Hwy 491, Cortez was presented. The property is currently zoned as industrial. Kinder Morgan wishes to construct a new 6,000 sq. ft warehouse building. Comm. Rule moved to approve the removal of one structure and addition of a 6,000 sq. ft. building that meets or exceeds the 1997 UBC building codes and all construction is within the confines of their current high impact permit, seconded by Comm. Koppenhafer and carried. (See attached)

EMPIRE ELECTRIC ASSOCIATION: A performance bond for Empire Electric Association. Scott Ehmke and Neal Stephens with Empire Electric explained the project and the County building specifications will be met. It was stated construction of the new facility can begin. (See attached)

SENATE BILL 1775: Mathew Clark met to ask for a letter of support from the Board regarding Senate Bill 1775. He researched the bill and said there is no mechanism to reduce the PILT payments. Jim Dietrich will look into drafting said letter.

HEALTH DEPARTMENT CONTRACTS: Comm. Rule moved to approve the agreement between Rocky Mountain Hospital and Medical Service, Inc., d.b.a. Anthem Blue Cross and Blue Shield and Montezuma County Public Health Department, seconded by Comm. Koppenhafer and carried. (See attached)

CONTRACT AMENDMENT: Comm. Rule moved to approve the contract amendment no. 3 single entry point, seconded by Comm. Koppenhafer and carried. (See attached)

WESTERN REFINING: A permit renewal regarding Road BB, Road 9, 10 and Road 12 concerning the oversized trucks was reviewed. Comm. Koppenhafer moved to approve the renewal of Resolution 3-2011 for the Road use permit for Western Refinery on Roads BB, 9, 10, and 12, seconded by Comm. Rule and carried.

MEMORANDUM OF UNDERSTANDING between Montezuma County and the Bridge Emergency Shelter regarding the County facility was presented. Sara Wakefield and M.B. McAfee gave an update on the Shelter for this year. She discussed efforts for emergency shelter for families for the future. They are asking for a 5 year agreement so they can show funders of the stability of the shelter. Comm. Koppenhafer moved to approve the Memorandum of Understanding between Montezuma County and the Bridge Emergency Shelter for the provisions of space for a five year period to expire on June 31, 2017 contingent upon an inventory of the kitchen

appliances that may be purchased and owned by the Bridge. Motion seconded by Comm. Rule and carried. The Shelter will provide the Board with a floor plan and a design plan for the kitchen at a later date. (See attached)
FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report on the Fairgrounds. He discussed the income statement. Manager Young stated the recent events held all went well. He talked about upcoming events stating the month of May is full. (See attached)

VETERANS SERVICE: Comm. Rule moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for March, 2012, seconded by Comm. Koppenhafer, motion carried (See attached)

ACCOUNTS PAYABLE: General Fund the amount of \$354,621.64, Road and Bridge Fund the amount of \$86,766.61, and Landfill the amount of \$35,247.30 for the month of March, 2012 were approved for payment.

CTSI: George Tinker with CTSI gave the loss analysis report. He talked about the annual meeting and although the County is only in the workman's comp side he said one half million was returned to the statewide membership for the workman's comp portion. He discussed the loss ratio, claims from 2007 through 2011. (See attached)

RED ARROW MINE LETTER: Comm. Rule moved to sign the letter to Chris Cozby regarding the change in use on the Red Arrow Dome exploration project, seconded by Comm. Chappell and carried. (See attached)

THE BOARD discussed a 10th Circuit Court of Appeals decision of April 5, 2012 regarding the State of Wyoming v United States Department of Interior. (See attached)

SENATE BILL 1775: Comm. Rule moved to sign a letter of support for Senate Bill 1775, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
Letter from Office of Archaeology and Historic Preservation about placing the McElmo Creek Flume on the National Register of Historic Places.
Colorado Board of Health agenda.
Dolores Water Conservancy District regular meeting notice and minutes of 2/9/12.

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

MEETING ADJOURNED 5:15 p.m.

Clerk April 16, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 23, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 23, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 16, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree presented a quote for two trucks. The bid from Peterbilt came in at \$109,716.00 per truck and a bid from International for \$117,070.49 per truck. Lee Sawin with Peterbilt explained their quote and the specifications of the trucks. Comm. Koppenhafer moved to approve the purchase of 2 Peterbilt trucks from Grand Junction Peterbilt in the amount of \$109,716.00 per truck, seconded by Comm. Rule and carried. (See attached) Supervisor Roundtree discussed the Annex 3 parking lot; he said work on Road 27 may begin on Tuesday and he was informed of a large hole on Road 20.

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

LIQUOR LICENSE: Tammy Neely presented a retail liquor store license renewal for Eagle Claw Trading Post. Comm. Rule moved to approve the renewal for Eagle Claw Trading Post, Schroeder Colorado Inc for a retail store liquor license for the sale of malt, vinous, and spirituous liquor, seconded by Comm. Koppenhafer and carried. She resubmitted a liquor license application for Mary Jane's at Stoner. Frank McDonald represented the application for Mary Jane's at Stoner. Ms. Neely will return with an amended application that will show ownership of the property later today before any decision will be made. **LATER:** Comm. Koppenhafer moved to approve the application for a new liquor license for Mary Jane's at Stoner for a hotel and restaurant license in Montezuma County, seconded by Comm. Rule and carried.

ORDER: Order number 6 was presented to transfer from the Unallocated General Fund to the General Fund the amount of \$3,021.53 for tax and interest on 2010 abatement. Comm. Koppenhafer moved to approve order number 6 to transfer from the Unallocated General Fund to the General Fund the amount of \$3,021.53, seconded by Comm. Rule and carried. (See attached)

RESOLUTION #2012-4: County Administrator Harrison presented a resolution to change the location of the posting of the County Commissioner's agenda. Comm. Koppenhafer moved to approve Resolution 2012-4 to change the location of the posted agendas, seconded by Comm. Rule and carried.

Comm. Rule moved to give County Administrator Ashton Harrison authority to sign the grant for the Division Emergency Manager 2012, seconded by Comm. Koppenhafer and carried.

RACE TRACK: Randy Rodd with Jimmy's 4x4 met to discuss the usage of the race track at the Fairgrounds. Mr. Rodd said he would like to lease the racetrack for a 5 year period and bring in multiple racing events. The request will be reviewed before any decision is made. A written proposal was requested from Mr. Rodd.

LUNCH: 12:00

PLANNING: Planning Director Susan Carver presented an exemption request to adjust the common lot line between the following properties owned by William D. Edgerton. Said properties are located at 4382 Hwy. 160-491 consisting of 3.15 acres, more or less, 4330 Hwy 160-491 consisting of 3.27 acres, more or less, 4150 Hwy 160-491 consisting of 3.37 acres, more or less, and 4320 Hwy 160-491 consisting of 5.2 acres, more or less. Director Carver explained the property has an existing business; LePew Septic Tank Services which is under county high impact permit number 283. Planning Director Carver explained the request. William Edgerton represented his application and explained what he wishes to do. Comm. Rule moved to approve Planning Resolution P-08-12 and final plat for William Edgerton on property located at 4330 Hwy 160-491, Cortez, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule moved to approve Planning Resolution P-10-88 1st amended and final plat for William Edgerton on property located at 4330 Hwy 160-491, Cortez, seconded by Comm. Koppenhafer and carried. (See attached)

LAND USE COMPLAINT: A land use complaint was received regarding an expansion of an existing structure. Said property is owned by U.S. Oil & Gas, Inc. She stated the complaint is alleging that they may be in violation of the Montezuma County Land Use Code in regard to threshold standard numbers. 3, 4, 5, 12, 13, and the high impact permit requirements for commercial/industrial uses. Said property is located at 6600 Road 24.3, Cortez. A letter will be sent to U.S. Oil and Gas, Inc.

ILLEGAL ACCESS TO property located at 28567 Road M. It was stated that Allen and Pamela Schafer are constructing an access on property owned by Montezuma Cortez School District. No agreement has been made between the Schafer's and the School District for said access. Michael Canzona represented the School District. Director Carver said there has been no communication between the Schafer's and the County concerning access to the county road. Because Shafer does not have a Montezuma County access permit The County has the right to block the access to the County Road. Director Carver said the District will keep the Board apprised regarding this issue.

CONTINUED PUBLIC HEARING: It being the time set aside a public hearing is continued for the purpose of reviewing and determining an AR35+ zoning request and pre-sketch plan for a proposed 3 lot minor planned

unit development. The property is owned by Bruce and Tris Downer, Andrew Fowler, Barbara E. Holmes and Catherine Baudoin. Said property is located at 17665 Road G, Cortez. Planning Director Carver explained the request in detail. Comm. Chappell opened the hearing to public comment. Hearing no comments that portion was closed. Comm. Koppenhafer moved to approve an AR35+ zoning for property located at 17665 Road G, Cortez known as the Oxbow Farm CIPUD and to issue a variance on the width of the bridge to 12 feet, contingent on the bridge being inspected every 5 years and the placement of railings on both sides of the bridge and he moved to approve the pre-sketch plan, seconded by Comm. Rule and carried. (See attached)

PROPOSED CHANGE in land use application was presented. Said change is proposed by Donna J. Alsdurf. The request is to obtain a high impact permit and special use permit for a Vision Agility Trail on property located at 13801 Road 32.1, Mancos. Director Carver gave an overview of the application. She said the property is currently un-zoned. Sunny Williams and Donna Alsdurf spoke as to the request. They said there is room for up to 10 RV spaces for dry camping only and there will be no charge for said parking and they wish to set up a dog agility course. Director Carver is recommending this application go to the public hearing process. It was recommended the application go to the Planning Commission. (See attached)

PLANNING DIRECTOR Susan Carver presented a request from Richard and Marie Swanner to amend Lot 4 of the Swanner 4 lot moderate development by adjusting the common lot line between the properties. It was stated this will allow for the continued use of certain areas of the property. There are 3 canyon areas that run through these properties limiting the access to the full 23 acres, more or less. The request would add 10 acres, more or less to the 3 acre, more or less parcel of land. (not a part of the subdivision which is also owned by Richard and Marie Swanner with the remaining acreage being 10 acres, more or less to be known as lot 4 of the Swanner 4 lot moderate development. Comm. Rule moved to give preliminary approval for an exemption to amend lot 4 of the Swanner 4 lot moderate development and to remove 10 acres from the subdivision to be added to an adjacent parcel, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER: A letter was submitted from Tim Hunter asking to be re-appointed to the Planning and Zoning Commission. Comm. Koppenhafer moved to appoint Tim Hunter to the Planning and Zoning Commission to a three year term to expire on Jan. 2015, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
Letter from Trident regarding claim no. TNT-0093074 Denver Health and Hospital Authority v Montezuma County, et al.

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

MEETING ADJOURNED 3:15 p.m.

Clerk April 23, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 30, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 30, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 23, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree mentioned that work is underway on Road 27. The Road Department has finished their part on the Annex 3 parking lot.

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 considering and determining any complaints or objections to, and the adoption of, a proposed resolution providing for the assessment of costs pursuant to C.R.S. 30-20-608 by the Montezuma County Board of Commissioners regarding Montezuma County Road 18 Local Improvement District No. 1. Attorney Slough read **Resolution number 2012-5** into the record. Planning Director Carver stated she has not received any written complaints or phone calls. Comm. Chappell opened the hearing up to public comments. Hearing none, that portion was closed. Comm. Koppenhafer hearing no objections or receiving no objections to Road 18 Local Improvement District No. 1, moved to approve Resolution 2012-5, a resolution assessing and levying the allocated costs for roadway improvements in the Montezuma County Road 18 Local Improvement District No. 1 against the properties described herein, seconded by Comm. Rule and carried. Comm. Chappell closed this hearing. (See Resolution 2012-5 attached)

LAW SUIT 2012CV1991: Comm. Koppenhafer moved to agree to sign the agreement for retention of legal services for the law office of Vaughan and DeMuro of Colorado Springs, Co. to represent Montezuma County

Sheriff's Office, and Sheriff Dennis Spruell v Denver Health and Hospital Authority, seconded by Comm. Rule and carried. (See attached)

SOUTHWEST MEMORIAL HOSPITAL Kent Helwig and John Nadone representing SWMH presented the quarterly update. Mr. Nadone gave the financial status. They talked about preventive care. Mr. Helwig informed the Board about physician recruitment and doctors coming to the area. (See attached)

FIREWISE: The month of May has been designated as Wildfire Education and Prevention Month. Rebecca Samulski explained the proclamation. Said proclamation is to raise awareness of the increasing threat to lives, homes, and property posed by wildfires. Ms. Samulski discussed various classes and programs in the area to try to help promote wildfire awareness. Comm. Rule moved to approve the proclamation to recognize the month of May as Wildfire Prevention and Education month. The motion was seconded by Comm. Koppenhafer and carried. (See attached)

SPECIAL EVENTS LICENSE: Tammy Neely presented a request for a special events liquor license for the Ute Mountain Rodeo Inc. Said events will be scheduled for June 7, 8, and 9th, 2012 at the Montezuma County Fairgrounds. Slim McWilliams and Rob Yates represented the application. Comm. Rule moved to approve the special events liquor license for the Ute Mountain Rodeo Inc. that will be held at the Fairgrounds and to waive the public hearing process, seconded by Comm. Koppenhafer and carried.

MCELMO CREEK FLUME: County Administrator Harrison presented a grant application to assess the cost to repair the McElmo Creek Flume to preserve its historical character. Comm. Rule moved to sign the grant application number 2012-AS-006 for archaeological assessment of the McElmo Creek Flume in the amount of \$10,000.00 with no cash match from the County, seconded by Comm. Koppenhafer and carried. (See attached)

BLM LETTER: Comm. Koppenhafer moved to sign the letter to the BLM concerning the roads MOU, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:00

CONTINUATION OF PUBLIC HEARING: It being the time set aside a continuation of the public hearing to consider proposed amendments to the Montezuma County Land Use Code including, but not limited to authorization for the Board of County Commissioners to rezone the unzoned parcels of land in the unincorporated areas of Montezuma County according to their historic use and size; and create commercial/industrial overlay zones in selected areas of the County that identify preferential areas for commercial/industrial development. The roll was called, the public notice read, and the proceedings were recorded for the record. Dennis Atwater with the Planning and Zoning Commission gave a summary power point presentation of the Land Use Code amendments and explained said amendments in detail. Director Carver talked about various issues that might come up in this process. She said during the master zoning process of assigning agricultural and residential zoning to unzoned parcels, the fee of \$500.00 would be waived. Comm. Chappell opened the hearing up to public comment. **Dewayne Findley** expressed his gratitude for the work done by all involved. He talked about the commercial overlay zones. **Don Denison** talked about the comprehensive plan. **Larry Don Suckla** thinks unzoned should remain a zone. He asked how those living out of town were given notice of this meeting. He would like to see things left as it is now. **Greg Kemp** also expressed his gratitude to those involved with this plan. He talked about the failure to zone is costing the County

money and gave examples of such loses. He says it's time for the county to be zoned. **Gala Pock** said she feels some still do not understand the zoning classifications. She encouraged the Board to adopt these amendments. **Tim Hunter** talked about the unzoned property as being a zone. He spoke in support of the amendments. **Bob Clayton** spoke in support of the amendments. Hearing no further public comments, that portion was closed. Director Carver spoke to the questions raised during the public comment portion. She said that predictability in zoning was the major concern of the people who attended the meetings that were held throughout the county. Mr. Atwater explained a packet would be sent to those unzoned landowners explaining their zoning options and meetings would be held in various areas to explain the process and hear the landowners concerns. It was explained notices of upcoming meetings would be sent to the landowners involved. Comm. Chappell opened the hearing to public comment again. **Dewayne Findley** talked about the focus being only on the unzoned parcels in the county. He also wondered who would make the decision as to whether the parcel's use has changed by 10%. **Don Denison** talked about educating the public and wants things left alone. **Greg Kemp** says he is impressed by the Commission and others who volunteered their services to work on this issue. **Larry Don Suckla** said if a person can change their parcels from unzoned to zoned why they can't go from zoned to unzoned. Hearing no further comment, that portion was closed. Comm. Rule moved to continue this public hearing until Monday, May 7th, 2012 at 2:30 p.m., seconded by Comm. Koppenhafer and carried.

PLANNING: Planning Director Susan Carver presented an exemption request as proposed by Louis F. and Evelyn Eppich, Wayne Eppich, agent. The property is located at 8629 Road 41, Mancos and consists of 48 acres, more or less; and property owned by Winifred J. Sharp and Margaret Johnson Gaddis located at 40800 Road J, Mancos consisting of 343 acres, more or less. This exemption request is to allow Sharp and Gaddis to purchase 30 acres, more or less, from the Eppichs. The 30 acres purchased will be combined with and made a part of the 343 acres, more or less. The remaining Eppich property will consist of 17 acres, more or less. Director Carver explained that no new tract of land would be created. Comm. Koppenhafer moved to give preliminary approval for an exemption for the Eppich property located at 8629 Road 41, Mancos to transfer part of their property to the Winifred Sharp and Margaret Gaddis property located at 40800 Road J, Mancos with the 17 acres remaining in the Eppich property, seconded by Comm. Rule and carried. (See attached)

ACCESS PERMIT: An access permit application was presented for review and determination. It was explained an application for a driveway permit was applied for through the Road Department by Alan B. and Pamela J. Schafer Family Trust located at 28271 Road M, Dolores. The application was represented by Alan and Pamela Schafer and Attorney George Buck. Copies of recorded property deeds were presented to show ownership of the property in question. (See attached)

EXEMPTION REQUEST: Planning Director Carver presented an exemption request as proposed by the Fairview Cemetery District on property located at 16904 Road Z, Yellow Jacket. Said Cemetery District property consists of 2 acres, more or less; and property owned by Zane Odell located at 16904 Road Z, Yellow Jacket and consists of 73.5 acres, more or less. The existing Cemetery District's property is in need of expansion and they plan to obtain an additional 4 acres, more or less, from Mr. Odell. Director Carver explained the 4 acres, more or less would be added to and made a part of the existing Cemetery District while the remaining Odell property would remain in excess of 35 acres. Director Carver gave an overview exemption request. Ray Patterson representing the Cemetery District explained the request to the Board. Comm. Koppenhafer moved to give preliminary approval for an exemption to Fairview Cemetery District to purchase approximately 4 acres from Zane Odell to be added to the Fairview Cemetery District, seconded by Comm. Rule and carried. (See attached)

UEMCO Real Estate Fund owns a 5.31 acre tract of land adjoining the dam site of the Totten Reservoir and they are inquiring whether the County would be interested in acquiring the property by donation from UEMCO Real Estate Fund L.L.C. Attached is a response letter from the County stating the Board decided to decline the offer. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
Notice of intent of conduct prospecting operations from Red Arrow Gold Corporation.
Schedule of receipts and disbursement or 3/01/12 to 3/31/12.

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

MEETING ADJOURNED 4:00 p.m.

Clerk April 30, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 7, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 7, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 30, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of April, 2012. (See attached).

ROAD: The Board was informed of a letter from the Dunn's asking to be indemnified and held harmless in the event of any injuries caused during the alignment on Road 23-Hwy 184. Comm. Koppenhafer moved to sign the letter to Ray and Fran Dunn regarding the County Road 23 alignment project, seconded by Comm. Rule and carried. (See attached) Road Supervisor Roundtree discussed various road projects in the County. He said he received a couple of bids for the Annex 3 paving project.

SHERIFF'S OFFICE: Sheriff Dennis Spruell and Wanda Martin with the Sheriff's Office presented a grant for signature. Ms. Martin said this is an annual gaming impact grant. Comm. Rule moved to sign the Local Government Gaming Impact Grant with Department of Local Affairs for the 2012-2013 cycles, seconded by Comm. Koppenhafer and carried. (See attached)

SOUTHWEST RETAC: Did not appear.

TOWN OF DOLORES: Dolores Town Manager Ryan Mahoney met to request funds from the Conservation Trust Fund. He said the Town of Dolores has undertaken the rehabilitation of the playground structures at the Joe Rowell Park. He said the structures need to be painted and repaired. They are requesting \$3,000.00 from

the Conservation Trust Fund to help in this project. Comm. Koppenhafer moved to approve a contribution of \$3,000.00 from the Conservation Trust Fund for the rehabilitation of the playground structures project for the Town of Dolores, seconded by Comm. Rule and carried.

LUNCH: 12:00

JAMES DIETRICH gave a public lands report. He talked about the Red Arrow Mine Road. He mentioned a tour the Rangeland Stewardship Committee took in McElmo Canyon.

PLANNING: Planning Director Susan Carver presented for preliminary review a high impact permit request from Allan and Elizabeth Bleak on property located at 26070 Hwy 491, Pleasant View. This permit request is to create a locally owned mercantile store. Planning Director Carver spoke about the request. Mr. Bleak talked about the application in detail and what they wish to accomplish. Director Carver is seeking to forward the application on to the Planning and Zoning Commission. Comm. Rule moved to approve sending this preliminary application for a high impact permit for Allan and Elizabeth Bleak to the Planning and Zoning Commission, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING DIRECTOR Carver discussed a letter she received from the State of Colorado in reference to technical review comments concerning a Mancos composting facility. (See attached)

CONTINUED PUBLIC HEARING: It being the time set aside the continued public hearing to consider proposed amendments to the Montezuma County Land Use Code regarding the authorization for the Board of County Commissioners to rezone the unzoned parcels of land in the incorporated areas of Montezuma County according to their historic use and size and to create commercial/industrial overlay zones in selected areas of the County that identify preferential areas for such development. The roll was called and the proceedings were recorded for the record. Dennis Atwater and Planning Director Carver talked about the amendments being cross referenced throughout the code and the updated index. After hearing the evidence presented Comm. Koppenhafer moved to approve Resolution 2012-6, a resolution amending the Montezuma Land Use Code, seconded by Comm. Rule and carried. (See Resolution attached)

PAYROLL: General fund checks in the amount of \$384,954.88, District Attorney fund check #61571 in the amount of \$41,363.42, Treasurer fund check #61572 in the amount of \$313,019.96, Road department fund checks in the amount of \$81,429.60, Treasurer fund check #24507 in the amount of \$70445.04; and Landfill fund checks in the amount of \$15,468.94, Treasurer fund check #7327 in the amount of \$12,920.25 were approved for payment.

VETERANS SERVICE: Comm. Rule moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for April, 2012, seconded by Comm. Koppenhafer, motion carried (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:

Letter from Susan Thomas, Project Coordinator of Geotourism Mapguide.

Letter from Axis Health System.

Letter from Division of Reclamation, Mining and Safety regarding abandoned underground coal mine fires.

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

MEETING ADJOURNED 3:45 p.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 14, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 14, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 7, 2012 as corrected. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Roundtree said the Department is working on putting in culverts and there will be some closures caused by this installation. He mentioned gravel is being laid on various roads. He was informed that a stop sign on Road 16 was down and needs to be put back up. **Rob Pope** met to talk about the road impact fees on his development. Planning Director Carver said the fees totaled up to \$51,300.00 for the 19 lots. Mr. Pope wishes to write a check for these fees. They talked about the access status on Road K.3.

ANNEX 3 PAVING BIDS: Bids were received from Four Corners Materials and Elam Construction. The bids were opened. The total bid price from Four Corners Materials came in at \$173,976.00. The total bid price from Elam Construction was \$114,571.80. **LATER:** Comm. Rule moved to award the bid for the paving of the parking lot at Annex 3 to Elam Construction, Inc. in the amount of \$114,571.80, seconded by Comm. Koppenhafer and carried. (See attached)

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of April, 2012. Manager Barton discussed the following; E-Waste program, Empire Refrigerators, PCS, City Cleanup, and the County Annex 3 parking lot cleanup. Manager Barton would like to begin charging for the disposal of flourescent lamps. She would like to charge \$1.00 for a 4 foot lamp and \$2.00 for an 8 foot lamp. It was agreed to accept donations for said disposal at this time and monitor the donations. (See attached)

EMERGENCY MANAGER REPORT: Emergency Manager Paul Hollar reported on a proposed permit system regarding people who do control burns. He said these permits are for tracking fires along with some education and awareness of what to do for said burns. More thought and discussion will be done before these proposed permits are implemented. He informed the Board of other things he is working on.

COUNTY FAIR: Tom Hooten met on behalf of Roger Brogen to request an indoor air pistol shooting range at the County Fair. He said this is a fundraiser and is well monitored. Fairgrounds Manager Tanner Young said he witnessed the event at the Home and Garden show and he felt comfortable with it. Liability was discussed. Mr. Hooten will look into the insurance aspect.

CHAMBER OF COMMERCE: Dena Guttridge, representative of the Chamber of Commerce made a request to serve alcohol at a Business after Hours event at the Ute Mountain Roundup Rodeo on June 7th. Comm. Rule moved to approve the service of beer and wine for the Chamber of Commerce Business after Hours at the Ute Mountain Rodeo on June 7, 2012 between the hours of 5:00 p.m. to 8:00 p.m. The motion was seconded by Comm. Koppenhafer and carried.

22ND JUDICIAL DISTRICT: Renovation of the court facilities kick off meeting was conducted regarding the 22nd Judicial District. District Judge Doug Walker and Eric Hogue met to discuss the court facility and what they wish to do. Mr. Hogue said he would like to see two offices (district and county court) consolidated into one facility and bring the probation offices over as well. He suggested a needs assessment study be done by an architect and engineer County Administrator Harrison said the energy impact grants are coming back that could be looked into. Eric and Ashton will work on suggested qualifications for such architects and engineers.

LUNCH: 12:00

PUBLIC LANDS: James Dietrich gave a public lands update. He talked about amending the resolution that created the PLCC. He said Section 8 deals with seating alternates and they want to amend it to give seated alternates voting privileges. Comm. Koppenhafer moved to approve resolution 2012-7 a resolution to amend resolution 2-2011 creating the Public Lands Coordinating Commission, seconded by Comm. Rule and carried. (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 recorded for the record. This hearing is for the purpose of reviewing and determining AR3-9 zoning requests on property owned by William D. Edgerton. Said properties are located at 4382 Hwy 160-491 consisting of 3.15 acres, more or less, property located at 4330 Hwy 160-491, consisting of 3.27 acres, more or less, and property located at 4150 Hwy. 160-491 consisting of 3.37 acres, more or less. In addition to the above requests, the applicant is requesting industrial zoning on property located at 4320 Hwy. 160-491 consisting of 5.2 acres, more or less. This parcel has an existing business; LePew Septic Tank Services under high impact permit no. 283. Director Carver gave an overview of the requests stating the properties are historic zoned. She said the Planning and Zoning Commission recommended approval of the request. Mr. William Edgerton represented his application. Comm. Chappell opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing the evidence presented Comm. Rule moved to approve the AR3-9 zoning on the residential properties and the industrial zoning request on property where Lepew Septic Services conducts business, seconded by Comm. Koppenhafer and carried. (See attached)

DRAPER LAND COMPANY, LLC; Planning Director Susan Carver presented for review and determination of any or all permit or zoning requirements for a change in land use on property owned by the Draper Land Company, LLC, located at 27512 Hwy 160. She explained there are historical commercial and industrial uses wherein the previous landowner(s) certified said use during LIZ in 1998 under Letter Permit number 256 and 107. It was explained that High Country Storage LLC has remodeled two of their office suites. The Drapers wish to rent UHAUL trailers and trucks from the space vacated by Fraley's commercial and retail propane business. It was stated the use of the property is not changing, just going from storing propane tanks to UHAUL trucks and trailers. Comm. Rule moved to allow Draper Land Company, LLC located at 27512 Hwy. 160, Cortez to use the property to store UHAULs instead of propane tanks and will not require a high impact permit based on the historic use of the land, seconded by Comm. Koppenhafer and carried. (See attached)

VARIANCE: Planning Director Carver presented a variance request for the expansion of a residential structure that does not meet the setback standards for dwellings which are 50 feet from lot lines on property located at 25364 Road V.6, Dolores. Steve Gregg is asking for a setback variance to 30' instead of the minimum 50' requirement. Comm. Rule moved to grant a variance for the expansion of a residential structure that does not meet the setback requirement on property located at 25364 Road V.6, Lewis to be 30', seconded by Comm. Koppenhafer and carried. (See attached)

ZONING RATIFICATION: Comm. Koppenhafer moved to ratify the industrial zoning for Mountain Stone, Inc./U.S. Oil and Gas located at 6600 Road 24.3, Cortez, seconded by Comm. Rule and carried. (See attached)

IGA: A proposed IGA with the City of Cortez was presented. Said IGA concerns Montezuma County regarding building inspection services. City Manager Shane Hale and City Building Inspector Sam Proffer were present. Comm. Koppenhafer moved to sign the Intergovernmental Agreement for building inspection services for commercial and industrial inspections between the City of Cortez and Montezuma County, seconded by Comm. Rule and carried. (See attached)

ORDER: Order number 7 was presented for approval. This order is to transfer from the Conservation Trust Fund to the General Fund the amount of \$3,000.00 to the Town of Dolores for the maintenance and rehabilitation of the playground structures. Comm. Rule moved to approve order number 7 to transfer from the Conservation Trust Fund to the General Fund \$3,000.00 for maintenance and rehabilitation of the Town of Dolores play structure, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
No correspondence presented.

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

MEETING ADJOURNED 3:55 p.m.

Clerk May 14, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 21, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 21, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 14, 2012 as corrected. The motion was seconded by Commissioner Rule, and carried.

ROAD: Intergovernmental agreement for road and street management between the Town of Mancos and Montezuma County was presented. Mancos Town Manager Tom Yennerell and Mancos Mayor Rachael Simbeck were present. Comm. Koppenhafer moved to sign the road and street management agreement between the Town of Mancos and Montezuma County, seconded by Comm. Rule and carried. (See attached)

Road Supervisor Roundtree said work is being done south of town. He said there may times when the road will be closed due to culvert work. Gravel is being hauled to Road CC for the work that is being done there. Other road problems were discussed.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave a monthly report on the Fairgrounds. He said the Teen Maze, Home and Garden Show, Safety Day, and especially the 12 Hours at Mesa Verde went well. He said the Dog Show was also busy. He discussed various events coming up. Manager Young gave the financial report. (See attached)

Regan Tafoya met with the Board to discuss the race track at the Fairgrounds. He informed the Board that he would like to keep the racing season going and he wishes to take over where the previous racing promoter left off. He would like to set up a schedule for this year's season. He said he is in touch with the insurance company and that will be in place before racing begins. Manager Young will inform Mr. Tafoya of the user's agreement.

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

BOARD OF PUBLIC HEALTH: Public Health Director Lori Cooper introduced Nanci Quintana and Karen Dickson along with Opal Stalker and Julia Hess. Ms. Dickson presented a Project Public Health Ready Recognition award stating this award is a national recognition. Director Cooper explained several contracts she presented for approval. She stated some contracts have now been combined into one public health contract. The United Way car seat program, a 3 month extension to the Tobacco contract, and a contract with Anthem to provide HMO services. Comm. Koppenhafer moved to sign the contract between United Way of Southwest Colorado and the Montezuma County Health Department, seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer moved to sign the grant between Colorado Department of Public Health and Environment PSD-STEPP tobacco grant and Montezuma County Public Health Department, seconded by Comm. Rule and carried. (See attached)

Comm. Koppenhafer moved to sign the agreement between HMO Colorado, Inc and Montezuma County Public Health Department, seconded by Comm. Rule and carried. (See attached)

Comm. Koppenhafer moved to sign the agreement between the State of Colorado for the use and benefit of the Department of Public Health and Environment and Montezuma County Public Health Department for waiver number 154, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:00

PUBLIC LANDS report was given by James Dietrich. He talked about the PLCC meeting. He said the committee discussed protocol for coordination.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose or an AR3-9 zoning request and pre-sketch plan. The roll was called, the public notice was read, and the proceedings were recorded for the record. Said hearing is for a proposed 11 lot major development consisting of 40 acres, more or less. The property is located at 9895 Road 42, Mancos and owned by Grene, LLC, Maness and Associates, Inc, agents. Planning Director Susan Carver discussed the Planning Commission's concerns with this project. Susan Underwood-Hart spoke on behalf of Mr. Bott, Grene LLC's agent. It was stated a major concern was the availability of water now and in the future for said development. Comm. Rule opened the hearing up to public comment. **Tom Yennerell** spoke on behalf of the Town of Mancos with concerns over water, ground cover, and the water dock. He also expressed concerns with the septic systems being close to the Town and the consideration of requiring annexation into the Town for any future development on the remaining 100+ acres that is close to the proximity of the Town limits. Mr. Yennerell submitted a letter. (See attached) Planning Director Carver submitted a letter into the record from **Boyd Sanders** stating he has no objection to the subdivision. (See attached) Hearing no further comments, Comm. Rule closed that portion of the hearing at this time. After hearing all the evidence presented, Comm. Koppenhafer moved to continue this hearing until June 11, 2012 at 2:00 p.m., seconded by Comm. Rule and carried.

CHANGE OF USE: Planning Director Carver presented for review and determination of a certification to the County of a change of land use on a tract of land to include the storage of sand, gravel, and a small cement silo to refill a mobile concrete mixer truck. This change of use is proposed by Travis McKinley on property owned by Joe McKinley and located at 3113 Hwy 160-491 south, Cortez. Director Carver explained that said use will not exceed any threshold standard categories as established by the Land Use Code. Travis McKinley explained what he wishes to do. This application will be referred to the Planning and Zoning Commission.

LIQUOR LICENSE: Tammy Neely requested the Board set a radius and public hearing for a liquor license for Mary Janes at Stoner. A mile radius was set and a public hearing scheduled for June 11, 2012 at 11:15 a.m.

ACCOUNTS PAYABLE: General Fund in the amount of \$288,144.18, Road and Bridge Fund in the amount of \$219,412.71, and Landfill in the amount of \$25,164.41 for the month of April, 2012 were approved for payment.

CORRESPONDENCE: The following correspondence was read, noted, and attached:

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

MEETING ADJOURNED 3:35 p.m.

Clerk May 21, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 11, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 11, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 21, 2012 as presented. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree brought up increasing the speed limit on a portion of Road L. It was stated the increase was discussed with the City of Cortez and they didn't have a problem with the increase. Comm. Rule moved to increase the speed limit on a portion of Road L from 30 MPH to 40 MPH. Motion seconded by Comm. Koppenhafer and carried. Other road projects were discussed. Supervisor Roundtree said the new trucks are due today and the pickups have been delivered as well.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of May, 2012. (See attached).

CLARA ORMISTON: Nila Tortorillo met to request funds for a cancer patient from the Clara Ormiston Fund. Ms. Tortorillo informed the Board of the funds left in the account. She said the patient is requesting help in paying for her cancer related prescriptions. Comm. Koppenhafer moved to approve the amount of \$442.50 from the Clara Ormiston Fund for a cancer patient's cancer prescriptions for the next six months, seconded by Comm. Rule and carried.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of May, 2011. Manager Barton explained that CDPHE has required additional work from our engineers on the Carver ground water monitoring. She explained this will cause an increase in her budget of about \$35,000.00. She discussed a serious error in the CDPHE billing. (See attached)

Emergency Manager Paul Holler gave his monthly report. He said there will be an emergency training scheduled for September 8, 2012. He talked about a draft of burn rules throughout the County. These rules are different from any fire bans. Before any burn rules can be adopted, a public hearing will need to be held, it was recommended the Board set a public hearing.

BOARD OF PUBLIC HEALTH Director Lori Cooper gave the quarterly update. She explained the Department is schedule for a CDPHE audit this afternoon. They are busy with immunizations. She presented the air monitoring and emergency preparedness contracts for renewal. Comm. Koppenhafer moved to sign the statement of work contract routing number 12-30845 between Montezuma County Health Department and CDPHE in the amount of \$46,574.00 for PM 2.5 and Ozone monitoring, seconded by Comm. Rule and carried. (See attached) Comm. Rule moved to approve the signing of the contract task order waiver number 154 between the CDPHE for the use and benefit of the Montezuma County Public Health agency and the Board of County Commissioners for the emergency preparedness and response person, seconded by Comm. Koppenhafer and carried. (See attached)

SHERIFF: Sheriff Spruell met to discuss the lawsuit between Denver Health and Hospital Authority vs Montezuma County Sheriff's Office and Zachary Sullivan.

FIRE BAN: Sheriff Spruell said he has been in contract with the area fire chiefs. They are all in agreement to put the fire ban into effect. Comm. Koppenhafer moved to approve Resolution number 2012-8 canceling the suspension of the ban on open fires and the use of fireworks seconded by Comm. Rule and carried. (See attached)

FOUR CORNERS 9/12 met to discuss a resolution to Preserve Habeas Corpus and Civil Liberties. Dexter Gill represented the resolution. The Board read and discussed the resolution. The resolution will be brought back before the Board with changes being done before approving. No action was taken at this time. (draft 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 recorded for the record. This hearing concerns granting a liquor license for Mary Jane's at Stoner. Deputy Debby Largent presented the application. She stated the applicant, Frank McDonald has re-applied and the Liquor Enforcement Division recommended a public hearing be held. Mr. McDonald represented his application informing the Board of what remodeling was done and stated he is close to opening the facility. Comm. Chappell opened the hearing up to public comment. County Sanitarian **Melissa Mathews** had concerns with all licenses and inspections being in place before opening. Hearing no further comments, that portion was closed. After hearing the evidence presented, Comm. Rule moved to approve the liquor license for Mary Janes at Stoner located 25113 Hwy 145, Dolores, contingent upon securing all necessary licenses through the Public Health Department, seconded by Comm. Koppenhafer and carried. Comm. Chappell closed the hearing at this time.

LETTER: Comm. Koppenhafer moved to sign a letter to Brad Weinmiester, Terrestrial Biologist regarding B-6 Dolores Hermosa black bear population management alternatives seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00

PUBLIC LANDS REPORT: James Dietrich was absent

MCELMO FLUME contract was presented. Linda Towle explained that Montezuma County received a grant from the Colorado State Historical Fund to conduct an archaeological assessment of the McElmo flume. Comm. Koppenhafer moved to sign the contract for the archaeological assessment of the McElmo Flume with Anthony and Associates, seconded by Comm. Rule and carried. (See attached)

CONTINUED PUBLIC HEARING: It being the time set aside a continuation of the public hearing concerning an AR3-9 zoning request and pre-sketch plan for a proposed 11 lot major development is held. The roll was called and the proceedings were recorded for the record. This request is for a proposed 11 lot major development consisting of 40 acres more or less, on property owned by Grene, LLC, Maness and Associates, Inc., agents. Said property is located at 9895 Road 42, Mancos. A major concern is for the availability of water now and in the future. It was stated there is ample water now but could not be guaranteed for the future. Comm. Chappell opened the hearing up for public comments. **Tom Weaver** represented the Mancos Rural Water Co.

He said there is enough water to service this development but the infrastructure is not in place at this time. Hearing no further public comment that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve the A 3-9 zoning request and pre-sketch plan for a proposed 11 lot major development on property located at 9895 Road 42, Mancos, seconded by Comm. Rule and carried (See attached **PLANNING DIRECTOR CARVER** asked for preliminary approval of the pre-sketch plan with geological hazardous constraints on lots A, B, and C. Comm. Rule moved to give preliminary approval for a proposed major development for Gene Bott on property located at 9895 Road 42, Mancos with contingencies for soil depth coverage over the Town of Mancos water line is maintained in accordance with Town requirements; plat notes are placed regarding soil suitability for building; and compliance with any requirements made by the Army Corp of Engineers. Seconded by Comm. Koppenhafer and carried.

SETTLEMENT AGREEMENT 11CV176: Comm. Koppenhafer moved to sign the settlement and release agreement between Marion O. Harper, Montezuma County Sheriff's Office, and Montezuma County Board of Commissioners, seconded by Comm. Rule and carried. (See attached)

CEDAR MESA RANCHES: HOA concerns were presented. Greg Kemp met to ask the Board to authorize County Attorney Bob Slough to review the court order case number 11CV200 concerning the Cedar Mesa Ranches. Mr. Kemp is hoping the problems this HOA has gone through might help the County in some way. Attorney Slough said he would look at the document. (See attached)

RESPONSE: Comm. Koppenhafer moved to file a response in case number 2033CVV159, Steven M. And Pam Suckla vs Wayne and Angela Geisinger and Ray E. and Sylvia M. Hagemen whereby said parcel created shall be attached to the Geisinger property and Montezuma County is not opposed to this transaction, seconded by Comm. Rule and carried. (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 recorded for the record. The hearing is for the purpose of reviewing and determining a high impact permit and special use permit for conducting and operation of a dog agility training facility to include 6-8 dog agility trials per year. The property is owned by Donna Alsdurf, Sunny Williams agent. Said property is located at 13801 Road 32.1, Mancos. Planning Director Carver gave a detailed overview of the applications. Agent Sunny Williams represented the application. She said the County has changed the address from 13801 Road 32.1 to 31799 Road P, Mancos. Comm. Chappell opened the hearing up to public comment. **Sue Whitehead** said she is part owner of the property adjacent to the subject property. She spoke as to a couple of threshold standards, those being noise and dust. She has some concern about fire stating the road is narrow. She said she has no idea about how many seminars in addition to the agility trials will be held. She is also concerned with speeding on the roads. **Betty Love** would like the Board to consider this type of would bring dollars into the area and she has concerns with personal property rights. **Charity Halstead** most of the people who attend are local and taxpayers. **Rebecca Samulski** is part owner of property adjacent to subject property and said she would like to see contingencies to limiting round trips to 30 per day and no more than 6 to 8 events per year not to exceed 2 to 4 days per event. She also talked about fire, dust, and noise concerns. **Lorri Beachamp** said this is a wonderful opportunity that would be a family event. She said there are others willing to help with the event. **Melanie Rodgers** discussed problems with Road 32.1 being used to access the events. She expressed concerns with fire danger and would like to limit the size of the events. Hearing no further comments, Comm. Chappell closed that portion. Ms. Williams answered the questions raised in the public comment portion of the hearing and by the Board. Comm. Chappell opened the hearing back up to public comment. **Rebecca Samulski** spoke again to the number of people. **Melanie Rodgers** spoke again to the road 32.1 problem as being used as an access and she would like to see a limit to the size. **Director Carver** stated the application stated that the access on Road 32.1 would not be used for this event. Comm. Chappell closed the public comment portion. After hearing all the evidence presented Comm. Koppenhafer moved to approve

the special event permit and high impact permit for the purpose of conducting and operation of a dog agility training facility to include up to 8, 2 to 4 day events per year at 31799 Road P, Mancos, to limit the number of participants not to exceed 30, to hold the events during the daylight hours, to allow no more than 10 RV;s per event, a condition not to use Road 32.1 as an access, and to revisit the permits in one year showing documentation as to the number of participants attending the events along with the number of events held per year, seconded by Comm. Rule and carried. Comm. Chappell closed the hearing. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held. The roll was called, the public notice read, and the hearing was recorded for the record. This hearing is to review and determine a commercial zoning request and a high impact permit request for a proposed mercantile, an independent grocery store, on property owned by Allan Bleak and Elizabeth O'Hara-Bleak located at 26070 Hwy 491, Pleasant View. Planning Director gave the overview. She stated they also intend to apply for a water tap for public use sometime in the future. Allan and Elizabeth Bleak spoke to the applications. They said there is a need for this type of business and their wish is to serve the community. Comm. Chappell opened the hearing to public comment. **Melissa Mathews** with the Health Department said she has been working with the Bleaks. Hearing no further comments, that portion was closed. After hearing all the evidence presented Comm. Rule moved to approve the commercial zoning request for Allan and Elizabeth O'Hara-Bleak on property located at 26070 Hwy. 491, Pleasant View, Co, seconded by Comm. Koppenhafer and carried. Comm. Rule moved to approve High Impact Permit number 656 for a proposed mercantile, independent grocery store on property owned by Allan and Elizabeth O'Hara- Bleak, seconded by Comm. Koppenhafer and carried. (See attached)

FINDINGS AND PERMITS: Comm. Koppenhafer moved to approve high impact permit number 656, seconded by Comm. Rule and carried. (See attached)

Comm. Rule moved to approve special use permit number 657, seconded by Comm. Koppenhafer and carried. (See attached)

PAYROLL: General fund checks in the amount of \$382,196.62, District Attorney fund check #61754 in the amount of \$37,702.84, Treasurer fund check #61755 in the amount of \$311,838.71, Road department fund checks in the amount of \$83274.00, Treasurer fund check #24579 in the amount of \$70,586.32; and Landfill fund checks in the amount of \$16,001.21, Treasurer fund check #7358 in the amount of \$13,396.27 were approved for payment.

VETERANS SERVICE: Comm. Rule moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for May, 2012, seconded by Comm. Koppenhafer, motion carried (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:

Letter from State Board of Health regarding consideration of procedural rules for its rulemaking hearings.

Colorado Board of Health agenda.

Schedule of receipts and disbursements.

Comm. Rule moved to continue this meeting to June 14, 200 at 2:00 p.m. seconded by Comm. Koppenhafer and carried.

MEETING CONTINUED to Thursday, June 14, 2012 at 2:00 p.m.

Steve D. Chappell, Chairman

Larrie D. Rule, Vice-Chairman

Gerald W. Koppenhafer, Commissioner of Deeds Absent

Bob D. Slough, County Attorney

Ashton N. Harrison, County Administrator

Carol Tullis, County Clerk

COLORADO COUNTIES, INC. Representatives John (Chip) Taylor and Jack Hilbert from Colorado Counties Inc. met with the Board. They talked about the pluses and minuses with the recent conference. They talked about the impact the oil and gas industry has throughout the State. Water issues were discussed. The closing of the forest service roads was talked about. The use of ATV's and off road vehicles and the impact they have on these roads was mentioned. Election issues were discussed. Communication options with Counties and CCI was discussed. They asked if we have any legislative issues. Slash burning statute was discussed.

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

MEETING ADJOURNED 3:55 p.m.

Clerk June 11, 2012 / June 14, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 18, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 18, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 11, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree said oil is scheduled to be delivered around the first of August. He said the price for the oil has increased. He was informed of a large hole on a portion of Road P. Supervisor Roundtree said the trucks have been delivered as well as the pickups and trailers. He said the road base is in place on the new portion of Road L.3. Dean informed the Board of the status on Road K.3 saying that a landscape permit will be applied for and he talked about the progress done to date. A portion of Road 23 and L was discussed. Supervisor Roundtree said that portion should have mag-chloride applied by now. Work has begun on the Annex 3 parking lot today.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly update for the Fairgrounds. He presented the income statement and informed the Board of events that were held recently saying they all went well. He said the gun show went extremely well and has already been scheduled for next year. He mentioned the rodeo was a huge success. Manager Young informed them of upcoming events saying there is something scheduled every weekend up to the third week in August. **Dani Gregory** reported on the recently held 12 Hours of Mesa Verde bike race and is requesting to lock in future dates for the event. It was stated one Board cannot bind future Boards to long standing contracts. It was suggested that once the event is finished, if they want the same date for next year it can be scheduled at that time.

CONSERVATION DISTRICTS Representatives, Steve Miles, Judy Garrigues, and Lea Cody from the Mancos and Dolores Conservation Districts met to discuss the Code of the West and request for funds. Ms. Garrigues said they are a special district but are not a taxing district and funding is mostly from severance tax monies as well as funding by grants and local fund raisers. She said they work with the agricultural industry on issues ranging from grazing to water issues. Reference materials would be very helpful that answer questions

and be informative to the landowner. Ms. Garrigues is asking the County for \$5,000.00 to match the grant which would help complete the booklet and to help get the information out to the public. The Board would like to review the request. No action was taken at this time.

LIQUOR LICENSE: Deputy Debby Largent presented a renewal for Hilltop Liquors. Comm. Koppenhafer moved to approve the renewal of a retail liquor license for Hilltop Liquors, seconded by Comm. Rule and carried. A renewal for Echo Basin Ranch was presented. Comm. Koppenhafer moved to approve a renewal of a liquor license for Echo Basin Ranch, seconded by Comm. Rule and carried.

SPECIAL EVENTS Liquor License For Pet's Sake was presented. This event will be held at Cliffrose on July 28, 2012 from 5:30 p.m. to 9:30 p.m. Comm. Koppenhafer moved to approve the special events liquor license for Pet's Sake for serving spirituous and vinous liquor to be held at Cliffrose on July 28, 2012 between the hours of 5:30 p.m. to 9:30 p.m. seconded by Comm. Rule and carried.

RESOLUTION 2012-9 to preserve Habeas Corpus and Civil Liberties was discussed. Comm. Koppenhafer moved to sign and send to the Senators and Congressmen Resolution 2012-9, a resolution to preserve Habeas Corpus and Civil Liberties, seconded by Comm. Rule and carried (See attached)

ABATEMENT: It being the time set aside the Board held an abatement hearing on a petition from RIM. The roll was called and the proceedings were recorded for the record. Assessor Mark Vanderpool presented the abatement petition from RIM for tax year 2009 regarding schedule numbers P010410, E100068, E0000352, E000353, E100072, E100071, E000342, E100064, E100066, E000341, E100073, E000351, E100051, E100048, E000340, E100046, E100047, and E100045. Assessor Vanderpool is recommending value of \$489,103.00 (decreased from \$795,560.00) by using the Bels system for tax year 2009 and asks the Board to adjust the value to his recommendation. Jerry Wisdom was on a conference call. No agent for RIM was present. After hearing all the evidence presented Comm. Rule moved to approve the recommendation of the Assessor's Office on the re-valuation of RIM Operating Company decreasing the value from \$795,560.00 to \$489,103.00 for tax year 2009 on the schedule numbers read into the record by the Assessor, seconded by Comm. Koppenhafer and carried. (See attached)

REGION 9 Community Development Action Plan was discussed. Representative Laura Lewis Marchim and Ed Morlan gave the Board an update concerning Region 9 discussing priorities and projects. Comm. Koppenhafer moved to approve the Community Development Action Plan for 2012 for Montezuma County, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:00

JAMES DIETRICH discussed the landscape design on Road K.3. He informed the Board of the PLCC meeting scheduled for Tuesday night. He talked about upcoming projects for the PLCC. James told the Board that Tara Anderson representing Michael Bennett's office will be in Cortez at the public library on June 25th. She will be discussing help in dealing with federal agencies. Mr. Dietrich said he has received word that the Kokopelli Bike Club is proposing plans for the expansion of bike trails in the Boggy Draw areas and around Shooter's World. He will discuss this item with the PLCC.

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. Said hearing is for a proposed 2 lot minor development on property owned by Louis and Karen Garon and is located at 15160 Road 35.3, Dolores. LeeAnn Milligan with the Planning Department explained the request. Louis Garon represented his application. Comm. Chappell opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve the AR 10-34 zoning and pre-sketch plan for a proposed 2 lot minor subdivision for the Garon Ranch Subdivision, seconded by Comm. Rule and carried. (See attached) Comm. Chappell closed this hearing at this time.

VARIANCE REQUEST: Leeann Milligan with the Planning Department presented a variance request to the Montezuma County Road and Bridge Standards for a proposed development on property located at 38894 Hwy. 184, Mancos. Robert and Sue Scott are seeking the road variance for the grade and width of the SBL (Sundance Bear Lodge) roadways before the owners proceed with the balance of the subdivision planning and expenses. Sue Scott explained their application and future plans for their bed and breakfast. Robert Scott talked about the road grade and width of said road. Comm. Rule moved to approve the first leg of the road to be 24' wide to the top of the hill, to grant a variance to the grade and from the top of the hill to the cul de sac to grant the variance to the road width to be 18' and all other road and bridge standards be met, seconded by Comm. Koppenhafer and carried. (See attached)

PERMIT REQUESTS: LeeAnn Milligan with the Planning Department presented for review and determination of a high impact permit and special use permit application for the purpose of an asphalt plant operation on property owned by the Robbins Family Ranches, LLC, Don Yeomans, Agent by and for A & S Construction Company. Attorney Slough recused himself from this proceeding. Chuck Reavis with A&S Construction explained the application. Mr. Yeomans explained the Robbins Family's wishes and he stated this pit is a short term project. Ms. Milligan made a request to forward said applications to the Planning and Zoning Commission Board for Review. This property is located at 9885 Road 43, Mancos. She explained that A & S Construction Company has been awarded a contract with CDOT to construct an asphalt overlay on approximately 12 miles of State Hwy 160.

PRESENTED FOR REVIEW and determination of a high impact permit and special use permit application for the purpose of an aggregate mining operation on property owned by the Robbins Family Ranches, LLC, Agent Don Yeomans by and for A & S Construction Company with a request to forward the applications to the Planning and Zoning Commission for review. Said property is located at 9885 Road 43, Mancos. LeeAnn Milligan explained that A & S Construction Company has been awarded a contract with CDOT to construct an asphalt overlay on approximately 12 miles of State Hwy 160 and approximately 4 acres of a 14 acre permit area will be mined. Mining and crushing will take place from about July 2012 through November 2012, Monday through Friday from 7 a.m. to 6 p.m. Attorney Slough recused himself from this proceeding. Comm. Koppenhafer moved to forward the high impact permits and special use permits applications to the Planning and Zoning Commission for aggregate mining and hot mix plant for the Robbins Family Ranches and A&S Construction, seconded by Comm. Rule and carried. (See attached)

PLANNING: LeeAnn Milligan with the Planning Department presented for review and determination of a high impact permit and special use permit for the purpose of constructing and operating a multi-carrier wireless communications facility, to include a 195 foot telecommunications tower and a 50x50 foot fenced equipment enclosure on property owned by Robert Watkins, Agent T-Mobile and Brian Everman with Pinnacle Consulting. Said property is located at 20513 Road A, Cortez. Mr. Everman represented the application stating there is a fully executed lease with the family in place. He explained the tower will not require lighting. Comm. Rule moved to forward the high impact permit and special use permit to the Planning and Zoning Commission for the purpose of constructing and operating a multi-carrier wireless communications facility for T-Mobile on property owned by Bobby Watkins located at 20513 Road A, Cortez, seconded by Comm. Koppenhafer and carried. (See attached)

HIGH IMPACT PERMIT AND SPECIAL USE PERMIT application was presented for the purpose of constructing and operating a business known as Southwest Rockies Manufacturing LLC, a custom equipment shop for constructing skids, tanks, custom order trucks, and other similar equipment as proposed by this LLC, owner Curt Spurgeon. Said business will be located on a 35 acre parcel of land that will be split from 123 acres, more or less. The property is owned by Kevin Boss Wright located at 22965 Road F, Cortez. Mr. Spurgeon explained the business with the potential to employ 130 full-time employees. LeeAnn Milligan stated the

property in question is currently zoned as commercial industrial. Comm. Rule moved to move the high impact permit application to Planning and Zoning Commission for the purpose of constructing and operating a business known as Southwest Rockies Manufacturing LLC, owner Curt Spurgeon and the purchase of a 35 acre parcel from Kevin Boss Wright located at 22965 Road F, Cortez, seconded by Comm. Koppenhafer and carried. (See attached)

SETBACK VARIANCE: A variance to the setback from the Dolores River was submitted by Scott Twilley was presented. The property is located at 26641 Road 38.5, Dolores. It was stated there is an existing 900 +/- sq. ft. residence on the property which is approximately 20 feet from the Dolores River. Applicant is requesting to expand his residence by constructing 1000 +/- sq. ft of living space (living room). This expansion would be added to the east of the house, away from the river, and possibly consist of a second story. Sanitarian Melissa Mathews stated since no new bedroom space is being construction, she had no concerns with the septic. Mr. Twilly represented his application asking for a variance from the 100' setback from the river. Comm. Rule moved to approve a variance to the setbacks from the Dolores River for Scott Twilly on property located at 26641 Road 38.5, Dolores to build to the east on to an existing structure which is going away from the river and for the building not to exceed 1000 sq. ft., seconded by Comm. Koppenhafer and carried. (See attached)

ACCOUNTS PAYABLE: General Fund in the amount of \$228,247.13, Road and Bridge Fund in the amount of \$127,732.10, and Landfill in the amount of \$30,644.59 for the month of May, 2012 were approved for payment.

ORDER #8: Comm. Koppenhafer moved to approve Order number 8 to transfer from the Clara Ormiston fund to the Social Services Fund the amount of \$442.50 for payment to the Safeway Pharmacy for patient Rita Follmer, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:

Letter from U.S. Department of Interior BLM in reply to 1610 (210)

Montezuma County's response to notice in case number 2011 CV 159.

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

MEETING ADJOURNED 4:00 p.m.

Clerk June 18, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 25 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 25, 2012 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 18, 2012 as presented. The motion was seconded by Commissioner Chappell, and carried.

SHERIFF DENNIS SPRUELL AND EMERGENCY MANAGER PAUL HOLLAR updated the Board on the Weber Fire. Sheriff Spruell said the fire began as a type 3 fire and started on BLM ground. He discussed how the funding to fight this fire is being handled. He informed the Board that the first four hours is the County responsibility, the Governor approved the fire under the Fire Protection Plan. The State of Colorado took over and turned the fire management over to the Federal Government and went under FEMA. Paul Hollar stated he is pleased how the information got out quickly and the cooperation between all the agencies involved has been outstanding. He said local donations and help from the American Red Cross have been a great support. A local emergency declaration was asked for from the Board declaring the Weber Fire as a disaster.

CARMEN DILLE-HACHMANN with the American Red Cross said the ARC was activated on Saturday. She stated emergency centers were set up at the Performance Center in Mancos then moved to the Cortez High School. Ms. Dille-Hachmann said this fire has been combined with the State Line Fire which means funding goes into a national funding status and it will not cost the County anything from the ARC .

RESOLUTION: Comm. Rule moved to approve Resolution 2012-10, a resolution declaring the Weber Fire a local disaster emergency, second by Comm. Chappell and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree informed the Board that the Department has been putting down mag-chloride paid for by Kinder Morgan. He discussed other road projects throughout the County. He said the

Department can't do much due to the hot dry weather. Supervisor Roundtree said the Department sent water trucks to be on standby to the Weber Fire.

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

SENIOR TRANSPORTATION contract was presented for signature. Sue Fletcher and Mary Holaday presented the senior transportation contract for renewal. Ms. Fletcher presented an e-mail regarding the Weber Fire from Wayne Walters. (See attached) Comm. Rule moved to approve the general funds and contract Title 3B, C-1, C-2, and E services between Montezuma County and San Juan Basin Area Agency on Aging, seconded by Comm. Chappell and carried. (See attached) A CDOT transportation contract was presented. Comm. Rule moved to approve the federal fiscal year 2012 FTA certifications and assurances for Federal Transit Administration Assistance Programs, seconded by Comm. Chappell and carried. (See attached)

LIQUOR LICENSE Deputy Tammy Neely presented an application from G Whil Liquors for a change of premise. Deputy Neely is asking the Board to set a radius to be canvassed and set a public hearing date. Comm. Rule moved to schedule a public hearing for a change of premise for G Whil Liquors for July 23, 2012 at 10:15 a.m. and to set a radius of ¼ mile for the canvass, seconded by Comm. Chappell and carried.

LIQUOR LICENSE: Deputy Tammy Neely informed the Board that Mr. McDonald owner of Mary Janes at Stoner has been cited for harboring a felon. She will be in contact with the State Liquor Board concerning the license.

PLEASANT VIEW VINEYARDS: A request from Pleasant View Vineyards was received for an alcohol sales permit for the Farmer's Market. Elizabeth Bleak is asking for permission to conduct wine tasting and sales at the Farmer's Market. She said all sales are for off-site consumption. Ms. Bleak is requesting a letter from the County as being the premises owners. Since the market is in the City limits of Cortez, they are the proper liquor licensing authority. Due to the absence of a commissioner, no decision was made at this time.

BOARD OF PUBLIC HEALTH: Health Director Lori Cooper presented a public health contract for signature. She said the contract is to amend the WIC contract decreasing the amount by \$2,000.00. Comm. Rule moved to approve task order number 6, an amendment to decrease funds by the contractor, seconded by Comm. Chappell and carried. (See attached)

FAIRGROUNDS MANAGER Tanner Young said he got a call asking for the fairgrounds to be used as a staging facility. He explained what all is being done and what his department is doing to help in any way possible. Tanner explained the events scheduled have been cancelled for now. He said stalls are being set up for evacuated animals if needed. He said if there is anything needed from him, let him know.

COUNTY ADMINISTRATOR HARRISON presented a letter from the Sheriff's Office giving permission to construct a radio tower on Ute Mountain. He informed the Board ownership of the tower will be the Ute Mountain Ute Tribe's in August. Comm. Rule moved to allow the Ute Tribe to install additional towers on Hermano Peak since ownership falls to the Tribe in August, seconded by Comm. Chappell and carried. (See attached)

HOUSING SOLUTIONS: Comm. Rule moved to sign a letter of support for the Housing Solutions of the Southwest for the single family owner occupied housing rehabilitation program by continuing to provide \$1500.00 annually, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:10

RANDY RODD met to discuss an off road event he wishes to hold on the Zwicker property where they previously had their permit which has expired. He wants to know what need,s will be required by the County. It was stated a new public hearing should be held. Comm. Rule moved that because of history of previous events and permits at said location a public hearing be scheduled for July 9, 2012 at 2:00 p.m. for Randy and Cotton Rodd for the purpose of considering a high impact permit for an off road rock climbing event, seconded by Comm. Chappell and carried.

PLANNING: A high impact permit and special use permit application for the purpose of conducting aggregate mining operation on property owned by Richard M. and Casey McClellan and David E. Nelson. Said property is located at 32260 Road S, Dolores, and consists of 285 acres, more or less, of which 45 acres, more or less is proposed for use. Nathan Barton represented the application as the agent for Richard and Casey McClellan and David Nelson. He said this would be an amendment to State Reclamation Permit M-1990-025 at Hay Camp Pit. Mr. Barton said the amendment will not increase annual production from the Hay Camp Pit, but will extend the life of the pit by replacing land already mined, reclaimed, and released. Comm. Rule made a motion to move the high impact permit and special use permit for the purpose of conducting aggregate mining operations on property owned by Richard M. and Casey McClellan and David E. Nelson on to the Planning and Zoning Commission on the property located at 32260 Road S, Dolores, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
Letter from Western Dairy Association.

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

MEETING ADJOURNED 3:15 p.m.

Clerk June 25, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 2, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 2, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 25, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree said water was put on Road H. County water trucks and crews were dedicated to the Weber Canyon Fire which delayed watering roads. There are still 2 trucks at the fire site. He said oil is scheduled for the second week in August. Supervisor Roundtree said the Department will begin work on Road L and other roads this week. He said the crusher will be moved to the Mancos area.

ROAD H: Dr. Andy Romero did not appear.

EMERGENCY MANAGER Paul Hollar reported on the Weber Canyon fire stating there is about 80% containment and there are still hot spots but overall everything looks good. He informed the Board the cost was around 6 million dollars. He reported overall everything was well done. Manager Hollar expressed a big thank you to Administrator Harrison, GIS specialist Doug Roth and Fairgrounds Manager Tanner Young and the entire Board for all their support and cooperation.

RATIFY RESOLUTION #2012-10: Comm. Koppenhafer moved to ratified Resolution 2012-12, a resolution declaring the Weber Canyon Fire a local disaster emergency, seconded by Comm. Rule and carried.

PLEASANT VIEW VINEYARDS wine tasting and sales at the Farmer's Market was discussed. The Board stated they would not allow the wine tasting being done on the premises but they had no problem with the selling of the wine as long as it is not consumed on the premises and she needs to have all necessary licensing with the City of Cortez in place.

EMPLOYEE HEARING: It being the time set aside a hearing is held on notice of intent to terminate. The hearing was recorded for the record. Comm. Chappell asked Mr. Bedker if he wished the hearing to be closed to the public or open. Mr. Bedker responded he wishes the hearing be closed. Those present during this closed hearing were Mr. Bedker, Administrator Harrison, Attorney Slough, Commissioners Chappell, Rule, and Koppenhafer and County Clerk Carol Tullis. After much consideration, Mr. Bill Bedker submitted a letter of resignation effective at 3:30 p.m. on July 2, 2012. Due to Mr. Bedker's resignation a decision by the Board was not necessary. (Sealed record attached)

LUNCH: 12:20

PUBLIC HEARING CONTINUATION: It being the time set aside a continuation of the public hearing regarding high impact permit no. 52 for The Dog Hotel located at 33350 Hwy 184, Mancos is held. The roll was called and the hearing was recorded for the record. The hearing is to determine compliance requirements regarding the high permit and possible determination of revocation of said permit. Director Susan Carver stated there is nothing new to report at this time. Comm. Chappell opened the hearing up to public comment. Susie Baeumel said hay bales have been put in across the front and around the corner but not around the sides. She said the bales is a great start but feels it is not finished. **Janice Swenson** agreed with Ms. Bauemel saying she thinks it's not a permanent fix. **Rudy Baeumel** said it is not going to last and eventually the noise will be a problem. Hearing no further comments, that portion was closed. Comm. Rule moved to continue this hearing until July 16, 2012 at 3:00 p.m. to give Mr. Tom Overington time to complete the work on the Dog Hotel at 33350 Hwy. 184, Mancos and to keep the barrier maintained in the future. Due to failure of Mr. Overington to appear today he will be notified of the continuance time and date. Seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: A high impact permit application for the purpose of collocation of a proposed new, unmanned, Verizon Wireless (VZW) communications facility to be located on the property and existing communications tower was presented. Agent Peter Hoops with Black & Veatch Corporation. Said facility is located at 17631 Hwy. 145, Dolores. Director Carver gave an overview of the application and Mr. Hoops was on a conference call. Director Carver is asking if a high impact permit is warranted. Mr. Hoops represented the application. Comm. Koppenhafer moved to keep the existing information provided to the Board and since no expansion of land base the height of the tower will be expanded 10' so the high impact permit is not warranted, seconded by Comm. Rule and carried. (See attached)

FINAL PLAT: The final plat for a 2 lot subdivision as submitted by Clarence and Shirley Williams, agent Maness and Associates is presented. Said subdivision is located at 24499 Road G.1, Cortez. Director Carver explained the plat. Comm. Rule moved to approve the Clarence Williams 2 lot minor subdivision, seconded by Comm. Koppenhafer and carried. (See attached)

PAYROLL: General fund checks in the amount of \$377,235.94, District Attorney fund check #61922 in the amount of \$39,533.13, Treasurer fund check #61923 in the amount of \$309,842.61, Road department fund checks in the amount of \$85,364.66, Treasurer fund check #24655 in the amount of \$71,330.61; and Landfill fund checks in the amount of \$16,805.46, Treasurer fund check #7391 in the amount of \$14,449.87 were approved for payment.

CORRESPONDENCE: The following correspondence was read, noted, and attached:

4CORE letter of intent to apply for the USDA Housing Preservation Grant.
Letter from Colorado Parks & Wildlife regarding black bear management plan.

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

MEETING ADJOURNED 2:25 p.m.

Clerk July 2, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 9, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 9, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 2, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer, and carried.

ROAD: Road Supervisor Dean Roundtree, discussed roads damaged by flooding from the recent rain as a result of the Weber Canyon Fire. He was on his way to Mancos to check on Roads 41 and 42.5. Jim Dietrich and Susan Carver presented to the Commissioners a letter regarding the proposal to reconfigure access to County Road K.3 and Highway 491. Commissioner Koppenhafer moved to sign the letter regarding the

proposal to reconfigure access to County Road K.3 and Highway 491 addressed to **Dan Murray** with **Maverick Inc.** as presented. Second by Commissioner Rule, motion carried. (See attached) **Finance Officer Amber Kingery** met with the Commissioners regarding a complaint from a home owner that a road department piece of equipment caused damage to one of her house windows. Amber and Dean will look at the police report and talk to the home owner regarding this matter.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of June, 2012. (See attached).

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of June, 2012. (See attached)

MONTEZUMA LAND CONSERVANCY: Juniper Katz and **Jon Leibowitz** from the **Montezuma Land Conservancy** met with the commissioners requesting a letter of support. Administrator Harrison will draft the letter for the Commissioners approval.

BOARD OF PUBLIC HEALTH: Public Health Director Lori Cooper presented the Contract between the Colorado Health Foundation and the Montezuma County Health Department concerning a three year grant in the amount of \$185,700.00 for the Montezuma County **Smilemakers Dental Clinic** and **Presumptive Eligibility Program**. Commissioner Koppenhafer moved to allow Lori Cooper of the Montezuma County Health Department to sign the grant between Montezuma County and the Colorado Health Foundation for the Smilemakers Dental Clinic and Presumptive Eligibility Program in the amount of \$185,700.00 over the next three years as presented. Second by Commissioner Koppenhafer and the motion carried. (See Attached)

LIQUOR LICENSE: Deputy Debra Largent presented a request for a special event Liquor License for the **Four Corners Riding Club**. The special event will be dated from August 30, 2012 through September 02, 2012 and located at the Sugar Pine Ranch 40334 Highway 184 Mancos, Co. 81328. Commissioner Rule moved to approve the special event liquor license for the Four Corners Riding Club for the sale of malt, vinous and spirituous liquor to be held at the Sugar Pine Ranch 40334 Highway 184, Mancos, Co. 81328 for the dates of August 30, 2012 through September 03, 2012 as presented. Second by Commissioner Koppenhafer, motion carried. (See attached)

COLORADO DEPARTMENT OF TRANSPORTATION: Steve Parker, Ed Archuleta, Greg Stacy, Matt Muraro, Rick Routh, Tony Cady, and John C. Palmer all from CDOT met with the Commissioners to present the Region 5 Annual Report and to discuss future and completed projects. (See attached)

LUNCH: 12:45

JAMES DIETRICH gave a brief update to the Commissioners regarding the Federal Lands Report.

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 public hearing is for the purpose of reviewing a **High Impact Permit No. 658** for the purpose of conducting an off-road 4WD vehicle rock race event on property located at TBD Road G. Cortez Co. owned by **Sheldon Zwicker, Randy and Cottin Rod** applicants. **Planning Director Susan Carver** presented an overview of the application. Applicants Randy and Cottin Rodd were present for the hearing. **Jim Burton** stated that his concern that the speed limit on Road G should be dropped for this event. No other public comments were made. Commissioner Rule moved to approve permit No. 658 for an off road vehicle event on the Zwicker land entailing partial number 5625-041-00-001 for a one day event on July 14, 2012, not to include more than 60 competitors and to include traffic control, law enforcement, emergency services and fire protection. Second by Commissioner Koppenhafer and carried. Commissioner Rule moved to sign the Findings and Permit for High Impact Permit No. 658 Sheldon Zwicker, Applicant Randy and Cottin Rodd agents as presented. Second by Commissioner Koppenhafer, motion carried. (See attached)

FINAL PLAT: Planning Director Susan Carver presented for final review and determination an Exemption Plat to adjust the common lot line boundaries of property owned by Montezuma Valley Irrigation Company located at 11501 US Hwy. 491; and property owned by Barbara Jeter, et al: Dale and Annette Jeter located at 1130 Road 24, Cortez, Co. Both properties are located in Sec. 15, T.36N, R.16W., N.M.P.M. Commissioner Rule moved to approve **Resolution P-58-54 2nd Amendment** as presented. Second by Commissioner Koppenhafer, motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
Letter: Colorado Coalition for the Medically Underserved re: Health Insurance coverage
Letter: State of Colorado JoAnn Groff Property Tax Administrator Notice of Valuation
Letter: Division of Reclamation, Mining and Safety, re: Notice of Special 111 Construction Materials Reclamation Permit Application Consideration A&S Construction Co., Mancos Hill Pit, File No. M-2012-031
Assumption of Duty Montezuma Co. Sheriff /Weber Fire

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

MEETING ADJOURNED 4:00 p.m.

Clerk July 9, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 16, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 16, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 9, 2012 as corrected. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree, along with **Finance Officer Amber Kingery** met with the Commissioners regarding a complaint from a home owner that a road department piece of equipment caused damage to one of her house windows. Amber will get estimates for the Board to look at. Dean reported the parking lot at the new county facility was complete. It was reported the cost to the road department of the Weber Fire was \$58,000.00. The commissioners held a discussion with Dean regarding the roads in Weber Canyon and the damages caused by mud slides. Dean reported that he would be going to a meeting for the outline of the parking lot project at Sand Canyon Recreational Area.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report for the Fairgrounds. He gave a report on the income statement. He informed the Board of events held and gave an update on upcoming events. (See attached)

COUNTY EXTENSION OFFICE: Director Tom Hooten met with the Commissioners to discuss a Memorandum of Understanding with the **Farmers Market**. Tom will take the Memorandum back to the Farmers Market Board for approval of the recommended amendments.

Administrator Harrison: presented an **Easement Agreement** between Montezuma County and **FASTTRACT**. Commissioner Koppenhafer moved to sign the Easement Agreement between Montezuma County and FastTract for the tower located at the Annex Two in Cortez Co. as presented. Seconded by Commissioner Rule, motion carried (See attached). Commissioner Rule moved to sign the Colorado Department of Military and Veterans Affairs County **Veterans Service Officers Monthly Report** and Certification of pay as presented, Seconded by Commissioner Koppenhafer, motion carried.(See attached) Commissioner Koppenhafer moved to sign a letter of support to the **Montezuma Land Conservancy's** for a request to **Great Outdoors Colorado** for funding to assist with the purchase of a conservation easement on the Dolores River Ranch property. Seconded by Commissioner Rule, motion carried. (See attached)

LUNCH: 12:00

FEDERAL LANDS: James Dietrich gave a Federal Lands Report, stating that there will be a PLCC meeting July 31, 2012 and that he would also be attending the Sand Canyon Recreation area outline meeting for a parking lot. Another topic discussed was the Red Arrow Mine Road.

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. Attorney Slough recused himself from this proceeding. **Planning Director Susan Carver** presented for the review and determination a High Impact Permit and Special Use Permit request for the purpose of an aggregate mining operation on property owned by the **Robbins Family Ranches, LLC** Agent, **Don Yeomans** by and for **A & S Construction Company**. **Chuck Rivas** and **Deana Yeomans** were present. Said Property is located at 9885 Road 43 Mancos, Co. Public Comments included: **Roland Hoch** requested clarification of the permits required, notifications of neighbors, the ending date for reclamation, the acreage that was included in the project, a bridge inspection during and after the completion of the work and material limitations within the project. **Betsy Krill** was concerned about smoke and air pollution. Commissioner Rule moved to approve the High Impact and Special Use Permit No. 659 for the purpose of conducting an aggregate mining operation on the property owned by the Robbins Family Ranches, LLC, Agent Don Yeomans by and for A & S Construction company property located at 9885 Road 43, Mancos Co. as presented. Seconded by Commissioner Koppenhafer, motion carried. Commissioner Rule moved to approve the Findings and Permit No. 659 as presented. Seconded by Commissioner Koppenhafer and carried. (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 recorded for the record. Attorney Slough had previously recused himself from these proceedings. **Planning Director Susan Carver** presented for review and determination of a High Impact Permit and Special Use Permit request for the purpose of an asphalt plant operation on property owned by the **Robbins Family Ranches, LLC**, Agent: **Don Yeomans** by and for **A & S Construction Company** on property located at 9885 Road 43, Mancos, Co. Commissioner Koppenhafer requested that the Public Comments from the previous Public Hearing be attached to this hearing as they pertained to both. Other public comments from **Greg Kemp** were his concern that the state permit requirements and future testing be posted on the county web site. Commissioner Koppenhafer moved to approve the High Impact Permit No. 660 for a temporary asphalt plant on the Robbins Family Ranch LLC. located at 9885 Road 43 Mancos, Co. with the conditions previously stated. Seconded by Commissioner Rule, motion carried. Commissioner Koppenhafer moved to approve the Findings and Permit No. 660 as presented. Seconded by Commissioner Rule, motion carried. (See attached)

PUBLIC HEARING CONTINUATION: 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 Public hearing is for the review and determination of the performance standards for High Impact Permit No.52 on property located at 33350 Hwy 184 Mancos, Co. **Planning Director Susan Carver** gave an overview of the request. **Elizabeth Cruffits** and **Thomas Overington** owners of the **Dog Hotel** were present. Commissioner Koppenhafer moved that no new clients be accepted, that there be a temporary suspension of High Impact Permit No. 52 for a one month period and if the applicants are not within compliance by the end of that time the permit will be revoked. Seconded by Commissioner Rule, motion carried (See attached)

Planning Director Susan Carver presented for Review and Determination of an after-the-fact exemption request on property owned by **Frank Harold II Wenzel**, et al, located at 13054 Road 23, Cortez, Co. consisting of 6.13 acres, more or less; and property owned by the **Church of Christ** of N. Hwy. 666 Cortez, located at 13169 Hwy 491, Cortez, Co; consisting of .9 acres, more or less. Agent **Bob Durant** was present for the hearing. Commissioner Koppenhafer moved to approve the preliminary approval of an after-the-fact exemption request on property owned by Frank Harold II Wenzel, et al, located at 13054 Road 23, Cortez, Co. consisting of 6.13 acres, more or less; and property owned by the Church of Christ of N. Hwy. 666 Cortez, located at 13169 Hwy 491, Cortez, Co; consisting of .9 acres, more or less as presented. Seconded by Commissioner Rule, motion carried.

CORRESPONDENCE: The following correspondence was read, noted, and attached:
United States Department of Agriculture Forest Service re: final rule for managing Colorado Roadless Areas.
United States Forest Service, Schedule of Proposed Actions (SOPA)
Dolores Water Conservancy District notification of Board of Directors Meeting

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

MEETING ADJOURNED 4:45 p.m.

Clerk July 16, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 23, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 23, 2012 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Larrie D. Rule, 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 at the Ponderosa Restaurant for breakfast.

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 16, 2012 as corrected. The motion was seconded by Commissioner Rule, and carried.

ROAD: Road Supervisor Dean Roundtree reported a fence has been built on Road 26 in the County right of way. A letter will be sent to the Weisencamps instructing them to remove the fence within 30 days from the County ROW. He discussed other roads. Discussed a complaint about Kinder Morgan trucks speeding on county roads. Dean will talk to Bob Clayton with Kinder Morgan about the problem to see the possibility of signage. Supervisor Roundtree and Planning Director Carver discussed the Hay Camp gravel permit.

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

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 a change of premise for G Whil Liquors. Joy and Brian Rasch represented their application. They wish to move the facility from its current location to a new location. Deputy Neely informed the Board of the wishes of Mr. and Mrs. Rasch. She said the change of premises is from 7033 Hwy. 160, Cortez to 24001 Road G.2, Cortez. She stated a canvas was done of the area with only one complaint received. Comm. Chappell opened the hearing to public comment, however since no one was here to make comment that portion was closed. After hearing all the evidence presented

Comm. Rule moved to approve the change of premise for Joy Kizar Rasch for G Whil Liquors LLC to move from 7033 Hwy. 160 to 24001 Road G.2, Cortez, seconded by Comm. Koppenhafer and carried. Comm. Chappell closed this hearing at this time.

SPECIAL EVENTS LIQUOR LICENSE: Deputy Neely explained that the 30 day waiting period has not been met so this special events liquor license submitted by the Sugar Pine Ranch Bike Rally. The special events license will be rescheduled.

A renewal for a beer and wine license for Kelly Place Inc was presented. Comm. Koppenhafer moved to approve the renewal for Kelly Place, Inc. located at 14537 Road G for a beer and wine license, seconded by Comm. Rule and carried.

FAIRGROUNDS: Fairgrounds Manager Tanner Young discussed the RFP to re-line the inside of the main arena with tin.

JOHN RUTLEDGE met to discuss a county installed water box. He said there is still tail water backing up and damaging his property on Road N. He stated due to the excess tail water it is eroding a portion of Road N. Diane Adelson explained the water problems regarding her property. The road will be looked at to see what can be done to alleviate the excess water.

CHRIS PETERSON met to discuss nuisance dogs. He said the neighbor's dogs bark all night which disrupts his sleep which he feels necessary since he drives school bus. He would like to see a barking dog ordinance. It was explained the issue of barking dogs could be considered as disturbing the peace.

LUNCH: 12:00

FEDERAL LANDS REPORT: James Dietrich talked about the PLCC meeting agenda. He informed the Board on the progress on the McElmo Flume project. He said there will be a BLM meeting regarding the Sand Canyon parking lot. James said the Forest Service has scheduled a field trip for August 9th, with the Dolores County Commissioners and wanted to invite the Montezuma County Commissioners to participate.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding a high impact permit request for the purpose of constructing and operating a manufacturing company. The roll was called, the public notice was read, and the proceedings were recorded for the record. Said permit was submitted by Southwest Rockies Manufacturing, LLC, which would provide custom built equipment to support construction within the oil and gas industry. The property is owned by Kevin Boss Wright, agent Curt Spurgeon and located at 22965 Road F, Cortez. Planning Director Carver gave an overview of the application explaining the Planning and Zoning Commission recommended approval of the proposal. Kevin Boss Wright and Curt Spurgeon represented the application. Road impact fees were discussed. Director Carver asked if the operation would be considered as light industrial or manufacturing due to the low volume of traffic involved. It was stated that due to the small amount of truck traffic this would create, manufacturing fees could apply. It was understood that of the 35 acre parcel, 10 acres would be used for the manufacturing facilities. Comm. Chappell opened the hearing up to public comment. Hearing no public comment, that portion was closed. After hearing all the evidence presented Comm. Rule moved to approve high impact permit number 661 for Southwest Rockies Manufacturing LLC for the construction and operation of a manufacturing company to provide the manufacture of equipment to support the oil and gas industry on 10 acres only, seconded by Comm. Koppenhafer and carried. Comm. Koppenhafer

moved that due to the low traffic volume created by this operation the manufacturing road impact fees of .66cents a square foot would apply, seconded by Comm. Rule and carried. Comm. Chappell closed this hearing. (See attached)

LETTER: A letter from the Town of Dolores requesting a letter of support for their GOCO grant application was received. Comm. Koppenhafer moved to sign the letter of support for a GOCO trails plans grant for the Town of Dolores, seconded by Comm. Rule and carried. (See attached)

FINDINGS: Comm. Koppenhafer moved to approve the findings and permit for high impact permit number 661, seconded by Comm. Rule and carried. (See attached)

ORDERS: Order number 9 to transfer from the Capital Fund to the General Fund the amount of \$182,429.35 for the Annex 3 remodel was presented. Comm. Rule moved to approve Order number 9 to transfer from the Capital Fund to the General Fund the amount of \$182,429.35 for the Annex 3 remodel.

CORRESPONDENCE: The followin correspondence was read, noted, and attached:

Letter from CDOT regarding Notice of rule Making and Request for Input.

Letter from Douglas County Commissioner Jack Hilbert.

Letter from Axis Health System.

Letter of appointment of Comm. Chappell as the 2012 legislative committee member.

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

MEETING ADJOURNED 3:15 p.m.

Clerk July 23, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 30, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 30, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 23, 2012 as presented. The motion was seconded by Commissioner Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board that chips are ready for the county roads south of Cortez. Comm. Chappell mentioned a call he received regarding speeding on a portion of Road T. He said a speed sign placed on the road might help. Truck traffic on Roads G, H, 25 and 27 was discussed. Comm. Koppenhafer moved to post signs stating no through truck traffic be placed on a portion of Road G, up from the M & M and on Road 27, south of the Cortez City limits, seconded by Comm. Rule and carried. Supervisor Roundtree said he has been contacted by CDOT and the State Patrol regarding the intersection at Road L and Hwy 491 concerning right turns only at that intersection. He will look into the request. The Board discussed the Hay Camp Gravel permit.

SOUTHWEST MEMORIAL HOSPITAL: Kent Helwig and John Nadona representing Southwest Memorial Hospital met to present the quarterly update for the hospital. Mr. Helwig said there is not a lot happening at the hospital. He informed the Board that they will be doing a county health assessment along with Axis Health Systems in the community. The financial statements were presented. (See attached)

AUDIT; Chris Majors with Majors and Haley gave the 2011 audit report for the County. He explained the audit in detail. Comm. Rule moved to accept the accounts and receipts and basic financial statement for Montezuma County for 2011, seconded by Comm. Koppenhafer and carried.

SHERIFF SPRUELL stated the area Fire Chiefs and the Deputy Emergency Manager asked that the fire ban be taken off. Comm. Koppenhafer moved to suspend the fire ban beginning August 1, 2012 for Montezuma County, seconded by Comm. Rule and carried.

FEDERAL LANDS: James Dietrich gave the Federal Lands Report. He informed the Board of the PLCC meeting scheduled for Tuesday July 31, 2012 at 7:00 p.m. The Forest Service will be updating them on the Glade/Boggy area at that meeting.

AFTER-THE-FACT: Planning Director Susan Carver presented an after-the-fact exemption request on property owned by Frank Harold Wenzel II, et al. Said property is located at 13054 Road 23, Cortez and consists of 6.13 acres, more or less and property owned by the Church of Christ of N. Hwy 666, Cortez and located at 13169 Hwy 491, Cortez consisting of .9 acres, more or less. Robert Durant agent with a power of attorney for Frank Harold Wenzel II was present. Director Carver explained the request. Comm. Koppenhafer moved to approve the after-the-fact exemption resolution number P-09-12 and to sign the final plat, seconded by Comm. Rule and carried. (See attached)

ORDERS: The following orders were presented for approval.

Comm. Koppenhafer moved to approved **Order number 10** to transfer from Unallocated Reserve Fund to the General Fund the amount of \$2,931,457.20, seconded by Comm. Rule and carried. (See attached)

Comm. Rule moved to approve **Order number 11** to transfer from the Law Enforcement Authority Fund to the General Fund \$369,092.87 for January – June LEA expenditures, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER: Comm. Koppenhafer moved to send the letter to Four States Aggregates LLC, McStone Aggregates, Casey McClellan is manager to cancel the memorandum of agreement to end January 30, 2013, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:
Schedule of receipts and disbursements January – June, 2012.

CONTINUED: Comm. Chappell continued this hearing until Wednesday, August 1, 2012 at 6:30 p.m. to meet with DOLA. Meeting is scheduled to be held at the Cortez Municipal Golf Course.

MEETING ADJOURNED at the conclusion of said meeting

Clerk July 30, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 6, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 6, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 30, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of July, 2012. (See attached).

ROAD: Road Supervisor Dean Roundtree discussed equipment needs for the Department. He talked about other road concerns. Supervisor Roundtree presented a letter to be sent to Weitenkamp regarding a fence in the County Right of Way. Comm. Rule moved to send a letter by certified mail, return receipt to Roger and Dianne Weitzenkamp for a request for removal of the fence from the County right-of-way, seconded by Comm. Koppenhafer and carried. (See attached)

Lavena E. and Kenneth R. Saunders and Harry Rogers met to discuss the Haycamp Gravel permit. They feel Casey McClellan should get his own permit and that he is in competition with them. The Board explained to Ms. Saunders that a letter was sent to Mr. McClellan explaining the permits would be separated and the County would retain their original permit. A complaint was lodged on behalf of the owners of LMN properties. The complaint is lodged with regard to Dennis Atwater, Chairman of the Montezuma County Planning and Zoning Commission. Ms. Saunders requested the letter be read. County Administrator Harrison read said letter. (See attached)

RESOLUTION 2012-11: A resolution suspending the fire ban on open fires and fireworks was presented. Comm. Rule moved to approve Resolution 2012-12 a resolution to suspend the ban on open fires and the use of fireworks, seconded by Comm. Koppenhafer and carried. (See attached)

PAYROLL: General fund checks in the amount of \$438,930.17, Treasurer Fund check #62079 in the amount of \$334,953.11, Road department fund checks in the amount of \$92,689.02, Treasurer Fund check #24725 in the amount of \$76,383.54; and Landfill fund checks in the amount of \$16,897.40, Treasurer Fund check #7426 in the amount of \$14,347.15 were approved for payment.

ORDERS: The following orders were presented for approval:

ORDER NUMBER 12. Comm. Koppenhafer moved to approve Order number 12 to transfer from the Contingency Fund to the General Fund the amount of \$62,969.99 for Jail and Sheriff overtime on the Weber Fire seconded by Comm. Rule and carried. (See attached).

ORDER NUMBER 13. Comm. Koppenhafer moved to approved Order number 13 to transfer from the Contingency Fund to the Road Fund the amount of \$12,302.90 for overtime on the Weber Fire, seconded by Comm. Rule and carried. (See attached).

SHERIFF SPRUELL met to discuss nuisance dogs. He said he gets a lot of calls concerning barking dogs in the unincorporated area of Montezuma County. He presented a proposal for consideration. It was explained the State statutes is the controlling document and that the current resolution would need to be amended by public hearing. The matter will be researched further.

BOARD OF EQUALIZATION; It being the time set aside the Board of County Commissioners convened to sit as the Board of Equalization to hear the following appeals: The roll was called and the proceedings were recorded for the record.

BILL BARRETT CORP: An appeal of valuation on account numbers E000357, E100334, E100335, E100455, E100456, E100457 E100458, and E100459 was received. Assessor Vanderpool gave an overview of the appeals. Paul Beacom with K.E. Andrews and Assessor Consultant Jerry Wisdom were on a conference call. Assessor Vanderpool said he had instructed Mr. Wisdom to use the BEL (Basis Equipment List) system to value the above mentioned accounts. Mr. Beacom discussed this appeal in detail. Mr. Wisdom gave an overview of his assessments.

RIM OPERATING INC. An appeal of valuation on account numbers E000351, E100352, E100353, E100046, E100047, E100051, E100065, E100068, E100071, E100072, and E100073 was received.

UNIT PETROLEUM CO. An appeal of valuation on account numbers E100038, E100039, E100040, E100042, E100043, E100044, E100228, and E100229.

Comm. Rule moved to continue these hearings for Rim Operating, Unit Petroleum, and Bill Barrett Corp until August 13, 2012 beginning a 2:00 p.m., seconded by Comm. Koppenhafer and carried.

LUNCH: 12:10

SETTLEMENT: Comm. Rule moved to accept the final settlement in the lawsuit of Neely v Montezuma County of \$70,000.00 with \$40,000.00 being paid by Trident Insurance and \$30,000.00 paid by Montezuma County and for Mrs. Neely to resign her position and she not be allowed to apply for any position with Montezuma County, seconded by Comm. Koppenhafer and carried.

THANK YOU LETTER to Reeves Brown with Colorado Department of Local Affairs was presented. Comm. Koppenhafer moved to sign a letter thanking Reeves Brown for visiting Southwest Colorado, seconded by Comm. Rule and carried.

TOWN OF DOLORES: Comm. Koppenhafer moved to approve \$500.00 from the Conservation Trust Fund in the event the Town receives its DOLA grant, seconded by Comm. Rule and carried.

COMMUNITY CONNECTIONS: Comm. Koppenhafer moved to allow Social Services Director Dennis Story to help in the funding of Community Connections in the amount of \$10,000.00 payable from the Social Service Funds, seconded by Comm. Rule and carried.

CORRESPONDENCE: The following correspondence was read, noted, and attached:
U.S. Department of Interior regarding the preparation of environmental impact statement for the Four Corners Power Plant and Navajo Mine Energy Project.
Southwest Water Conservation District Notice of regular Board Meeting.
Letter from Club 20.
Notice of Forfeiture for Cortez Masonic Temple Assn.

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer. Motion carried.
MEETING ADJOURNED 2:05 p.m.

Clerk August 6, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 13, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 13, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 6, 2012 as presented. The motion was seconded by Commissioner Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board the Department will begin the chip seal program tomorrow. He said he has talked to the manager of the Maverik Store regarding the driveway into the store. The manager will talk to the Board. He discussed the irrigation problem on Road N. He said he cannot see any damages to the road. Mr. John Rutledge spoke about the shares going through pipe. He said when the water overflows, it floods his property. They will monitor the situation. Discussed concerns with road signs.

SPECIAL EVENTS LIQUOR LICENSE: Deputy Debby Largent presented a special events liquor license application for Sugar Pine Rally. Joyce Humiston and Cindy Olson represented the application. Comm. Rule moved to approve the special events permit for the Four Corners Riding Club located at 40334 Hwy 184, Mancos from August 30th through September 2nd, 2012, seconded by Comm. Koppenhafer and carried (See attached)

BID OPENING: Bids were presented for the Fairgrounds tin project. Comm. Rule recused himself from this proceeding. Fairgrounds Manager Tanner Young opened the bids. Manager Young reported on the businesses he contacted and stated Cruzan Construction and Mr. Concrete were the only bidders that came to the mandatory pre-bid meeting. Mr. Concrete was the only bid received. The Board will review the bid specifications before awarding the bid. No action was taken at this time.

LANDFILL: It being the time set aside a site visit to the County Landfill was conducted. Landfill Manager Debby Barton gave the profit and lost statement report for the month of July, 2012. (See attached)

LUNCH:

PUBLIC LANDS REPORT: James Dietrich updated the Board on the last PLCC meeting. He discussed other topics he has been working on. Mr. Dietrich said he received a letter from the BLM informing him that they will

be repairing the power lines damaged in the Weber Canyon Fire. He explained the BLM are looking at putting the lines underground rather than overhead. Comm. Rule moved to send a letter on coordination with local government with the Forest Service, the BLM, and the Monument Manager, seconded by Comm. Koppenhafer and carried (See attached)

Comm. Koppenhafer moved to sign a letter to Derek Padilla, Dolores District Ranger, and Dolores Public Lands Office regarding the transfer of jurisdictional rights of the Red Arrow Mine Road FSR #567, seconded by Comm. Rule and carried. (See attached)

BOARD OF EQUALIZATION; It being the time set aside a continuation of the following appeals is heard;

BILL BARRETT CORP: An appeal of valuation on account numbers E000357, E100334, E100335, E100455, E100456, E100457 E100458, and E100459 was received. Assessor Vanderpool along with Leslie Bugg gave an overview of the appeals. Julie Willems and Paul Beacom with K.E. Andrews and Assessor Consultant Jerry Wisdom were on a conference call. Assessor Vanderpool said he had instructed Mr. Wisdom to use the BEL (Basis Equipment List) system to value the above mentioned accounts. Ms. Willems and Paul Beacom discussed this appeal in detail. Mr. Wisdom gave an overview of his assessments. After hearing all the evidence presented for Bill Barrett Corp, Comm. Koppenhafer moved to uphold the Assessors values for Bill Barrett Corp on account numbers E000357, E100334, E100335, E100455, E100456, E100457, E100458, and E100459, seconded by Comm. Rule and carried. (See attached)

RIM OPERATING INC. An appeal of valuation on account numbers E000351, E000352, E000353, E100046, E100047, E100051, E100065, E100068, E100071, E100072, and E100073 was received. Paul Beacom with K.E. Andrews explained the appeal in detail. Jerry Wisdom gave input as to the valuations. After hearing the evidence presented Comm. Koppenhafer moved to agree with the Assessors valuation on accounts E000351, E100046, E100047, and E100068, with all other accounts listed above as to accounts E000352, E000353, E100051, E100065, E100071, E100072, and E100073 to adjust the value to zero, seconded by Comm. Rule and carried. (See attached)

UNIT PETROLEUM CO. An appeal of valuation on account numbers E100038, E100039, E100040, E100042, E100043, E100044, E100228, and E100229 was heard. Assessor Vanderpool stated an error was made on the original value on account number E100228. He recommended the value be adjusted to \$135,654. Paul Beacom with K.E. Andrews discussed the appeal in detail. Jerry Wisdom talked about the accounts in question. After hearing the evidence presented Comm. Rule moved to uphold the Assessors values on the accounts listed above with the exception of account number E100228 to be adjusted down from \$268,520.00 to \$135,654.00. Motion seconded by Comm. Koppenhafer and carried. (See attached) Comm. Chappell closed this hearing.

PRELIMINARY PLAN: Planning Director Susan Carver presented for review and determination of a sketch plan and a preliminary plan for a proposed 3 lot minor planned unit development presented as the Oxbow CIPUD on property owned by Bruce and Tris Downer, Andrew Fowler, Barbara E. Holmes, and Catherine Baudoin. The property is located at 17665 Road G, Cortez. Erin Johnson, agent was on a conference call. Director Carver also presented a variance request from Oxbow CIPUD. Said request is to the surface width of the interior road as proposed in the CIPUD. They are asking for a variance from 24' to 18'.

Comm. Koppenhafer moved to approve the sketch plan for the Oxbow CIPUD, seconded by Comm. Rule and carried. Comm. Rule moved to approve the preliminary plan for the Oxbow CIPUD plus to grant a variance from a 24' roadway to an 18' roadway, seconded by Comm. Koppenhafer and carried.

EXEMPTION REQUEST: Director Carver presented an exemption request as proposed by Louis F. and Evelyn Eppich, agent Wayne L. Eppich. The property location is at 8629 Road 41, Mancos consisting of 48 acres, more or less; and property owned by Winifred J. Sharp and Margaret Johnson Gaddis located at 40800 Road J, Mancos consisting of 343 acres, more or less. This exemption request is to allow Sharp and Gaddis to

purchase 30 acres, more or less, from the Eppich's. The 30 acres purchased will be combined with and made a part of the 343 acre, more or less, parcel of land. The remaining Eppich property will consist of 14.28 acres, more or less, after a survey. Director Carver explained that no new tract of land shall be created by this request. Comm. Rule moved to approve Resolution P-10-12 final plat, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:

Letter from Department of Local Affairs, Division of Property Taxation regarding 2012 final county notice of valuation for State assessed properties.

Thank You letter from Community Connections, Inc.

CDOT letter on 2012 CDOT M & S standards book.

Dolores Water Conservancy District meeting and minutes.

Invitation to attend the annual meeting of the Montezuma County Historical Society.

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

MEETING ADJOURNED 5:00 p.m.

Clerk August 13, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 20, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 20, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 13, 2012 as corrected. The motion was seconded by Commissioner Rule and carried.

ROAD: Road Supervisor Dean Roundtree and Susan Carver presented an invoice for the Road K.3 improvement on work that has been completed through August 9, 2012 in the amount of \$41,825.00. (See attached) He discussed other road issues. Mr. John Rutledge asked what the County is responsible for concerning irrigation water. The County's concern is with their road. Supervisor Roundtree said the chip seal program should be completed this week.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report. He reported on the financial statement. He informed the Board of recent events saying they all went well. Manager Young talked about upcoming events. Manager Young discussed the tin bid at the Fairgrounds. Comm. Rule recused himself from this proceeding. He said Mr. Concrete was the lone bidder. Comm. Koppenhafer moved to accept the bid from Mr. Concrete & Construction Inc, for the Fairgrounds liner panels for the indoor arena on the North, South and West with the installation or 26 gauge panels in the amount of \$70,000.00, seconded by Comm. Chappell and carried. Since it was noted this was not on the agenda, this motion will be reconsidered on Monday, August 27, 2012 (See attached)

BARKING DOGS: A discussion regarding barking dogs in the unincorporated areas of the county took place at this time. Sheriff Spruell and Undersheriff Robin Cronk were present. Amending the current resolution was discussed. A public hearing will be held on December 3, 2012 at the Montezuma County Annex.

INTRODUCTION: Leroy Mariner, the assistant to the Ambassador of Samoa introduced himself to the Board. He said the Ambassador of Samoa was impressed by Cortez in his previous visit. Mr. Mariner informed the Board that the Ambassador and the Ambassador from the Republic of China will be enjoying our area during their upcoming visit.

SPECIAL EVENTS LIQUOR LICENSE: Deputy Debby Largent presented a special events liquor license for A Taste of the Seasons. She said the event is for the United Way of Southwest Colorado and will be held on November 29, 2012 at the Four Seasons Greenhouse and Nursery, Inc. Comm. Koppenhafer moved to approve the special events liquor license application for A Taste of the Seasons/United Way of Southwest Colorado, seconded by Comm. Rule and carried. (See attached)

LUNCH:

PUBLIC LANDS REPORT: James Dietrich gave the public lands report. He reported on the last PLCC meeting. He said the next meeting will be Sept. 4, 2012. He will be meeting with FEMA regarding the Weber Canyon Fire.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of an annual review of a high impact permit and special use permit number 581 regarding the permitted asphalt plant operations on property located at 39238 Hwy 160, Mancos. The permit is submitted by Eldon A., Linda L., and Andrew K. Simmons, agents are Four Corners Materials, Matt R. Carnahan. Planning Director Susan Carver presented the applications. Matt Carnahan represented Four Corners Materials regarding said permits. He explained they have had an air quality compliance test done and are awaiting the results, however, he said the preliminary results are favorable. He talked about the various projects they have been involved in. Director Carver discussed three written complaints she received with concerns with air quality and odor. Comm. Chappell opened the hearing up to public comment at this time. **Patricia Burk** said there has been an odor lately. She stated she has seen the worst and best asphalt plants and said this plant is mediocre. **Betsy Harrison** made comments similar to Patricia Burk's. She talked about start up times and said she has had some odor as well. She was of the impression the plant was to be a newer plant than this. She complemented them as to the berms and truck traffic. **Greg Kemp** echoed the previous comments. He also thought this plant would be a state of the art plant. He said there is a problem with the start up. Hearing no further comments, Comm. Chappell closed that portion. The representatives spoke to the concerns. Comm. Chappell opened the hearing up to public comment again. Hearing none, he closed that portion. After hearing all the evidence presented Comm. Rule moved to let Four Corners Materials continue with its operations and to have an annual review again in one year from this date for their Mancos operations. Motion seconded by Comm. Koppenhafer and carried. (See attached) Comm. Chappell closed this hearing.

LAND USE CODE COMPLAINT: A land use code complaint was received from Kathleen Majka on Road X. Her complaint is with Bill Barrett Corporation's operations causing damages to her home. Doug Dennison with Bill Barrett Corporation addressed her complaint and would like to have documentation on her claims.

EXPANSION OF USE: Planning Director Carver presented a notification of a proposed change in use/expansion for High impact permit number 562 Boren Storage. Said facility is located at 15511 Hwy 145, Dolores. Mr. Boren wishes to enclose a portion of the existing outdoor RV's boats, motor homes, etc storage space. He feels the expansion is less than 10 percent of the existing permitted use. Comm. Koppenhafer moved to approve the expansion of the Boren Storage facility which does not necessitate a change to high impact permit number 562 due to the expansion being less than 10% of the existing permitted use, seconded by Comm. Rule and carried. (See attached)

BROWNFIELD PRESENTATION: Mark Walker with the Colorado Brownfield Foundation gave a power point presentation about contamination cleanup. Mr. Walker explained what Brownfields is and what they do.

DISTRICT ATTORNEY Russell Wasley met to request an adjustment to his budget to be able to fund departing employee's vacation pay. He is asking to adjust his budget by allowing him to use the discovery monies in the amount of \$11,529.00 and use for personnel. This request is scheduled to be on the agenda for Monday, August 27, 2012 for further review.

ORDER: Order number 14 to transfer from the General Fund to the Public Health Fund the amount of \$500,000.00 was presented. Comm. Koppenhafer moved to approve order number 14 to transfer from the General Fund to the Public Health Fund the amount of \$500,000.00, seconded by Comm. Rule and carried. (See attached)

ACCOUNTS PAYABLE: General Fund in the amount of \$325,185.07, Road and Bridge Fund in the amount of \$115,493.39, and Landfill in the amount of \$25,492.89 for the month of July, 2012 were approved for payment.

VETERANS SERVICE: Comm. Rule moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for July/August, 2012, seconded by Comm. Koppenhafer, motion carried (See attached)

CORRESPONDENCE: The following correspondence was read, noted, and attached:

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

MEETING ADJOURNED 5:10 p.m.

Clerk August 20, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 27, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 27, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 20, 2012 as corrected. The motion was seconded by Commissioner Rule and carried.

ROAD: Road Supervisor Dean Roundtree said the chip seal program is completed. He said the gravel trucks are running around Pleasant View. He reported there was some flooding in McElmo but no road damage was done. Supervisor Roundtree updated the Board on the Haycamp gravel permit. He was informed about problems on various county roads caused by the recent rains. He talked about water lines being installed in the County right of way by individuals.

BID AWARD: The bid for the installation of liner panels for the Fairgrounds indoor arena on the North, South and West sides with the installation of 26 gauge panels from Mr. Concrete and Construction Inc. in the amount of \$70,000.00 was presented for reconsideration Comm. Rule recused himself from this proceeding. Fairgrounds Manager Tanner Young informed the Board he contacted around 7 contractors, it was advertised in the newspaper and on the County website. He said two contractors attended the mandatory walk through and only one contractor submitted a bid. Comm. Koppenhafer moved to award the contract for the installation of 26 gauge panels per the RFP to Mr. Concrete and Construction, Inc. in the amount of \$70,000.00 and to allow Fairgrounds Manager Tanner Young to sign the contract for this work, seconded by Comm. Chappell and carried.

ORDER: The following orders were presented for signature.

Order number 15 to transfer from Conservation Trust Fund to Montezuma County General Fund for the Fairgrounds Operation for January to June 2012 in the amount of \$29,592.36. Comm. Koppenhafer moved to approve Order number 15 to transfer from Conservation Trust Fund to Montezuma County General Fund for the

Fairgrounds Operation for January to June 2012 in the amount of \$29,592.36, seconded by Comm. Rule and carried. (See attached)

Order number 16 to transfer from Road Impact Fees to Montezuma County Road and Bridge Fund the amount of \$41,825.00 for the County Road K.3 improvements. Comm. Koppenhafer moved to approve order number 16 to transfer from Road Impact Fees to Montezuma County Road and Bridge Fund the amount of \$41,825.00 for the County Road K.3 improvements, seconded by Comm. Rule and carried (See attached)

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

FIREWISE OF SOUTHWEST COLORADO: Rebecca Samulski representative for Firewise of Southwest Colorado gave the annual update and requested funds. She talked about the accomplishments of the Montezuma Chapter for 2011-2012, Chapter goals for 2013, the proposed budget for Montezuma County Chapter from January – December, 2013 and she presented the budget from August 1, 2011-August 15, 2012. Ms Samulski presented a letter requesting the allocation of \$29,239.66 of Montezuma County's Title III money from the Secure Rural Schools and Community Self Determination Act of 2000. These funds are to maintain and enhance the presence of FireWise of Southwest Colorado's Montezuma County Chapter. Comm. Koppenhafer moved to grant allocation of \$29,239.66 of Montezuma County's Title III money from Secure Rural Schools and Community Self Determination Act of 2000 to FireWise of Southwest Colorado, Montezuma Chapter, seconded by Comm. Rule and carried (See attached)

EXTENSION OFFICE: Tom Hooten gave a presentation for signature of a Memorandum of Understanding between Montezuma County, Colorado and the Farmer's Market regarding the provisions of space in County owned premises and talked about the certificate of liability insurance. Comm. Rule moved to sign the Memorandum of Understanding between Montezuma County, Colorado and Farmers Market regarding provisions of space in County owned premises, seconded by Comm. Koppenhafer and carried (See attached)

BOARD OF PUBLIC HEALTH: Public Health Director Lori Cooper presented a WIC contract for signature. Director Cooper explained the contract and a couple of amendments to said contract. Comm. Koppenhafer moved to approve the contract between the State of Colorado Department of Public Health and Environment, the Montezuma County Public Health Agency, and Board of County Commissioners, Montezuma County for the WIC program, seconded by Comm. Rule and carried. (See attached)

RE-APPRAISAL PLAN: Leslie Bugg with the Assessor's Office presented for signature a re-appraisal plan for personal property of oil and gas companies in Montezuma County pursuant to the order from the State Board of Equalization. Comm. Koppenhafer moved to sign the Montezuma County Re-appraisal Plan for the Montezuma County Assessor's Office to re-appraise the oil and gas companies personal property for property tax years 2009, 2010, and 2011, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:00

PUBLIC LANDS REPORT: James Dietrich gave his public lands report. He said the next PLCC meeting is scheduled for September 4, 2012. They will discuss the list of lands for disposal. He will be looking for comments concerning oil and gas leases. Mr. Dietrich said the Rangeland Stewardship Committee will meet around the second week of September. He discussed Road 20 concerning any recorded easements on a portion of the road. Nothing has been found to date. He talked about his meeting with FEMA regarding the flood plain.

INDUSTRIAL OVERLAY DISTRICT: A discussion concerning the commercial and industrial overlay district area was held. Planning Director Susan Carver, Dennis Atwater, Tim Hunter, and Bob Clayton with the Planning and Zoning Commission met to update the Board on the current status of the Master Zoning Plan. They talked about the various phases and meetings held throughout the County. They said landowners affected by the overlay areas which would include those within the overlay and those contiguous with it, approximately 800 parcels would be noticed. (See attached)

PLANNING: Planning Director Carver presented for review and determination a change in land use on property located at 27760 Hwy. 160, Cortez. Property Manager Ken Carter informed the Board that New Country Auto Center is leasing a parcel currently know as Cowboy Town and owned by Nichols Family Revocable Trust. She said the property currently has historic zoning and commercial zoning has been requested. They will need to go through the high impact permit process. No action was taken at this time (See attached)

Director Carver informed the Board that the Dog Hotel has now come into compliance with their high impact permit number 52. Comm. Koppenhafer moved to cancel the suspension and to review high impact permit number 52 in one year. Seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;

Letter from DOLA regarding EIAF #7002 – Montezuma County Courthouse Design.

Communication from Atmos Energy about pipeline safety public awareness.

Memorandum from District Attorney Russell Wasley was received

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

MEETING ADJOURNED 3:10 p.m.

Clerk August 27, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 10, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 10, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 20, 2012 as corrected. The motion was seconded by Commissioner Rule and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of August, 2012. (See attached).

ROAD: Road Supervisor Dean Roundtree said he wants to advertise for bids to repair a portion of Road 26. He said he is waiting on paint for the striping project. Supervisor Roundtree stated Casey McClellan said he would be willing to transfer his permit on the Haycamp Gravel pit in September 2013, even so, the County will continue to pursue their own permit. Comm. Chappell informed Dean of problems on a portion of Road 16.

BOARD OF COUNTY COMMISSIONERS: The following documents were presented for approval and signature:

VETERANS SERVICE: Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for August, 2012 as presented, seconded by Comm. Rule, motion carried (See attached)

PAYROLL: General fund checks in the amount of \$390,324.17, Treasurer Fund check #62319 in the amount of \$299,112.97, Road department fund checks in the amount of \$83,752.66, Treasurer Fund check #24793 in the amount of \$72,206.36; and Landfill fund checks in the amount of \$16,541.17, Treasurer Fund check #7459 in the amount of \$14,232.03 were presented for approval for payment. Comm. Rule moved to approve the payroll for July, 2012 and to publish same, seconded by Comm. Koppenhafer and carried (See personnel payroll report attached)

TREASURER SHERRY DYESS discussed the mineral lease payments in the County.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of August, 2012. Manager Barton presented for consideration a letter of response to the Colorado Department of

Public Health and Environment. Manager Barton talked about a financial assurance letter she wishes to send to Mira Neumiller with the Financial Assurance and Data Management Unit requesting a new financial assurance update. Comm. Koppenhafer moved to send the letter to Mira Neumiller with CDPHE regarding the Montezuma County Landfill and the Carver closure, seconded by Comm. Rule and carried (See attached) **EMERGENCY MANAGER** Paul Hollar presented his monthly report. He reported on a mass causality exercise and reported that about 75 people from various entities participated. He requested a hearing be set concerning implementing certain burn rules. He explained that this would be a tracking and educational mechanism regarding individuals requesting permission to burn. He said this would help in tracking controlled fires, how many fires got out of hand and those who are not reporting burns. The current fire ban ordinance will be researched before any action is taken.

BOARD OF PUBLIC HEALTH: Cancelled.

MCELMO FLUME: Linda Towle with the Historical Society gave a report on the progress regarding the McElmo Flume and options from the assessments that were done. She made a request for Montezuma County to apply for another grant from the State Historical Fund mini grant. She stated this grant would require matching funds and she said the match could be around \$5,000.00. She will explore different options for the match. She was made aware again that there would be no local taxpayer dollars spent for this project. The grant application will be pursued further. No action taken at this time.

CSU COOPERATIVE EXTENSION Director Tom Hooten discussed the possibility of acquiring a Supplemental Nutrition Assistance Program (SNAP) educator for Montezuma County. He explained that we were too late for this year but Montezuma County qualified for the 2013 program. This program is funded though the farm bill and must be funded on a year to year basis. This position would be a State employee and funded through the SNAP program as long as the program lasts. Office space was a concern. Mr. Hooten will look into the program and its requirements further before any decision will be made.

SHERIFF SPRUELL asked the Board for a resolution saying they are against Colorado Amendment 64. This is an amendment to the State Constitution that would allow personal use and regulation of marijuana. He said if this amendment passes the criminal element will increase and he fears his department cannot control this element. The Board will consider a resolution.

JAG GRANT: Comm. Chappell signed the Justice Assistance Grant (JAG) that was previously approved. This grant deals with pretrial services. (See attached)

LUNCH: 12:40

PUBLIC LANDS: James Dietrich gave a public lands report. He said the last PLCC meeting was postponed due to the lack of a quorum. James said there are three members whose terms are expiring. He has requested letters of interest in serving be submitted. The Rangeland Stewardship Committee meeting is scheduled for September 19, 2012. He said he will be working on getting the Federal Lands website up and running.

WINE TASTING PERMIT: Deputy Debby Largent informed the Board of a wine tasting permit application that the State may issue for Pleasant View Vineyards LLC located in Pleasant View. This tasting will be conducted on private property. The State licensing authority is wanting to know if the Board has any issues with this permit. The Board has no objection to this permit for a wine tasting booth in Pleasant View. (See attached)

KATHLEEN MAJKA met to request a public hearing be held regarding a land use complaint against Bill Barrett Corporation. This matter will be reviewed on Monday Sept. 17th as to who should be noticed and a hearing date for the public hearing will be set. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached;
SW Water Conservation District and the Colorado River Water Conservation District meeting.
Notice of 111 Construction Materials Reclamation Permit Release Request consideration A&S Construction,
Mancos Hill Pit Permit No. M-2012-031.
MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer. Motion carried.
MEETING ADJOURNED 3:00 p.m.

Clerk September 10, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 17, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 17, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 10, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval.

ACCOUNTS PAYABLE: General Fund in the amount of \$261,377.27, Road and Bridge Fund in the amount of \$331,833.51, and Landfill in the amount of \$35,657.68 for the month of August, 2012 were approved for payment.

BUDGET PRESENTATIONS: The following offices presented their 2013 budget requests;

Montezuma County Sheriff Dennis Spruell, Undersheriff Robin Cronk and Wanda Martin presented their 2013 budget for the Sheriff's Office. Sheriff Spruell explained the requests in detail. He talked about a grant that helps fund jail staff that is up for renewal. He said they are applying for a court security grant that will fund at least 2 more deputies. Dispatch services were discussed.

District Attorney Russell Wasley and Kim Evanson discussed the District Attorney's budget request for 2013. District Attorney elect Will Furse was in the audience. DA Russell Wasley explained the requests in detail. He is requesting a 3% increase in personnel salaries. He talked about mandated costs, insurance and bonds and other line items. DA elect Will Furse spoke as to the 2013 budget. One of his main concerns was with the salaries. The IT services were discussed.

County Assessor Mark Vanderpool presented his 2013 budget requests. He discussed his budget line items and requested a cost of living increase of 4% for his employees. He informed the Board about the increase in his professional services line item which included a request to hire an oil and gas attorney.

County Treasurer/Public Trustee Sherry Dyess presented her 2013 budget requests. She is requesting a cost of living increase of 3% for her employees. She presented the Public Trustee budget as well.

County Clerk and Recorder Carol Tullis presented her 2013 budget requests. She requested to keep her current salary amount plus any percentage increase the County gives if any. The Election Budget was presented

for 2013, Clerk Tullis explained since she may only has one election next year which is the School District Election, and this caused the budget to decrease significantly.

LUNCH: 12:00

Comm. Rule was absent for the afternoon session.

PUBLIC LANDS: Public Lands coordinator James Dietrich gave his report. He updated the Board on the status of the Red Arrow Mine Road. Mr. Dietrich talked about issues on a portion of Road 20. He said there will be a meeting of the Rangeland Stewardship Committee Tuesday evening, September 18, 2012.

HIGH IMPACT PERMIT APPLICATION was presented for review and determination by Planning Director Susan Carver. Said application is being submitted by Colorado's Own Liquor owned by Jason and Veronica Currie. The application is for the operation of a wine, beer, and liquor outlet on property located at 26060 Hwy 160, Pleasant View. They wish to display, sell and market the associated products that are grown and/or manufactured within the state especially the region. Director Carver is requesting this application be forwarded to the Planning and Zoning Commission for review. Veronica Currie represented the application. Comm. Koppenhafer moved to forward this high impact permit application to the Planning and Zoning Commission, seconded by Comm. Chappell and carried. They were informed that the hearing for a liquor license is a different hearing. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached;
Resignation letter from Chris Cable from the Workforce Board.

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

MEETING ADJOURNED 2:15 p.m.

Clerk September 17, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 24, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 24, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 17, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval. Schedule of receipts and disbursements from August 1st through August 31, 2012 was presented. (See attached)

ORDER #17: Comm. Rule moved to approve order number 17 to transfer from the Conservation Trust Fund to the General Fund the amount of \$15,000.00 for a donation to the Town of Mancos for the construction of the Mesa Street Pedestrian Bridge, seconded by Comm. Koppenhafer and carried. (See attached)

ROAD: Chan Chaffin representative for the Lewis-Arriola Community Center updated the Board on the gravel request that was previously approved by the Board for the Community Center parking lot. He said that Kinder Morgan agreed to haul the gravel. He will coordinate the project with Road Supervisor Dean Roundtree.

Supervisor Roundtree said the Department will be doing striping this week. He informed the Board that he will have the opening of the bids for the asphalt on a portion of Road 26 ready by next Monday. County Administrator Harrison said the Town of Dolores would like to re-instate the practice of doing projects in lieu of payments from the road and bridge property taxes. The Board wants to leave it as it is. Other road problems were discussed.

RESOLUTION: Resolution number 2012-12 was presented. This resolution is opposing Ballot Amendment 64. This amendment is concerning marijuana regulations. Comm. Koppenhafer moved to approve Resolution 2012-12, seconded by Comm. Rule and carried. (See attached)

BOARD OF SOCIAL SERVICES: Cancelled

FAIRGROUNDS: Fairgrounds Manager Tanner Young presented his monthly report. He discussed the financials and said they received payment for the Weber Canyon Fire. Manager Young informed the Board of recent activities . He talked about upcoming events. (See attached)

LIQUOR LICENSE Re-application for Mary Janes at Stoner. Cancelled

COUNTY FAIR BOARD: Appointment of new Fair Board Members was discussed. Rodney Cox, Sammie Coulon and Todd King expressed interest in serving on the Fair Board. Mr. Cox also said they would like to amend the bylaws concerning attendance. Comm. Rule moved to appoint Sammie Coulon and Todd King to the Fair Board to a four year term to expire September 2016 and to appoint Rodney Cox to the Fair Board to a two year term to expire September 2014, seconded by Comm. Koppenhafer and carried.

BOARD OF PUBLIC HEALTH: Public Health Director Lori Cooper gave the quarterly update. She discussed options for long term care/single entry point, the WIC program, and the child safety seat program.

Director Cooper also updated the Board on presumptive eligibility, dental, nurse family partnership dealing with new Moms and families, health care program for children with special needs. She said the clinics for this program are being combined and the one for our area will be consolidated and will be held in LaPlata County. Director Cooper talked about emergency preparedness, young parents plus, cardiovascular program, and zoonosis programs. She said they have not had any reports of west nile virus in our area. Director Cooper has hired a nurse to fill a vacant position. The flu clinics will be done as outreach clinics this year. She said there are changes to the immunization program coming in January, 2013. Her department is doing a pilot project to bill private insurance companies for this program. Due to the increase in immunization replacement requests she would like to charge for such replacement records beginning in January, 2013 if approved.

LUNCH: 12:00

PUBLIC LANDS: James Dietrich gave his weekly report. He presented a grant application for the McElmo Flume. He said there is a cash match and the Historical committee will raise this match. Comm. Rule moved to sign the competitive fund grant in the amount of \$35,000.00 or less with a match from the Historical Fund in the amount of \$4,625.00 with no County monies being used for this match, seconded by Comm. Koppenhafer and carried.

Mr. Dietrich said BLM is asking for comments on the competitive oil and gas lease sale. James will respond. He reported on the recent Rangeland Stewardship Committee meeting. The next PLCC meeting is scheduled for Tuesday, September 25, 2012.

PLANNING: Planning Director Susan Carver said she is unable to reach Mr. Garon concerning the presentation for review and determination of a final plat for a proposed 2 lot minor development on property owned by Louis and Karen Garon. The final plat approval will have to be rescheduled for a later date and time.

CORRESPONDENCE: The following correspondence was read, noted and attached;

Petition to the State Board of Assessment Appeals for Bill Barrett Corporation and Unit Petroleum Company % KE Andrews.

Invitation from Colorado Parks & Wildlife to join them at for part of their meeting in Durango on October 4th and 5th.

2012 Montezuma County property assessment study.

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

MEETING ADJOURNED 2:45 p.m.

Clerk September 24, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 1, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 1, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 24, 2012 as corrected. The motion was seconded by Commissioner Rule and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval.

PAYROLL: General fund checks in the amount of \$374,992.98, Treasurer Fund check #62462 in the amount of \$299677.26, Road and Bridge department fund checks in the amount of \$83,479.39, Treasurer Fund check #24861 in the amount of \$72,948.13; and Landfill fund checks in the amount of \$17,077.93, Treasurer Fund check #7485 in the amount of \$14,508.57, Fredrick Zinc & Associates (Flex) #204, \$3,930.60, Aflac Group #129 \$2,430.99, Aflac #123 \$894.50, CTSI #99 \$127,000.74, Garnishment #1355-1365 \$4,271.51 and Retirement (CCOERA Great West \$77,111.24 were presented for approval and payment.

ROAD: Road Supervisor Dean Roundtree informed the Board that he received a call from a resident regarding a bridge to a private drive on a forest service road. Supervisor Roundtree will send a letter stating the Department will not comply with his request. Other road issues were discussed. The replacement doors at the Roundup shop was discussed. He said he had a call regarding a portion of Road 32 becoming rough.

BID OPENING: It being the time set aside bids was opened for the road work on a portion of Road 26. Bids were received from Four Corners Materials and Elam Construction. The bid from Four Corners Materials was in the amount of \$31,625.00 and Elam Construction was \$31,720.00. Comm. Koppenhafer moved to accept the bid from Four Corners Materials for a portion Road 26 paving for 36" of asphalt in the amount of \$31,625.00 as this being the lowest bid, seconded by Comm. Rule and carried.

EMPLOYEE HEALTH INSURANCE: The 2013 employee health insurance program was presented for review and approval. Finance Officer Amber Kingery explained the county health pool insurance rate for employee and dependent insurance stating the increase will be 8.4% for 2013. Comm. Rule moved to approve plan A for the County Health Pool rates for 2013, seconded by Comm. Koppenhafer and carried. (See attached)

BOARD OF PUBLIC HEALTH: The annual contract for County Health Department Tobacco Program with CDPHE was presented for review and approval. Comm. Rule moved to approve task order contract waiver number 154 between the State of Colorado and Board of County Commissioners for the tobacco program in the amount of \$82,876.00, seconded by Comm. Koppenhafer and carried. (See attached)

SERVICE CONTRACT POLICY: Discussion was held regarding developing a standardized county policy for service contracts, construction contracts and general purchasing. County Administrator Harrison is asking for feedback from the Board to come up with a standardized policy regarding the various categories. He wants guidance on dollar amounts before bids are required. He will work on developing these standards and return to the Board with his recommendations.

LIQUOR LICENSE: Deputy Judy Follman presented a liquor license application for Cox Conoco. The application is for Double R Liquors and she is requesting to have a public hearing date and canvass area set. She explained the location for Double R Liquors is being leased from Cox Conoco. Comm. Koppenhafer moved to set a public hearing on the Double R Liquors located at 18794 Hwy 491 for a retail liquor license for Monday, November 5, 2013 at 10:15 a.m. and to have a 1 mile radius be canvassed, seconded by Comm. Rule and carried.

AGREEMENT: An agreement with Phillip Barber for legal services related to property tax appeals was presented for review and approval. Assessor Vanderpool presented an agreement for legal services between the Board and Phillip D. Barber relating to legal services on property tax appeals especially concerning oil and gas appeals. Comm. Rule moved to approve the fee agreement between the Montezuma County Board of Commissioners and Phillip D, Barber, P. C. for the Kinder Morgan Board of Assessment Appeals hearing and budget hearings, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:00

PUBLIC LANDS: James Dietrich gave his weekly update on public lands. He talked about the PLCC meeting. He talked about the lands BLM has for disposal and which ones the County might want to acquire. Comm. Rule moved to sign the letter to Connie Clemenson, Field Manager, Tres Rios Field Office expressing support on the BLM land sales, seconded by Comm. Koppenhafer and carried (See attached)

Comm. Koppenhafer moved to adopt a resolution to repeal Resolutions 10-2010, 11-2010 and 2-2011 and to terminate the Public Lands Coordinated Commission effective immediately, seconded by Comm. Rule and carried. (See attached)

FINAL PLAT: Planning Director Susan Carver presented the final plat for a proposed 2 lot minor development on property owned by Louis and Karen Garon. Said property is located at 15160 Road 35.3, Dolores. Comm. Rule moved to approve the Garon Ranch 2 lot minor development final plat, seconded by Comm. Koppenhafer and carried. (See attached)

EXEMPTION REQUEST: Planning Director Susan Carver presented a request for an exemption, provided for under Resolution No: 2012-6 of the Montezuma County Land Use Code, section 91034 – exemptions. The property is owned by James P. and Jane M. Adair. The properties are located at 19759 Road 29.2, Dolores consisting of 29 acres, more or less, and TBD Road 29.2, Dolores consisting of 41 acres, more or less. Said request is to deed 3.71 acres of the 41 acre, more or less, parcel of land to become a part of the 39 acre, more or less parcel of land. It was explained that this request would not create an additional tract of land and the resulting acreage of both tracts will be in excess of 35 acres. James and Jane Adair was on a conference call. Comm. Rule moved to approve the preliminary exemption request for James P. and Jane M. Adair, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING DIRECTOR CARVER presented a letter from A&S Construction Co. expressing confirmation that they do not intend to proceed with the special use permits for the Robbins Ranch Property east of Mancos, Co. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached;
Letter from US Department of Interior National Park Service concerning a fire management plan.
Invitation from 4-H members and leaders of the Montezuma County 4-H program to the 2012 Achievement Program scheduled for October 13th, 2012.

MOTION TO ADJOURN was made by Comm. Chappell, seconded by Comm. Koppenhafer. Motion carried.
MEETING ADJOURNED 2:35 p.m.

Clerk October 1, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 15, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 15, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 1, 2012 as presented. The motion was seconded by Commissioner Chappell and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval.

ORDER: Comm. Koppenhafer moved to approve Order number 18 to transfer from the ETA Fund to the Road and Bridge Fund \$23,488.00 for ½ of the Jim Burton’s salary and benefits for 2012, seconded by Comm. Rule and carried. (See attached)

Schedule of Receipts and Disbursements for the month of September 1, 2012 through September 30, 2012.

VETERANS SERVICE: Comm. Rule moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for September, 2012, seconded by Comm. Chappell, motion carried (See attached)

ETA (911) AT&T # 210 \$130.70, Centurylink #209 .62 cents and #208 \$1,324.46

ACCOUNTS PAYABLE: General Fund the amount of \$357,036.85, Road and Bridge Fund the amount of \$154,552.68, and Landfill the amount of \$31,903.65 for the month of September, 2012 were approved for payment.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of September, 2012. (See attached).

ROAD: Road Supervisor Dean Roundtree said he met with CDOT regarding the construction proposed on Hwy 491/160 concerning the county road access on various roads affected. He will discuss the project with CDOT. Supervisor Roundtree said the Department was rained out on paving road 26 last Friday and that the project is being done today. He mentioned the purchase of a water truck and was advised to buy it. The 2013 budget was discussed.

CORTEZ CHAMBER OF COMMERCE: Orly Lucero, Becky Brunk, and Dena Guttridge, representatives from the Cortez Chamber of Commerce met to request use of the Montezuma County Annex as a backup plan

as a facility where phone calls can be made to promote the ballot question 3B, the question concerning the RE-1 tax increase. They stated they are able to use the First National Bank room and thanked the Board for considering the use of the annex. They talked about problems with the current high school facility.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of September, 2012. She talked about the 2013 Landfill budget and proposed rate schedule. Manager Barton said there was a fire on the working face on October 8, during lunch. They were able to put the fire out in a timely manner. (See attached)

SHELDON ZWICKER and Chester Tozer met to inform the Board of a filing by the BLM regarding water in the Yellow Jacket area. Mr. Zwicker stated he is meeting with the Board as a member of the Stewardship Committee and as an individual. The Board would like to hear more about this and wish to discuss it with the Stewardship Committee.

FAIRGROUNDS: Fairgrounds Manager Tanner Young presented the monthly report for the Fairgrounds for the month of September, 2012. He informed the Board regarding the financials, fairgrounds attendance for the year, and various events recently held. He said the Fairgrounds are coming into its slow season but told the Board of upcoming events. Manager Young mentioned various maintenance projects that are being done. He talked about the purchase of a pickup with a flatbed and snow plow attachment.

LIQUOR LICENSE: Deputy Judy Follman presented a renewal of a retail liquor license for Log Cabin Liquors located in Mancos. She was informed of a violation for sale to a person who was underage that resulted in a 5 day suspension. Comm. Rule moved to approve the application for renewal of a retail liquor license for Log Cabin Liquors, owner Ted Lawrence for the sale of malt, vinous, and spirituous liquor, seconded by Comm. Koppenhafer and carried.

EXTENSION: Extension agent Tom Hooten updated the Board on the SNAP educator. He presented a letter from Rob Bell desiring to be appointed to the Fair Board. Comm. Rule moved to appoint Rob Bell to fill the remainder of the term vacated by Kayleen Hackett that will expire September 2013, seconded by Comm. Chappell and carried (See attached) Agent Hooten said there is enough space in the Extension Office to house the SNAP (Supplemental Nutrition Assistance Program) educator. This is a CSU employee and the position will be evaluated on a year by year basis.

11:05 a.m. Comm. Koppenhafer excused himself from the meeting at this time.

CHERYL DEAN met to discuss a piece of property she purchased and is currently being rented to Red Burn Tire and the Tire business wishes to buy the property. She said the parcel is currently less than the Land Use Code provides since CDOT took a portion of the 6 acre parcel. Planning Director Carver said this could come under the Planned Unit Development criteria. Ms. Dean will research the property further.

DRAFT BUDGET: County Administrator Harrison and Finance Officer Amber Kingery gave a presentation on the 2013 draft budget. He informed the Board the public hearing on the Budget is scheduled for November 19, 2012 at 10:45 a.m. He explained the various funds.

LUNCH: 12:15

PLANNING: Planning Director Susan Carver presented an after-the-fact exemption request as submitted by Ronald and Diane Louis, et al'; Donald and Jean Milliken; and Jean Culver. Said property is located at 25028 Road 38.1, Dolores. Director Carver explained the request. She stated there are currently three separate landowners. The request is for an after-the-fact exemption be granted that would allow separate ownership of the property by all owners in proportion to their percent interest. Ronald and Diane Louis explained their request in detail. Comm. Rule moved to give preliminary approval for an after-the-fact exemption from the subdivision regulations for Ronald and Diane Louis, Donald and Jean Milliken and Jean Culver, seconded by Comm. Chappell and carried. (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 recorded for the record. The purpose of this hearing is for the review and determination of a complaint received regarding the performance standards and attached conditions of high impact permit no. 520 issued for the purpose of operating and maintaining an existing natural gas well; and high impact permit no. 623 issued for the purpose of operating a temporary natural gas processing facility on property located at 24028 Road X, Lewis. Marc Morton with the Oil and Gas Conservation Commission was on a conference call. Planning Director Susan Carver said a complaint has been received from Kathleen Matja. A notice has been sent to adjacent landowners. A statement was read into the record by Director Carver from Melvin A. Heaps.(See attached) Landowner Kathleen Matja spoke on behalf of her complaint. Jim Felton and Scot Donato spoke on behalf of Bill Barrett Corporation. Mr. Felton stated a seismic survey was completed in June 2009. He said there have not been reports of any explosions occurring by the field operators that were present in the area on the date of the alleged explosion. Comm. Chappell opened the hearing up to public comment at this time. **Art Thomas** stated he lives approximately $\frac{3}{4}$ mile west of the well site. He said he has suffered no damage of any kind from these wells. **Jerry Koskie** said he is the landowner and talked about the soil being adobe soil. He discussed movement because of the nature of the soil. He stated he has posted a no trespassing sign on his property. **Ken Gaasch** said he lives in a module home and said he notices no impacts from this activity. **Wayne Goodall** lives about a mile away from the wells and said he has no problems from the flaring of the wells. **James Melvin** said there are no adverse problems from the wells on his property and he lives closest to the wells. They have no complaints. Mike Ryan lives about $\frac{3}{4}$ of a mile from the well site and stated he has no adverse affects from the site. **Kathleen Matja** said she did file a complaint with the Oil and Gas Commission. Her complaint is with airlessness and the ground moving due to an explosion. **Marianne Koskie** said they would have felt the explosion and that there is no evidence of any such explosion. Hearing no further comments, that portion was closed. Marc Morton with the Oil and Gas Conservation Commission spoke on a conference call. He feels that from their perspective that this is a land use issue. He said they did respond to Ms. Matja's complaint. He said they were on site with an inspection report dated July 12, 2012 and found nothing that could have been caused by any explosion. (see report attached) After hearing all the evidence presented Comm. Rule moved that the evidence presented does not support the complaint and no further action will be taken on this public hearing, seconded by Comm. Chappell and carried. Comm. Chappell closed this hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held to determine a request for an extension of time. The roll was called, the public notice was read, and the proceedings were recorded for the record. The extension of time to submit the final plat for a proposed 16 lot major development is submitted by Robert and Sharon Baxstrom. Said development is located at 12210 Road 23.25, Cortez. The request is due to the economic downturn in the County. Director Carver explained the request. Robert Baxstrom spoke stating he needs more time to complete the subdivision. Comm. Chappell opened the hearing up to public comment. Hearing no comments that portion was closed. After hearing all the evidence presented, Comm. Rule moved to approve the extension of time for the 6 lot major development known as the Tularosa Properties North located at 12210 Road 23.25, Cortez, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. The purpose of the hearing is for the review and determination of an INDLZ-light industrial rezoning request as submitted by the Nichols Family Revocable Trust, agent Ken Carter. The property is located at 27760 Hwy 160, Cortez, consisting of 4.7 acres, more or less. Planning Director Susan Carver gave an overview of the request. She stated the use is light industrial in nature and the Planning and Zoning Commission recommended approval of the request. Agent Ken Carter discussed the request stating he wishes to help by zoning it as light industrial. Comm. Chappell opened the hearing to

public comment. Hearing no comments that portion was closed. After hearing the evidence presented Comm. Rule moved to approve the light industrial zoning for the Nichols Family Revocable Trust located at 27760 Hwy. 160, Cortez, seconded by Comm. Chappell and carried. This hearing was closed. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application request. The roll was called, the public notice read and the proceedings were recorded for the record. Said request is for the purpose of operating an auto sales establishment, known as New Country Auto Sales, as submitted by Nancy Ariano on property owned the Nichols Family Revocable Trust. The property is located at 27760 Hwy. 160, Cortez, consisting of 4.7 acres more or less. Planning Director Carver gave an overview of the application. Director Carver said traffic is the only threshold standard that would be exceeded. CDOT has no problem at this time concerning this use. Paul Nichols and Ken Carter represented the application. Comm. Chappell opened the hearing to public comment at this time. Hearing no comments, that portion was closed. After hearing all the evidence presented Comm. Rule moved to approve the high impact permit application for New Country Auto Sales located at 27760 Hwy 160 Cortez, seconded by Comm. Chappell and carried. Comm. Chappell closed this hearing. (See attached)

FINDINGS AND PERMIT: Comm. Rule moved to accept the findings and permit for high impact permit number 664 for New Country Auto Sales, 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 high impact permit application. The roll was called, the public notice read, and the proceedings were recorded for the record. The application is submitted by Jason and Veronica Currie for the purpose of operating a package liquor store in an existing structure that currently has a postal service area and a general mercantile business. The property is owned by Allan Bleak and located at 26060 Hwy. 491, Pleasant View. Director Carver discussed the proposed application. She said the Planning and Zoning Commission reviewed the application and recommended approval of the permit with no contingencies. Veronica Currie represented the permit application. It was stated this hearing is not the hearing for the liquor license permit. Comm. Chappell opened the hearing up to public comment. Hearing none, that portion was closed. After hearing all the evidence presented, Comm. Rule moved to approve the high impact permit for a package liquor store in Pleasant View, Co. for Jason and Veronica Currie located at 26060 Hwy 160, Pleasant View, Co. Seconded by Comm. Chappell and carried. The hearing was closed. (See attached)

FINDINGS AND PERMIT: Comm. Rule moved to approve the findings and permit for high impact permit number 663 for Jason and Veronica Currie, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Manager Susan Carver, Dennis Atwater and Tim Hunter with the Planning and Zoning Commission discussed and requested the scheduling of a public hearing for the Proposed Master Zoning plan. They gave a summary of the public meetings and recommendation made during these meetings. They talked about the status of public input and the results of the notices that were sent to landowners. Comm. Rule moved to conduct a public hearing on rezoning recommendations for October 29, 2012 at 2:00 p.m. in the Commissioner's Hearing Room, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached;

Letter from the Good Samaritan Center thanking the Board for the 2012 contribution to help buy food.

Letter from Axis Health System thanking the County for its continuing support and commitment for the operation of the Acute Treatment Unit for calendar year 2012.

Letter from Forest Service, Dolores Ranger District San Juan National Forest regarding the letter the Board sent on August 13, 2012.

CTSI regional MSHA Annual Training Classes.

Southwest Water Conservation District meeting on October 4, 2012.

Dolores Water Conservancy District meeting and minutes.

Colorado Board of Health agenda and notice of upcoming public rule-making hearings.

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

MEETING ADJOURNED 4:35 p.m.

Clerk October 1, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 22, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 22, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 15, 2012 as corrected. The motion was seconded by Commissioner Chappell and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval.

Personnel payroll for the month of September, 2012. (See attached)

ROAD: Road Supervisor Dean Roundtree said the Roundup shop work is completed and graveling is being done in that area. Dean said the pothole machine is scheduled for delivery in the next few days.

SHELDON ZWICKER with the Rangeland Stewardship Committee gave an update on the water application proposed by the BLM. He informed the Board that statements of opposition to the application are due by the end of this month. **LATER:** Comm. Rule moved to send a letter of opposition to due diligence for case number 12CW28 to the BLM and the Water Courts, seconded by Comm. Chappell and carried. (See attached)

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

SENIOR NUTRITION MONTHLY REPORT Cancelled

COUNTY TREASURER Sherry Dyess reported on the uncollectable taxes on personal property and mobile homes and requested they be cancelled. Comm. Koppenhafer moved to remove from the tax rolls of improperly assessed taxes on account numbers R11621, R990096, R990103, R990041, and R016121, and to abate the taxes, seconded by Comm. Rule and carried. Comm. Rule moved to cancel the County held tax liens for uncollectable taxes as presented and to cancel the uncollectable personal property for taxation and computer reasons, seconded by Comm. Koppenhafer and carried. (See attached)

SHERIFF Dennis Spruell met to discuss the Sullivan case. He updated the Board on the lawsuit and costs involved. Sheriff Spruell will discuss the matter with the attorney's office to negotiate a settlement with the hospital.

LIQUOR LICENSE: Clerk Deputy Judy Follman presented a new retail liquor license application for Colorado's Own Liquor LLC located in Pleasant View, Co. as submitted by Jason and Valerie Currie. She requested the radius to be canvassed and a date for public hearing. Comm. Rule moved to set a public hearing for November 19, 2012 at 11:15 am and to set a one mile radius to be canvassed for Colorado's Own Liquor LLC, seconded by Comm. Koppenhafer and carried

LUNCH: 12:00

Comm. Koppenhafer excused himself from the afternoon proceedings.

PLANNING: Planning Director Susan Carver presented for review and determination of a request for a variance to Section 5101(A)(2) of the Montezuma County Land Use Code regarding the setback requirements for residential structures from 50 feet to 20 feet, more or less. Said request is submitted by Belva Leota and Nicola N. Pierce on property located at 23205 Road S, Dolores, consisting of 12 acres, more or less. Planning Director Susan Carver explained the request. Belva and Nicola Pierce represented their application. It was stated there are currently 3 existing residential structures on the property and one of the structures is owned by their son which is an old mobile home and he wishes to replace it with a newer residential structure. Comm. Rule moved to grant the variance for Bleva and Nicola Pierce on property located at 23205 Road S., Dolores for a variance of 20' from the property line for a mobile home and for the existing storage building as long as the footprint is not exceeded, seconded by Comm. Chappell and carried. (See attached)

FINDINGS: Comm. Rule moved to approve the findings for Belva Leota and Nicola N. Pierce on property located at 23205 Road S, Dolores, PID number 5357-213-00-019, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;

Letter from Department of Local Affairs regarding the award of Gaming Impact Funds to the Montezuma County Sheriff's Public Safety in the amount of \$94,500.

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

MEETING ADJOURNED 2:10 p.m.

County Clerk October 22, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 29, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 29, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Rule moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 22, 2012 as corrected. The motion was seconded by Commissioner Koppenhafer and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval. ETA (911) Centurylink \$1,314.95

ROAD: Road Supervisor Dean Roundtree reported that Charlie Bass is retiring and there will be a breakfast for him on Tuesday. He informed the Board that the Department had two water tenders on the recent Roatcap Fire. The Department is hauling gravel this week.

2013 PROPERTY AND CASUALTY LIABILITY INSURANCE bids were opened. Attorney Slough informed the Board he no longer has ties to Wolcott Insurance. Finance Officer Amber Kingery reported on the bids received from Wolcott Insurance (Trident and Travelers) and CTSI. Wolcott Insurance agent Bentley Colbert represented the bid from Trident and Travelers along with Travelers agent, Jeff Tumbleson. Comm. Koppenhafer moved to award the bid for Montezuma County property and casualty liability insurance for 2013 to Travelers Insurance Co .not to exceed 208,888.00 with the EPLI, Cyber liability and auto physical damage at \$1000.00 deductible, seconded by Comm. Rule and carried (See attached)

SENIOR NUTRITION: Sue Fletcher and Mary Holladay presented the quarterly report. Mary Holladay reported on the transportation funding and contracts. She reported on rides requested, miles traveled and clients served. An amendment between Senior Nutrition and AAA for review and approval was presented. Comm. Rule moved to sign the addendum to the State of Colorado general funds and title III; for B, C-1, C-2 and E services in the amount of \$12,000.00 between the Montezuma County Commissioners and San Juan Area Agency on Aging for the senior services, seconded by Comm. Koppenhafer and carried (See attached)

EMERGENCY MANAGER Paul Hollar gave an update on the Roatcap Fire. He said the fire is contained. He reported on the agencies that responded and costs associated with the fire might be between \$200,000.00 and \$250,000.00.

LUNCH: 12:00

PLANNING Manager Susan Carver presented an exemption request submitted by Scott 1992 Trust, Robert J. and Susan R. Scott, Trustees. The property is located at 38890 Hwy 184, Mancos consisting of 37.2 acres, more or less, and property owned Robert J. and Susan R. Scott located at 38894 Hwy 184, Mancos consisting of 49.2 acres more or less. The exemption is being requested for the reconfiguration of the lot lines between the two properties as provided for in the Montezuma County Land Use Code, Resolution No. 2012-06 under section 9103.4. It was stated the resulting acreage for both properties will be in excess of 35 acres. Planning Director Susan Carver explained the request in detail. Bob and Sue Scott represented their application. Comm. Koppenhafer moved to approve Resolution P-12-12 on property owned by the Scott 1992 Trust located at 38890 Hwy. 184, Mancos, seconded by Comm. Rule and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. This hearing is to consider (1) rezoning recommendations for properties that are currently zoned HISTZ-historic use zone and (2) rezoning of properties within the commercial and (or) industrial zoning overlay areas. Said rezoning recommendations are based on their historic use and parcel size as per Section 3201 of the Montezuma County Land Use Code and to further implement the goals of the Montezuma County Comprehensive Plan. Dennis Atwater with the Planning and Zoning Commission discussed the zoning plan in detail. He talked about the public meeting held and responses from said meetings. He recommended adoption of the rezoning recommendations as presented. Planning Director Carver discussed the process and how landowners were noticed. Comm. Chappell opened the hearing to public comments. **James Garlinghouse** asked about how to leave his property like it is and asked about the advantages if he zones. Director Carver answered his questions. **Carol Stepe** said she has several parcels and only received two notices. Director Carver answered her questions. **Allan Maez** asked the Board not to adopt this zoning resolution. He likes the term un-zoned rather than Historical zone and does not agree with zoning of the County. **Rob Pope** asked if the zoning could be changed without his consent and who gave the County the authority to change it. He also wants to know why the county wishes to zone the county in the first place. **Gala Pock** member of the Planning and Zoning Commission said she supports zoning and asked the Board to adopt this resolution. **Greg Kemp** commended the Planning Office in bringing this plan to where it is today. He encouraged the Board to accept this plan. He talked about the economic benefit to said plan. **Ted Saunders** talked about his commercial neighbors and said this is the only time he feels he can voice his concerns with those neighbors by putting restrictions on them. **Comm. Koppenhafer** talked about the comprehensive plan. **Bob Clayton** member of the Planning and Zoning Commission said the name unzoned was changed to historic. He is employed by Kinder Morgan and he talked about the Kinder Morgan property by Mr. Saunders property saying that Kinder Morgan has not finalized the purchase of the property and said he has talked to the Saunders. He asked the Board to consider this resolution. **Comm. Chappell** answered some of the questions raised during the public comment period. **Dennis Atwater** answered other questions raised. He said the zoning could not be changed without the owner's consent. **Ruby Meredith** asked about the property she owns that is an old school house and how this would affect her property. Hearing no further public comments, that portion was closed. Director Carver explained the permit and zoning process further. She talked about the process and how the Board was kept informed. Dennis Atwater talked about non-compliant properties. Comm. Koppenhafer clarified a non-compliant parcel. Comm. Chappell opened the hearing back up to public comment. **Jerry Koskie** thanked the Planning Commission and Board for all the work and asked about costs if property use is changed. He would like to see the Board adopt this plan today. **Colleen McGeachie** spoke about a parcel she has on Hwy

491 and said the property is for sale and wanted to know how this zoning overlay would work if it is sold. **Bob Clayton** talked about misunderstanding people had about the term un-zoned. **Bud Garner** talked about zoning codes **Rob Pope** said he understands what zoning does and commented on projects brought before the Board and comments interjected by the Boards. Hearing no further comments, Comm. Chappell closed that portion. After hearing all the evidence presented Comm. Koppenhafer moved to accept the re-zoning requests listed in the two documents currently zoned as historic and to re-zone in the commercial/industrial overlay areas as requested at this time and to accept the new zoning map for Montezuma County at this time, seconded by Comm. Rule and carried. (See attached) Comm. Chappell closed this hearing.

CORRESPONDENCE: The following correspondence was read and noted;
Declaration of a local disaster emergency for the Roatcap Fire.

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

MEETING ADJOURNED 4:00 p.m.

County Clerk October 29, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 5, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 5, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 29, 2012 as presented. The motion was seconded by Commissioner Rule and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval.

PAYROLL: General fund checks in the amount of \$374,256.43, Treasurer Fund check #62625 in the amount of \$302,359.09, Road department fund checks in the amount of \$86,360.37, Treasurer Fund check #24939 in the amount of \$75,356.60; and Landfill fund checks in the amount of \$16,650.54, Treasurer Fund check #7514 in the amount of \$14,308.58 were approved for payment.

ORDER #19: Comm. Koppenhafer moved to approve Order number 19 to transfer from the Wildfire Reserve Fund to the General Fund in the amount of \$29,239.66 for 2012 funding for Firewise Council of Southwest Colorado, seconded by Comm. Rule and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree talked about the East boundary around the old National Guard Armory. He said the City of Cortez thinks they own it and Supervisor Roundtree says the County purchased that portion in 2007. The County Surveyor, Ernest Maness surveyed that portion and based on the survey, Dean asked whether he should fence that strip of land or offer to sell it to the City. The situation will be discussed with the City Manager. He talked about the water backing up on the Rutledge property and possible solutions. He was told to proceed with the project to help alleviate the problems.

UTE MOUNTAIN ROUNDUP: Slim and Sue McWilliams representing the Ute Mountain Roundup met to request the County apply for a Department of Local Affairs Grant on behalf of the Ute Mountain Roundup in order to put a roof over the grandstands. Ms. McWilliams explained the grant application would require a 50% cash match. Comm. Koppenhafer moved to apply for up to \$110,000.00 from the Conservation Trust Fund for a cash match to apply for a DOLA energy impact grant to put a roof over the Grandstands and to authorize Chairman Steve Chappell to sign the application, seconded by Comm. Rule and carried.

EMERGENCY MANAGER: Did not appear.

PUBLIC HEARING: It being the time set aside a public hearing is held to consider a retail liquor license for Double R Liquors. The roll was called, the public notice read, and the proceedings were recorded for the record. Clerk's Deputy Judy Follman presented an application for a retail liquor license for Double R Liquors, located at 18794 Hwy. 491, Lewis. She said everyone canvassed were in favor of said liquor store and that no negative comments were received. Ronda Cox represented the application. Comm. Chappell opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing all the evidence presented, Comm. Rule moved to approve a retail liquor license for Double R Liquors LLC located at 18794 Hwy. 491, Lewis, Co., seconded by Comm. Koppenhafer and carried. Comm. Chappell closed this hearing.

SHERIFF SPURELL met to discuss the Sullivan case. Sheriff Spruell said he was told the settlement could be .30 cents on the dollar to possibly settle out of court. Sheriff Spruell and Wanda Martin reported on the court security grant and the gaming impact grant they applied for. He reported that they received the full amount applied for concerning the gaming grant in the amount of \$94,500.00. They reported on the recent Roatcap fire.

SOUTHWEST MEMORIAL HOSPITAL: Kent Helwig and John Nadone with Southwest Memorial Hospital gave their quarterly update. Mr. Helwig reported they are still recruiting physicians in various medical fields and there have been 13 new physicians recruited to date. He talked about the facility needs. John Nadone gave the financial report. (See attached)

FEDERAL LANDS UPDATE: James Dietrich reported the Forest Service has put the decision regarding the Glade/Boggy Draw Travel Management Plan off until sometime in December, 2012. Mr. Dietrich updated the Board on the progress on the Red Arrow Mine Road. He said literature for an archeological assessment review is being done. He talked about other federal land issues. He discussed a letter to the State Legislature concerning the Federal Government acquiring lands without having approval from the State Legislature. Mr. Dietrich said he received a letter from the US Department of Interior, BLM, Tres Rios Field Officer concerning the preliminary environmental assessment for RM Potash Exploration Project. He said there is an opportunity to comment on potash exploration. Comm. Rule moved to sign a letter to the Dolores Public Lands Office, Bureau of Land Management in support of RM potash exploration project EA, seconded by Comm. Koppenhafer and carried. (See attached) He showed a map proposed by the San Juan Trail Riders showing a single track motorized proposal in the Glade/Boggy Drawer Travel Management Plan.

LUNCH: 12:00

COMPLAINT: A complaint was received from Shawn Wells and Danny Wilkin regarding high impact permit Number 622. The complaint deals with the performance standards of Empire Electric Association. Said complaint deals with lighting during the early morning hours due to concrete being poured. The complaint states the lights impacts the area neighbors. Scott Ehmke with Empire Electric said that there have been three pours and one more is scheduled. Shawn Wells addressed his complaint stating that on 3 separate occasions during the very early morning hour's stadium style lights were used to conduct work and the lights shown directly into his bedroom window. He feels this practice is in violation of the land use code. Scott Ehmke addressed the complaint regarding the concrete pour. He said some adjustments were made and more are planned to keep the glare away from the properties during the next pour. Shawn Wells stated he would like to see the high impact permit suspended and this complaint go back to a public hearing. A public hearing has been set for December 17, 2012 at 1:30 p.m. and all adjacent landowners will be noticed.

VARIANCE REQUEST: Planning Director Susan Carver presented for review and determination of a variance request to the setback standards as set forth in Section 5101.3 of the Montezuma County Land Use Code. The request is for a new structure located on property owned by the Lewis-Arriola Fire Protection District located at 22145 Road S, Dolores. A new structure is being proposed on the Fire District's property that will be constructed approximately 10 feet from the northern property line. The parcel is limited in size and placement of

the new structure needs to allow for a turn-around area for the trucks within the parcel boundary. Fire Chief George Deavers represented the Fire District. Comm. Rule moved to grant a variance to the setback standards for the Lewis Arriola Fire Protection District located at 22145 Road S to be 10' feet from the northern property line and to waive the road impact fees, seconded by Comm. Koppenhafer and carried (See attached)

CORRESPONDENCE: The following correspondence was read and noted;

Thank you from Montezuma County 4H coordinator.

Letter from Ed Morlan, Executive Director for Region 9 regarding the economic development district annual report.

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

MEETING ADJOURNED 2:50 p.m.

County Clerk November 5, 2012

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 19, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 19, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 5, 2012 as presented. The motion was seconded by Commissioner Rule and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval. Schedule of Receipts and Disbursements from October 1, 2012 through October 31, 2012.

ETA claim of AT&T \$107.89 and ETA claim of CenturyLink \$.31

ACCOUNTS PAYABLE: General Fund in the amount of \$353,233.92, Road and Bridge Fund in the amount of \$371,668.91, and Landfill in the amount of \$129,202.29 for the month of October, 2012 were approved for payment.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of October, 2012. (See attached).

JAMES DIETRICH informed the Board that the BLM is applying for State Trails Grant and is asking the Board for a letter of support for this grant. Comm. Rule moved to sign a letter of support for the BLM's grant application, seconded by Comm. Koppenhafer and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree reported that CDOT will only work from pavement edge to pavement edge on the project south of Cortez. The County will be responsible for the approaches on the roads involved in this project. Comm. Rule moved to use the line item monies to fix the roads involved before CDOT begins its paving project, seconded by Comm. Koppenhafer and carried. Supervisor Roundtree reported on the irrigation pipe on Road N. He told the Board that they have been in discussion with the City of Cortez regarding the land around the Guard Armory.

SHERIFF'S OFFICE: Wanda Martin with the Sheriff's Office presented the Casino contract for approval and signature. Sheriff Spruell explained the services the Sheriff's Office gives in this contract. Comm. Koppenhafer moved to sign the contract between the Ute Mountain Ute Tribe and the Montezuma County Sheriff's Office for the law enforcement Casino contract, seconded by Comm. Rule and carried. (See attached)

EXTENSION OFFICE: Tom Hooten with the Extension Office presented an MOU for the annual renewal for the use of the yellow building at the Fairgrounds by the FFA and 4-H for approval and signature. Comm. Koppenhafer moved to sign the MOU renewal between the FFA and 4-H stakeholders and Montezuma County for the use of the yellow building for storage at the Montezuma County Fairgrounds, seconded by Comm. Rule and carried.

LANDFILL: Landfill Manager Debbie Barton presented the profit and loss statement for October 2012. Manager Barton presented the proposed Landfill rate structure for calendar year 2013. Comm. Koppenhafer moved to approve the proposed landfill rate structure for calendar year 2013 as presented, seconded by Comm. Rule and carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report. He reported on the Fairgrounds income and attendance to date. He reported on recently held events and upcoming events.

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

PUBLIC HEARING: It being the time set aside a public hearing is held for the adoption of the 2013 Budget. The roll was called, the public notice read, and the proceedings were recorded for the record. Finance Officer Amber Kingery explained the budget in detail. She said an increase of 2% to salaries was the only change since the draft budget was presented. The 2% increase is due to the tax increase to employees and this increase in salary is to compensate the employee for that. Comm. Chappell opened the hearing up to public comment. Greg Kemp said he has no objection to the budget but questioned the increase to hire a full time veteran's service officer. He said there are standards required to hire an officer and said it is important that State law is followed. Hearing no further comments, that portion was closed. Mr. Kemp was informed a committee will be formed once the position is budgeted for to hire a Veteran's Officer for this area. Hearing no further comments, Comm. Chappell closed that portion. Questions with the Law Enforcement Authority budget were raised. Comm. Koppenhafer moved to continue this hearing until December 3, 2012 at 2:15 pm in order to meet with the Sheriff regarding the Law Enforcement Authority budget, seconded by Comm. Rule and carried.

SENIOR NUTRITION: A contract was presented for signature for the CDOT Division of transit and the Montezuma County Senior Services. Comm. Rule moved to approve the CDOT transit contract 13-HTR-50782 with the Montezuma County Senior Services, seconded by Comm. Koppenhafer and carried. (See contract on file at the Senior Nutrition Office)

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 in regard to a liquor license for Colorado's Own Liquor LLC. Clerk Deputy Judy Follman explained the results of the canvass saying there were 9 in support of and 4 in opposition to the license. Veronica Currie represented the application. Comm. Chappell opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the retail liquor license for Colorado's Own Liquor LLC located at 26070 Hwy. 491, Pleasant View, Co. for a retail liquor store, seconded by Comm. Rule and carried. Comm. Chappell closed this hearing at this time.

LUNCH: 12:00

PLANNING: The following items were presented:

REQUEST FOR AMENDMENT: LeeAnn Milligan with the Planning Department presented for review and determination of a request to amend an existing single lot development known as the N.M.B. Homestead Single Lot Development. This development is located at 9840 Road 39, Mancos, and consists of 10.11 acres. The request is to permit the transfer of approximately .5 acres of Neisha M. Bradshaw's property to Junior L and Jeanne Smith to be made a part of their property located at 9790 Road 39, Mancos consisting of 105 acres, more or less. It was explained that there was an incorrect survey done years ago. Mr. and Mrs. Smith find it necessary

to adjust their boundary to get back approximately .5 acres to develop their property into 35+ acre tracts of land. Comm. Rule moved to approve the 1st amended plat consisting of 105 acres by adding approximately .5 acres to the NMB Homestead Single Lot Development to correct an incorrect survey done so the tract can be split 3 ways to become 35+ acre parcels, seconded by Comm. Koppenhafer and carried (See attached)

EXEMPTION REQUEST: LeeAnn Milligan with the Planning Department presented an exemption application submitted by David L. and Tina M. Bowen. They own property located at 36380 Hwy. 160, Mancos. Said property consists of 41.4 acres, more or less. and property owned by Ted R. and Connie M. Neergaard Revocable Trust located at 38360 Hwy. 160, Mancos, consisting of 266.18 acres, more or less. This exemption request is to allow David L. and Tina M. Bowen to transfer 5.63 acres, more or less, to be combined with and made a part of the Neergaard Revocable Trust. The remaining Bowen property will consist of 35.77 acres, more or less. An exemption from the subdivision regulations for the properties is being requested as provided for in the Montezuma County Land Use Code Resolution number 2012-6. It was explained that no new tract of land would be created. Ernest Maness with Maness and Associates is the agent. Comm. Rule moved to approve Resolution P13-12 Neergaard-Bowen Exemption, seconded by Comm. Koppenhafer and carried. (See attached)

WATER WELL: Noel Boykin met to discuss a water well application through the Division of Water Resources. Mr. Boykin is wishing to drill domestic water well on a 5.6 acre parcel. He is trying to get some direction as to who he needs to contact. He was directed to talk to Marty Robbins with the Division of Water Resources.

CORRESPONDENCE: The following correspondence was read, noted and attached;

CTSI letter regarding a seminar for elected officials.

CTSI letter in reference to personnel actions relating to recent election.

State Board of Equalization notice of public hearing.

Colorado Department of Public Health and Environment public notice number. CO-11-2012

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

MEETING ADJOURNED 2:45 P.M.

County Clerk November 19, 2012

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 3, 2012**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 3, 2012 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 19, 2012 as corrected. The motion was seconded by Commissioner Chappell and carried.

ROAD: Road Supervisor Dean Roundtree reported that Grynberg Petroleum would like to work with the county in the replacement of a bridge on Road 36. The County currently has a certified bridge in the yard. Grynberg Petroleum would provide the labor for the bridge replacement.

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 public hearing is for the consideration of adopting a proposed amendment to Montezuma County Resolution NO. 1-2010 that dogs making unreasonable noise are not under control. Violations include possible fines and/or jail time. Said Public Hearing was held at the Montezuma County Annex located at 107 North Chestnut, Cortez, Co. 81321. Sherriff Spruell presented his recommendation for the passing of this amendment, stating that he receives many complaints of excessive barking from dogs but has no jurisdiction to deal with it. Commissioner Chappell opened the hearing to public comment. Public Comments were made by: **Craig Watson, Steve Davis, Elaine Beecher, Catherine Dobson, Susan House, Greg Kemp, Claudia Whitman, John Tietge**, in favor of the amendment. Public comment against the amendment were made from **Don Rainey, Rusty Hamilton, Dexter Gill, Todd King, Debra Newton, Bill Nelligan, Robert Bell** and **Aimee King**. Letters of support from **Gary** and **Cathy Kennedy** and **Zane** and **Dale Wright** were read by Administrator Harrison. Hearing no further public comments, that portion was closed.

Commissioner Koppenhafer moved to approve **Resolution NO. 2012-17** amending Resolution NO. 1-2010. Second by Commissioner Chappell, motion carried. (See attached)

LUNCH: 12:55

Planning Director Susan Carver and **Agent Susan Underwood** from Maness & Associates Inc. presented for final review and determination the final plat for a proposed 11-Lot Major Development **Mancos Ranches**, consisting of 40 acres, more or less, on property owned by Grene, LLC Agents Maness & Associates, Inc. located at 9895 Road 42, Mancos, Co. Said property is situated north of Hwy 160, south of Road 42, located in Sec. 27, T. 36N., R. 13W., N.M.P.M. Commissioner Koppenhafer moved to approve the final plat for an 11-Lot Major Development **Mancos Ranches** as presented. Second by Commissioner Chappell, motion carried. (See attached)

BUD GARNER: Presented to the Commissioners an overview of his thoughts on the Federal Government and the Forrest Service overreach regarding the closure of roads.

CONTINUED 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 public hearing is for the purpose of approving and adopting the **2013 Budget**. **Administrator Harrison** along with **Finance Officer Amber Kingery** presented four resolutions to the commissioners: **Resolution NO. 2012-13** a resolution adopting a budget for the Montezuma County, Colorado for the calendar year beginning on the first day of January 2013 and ending on the last day of December 2013, **Resolution NO. 2012-14**, a resolution levying general property taxes for the year 2012 to help defray the costs of government for Montezuma County, Colorado, for the 2013 Budget, **Resolution NO. 2012-15** a resolution levying General Property taxes for the year 2012 to help defray the costs of the law enforcement authority of Montezuma County, Colorado, for the 2013 budget, and **Resolution NO. 2012-16** a resolution to appropriate sums of money.

Commissioner Chappell opened the hearing to public comment. **Dennis Atwater** made comment as well as **Bud Garner** stating the Board and Administrator have done an excellent job in administering the Budget and recommended approval. Hearing no further public comments, that portion was closed. Commissioner Koppenhafer moved to approve and adopt the **2013 Montezuma County Budget**. Second by Commissioner Chappell, motion carried. Commissioner Koppenhafer moved to approve **Resolution NO. 2012-13** adopting the budget for Montezuma County, for the calendar year beginning the first day of January 2013 and ending the last day of December 2013 as presented. Second by Commissioner Chappell, motion carried. (See attached) Commissioner Koppenhafer moved to approve **Resolution NO. 2012-14** levying General property taxes for the year 2012 to help defray the cost of Government for the Montezuma County, Colorado, for the 2013 budget year levied tax of mills as stated of County General 10.338, Social Services 1.300, Road and Bridge 2.616 with a total County Mill Levy of 14.254 as presented. (See attached) Commissioner Koppenhafer moved to approve **Resolution NO. 2012-15** levying General Property taxes for the year 2012 to help defray the cost of the Law Enforcement Authority of Montezuma County, Colorado for the 2013 budget levied tax mills of 1.45 as presented. Second by Commissioner Chappell, motion carried. (See attached). Commissioner Koppenhafer moved to approve **Resolution NO. 2012-16** a resolution to appropriate the sums of money for all funds in the amount of \$37,758,077 as presented. Second by Commissioner Chappell, motion carried. (See attached)

Finance Officer Amber Kingery presented the 2013 Montezuma County Official Holidays for the Commissioners approval. Commissioner Koppenhafer moved to approve the list of Montezuma County Official Holidays for 2013 as presented. Second by Commissioner Chappell, motion carried. (See attached).

CORRESPONDENCE: The following correspondence was read, noted and attached;

Letter from Paul L. and Adeline Dodson Re: Roatcap Hill Fire

Letter from Southern Ute Indian Tribe/State of Colorado Environmental Commission, Re: Notice of Direct Final Rulemaking.

Colorado State Office re: Competitive Oil & Gas Lease Sale

Breakwater Agreement

Letter of support BLM Tres Rios Field Office

Commissioner Koppenhafer moved to continue the meeting to Wednesday December 5, 2012 at 6:00 p.m. to meet with Forrest Service Representatives., seconded by Comm. Chappell and carried.

MEETING CONTINUED to Wednesday December 5, 2012 at 6:00 p.m.

Those Present were:

Gerald W. Koppenhafer, Commissioner of Deeds

Kim Percell Chief Deputy Clerk

Quorum not present, no official meeting was held. Minutes were not taken. A discussion was held with Commissioner Koppenhafer and Forrest Representatives, Eric Padilla and Debby Kill.

County Clerk December 3, 2012

Chairman

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