

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 7, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 7, 2013 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 December 17, 2012 as corrected. The motion was seconded by Commissioner Rule and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval.
ETA 911 claim of Centurylink \$1,310.20

PAYROLL: General fund checks in the amount of \$399,909.04, Treasurer Fund check #63014 in the amount of \$317,999.61, Road department fund checks in the amount of \$81,254.04, Treasurer Fund check #25065 in the amount of \$69,742.57; and Landfill fund checks in the amount of \$16,633.13, Treasurer Fund check #7581 in the amount of \$14,245.18 were approved for payment.

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

ROAD: Road Supervisor Dean Roundtree reported the road crews were out Christmas Eve and Christmas day. He stated he found a couple of snow plows in Grand Junction. Dean will go look at them.

JAMES DIETRICH discussed a letter from Derek Padilla, District Ranger with the Forest Service to Mr. Liukko regarding FR567. (See attached). He talked about the Dolores Norwood road regarding a right of way. It was stated the right of way was requested at 100 foot. Mr. Dietrich reported there will be another comment period concerning the Kinder Morgan seismic project.

KIVA PRESCHOOL: Darci Hale representing the Kiva Preschool is asking to waive the use fee of the County Annex for a pizza night fundraiser for the preschool. She said they are a nonprofit entity. Comm. Rule moved to approve complimentary use of the County Annex on February 23, 2013 from 3:00 p.m. to 9:00 p.m. for a fundraiser for Kiva Preschool, seconded by Comm. Koppenhafer and carried.

CEMETERY DISTRICT: Comm. Rule moved to appoint Howard Kaime to a six year term to expire January 2019 on the Cortez Cemetery District Board, seconded by Comm. Koppenhafer and carried. (See attached)

COUNTY ADMINISTRATOR ASHTON HARRISON informed the Board that payment from the State of Colorado was received in the amount of \$52,413.24 for the Weber Fire. The total amount request by the County was \$75,272.89. (See attached)

LIQUOR LICENSE: Deputy Judy Follman presented the following liquor licenses for renewal. She presented a retail renewal for a hotel restaurant license for Sophia Lodge and Retreat Center and a retail liquor license renewal for Maverick for the sale of 3.2 beer. Comm. Koppenhafer moved to approve the renewal of a 3.2 liquor license for Maverick Inc. store located at 10223 Hwy. 491, Cortez, seconded by Comm. Rule and carried. Comm. Rule moved to approve a hotel restaurant license for Sophia Lodge and Retreat Center located at 30705 Road V.6, Dolores, seconded by Comm. Koppenhafer and carried.

PLANNING: Planning Director Susan Carver presented a request from Cheryl Dean for an amendment to Resolution P-41-81. Director Carver said no new tract would be created if the request is granted. Comm. Koppenhafer moved to approve the first amendment to Resolution P-41-81 amending two separate tracts of land located at 6817 Hwy. 160-491 owned by Cheryl Dean, seconded by Comm. Rule and carried. (See attached)

EXPANSION: Director Carver presented a request for a proposed expansion not to exceed 10% of the historic use of an existing electrical substation site on property located at 15005 Road 32, Dolores requested by Tri-State Generation and Transmission Association. Richard Chamberlain representing Tri-State Generation and Transmission Association, Inc explained the request. Comm. Rule moved to approve Tri-State Generation and Transmission Association, Inc., request to do work at a site located at 15005 Road 32, Dolores and not be required to go through the high impact permit process as 10% of the use is not exceeded and they be required to work with Road Supervisor Dean Roundtree when the work begins, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached;
Tri-State Generation & Transmission Assoc.
Goodman Point Water District local government contact

US Department of the Interior Notice of addendum no. 3
CDPHE to Matthew Bradshaw 2012 financial assurance review 49 square ventures
CDPHE 2012 SAP update and other groundwater monitoring, Montezuma County Landfill.
Board of Assessment Appeals Docket No.60166, Kinder Morgan CO2 Co. L.P V Montezuma County Board of
Commissioners regarding counsel for the County (Barber).

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.
MEETING ADJOURNED 11:00 a.m.

Clerk January 7, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 14, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday
January 14, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman
- Larry Don Suckla, Commissioner of Deeds
- County Attorney
- Ashton N. Harrison, County Administrator
- Carol Tullis, County Clerk

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of
Commissioners Montezuma County, Colorado dated January 7, 2013 as presented. The motion was seconded
by Commissioner Chappell and carried.

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

ACCOUNTS PAYABLE: General Fund in the amount of \$434,020.81, Road and Bridge Fund in the amount of \$144,183.11 and Landfill in the amount of \$48,619.91 for the month of December, 2012 were approved for payment.

ROAD: Road Supervisor Dean Roundtree reported the road crew worked this past week end. He discussed the trash pickup services for the road department. Dean talked about the portion of Road L.3 at the new Empire Electric facility. He said the County will request a right of way deed so the County can assume jurisdiction. Plowing of that portion was discussed and it was stated the County will do plowing of that portion for now. He talked about the cost involved in plowing the roads due to fuel an

FOUR STATES AG EXPO: Dusty Beals along with Dena Guttridge made a d overtime. request to serve liquor at a Business After Hours vendor's appreciation event during the Ag Expo. He stated the alcohol would be donated and there would be no charge for the alcohol. Mr. Beals said they would like to hold the event in the larger room south of the kitchen. Comm. Suckla moved to approve the request to serve liquor at the Business After Hours at the Montezuma County Fairgrounds on March 14, 2013 from 5:00 p.m. to 8:00 p.m., seconded by Comm. Chappell and carried.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of December, 2012. Manager Barton explained the end of year statistics. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report. He reported on the income for 2012 and the income for 2013. He informed the Board about the attendance, events recently held and upcoming events scheduled. (See attached)

ASSESSOR: Assessor Mark Vanderpool presented for review and approval an agreement for legal services with Nate Keever regarding the Board of Assessment Appeals. He said he had to find another attorney due to the fact Kinder Morgan objected to Attorney Phillip Barber and Mr. Barber withdrew. Assessor Vanderpool discussed the fees associated with Mr. Keever and talked about Mr. Keever's qualifications. Comm. Suckla moved to accept the legal service agreement for Nate Keever for legal services in the Kinder Morgan dispute, seconded by Comm. Chappell and carried. (See attached)

LEA AGREEMENT: An agreement for 2013 for the Law Enforcement Authority was presented. Comm. Suckla moved to approve the LEA agreement 2013-1, seconded by Comm. Chappell and carried

SHERIFF SPUELL along with Wanda Martin presented an affidavit of existing participant. Comm. Suckla moved to sign the equitable sharing agreement for the Sheriff's Office, seconded by Comm. Chappell and carried. (See attached). Sheriff Spruell updated the Board on the lawsuit with the Denver General Hospital regarding the Sullivan case.

VA OFFICER: The Board met with the local veteran organization commanders to discuss the process for hiring a new Veteran Affairs Officer. County Administrator Harrison explained the application process. Linley Leonard, Dan McCuistion and Kenneth Williams representing the VFW, DAV and the American Legion along with Bud Carriere the part-time Veteran Affairs Officer met to discuss the position.

DESIGNATION: A designation for Archuleta County Commissioner Clifford Lucero as the Chief Local Elected Official for the Southwest Sub-region Colorado Rural Workforce Consortium was discussed. Comm. Suckla moved to designate Archuleta County Commissioner Clifford Lucero as the Chief Local Elected Official for the Southwest Sub-region Colorado Rural Workforce Consortium, seconded by Comm. Chappell and carried. (See attached)

LUNCH:

CASEY MCCLELLAN met to discuss the USFS final travel rule with the Mancos/Cortez, Rico/Dolores, and the Boggy/Glade plan. He stated he was here on behalf of the Timberline Trail Riders and other motorized user groups. Derek Padilla and Deborah Kill represented the USFS. Mr. Padilla explained the travel management rule for roads and trails designated in the national forests. Mr. McClellan asked for clarification of the final rule concerning motorized cross country travel and other forest service users. Mr. McClellan talked about coordination between the USFS, local authorities and user groups. Mr. Padilla talked about the coordination efforts made with user groups. Bill Howell talked about the Federal Government's authority in dealing with federal lands.

BOGGY/GLADE: James Dietrich presented a draft appeal letter of the Boggy/Glade Travel Management Plan for review. A letter will be forthcoming.

PLANNING AND ZONING member letters of interest was presented for review and consideration. Planning Director Susan Carver talked about the number of members and those terms that are expiring. She said a public notice was published in the local paper. She stated Dennis Potteroff declined to be reappointed. Letters of interest to be considered were from Gala Pock, Danny Wilkin, Kelly Belt, Orly Lucero, and John Hernandez. Comm. Suckla moved to appoint Kelly Belt to a three year term expiring Dec. 2015 and to re-appoint Gala Pock to her second three year term to expire Dec. 2015. Seconded by Comm. Ertel and carried. (See attached)

RESOLUTION 2012-4 designating the location of posted agendas was presented for affirmation. Comm. Ertel moved to reaffirm Resolution 2012-4 to designate the location of the posted agendas for 2013, seconded by Comm. Suckla and carried. (See attached)

LEGAL PUBLICATIONS: Comm. Suckla moved to approve the Cortez Journal as the newspaper of record, seconded by Comm. Ertel and carried.

APPOINTMENTS: The following 2013 office appoints were done.

COMMISSIONERS:

Comm. Suckla moved to appoint Comm. Chappell as Chairman of the BOCC, seconded by Comm. Ertel and carried.

Comm. Suckla moved to appoint Comm. Ertel as Vice-Chair.

Comm. Chappell moved to appoint Comm. Suckla as Commissioner of Deeds, seconded by Comm. Ertel and carried.

REGION 9 Economic Development Board: Comm. Suckla moved to appoint Comm. Chappell to the Region 9 Economic Development Board and appoint Comm. Ertel as alternate, seconded by Comm. Ertel and carried.

AREA AGENCY ON AGING: Comm. Suckla moved to appoint County Administrator Harrison to the Area Agency on Aging, seconded by Comm. Ertel and carried.

SOUTHWEST Regional Transportation Committee: Comm. Suckla moved to appoint Comm. Suckla to the Southwest TPR Board and to appoint Comm. Ertel as alternate, seconded by Comm. Ertel and carried.

PUBLIC HEALTH OFFICER: Comm. Ertel moved to appoint Dr. Kent Aikin as the public health officer, seconded by Comm. Suckla and carried.

PUBLIC HEALTH DIRECTOR: Comm. Ertel moved to appoint Lori Cooper as the public health director, seconded by Comm. Suckla and carried.

ROAD AND BRIDGE SUPERVISOR: Comm. Suckla moved to appoint Dean Roundtree as the Road and Bridge Supervisor, seconded by Comm. Ertel and carried.

SOCIAL SERVICES DIRECTOR: Comm. Ertel moved to appoint Dennis Story as the Social Services Director, seconded by Comm. Suckla and carried.

COUNTY ATTORNEY: Comm. Ertel moved to seek new council for the Board of County Commissioners and not re-appoint Attorney Slough, but to leave it to the discretion of Attorney Slough to remain as the attorney for Social Services, seconded by Comm. Chappell and carried. Commissioners Ertel and Chappell voted aye, Comm. Suckla voted nay, motion carried.

Comm. Suckla moved to direct County Administration Harrison to advertise for a staff attorney, seconded by Comm. Ertel and carried.

COUNTY ADMINISTRATOR/BUDGET OFFICER: Comm. Ertel moved to appoint Ashton Harrison as the County Administrator/Budget Officer, seconded by Comm. Suckla and carried.

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

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 4:30 p.m.

County Clerk January 14, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 18, 2013**

COUNTY OF MONTEZUMA)

At special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Friday January 18, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman -ABSENT
 Keenan G. Ertel, Vice-Chairman
 Larry Don Suckla, Commissioner of Deeds
 County Attorney
 Ashton N. Harrison, County Administrator
 Carol Tullis, County Clerk

FAIRGROUNDS: The Board of County Commissioners met at the Montezuma County Fairgrounds for a work session on Thursday, January 17, 2013.

KEENAN G. ERTER, Vice Chairman, opened this meeting with the Pledge of Allegiance.

BOARD OF SOCIAL SERVICES:

SOCIAL SERVICES ATTORNEY: The Board of Social Services met to review and approve an agreement for County attorney services limited to Social Services. Comm. Suckla moved to appoint **Dennis Golbricht** to provide a contract for legal services on a temporary basis limited to Social Services dependency and neglect matters, seconded by Comm. Ertel and carried. (See attached)

SENIOR SERVICES: The Board of County Commissioners held a work session with the Montezuma County Senior Services and Montezuma County Transportation at 11:00 a.m.
 Motion to adjourn was made by Comm. Suckla, seconded by Comm. Ertel and carried.
 Meeting adjourned 11:00 a.m.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 11:00 a.m.

 County Clerk January 18, 2013

 Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
 MONTEZUMA COUNTY, COLORADO
 January 23, 2013**

COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Wednesday January 23, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman -ABSENT

Keenan G. Ertel, Vice-Chairman

Larry Don Suckla, Commissioner of Deeds

County Attorney

Ashton N. Harrison, County Administrator

Carol Tullis, County Clerk

Vice-Chairman Keenan Ertel opened the meeting with the Pledge of Allegiance.

JAMES DIETRICH explained the rule regarding the Bogy/Glade Travel Management Plan. He gave an overview of various points addressed in the appeal letter. In a second letter of appeal he talked about other areas of interest regarding the law. Comm. Ertel opened the meeting up to public comment. **Dolores Town Manager Ryan Mahoney** talked about the Town's involvement. He talked about trails involved and about the economic impacts on the Town of Dolores. He mentioned the diversity of the plan in regards to a wide variety of user groups. Mr. Mahoney feels that by moving forward with the letter it would delay the baseline in the Town's economic plan. **David Dove** said he is a mountain biker, horse rider, and motorcycle rider and his concern is with the lack of trails in the plan and he said there needs to be a balanced approach. He is in favor of sending the letter. He would like to see more uses available in the forest not less. **Dennis Atwater** said he is representing the Colorado Public Land Coalition. He said this is a flawed process and stated the Forest Service needs to coordinate with the County governments. He feels the coordination efforts were not done. He talked about a few violations in the plans. He said for one NEPA (National Environment Protection Act) was left out, the misuse of the fonzi rule, and big game retrieval portion. Mr. Atwater wants to see the comments made be listed by reference. He mentioned RS2477 roads as being a Congressional grant and the Forest Service cannot take that away. Mr. Atwater said the roads and trails belong to the people. **Shawn Gregory** has concerns regarding the trails designated for mountain biking and would like to see more trails and feels like the mountain bikers hasn't been a voice in this debate. He said the mountain bike community builds and maintains a lot of their trails. **Dave Dove** agreed that there needs to be more trails. He would like to see mentioned in the letter to forbid the destruction work to close the roads. **Jeff Pope** talked about the Town of Dolores' efforts to advocate for trails and he discussed the issue of property rights. **Casey McClellan** said he is also a member of the Colorado Public Lands Coalition and is member of a motorized user group. He wants a fair, non-preferential, and balanced use of public lands. He feels there are problems with this environmental assessment plan. **Dexter Gill** said this Commission represents the residents and economic concerns in this County and said the Forest Service has disregarded the County Commissioners in this Travel Management Plan. He stated that coordination is necessary and has not happened. Mr. Gill said these user groups can all be accommodated. He wants to see the process stopped and begin with the process being coordinated with all users. **Bob Wright** talked about the

various uses on the trails saying right now everything is compatible. He would like to see multiuse trails. **Dennis Atwater** mentioned being good stewards of the land and the need to respect the users He has seen mismanagement of the public lands over the years and this affects the economy.

Break: Comm. Ertel called for a 15 break at 9:35 a.m.

Comm. Ertel reconvened the meeting at 9:50 a.m.

Dani Gregory thanked the Board for hearing their concerns. She talked about the various plans the mountain bike groups have worked on and wants the Board to be prepared to see the appeal through to the end and to appeal to the Forest Service to act in an expedient manner. She would like to see the non-motorized trails spelled out in a 2006 plan for the Boggy Glade area kept intact. She talked about coordination efforts done in other areas working well and would like to see that here **John Chmelier** said there needs to be a place for motorized use but the use should be compatible with other uses. **Curtis Cowan** being a motorcycle rider stated mountain bike trails are not compatible for motorcycles and wishes for motorized riders to be represented as well. He wants the entire forest service plan be rejected. **Dave Dove** talked about the archeological sites throughout the County being destroyed.

Comm. Ertel moved to continue this meeting until January 24, 2013, at 8:00 a.m. Seconded by Comm. Suckla and carried.

MEETING ENDED 10:10 a.m.

County Clerk January 23, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 24, 2013**

COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Thursday, January 24, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman -ABSENT
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds
County Attorney
Ashton N. Harrison, County Administrator
Carol Tullis, County Clerk

Vice-Chairman Keenan Ertel opened the meeting with the Pledge of Allegiance.

This is a continuation of the special meeting of the January 23, 2013 meeting.

Dennis Giesler said the various user groups are not fighting among themselves but each group wishes to utilize the area and the Board of Commissioners represent the people. He said the Board have the groups support.

Curtis Cowan wants the entire Travel Management Plan thrown out. He wants to see the Forest Service go back to the F areas like it used to be. **Dave Dove** stated he agrees with Mr. Giesler in supporting the Board.

He said we need to stand up to the Federal Government and not just roll over. **Dennis Atwater** agreed with the previous speakers. He said he too wants to go back to the A1 alternative. He discussed a couple of legal cases out of California. He talked about the coordination process between the entities which was not followed properly. He suggests the appeal process proceed as it must and the law needs to be adhered to. **Casey McClellan**

he said we need to keep the bigger picture in mind and not just the small goals. He said there are a lot of problems with the EA. **Dave Dove** wishes to consider laying the ground work for legal representation.

Comm. Ertel explained the content of the draft appeal letter. He expressed his gratitude for the comments made and all the input given. **Shon Reim** stated the Federal Government is very good at taking people's land by dividing the public pitting one against the other. **Dennis Atwater** mentioned the coordination issue and talked about the impacts being major impacts and not a statement of no significant impact. **Casey McClellan** mentioned the direction of the EA being a draft plan and emphasize that fact. **Kyle Cruzan** stated he would like

to see some sort of plan regarding road closure. **Dean Matthews** said these lands belong to the people and there is plenty of room for everyone and wishes to let them know there is no need to change it. **George Eichner** wants all to get along and for the Board to stand up and fight. **John Anderson** said the motorized users are already limited and he doesn't want to lose any more trails. He wants to go back to the way it was. **Ron Butt** said there have been a lot of problems since this started and common sense has been thrown out. He said there has become a lot of vandalism like signage being destroyed and gates being torn down. **George Eichner** expressed other concerns he has. **Dennis Atwater** said the plan is designed to fail and he talked about the impact to the Town of Dolores. He said we have to demand the Forest Service follow the law. **Comm. Ertel** said due to the increase in user population the users need to become good stewards of the lands which could help the relationship with the Forest Service.

Comm. Suckla moved to accept the appeal letter on the Boggy/Glade decision notice and finding of no significant impact and to send copies of the appeal letter to Connie Clementson, Mark Stiles, and Derek Padilla, seconded by Comm. Ertel and carried. (See attached)

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 8:55 a.m.

County Clerk January 24, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 28, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 28, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds
 County Attorney
Ashton N. Harrison, County Administrator
Carol Tullis, County Clerk

COMM. CHAPPELL opened the meeting with the Pledge of Allegiance.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval.
Schedule of Receipts and Disbursements from 12-1-12 through 12-31-12. (See attached)

ORDER: Comm. Ertel moved to approve order #1 to transfer from the General Fund to the LEA Fund for overpayment in 2012, \$15,617.47, seconded by Comm. Suckla and carried. (See attached)

Personal Payroll for 11-1-12 through 11-30- 12.

COMM. SUCKLA moved to approve the schedule of receipts and disbursements for the 6 month period from July 1, 2012 through December 31, 2012, seconded by Comm. Ertel and carried (See attached)

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

ROAD: Road Supervisor Dean Roundtree presented the proposed 2013 road priority plan for the County. He informed the Board that the deed has been completed from the Bureau of Reclamation on Road 23 and Hwy. 184. Supervisor Roundtree explained the priority plan in detail. Comm. Suckla moved to accept Montezuma County's 2013 road plan, seconded by Comm. Ertel and carried. (See attached) He said the Department is unable to plow snow on some county roads due to the condition of the road. **Ryan Mahoney**, Town of Dolores Manager asked the County Road Department to chip seal two blocks of road in the Town. Mr. Mahoney said the Town would do all the prep work if the County would do the chip seal work. An agreement would be required before the County would do the work. He discussed the Hay Camp Pit permit and the process of getting the permit returned to the County. Supervisor Roundtree said the permit is currently held in the name of Four States Ag. **Derek Padilla** with the Forest Service discussed the Red Arrow Mine Road. He said the owner of the mine refuses to put up the \$10,000.00 performance bond and Mr. Padilla is asking if the County would be willing to be responsible for the performance bond and accept the condition of said road since the Forest Service is turning jurisdiction of the road to the County. The Board will look at some type of agreement at a later date. No action was taken today.

CORTEZ CEMETERY: A letter of interest in serving as a director on the Cortez Cemetery District Board was received from **Jim Bridgewater**. Comm. Suckla moved to appoint Jim Bridgewater to the Cortez Cemetery District Board of Directors with a term to expire Jan. 2019, seconded by Comm. Ertel and carried.

FEDERAL AGENCIES: **Derek Padilla, Marietta Eaton and Connie Clemensen** representing the Forest Service, BLM, and Canyon of the Ancients National Monument discussed establishing periodic meetings with the Board. A monthly meeting was discussed with field trips scheduled as needed. It was decided to meet every third Monday at 10:00 a.m. unless a holiday occurs then it would be on the following Tuesday. Marietta Eaton informed the Board of an upcoming Forest and Wildlife meeting regarding the habitat of the Gunnison Sage Grouse for Thursday January 31, 2013 in Dolores County. Derek Padilla with the Forest Service mentioned part of the appeal process is to schedule meetings for informal resolution of the appeal with the deciding officer. Connie Clemensen stated they are looking forward to working with the Rangeland Stewardship Committee.

ASSESSOR: **Assessor Mark Vanderpool** met to review and approve the Colorado Parks and Wildlife Payment-In-Lieu- of Taxes. Comm. Ertel moved to authorize the Chairman, Steve Chappell to sign the Colorado Parks and Wildlife Payment In-Lieu- of Taxes in the amount of \$786.13, seconded by Comm. Suckla and carried. (See attached)

RAC APPOINTMENT: Comm. Ertel moved to appoint Comm. Larry Don Suckla to serve on the Resource Advisory Committee (CO RRAC), 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**

RESOLUTION: Comm. Ertel moved to adopt **Resolution 2013-1** to appoint **Dennis Golbricht** as special County Attorney for Montezuma County, Montezuma County Board of County Commissioners, Montezuma

Board of Social Services, and Montezuma Department of Social Services for dependency and neglect matters, seconded by Comm. Suckla and carried. (See attached)

VETERAN'S AFFAIRS: The Board met with the local VA commanders regarding the VA officer position. **Linley Leonard, Ken Williams, John Shriner, and Dan McCustian** met to offer their assistance in the selection process. A response letter was presented. (See attached)

DISTRICT ATTORNEY: DA Office Administrator, **Clarisa Folsom** met to request quarterly financial disbursements. It was suggested the BOCC receive a copy of the DA's Office audit. Comm. Ertel made a motion to grant the 22nd Judicial District Attorney the option to receive the monies budgeted on a quarterly basis rather than monthly, seconded by Comm. Suckla and carried. (See attached)

INTERVIEWS: **County Administrator Ashton Harrison** discussed scheduling interviews with architects for the potential renovation of the County Courthouse.

LUNCH: 12:00

LEGAL SERVICES: A retention agreement for interim legal services with Goldman, Robbins, and Nicholson, attorneys at law was presented for review and approval. **Jeff Robbins and Michael Goldman** introduced themselves and their Firm and gave an overview of their experience. Comm. Suckla moved to have Goldman, Robbins, and Nicholson, Attorneys at Law as temporary council to the Board of County Commissioners, seconded by Comm. Ertel and carried. (See attached)

PLANNING: Planning Director Susan Carver presented for review and determination of a request made by **Thomas Boone**. Mr. Boone wishes to add a third residential use structure in the form of a studio to property located at 14124 Road 35.9, Mancos. Residential uses as defined in the land use code were discussed. An option for Mr. Boone would be to adjust the common lot lines. (See attached)

BOARD OF HEALTH: An amendment number 04 to a contract between Colorado Department of Health Care Policy and Financing and Montezuma County Health Department was presented for review and approval. Comm. Ertel moved to grant the contract amendment number 4 for the Department of Health policy and financing, seconded by Comm. Suckla and carried. (See attached)

CERTIFICATION OF COMPLIANCE: Certification of Compliance 29-29-103 CRS was presented for review and approval. This certification is for cooperation with the federal officials regarding immigration status. Comm. Suckla moved to approve the certification of compliance 29-29-103 CRS for cooperation with the federal officials regarding immigration status, seconded by Comm. Ertel and carried. (See attached)

JAMES DIETRICH reminded the Board that the comment period for the **Kinder Morgan** 3D seismic project is ending on February 3, 2013. Comm. Ertel moved to send a letter of support for Kinder Morgan on their 3D seismic proposal be sent to **Robert Garrigues**, Project Manager, Dolores Public Lands, seconded by Comm. Suckla and carried. (See attached)

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

U.S. Department of the Interior Notice of Addendum 4.

Energy Forum and Expo Co for February 22, 2013.

CDPHE letter regarding the proposed alternative final cover system design.

Club 20 e-mail for 2013 winter policy committee schedule.

Southwest Colorado Canyons Alliance.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED. 2:55 p.m.

County Clerk January 28, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 4, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 4, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
 Keenan G. Ertel, Vice-Chairman
 Larry Don Suckla, Commissioner of Deeds
 Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney
 Ashton N. Harrison, County Administrator
 Carol Tullis, County Clerk

COMM. CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 28, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval.
 No expenditures submitted.

PUBLIC COMMENT SESSION: **Greg Kemp** commented there is no U.S. flag flown at the Road Department on Hwy 145.

ROAD: Supervisor Roundtree gave a report on the road impact fees collected and used. (See attached) Problems with portions of Road 26 at Road R, problems with water pooling on Road 16 and other roads were discussed. Discussed the status of the Red Arrow Mine Road. Comm. Ertel moved to have Jim Dietrich and Attorney Jeff Robbins formulate a disclaimer to a letter to Derek Padilla with the Dolores Forest Service in the regulations and reticence into entering into any agreement, seconded by Comm. Suckla and carried. Mr. Dietrich informed the Board of work to a 1986 memorandum of understanding for the Weber Canyon Road with the BLM regarding roads and maintenance of said roads. He said there are some citizens wishing to look into the current MOU. Road Supervisor Dean Roundtree along with GIS specialist Doug Roth presented for review and signature the HUTF (Highway Users Tax Fund). Mr. Roth explained the report in detail. Comm. Suckla moved to approve the 2013 road map changes to the HUTF report for Montezuma County, seconded by Comm. Ertel and carried. (See attached)

TPR REPRESENTATIVE: Comm. Suckla moved to switch the TRP representative to Comm. Keenan Ertel with Comm. Larry Don Suckla as alternate, seconded by Comm. Ertel and carried.

LIQUOR LICENSE: Clerk's Deputies Lynn Dorenkamp and Brandon Vialpando presented liquor license renewals for G Whil Liquors and Smitty's Liquors. Comm. Ertel moved to approve the application for G Whil Liquors at 24001 Road G.2, seconded by Comm. Suckla and carried. Comm. Suckla moved to approve the liquor license for Smitty's Liquor for 2013, seconded by Comm. Ertel and carried.

SOUTHWEST HEALTH SYSTEMS: Kent Helwig and John Nadone presented the quarterly report for Southwest Health Systems (Southwest Memorial Hospital). Mr. Nadone explained the balance sheet and the monthly operating report. (See attached)

SAN JUAN BASIN AAA: Cancelled.

SENIOR TRANSPORTATION: Mary Holiday with Senior Services presented a CDOT contract for review and signature. Comm. Ertel moved to execute an order to allow Montezuma County Senior Services to purchase a 2013 automobile, seconded by Comm. Suckla and carried. (See attached)

SHERIFF OFFICE: Undersheriff Robin Cronk and Wanda Martin presented for review and signature a contract with the Town of Dolores for law enforcement services for 2013. Undersheriff Cronk explained the contract in detail stating nothing has changed. Comm. Suckla moved to sign the Town of Dolores Resolution number 336-2013 series law enforcement contract with the Town of Dolores, seconded by Comm. Ertel and carried. (See attached)

COUNTY ADMINISTRATOR: County Administrator Ashton Harrison along with Social Service Director Dennis Story discussed County representation for dependency and neglect cases and child support enforcement cases. It was explained the docket has been postponed for February until March. Comm. Ertel moved to have Mr. Story and County Administrator Harrison check with Linda Boulder to see if she would agree to serve as the Social Service attorney on an interim basis and if she is not interested to look at the County Attorney to fill in until an attorney can be hired, seconded by Comm. Suckla and carried. Administrator Harrison informed the Board that beginning February 25th, they will be receiving advanced packets and in order to get on the agenda the deadline is changed to Wednesday at noon prior to the Monday meeting. He talked about updating the County web site and discussed the upcoming interviews for the architects. He informed the Board concerning Ennovate tax credits.

COUNTY ATTORNEY: Mr. Robbins has no report at this time.

COUNTY COMMISSIONERS: Reported on the meeting with Dolores County concerning the Sage Grouse being an endangered species, and the economic impacts involved. They talked about the Forest Service Travel Management Plan among other concerns of interest. Comm. Chappell wished to congratulate Bob Clayton with Kinder Morgan in their hiring efforts to hire area young people to work for Kinder Morgan.

JAMES DIETRICH reported on a conversation with Craig Luikko concerning general liability insurance in regards to the use and maintenance of the Red Arrow Mine Road. Mr. Luikko stated he could not afford such insurance. Mr. Dietrich informed the Board of a comment period for a project the Forest Service is implementing for an aspen, aspen -conifer mix on FS road 556 north of Mancos. Comm. Suckla moved to sign a letter regarding the Burnt Ridge Aspen Management Project, seconded with conditions listed by Comm. Ertel and carried. (See attached) Mr. Dietrich talked about the flood plain insurance issue.

LUNCH : 12:20

Board was introduced to various office staff and informed on what each office deals with.

CORRESPONDENCE: The following correspondence was read, noted and attached:
U.S. Department of Interior in reply to West Dolores Rim Fuels E.A.

Kelly R. McCabe, P.C. regarding Haycamp Gravel Permit/Four Corners Materials/ Permit No. M-1990-025.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED. 2:10 p.m.

County Clerk February 4, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 11, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 11, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds
Michael Goldman, Goldman, Robbins, & Nicholson, P.C., County Attorney
Ashton N. Harrison, County Administrator
Carol Tullis, County Clerk

COMM. CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 4, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval. No expenditures were submitted.

PUBLIC COMMENT SESSION: **Greg Kemp** talked about fire bans regarding agricultural lands. He said there is a law concerning such ban. Mr. Kemp said he has spoken to Senator Ellen Roberts and Representative Don Coram about the law. **Dale Wilson**, Treasurer of the DAV asked the question about how much input they will have during the hiring process for a Veterans Officer and asked why the part-time position was not being advertised for. He was told that the only position advertised was for the full time position as that position is appointed. They would like to have a say in who is hired.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January, 2013. (See attached).

JAMES DIETRICH: discussed the Red Arrow Mine Road and what the County options are. The Board was informed **Mr. Craig Luikko** obtained the general liability insurance that was requested. (See attached) It was decided to have James Dietrich write a letter.

ROAD: Supervisor Roundtree was informed of a complaint concerning the removal of dead animals. He stated the Department doesn't usually remove such animals but if the animal is in the roads they would removed them from the road. Supervisor Roundtree said there will be an opening coming soon in the Mancos District on the maintenance crew. The position will be advertised. He was complimented on how well the Department did blading the area roads with this latest storm.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of January, 2013. She discussed payment from Kinder Morgan without the finance charges. Manager Barton explained the statement in detail. She presented a draft intergovernmental agreement for biosolids composting between The Cortez Sanitation District and Montezuma County. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the Fairgrounds monthly report. He gave the income report, attendance, events recently held, and upcoming events. He talked about routine maintenance.

BRIDGE SHELTER: M.B. McAfee along with Roy Lane, Cortez Police Chief, discussed the operations and budgeting for the Bridge Emergency Shelter. Ms. McAfee requested the Board's support in hiring an executive director asking for \$25,000.00 annually beginning in 2014. She explained the City of Cortez has budgeted for this amount for 2014. She talked about the budget and the day labor center. The Board was informed about various grants the Shelter has received and support from other agencies. Audience members expressed their views about the Shelter. (See attached)

FIREWISE: Rebecca Samulski representing Firewise of Southwest Colorado updated the Board. She gave a power point presentation. Ms. Samulski reviewed the accomplishments in 2012. She talked about various events and workshops scheduled for 2013.

WINE TASTING: Elizabeth O'Hara Bleak with Pleasant View Vineyards met to request permission for wine sales at the Cortez Farmer's Market. She said she has her permission letter from the City of Cortez. She explained she has the required insurance in place. She said she would also like to have a wine tasting booth at the upcoming Ag-Expo. Comm. Suckla moved to approve wine sales at the Farmer's Market from June 1, 2013 through October 31, 2013 with no wine tasting available, seconded by Comm. Ertel and carried.

LUNCH: 12:00

PLANNING: Planning Director Susan Carver presented for review and determination of any permit requirement(s) for the construction and operations of a temporary LITE site communications tower that consists of an 80 foot tower, metal pads, concrete ballast, and radio cabinets. Said request is submitted by Verizon Wireless and their agents, Black and Veatch Corporation-Jeff Sherer. It was explained this is not a proposal for a permanent site. The representative explained that once a permanent tower is permitted at another location in the immediate area, within a year, this LITE site communications tower will be removed from the property. The proposed LITE site facility is to be located on the Dolores School District's bus garage property located at 17631 Hwy. 145, Dolores. Director Carver explained the request in detail. She stated the existing uses on the property do not exceed 10 percent of the existing land use(s) on this property. She also said evidence of a lease agreement with the School District has been submitted. Jeff Sherer with Black & Veatch Corp. was on a conference call. Comm. Ertel moved to grant Verizon Wireless a temporary site permit for a temporary tower at the Dolores School District Bus Garage for a 12 month period from today (Feb. 11, 2013), seconded by Comm. Suckla and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held to determine a request for an extension of time. The roll was called, the public notice was read, and the proceedings were recorded for the record. This request for an extension of time to submit a final plat for a proposed Single Lot Development consists of 4 acres, more or less, from a 54 acre, more or less, tract of land as requested by **Ronnie and Rachel Hurst**. The property is located at 31251 Hwy. 184, Dolores. Director Carver said the applicant is requesting a three year extension of the established vested rights. Ronnie Hurst represented the request stating he needs more time to complete the infrastructure requirements. Comm. Chappell opened the hearing up to public comment, hearing none, that portion was closed. After hearing all the evidence presented, Comm. Suckla moved to grant a three year extension to Ronnie and Rachel Hurst on property located at 31251 Hwy 184, Dolores, seconded by Comm. Ertel and carried. (See attached)

COUNTY ADMINISTRATOR; County Administrator Ashton Harrison discussed having an energy audit. He informed the Board of a Cortez Chamber of Commerce breakfast on March 7, 2013. Comm. Ertel will attend. Administrator Harrison reminded the Board of upcoming meetings.

COUNTY ATTORNEY: Nothing to report at this time.

COUNTY COMMISSIONERS: Stated recently attended meetings went well.

JAMES DIETRICH presented a letter to the Forest Service regarding the Red Arrow Mine Road. Comm. Suckla moved to send a letter to Mr. Derek Padilla with the Dolores District Ranger Office to transfer the FR 567 road (Red Arrow Mine Road) to Montezuma County with rights reserved for further RS2477 potential claims, seconded by Comm. Ertel and carried. (See attached) Mr. Dietrich discussed a BLM grant available that would be useful for transportation needs. He said this grant could be used to upgrade parking facilities at area sites like on Road G. He will continue to pursue this issue. Mr. Dietrich informed the Board that the BLM is seeking membership on the Southwest RAC (Resource Advisory Council). He presented another letter to Kinder Morgan concerning their practice of hiring local residents. Comm. Ertel moved to send a letter to the President of Kinder Morgan in Houston and Coy Bryant regarding the hiring practices of Kinder Morgan, seconded by Comm. Suckla and carried. (See attached) He informed the Board of various upcoming meetings.

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

No correspondence submitted.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED. 3:00 p.m.

County Clerk February 11, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 19, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 19, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds
Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney
Ashton N. Harrison, County Administrator
Kim Percell, Chief Deputy Clerk

COMM. CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 11, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval. Order Number 2-13 transfer from Road Impact Fees to Road Fund \$45,280.00 for K.3 Road improvements. Commissioner Suckla moved to approve Order No. 2-13 as presented. Second by Commissioner Ertel, and carried.

PUBLIC COMMENT SESSION: **Dennis Atwater** gave the Commissioners an update on the Appeals process that the Citizens group was working on. He reported that Casey McClellan would be going to Washington DC to hand deliver the appeals created, and to ask for a Congressional investigation for the Dolores and Montezuma Counties and to request the Federal Lands stop the illegal actions. **Greg Kempf** met with the Commissioners to give them an update on a conversation he had with Representative Ellen Roberts regarding the Fire Ban exemption for Agriculture Land. **Robert Valencia** and **Robert Sanders** held a discussion with the Commissioners regarding the hiring of the full and part time Veterans Administration positions stating that they felt the local Commanders should have some input in the selection. Administrator Harrison explained that local Commander recommendations are included on the applications as part of the process. Applications are being accepted until February 28, 2013.

ROAD: Supervisor **Dean Roundtree** along with **Planning Director Susan Carver** held a discussion regarding the adoption of Road L.3. Dean presented for review a Cooperative Agreement between Montezuma County and the Forrest Service. Dean also provided a Capital Expenditures sheet for the Commissioners review. (See attached)

MEETING WITH FEDERAL LAND AGENCIES: **Derek Padilla, Patrick McCoy, Marietta Eaton and Connie Clementson** met with the Board. Patrick McCoy presented a **Trends Affecting Program,** **How to apply for Road Easements and Snow plowing permits on the San Juan National Forest**, and **What you need to know about Road Access across the San Juan National Forest**. (See attached) Connie Clementson presented **Heads Up-Federal Lands Access Program.** (See attached)

BOARD OF PUBLIC HEALTH: **Lori Cooper Health Director** presented for signature **The Caring for Colorado.** Commissioner Suckla moved to sign the Caring for Colorado Foundation Grant Agreement as presented. Seconded by Commissioner Ertel and carried. (See attached) Lori also presented the Financial Policy

& Assignment of Benefits, the Colorado's Ten Winnable Battles and the Key Stakeholders announcement flyer.
 . (See attached)

McELMO FLUME GRANT: Linda Towle, and Susan Thomas met with the Commissioners to give an update on the funding efforts for the McElmo Flume.

AG EXPO: Shelby Webster, Dusty Beals, Don Bain and Elizabeth Bleak with Pleasant View Vineyards, met to discuss allowing wine sales, and an air pistol booth, during the Ag Expo. Elizabeth Bleak will be processing a special events liquor license application for wine sales only.

LUNCH: 12:10

SHERIFF SPRUELL met to inform the Board of the placement of a school resource officer for Dolores. Dennis stated that this would be on a trial basis for the remainder of the year. Said officer would be available to respond to county emergencies as needed.

PLANNING: Planning Director Susan Carver presented an exemption request submitted by **James P. and Jane M. Adair** for review and determination. The property is located at 19759 Road 29.2, Dolores and consists of 39 acres, more or less; and property located at a to be determined address on Road 29.2, Dolores which consists of 41 acres, more or less. It was stated both properties are in excess of 35 acres and owned by the Adair's. They desire to adjust the boundary between the two properties by deeding approximately 3.71 acres, more or less, from the 41 acre parcel, more or less, parcel of land to be combined with and made a part of the 39 acre, more or less, parcel. The request is to adjust the boundary between the two properties by deeding approximately 3.71 acres, more or less, from the 41 acre parcel to be combined with and made a part of the 39 acre parcel. **James P. and Jane M. Adair** joined the meeting per phone connection. Commissioner Suckla moved to pass **Resolution P-11-12** for the Adair property as presented, second by Commissioner Ertel and carried.

COMMUNITY SERVICES DIRECTOR James Dietrich gave the following report. Jim informed the Board that there would be a meeting held with the Bureau of Land Management on February 26, 2013 at 10:00a.m. At the Anasazi Heritage Center. Letters to Derek Padilla, Dolores Public Lands Office were presented for signatures. Commissioner Suckla moved to sign the letter regarding transfer of jurisdictional rights Dolores / Norwood Road # 526 as presented. Second by Commissioner Ertel and carried. (See attached) Commissioner Ertel moved to send a letter to the United States Forest Service dated February 19, 2013 an Informal Appeal Resolution Meeting with USFS Summary as presented. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator Harrison showed the Commissioners copies of the CVSO administrators job ad and the current administrators certification.

COUNTY ATTORNEY REPORT: Nothing to report at this time

COUNTY COMMISSIONER REPORT: Commissioners reported on meetings they will be attending and had attended. It was decided to work on a letter to Governor Hickenlooper in support of his efforts with oil shale fracking.

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

Letter form Southwestern Water Conservative District re: approved budget

Letter form US Department of Interior re: Notice of Addendum 6

Letter from Dolores Water Conservancy District re: Board of Directors meeting

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED. 3:20 p.m.

County Clerk February 19, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 25, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 25, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds
Michael Goldman, Goldman, Robbins, & Nicholson, P.C., County Attorney
Ashton N. Harrison, County Administrator
Carol Tullis, County Clerk

COMM. CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 19, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

SANITARIAN Melissa Mathews gave an update on septic regulations. She reported on changes to the waste site systems. Melissa said there will be a forum with contractors and engineers for their input. She said there are a few areas the County can decide on such as the flow rate, occupancies, septic system effluent filters, risers to the surface, length of the trenches and beds, and to allow vaults to name a few. She said transfers of title inspections may be coming to see if the systems are functioning properly. She explained contractors may need to be licensed sometime in the future.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval.
No expenditures were presented.

PUBLIC COMMENT SESSION: Wally and Kathy Gilman asked questions regarding septic systems being engineered and questioned requirements for systems up in the Dolores River area.

Raymond Boyd asked about an article he read concerning taking public money to clean up private property. He was informed the Brownfield program is looking into cleaning up such areas. Mr. Boyd stated he does not like the way the program is being funded by using public money for private property cleanup.

ROAD: Supervisor Roundtree presented for approval the schedule A Forest Service roads contract. He said the FS agreed to allow Mr. Luikko to plow snow on the Red Arrow Mine road. Comm. Ertel moved to sign the Cooperative Forest Service agreement between Montezuma County and the USDA Forest Service, San Juan

National Forest agreement number 13-RO-11021300-008 and to allow Mr. Luikko the ability to plow and maintain the Red Arrow Mine Road, seconded by Comm. Suckla and carried. (See attached) He informed the Board of an ownership problem on a small portion of Road G around Hwy. 491 and the Port of Entry. Supervisor Roundtree said he believes CDOT owns the property. Further discussions with CDOT will be done. He talked about the purchase of a couple of belly dump trailers.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted; **Dennis Story and LouAnn Everett were present. Mark Reider** was present and introduced to the Board. Mr. Reider will represent the Social Services in its child support cases on a temporary basis.

RESOLUTION: Resolution #2013-2, a resolution appointing **Mark Reider** as Special County Attorney for Montezuma County, Montezuma County Board of County Commissioners, Montezuma Board of Social Services, and Montezuma Department of Social Services for Child Support Matters was presented for review and adoption. Comm. Ertel moved to pass Resolution #2013-2 to appoint Mark Reider as special attorney to represent Montezuma County on a temporary basis as Montezuma County Department of Social Services in child support cases, seconded by Comm. Suckla and carried. (See attached)

PROPOSAL: Comm. Suckla moved to approve the proposal presented by Mark Reider as temporary special county attorney in charge of child support enforcement, seconded by Comm. Ertel and carried. (See attached)

PAUL HOLLAR, Emergency Manager made an introduction and a request to start a County All Hazards Mitigation Plan. He informed the Board of county emergency exercises conducted and of upcoming exercises. Manager Hollar talked about an informative website used by the Sheriff's Office at Nixle.com to inform residents that register with the site to be updated on emergency situations. He talked about a application concerning a hazard mitigation plan and how the plan would work to benefit the County. Comm. Suckla moved to approve the grant application for Montezuma County to apply for a mitigation plan for Montezuma County, seconded by Comm. Ertel and carried. (See attached)

PLANNING: Planning Director Susan Carver presented for preliminary review and determination an exemption request as submitted by **Erik V. Wegner**, agents Maness and Associates, Inc. Said property is located at a TBD Road S address, Dolores, consisting of 244 acres, more or less, wherein Road S bisects the property leaving 20 acres, more or less, separated from the remaining acreage. An exemption is being requested to allow the 20 acre parcel to be described as a separate parcel of land. Director Carver explained that no change in the existing land use is being proposed. Comm. Suckla moved to give preliminary approval on the Wagner acreage at a TBD address on Road S for a 20 acre parcel more or less, seconded by Comm. Ertel and carried. (See attached)

AMENDMENT: Director Carver presented for final review and determination of a request to amend an existing exemption, P-25-76 as submitted by **Douglas Muscanell and Karen Kay Harbaugh**. Said property is located at 20421 Road U, Cortez, consisting of 16 acres, more or less. The applicants own a parcel that is adjacent to the subject parcel and wish to adjust the common boundary of the two properties by deeding 9.03 acres, more or less, from the parcel created by the exemption to be combined with and made a part of the adjacent parcel

located at 20421 Road U, Cortez. Doug Muscannel was on a conference call. Director Carver explained the request in detail. Comm. Suckla moved to approve Planning Resolution P-25-76 first amendment for Douglas Muscannel and Karen Harbaugh, seconded by Comm. Ertel and carried (See attached)

Planning Director Susan Carver presented for final review and determination of an exemption request to amend the boundary of the Swanner 4 lot-moderate development (Known as Lot 4) as submitted by **Richard and Marie Swanner**, agents Maness and Associates, Inc. The request would add 10 acres, more or less, to an existing 3 acre, more or less parcel of land (not a part of the subdivision) whereby creating a 13 acre, more or less parcel of land. She stated the remaining acreage (known as Lot 4 of the Swanner 4-Lot moderate development) to consist of 10 acre, more or less. Said properties and located at 27999 and 17355 Hw. 145, Dolores. Director Carver explained the request stating there is no opposition letters from the development landowners regarding said request. Comm. Ertel move, to accept Planning Resolution P-01-13 concerning Richard and Marie Swanner and to amend the Swanner Subdivision boundaries by 9 acres, making Lot 4 to be 9.93 acres, more or less, seconded by Comm. Suckla and carried. (See attached)

COMMUNITY SERVICES REPORT: James Dietrich gave the following report. He presented a letter addressed to **Craig Luikko** regarding jurisdiction of the Red Arrow Mine Road. Comm. Ertel moved to send a letter regarding the transfer of jurisdictional rights of the Red Arrow Mine Road FR#567 from USFS to Montezuma Count. Said letter to clarify the road as a non-maintained county road, seconded by Comm. Suckla and carried. (See attached)

Comm. Suckla moved to support sending a letter to Colorado **Governor Hickenlooper** in his support of his take on fracking in the County and across the state of Colorado, seconded by Comm. Ertel and carried. (See attached)

Mr. Dietrich reminded the Board of upcoming meetings scheduled this week. He said he had a conversation with **Susan Thomas** regarding the McElmo Flume historic site. The Board would like to see who is qualified to do the archeological study and any cost involved. He said there would be future discussions on the Ag exemption fire bans.

COUNTY ADMINISTRATOR REPORT: County Administrator Harrison discussed a Brownfield Conference in April he and other staff may attend. He presented information on a website developer for the Board's review. Administrator Harrison discussed a letter he received concerning the hydraulic elevator needing to be replaced. (See attached) He talked about the Veterans officer position stating he is accepting applications from current military members. Administrator Harrison presented the Board information about the annual agreement with USDA-APHIS regarding the wildlife damage management program. (See attached)

COUNTY ATTORNEY REPORT: Nothing to report.

COUNTY COMMISSIONER REPORT: Comm. Ertel informed the Board of the Club 20 meeting he recently attended. He said one issue was regarding making National Monuments into National Parks. **Comm. Suckla** reported he would be going to Washington D C this Friday to represent Colorado Counties. **Comm. Chappell** reported on a meeting he attended with Housing Solutions, a non- profit entity, that deals with low income housing.

JOHN DURBIN addressed the Board with concerns about CDOT putting turnout lanes on south Hwy 491-160 from the Reservation line to the Road G intersection.

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

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED. 12:20 p.m.

County Clerk February 25, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 4, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 4, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds ABSENT
Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney
Ashton N. Harrison, County Administrator
Carol Tullis, County Clerk

Special meeting/notices: The Board met with BLM to discuss water rights February 26th at 10:00 am at the Anasazi Heritage Center, Dolores.

The Board conducted interviews with architects on Wednesday, February 27th in the Commissioner's meeting room.

The Commissioners met with a representative from Scott Tipton's office on Thursday, February 28th at 10:00 am in the Commissioner's meeting room.

COMM. CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 25, 2013 as corrected. The motion was seconded by Commissioner Chappell and carried.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval. Personnel payroll from January 1, through January 31, 2013.

VETERANS SERVICE: Comm. Ertel moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for January, 2013 seconded by Comm. Chappell, motion carried (See attached)

PUBLIC COMMENT SESSION: No comments were received.

ROAD: Supervisor Roundtree discussed the state bid for two 2013 pickups in the amount of \$26,100.00. (See attached) He talked about trading a 1998 Red River bottom dump trailer serial number 4ZYBD402XW1000482 plus \$20,000.00 for a 2008 Ranco bottom dump trailer from Don Yeomans. Comm. Ertel moved to authorize the Road Department to trade for a 2008 Ranco belly dump trailer by trading a Red River trailer and \$20,000.00, seconded by Comm. Chappell and carried. Supervisor Roundtree talked about road work the Department has been doing. The extending of 7th street was discussed as a small portion of the road is in the County. He informed the Board the Department will begin work on the intersection south of town.

LESLIE BROWN: 22nd Judicial District Victim compensation Administrator, Leslie Brown appeared to request a Proclamation declaring April 21st-29th as Victim Rights Week. She talked about the possibility of placing a bench in memory of victim's rights at the Courthouse. She hopes to get the cost of said bench donated. Comm. Ertel moved to sign a proclamation, proclaiming the week of April 21-27, 2013 as National Crime Victim's Rights Week, seconded by Comm. Chappell and carried. (See attached)

SANITARIAN: Sanitarian Melissa Mathews discussed a septic variance request from the setbacks for Lewis-Arriola Fire Department. **George Deavers** chief of the Lewis-Arriola Fire Department represented the request. Sanitarian Mathews reviewed the variance located at 22145 Road S, Lewis. She stated the set back guidelines will not be met. Comm. Ertel moved to approve a variance for the Lewis-Arriola Fire Department for the construction of a leech field for a new septic system with a letter of approval from adjacent land owner, Jody Kuykendall. Said variance would be a variance from the 10' foot requirement from the property line to be 6 feet from the property line, seconded by Comm. Chappell and carried. (See attached)

HIGH SCHOOL RODEO: Representatives from the Ute Mountain High School Rodeo Team gave an update of their activities to the Board. Phyllis and Destri Lockhart and Shon Reim represented the Ute Mountain High

Rodeo Team. Shon Riem informed the Board that they currently have 27 to 30 kids on the team. They talked about the rodeos held in Montezuma County stating they hold two, one in March and the other in September. Currently the youth activities conducted at the Fairgrounds are charged the youth rate which is ½ of the regular price. Fairgrounds Manager Tanner Young talked about the finances of the Fairgrounds. A suggestion was made to have Manager Young propose a fee schedule for all youth activities. Mr. Riem said the team would be willing to work at the Fairgrounds if there is a need.

WEBSITE: City of Cortez representatives met to discuss website development. Amy Fair with the City of Cortez talked about how the City is redesigning and developing its website and how the County can come under that website as well through Civic Plus. Costs of the redesign and development with Civic Plus were discussed as well as advantages of said website. Montezuma County IT Specialist, Chris Lindus will look into the redesign and development issue further and report back to the Board.

AAA: Christina Knoell with the San Juan Basin Area Agency on Aging met. She informed the Board on the structure of the agency, what the agency does and how it is funded. She talked about the advisory Board that is made up of around 15 people with three people being from Montezuma County. Cecilia Hopper discussed the profit and loss budget for the San Juan Basin Area Agency on Aging from July, 2012 through January, 2013. (See attached)

LUNCH: 12:25 p.m.

PUBLIC COMMENT SESSION: Casey McClellan reported on his recent trip to Washington DC and meetings he had with various Congressmen regarding the Travel Management Plan and the loss of a lot of cross country motorized travel.

COMMUNITY SERVICES REPORT: James Dietrich gave the following report; He talked about the archeological services regarding the Red Arrow Mine Road. He spoke about the sage grouse program. Mr. Dietrich made mention of the BLM water rights issue on the two parcels in Montezuma County. He informed the Board of a request for a letter of support for Rep. Scott Tipton's Healthy Forest Bill. Mr. Dietrich will work on a letter. He reminded the Board of the BLM's RAC nominations is due soon.

COUNTY ADMINISTRATOR REPORT: County Administrator Harrison informed the Board he would like to get the area Veteran's commanders together to review the applications received for the opening of the local Veteran's Affairs officer.

COUNTY ATTORNEY REPORT: Attorney Jeff Robbins said a road agreement between Empire Electric and Montezuma County will be forthcoming. .

COUNTY COMMISSIONER REPORT: Nothing to report

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

Notice and agenda for the Southwest Water Conservation District.

Letter from Tim Hunter concerning RS2477 roads.

Letter to Elizabeth O'Hare Bleak, Pleasant View Vineyards confirming the BOCC's permission to sale wine at the AG Expo.

USDA agreement 13-7308-0310 RA work plan.

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

MEETING ADJOURNED. 2:20 p.m.

County Clerk March 4, 2013

Chairman

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 11, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman ABSENT
- Keenan G. Ertel, Vice-Chairman
- Larry Don Suckla, Commissioner of Deeds
- Michael Goldman, Goldman, Robbins, & Nicholson, P.C., County Attorney
- Ashton N. Harrison, County Administrator
- Carol Tullis, County Clerk

VICE-CHAIRMAN ERTEL opened the meeting with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 4, 2013 as corrected. The motion was seconded by Commissioner Ertel and carried.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval.
Comm. Suckla moved to approve publication of the monthly expenditures for January, 2013 that was presented March 4, 2013, seconded by Comm. Ertel and carried. (See attached)

PUBLIC COMMENT SESSION: The following comments were received;
COOPERATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of February, 2013. (See attached).

DEXTER GILL invited the Board to attend the next 912 meeting scheduled for Monday March 18th at 7:00 pm at the Elks.

BUD GARNER discussed the Brownsfields Foundation. He talked about the EPA and Urban Renewal in regards to the Brownsfields Foundation.

ROAD: Supervisor Roundtree said the project on 160 south will begin on Tuesday for the work on intersections and driveways. Administrator Harrison had discussions with the RE-1 Superintendent regarding easements on the 7th Street extension stating the School District would be responsible in securing the easements

but the County could provide road base and prep-work to build the road. Supervisor Roundtree talked about the status of the Haycamp Gravel pit. The Board would like to meet with **Casey McClellan** concerning the gravel permit. A request for donation of cobble was made by **Chris Burkett** and **Matt Clark** was discussed. Supervisor Roundtree said the Department does not make cobble.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of February, 2013. She talked about wire purchases, uniforms, tires, composting plan, the Empire Electric bill and the new phone system that was installed. Manager Barton informed the Board that the surveillance camera computer is being rebuilt by the IT Department. (See attached)

INTERGOVERNMENTAL AGREEMENT for biosolids composting between the **Cortez Sanitation District**, and **Montezuma County** was presented by Landfill Manager Deb Barton. Comm. Suckla moved to sign the intergovernmental agreement for biosolids composting between the Cortez Sanitation District and Montezuma County, seconded by Comm. Ertel and carried. (See attached)

BOARD OF PUBLIC HEALTH: Public Health Director Lori Cooper gave the quarterly update for the Health Department. Director Cooper gave an overview of the various programs that are administered by the Health Department. (See attached)

12 HOURS OF MESA VERDE: Dena Guttridge, Dani Gregory, and Cap Allen, representatives of the 12 Hours of Mesa Verde scheduled for May 11th appeared before the Board to request the ability to serve alcohol at the event. Ms. Guttridge with the Chamber of Commerce discussed the race and how it benefits the area. It was explained they wish to serve beer and soda only, between the hours of 6:00 pm to 10:00 pm. Ms. Guttridge said the required insurance is in place. It was stated the proceeds from this race is split between 5 non-profit organizations that help children. Comm. Suckla moved to approve the service of alcohol at the Montezuma County Fairgrounds for the 12 Hours of Mesa Verde on May 11th between the hours of 6:00 pm to 10:00 pm contingent on the proper security being available, seconded by Comm. Ertel and carried. (See attached)

DOLORES RIVER ANGLERS: Chris Burkett and Matt Clerk representing the Dolores River Anglers met to request a donation of cobble for a Reclamation Project. The group was informed that the Road Department does not make cobble as discussed earlier.

AFTER-THE-FACT EXEMPTION: Cancelled

LETTER OF SUPPORT; Cancelled

EMERGENCY MANAGER Paul Hollar discussed a contract for mitigation plan. Mr. Hollar talked about a map of the State of Colorado showing the Counties in the State. He discussed the mitigation plan in detail. He will look at bids for plan contractors before any decision will be made. The Board was informed of a tabletop exercise that will be held on Tuesday March 12th at the Lewis-Arriola Elementary School beginning at 6:00 pm.

SENATE BILL 94: A discussion on Senate Bill 94 was held. This bill is a statewide effort focusing on the appropriate placement of youth in the detention continuum. **Dennis Story with Social Services, District Attorney Will Furse, and 22nd Judicial District Court Judge Douglas Walker** met to discuss the bill in detail. Judge Walker explained each district receives money to administer this program with this district being the smallest of the districts. He said the program calls for local committees nominated by the Board of Commissioners that will be appointed by the Chief Judge of the district. Comm. Suckla moved to approve the list of 19 people submitted to serve on the local juvenile planning committee for 2013, seconded by Comm. Ertel and carried. (See attached)

LUNCH: 12:00

PUBLIC COMMENT SESSION: **Casey McClellan** met to discuss the Haycamp Gravel pit. Mr. McClellan said he currently has the permit and his lease is up in September. He said he will turn the permit over to the County when his lease comes due. In another matter, Casey stated he would like to be appointed to the Southwest RAC and would like a letter of recommendation from the Board for his appointment.

Danny Wilkin informed the Board that the State Treasurer, Walker Stapleton will be in Cortez this Wednesday, March 13, 2013 at the City Council Chambers from 5:30 to 7:00 pm.

COLORADO BROWNSFIELDS FOUNDATION: **Mark Walker** presented a property opportunity presentation to give the Board ideas on how to work to improve the gateway locations to the community. Planning Director Susan Carver gave an overview of properties identified and how the Planning and Zoning Commission rated said properties. Director Carver also discussed doing a public service announcement regarding this program. (See attached)

VARIANCE: A variance request was received from **Philip and Julie Ayers** for review and determination. This variance is to vary the setback standards for auxiliary structures on property located at 15712 Road 35, Mancos. Mr. and Mrs. Ayers represented their request. Comm. Suckla moved to approve the application for a variance request for Philip and Julie Ayers from the setback standards for auxiliary structures as defined in section 5101.03 of the land use code on property located at 15712 Road 35, Mancos. Motion was seconded by Comm. Ertel and carried. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich discussed the following:

Mr. Dietrich was instructed to discuss the **Haycamp Gravel Pit** permit with Road Supervisor Roundtree regarding the current permit Mr. McClellan holds.

He presented a letter regarding the **Red Arrow Mine Road**. Comm. Suckla moved to send a letter to **Derek Padilla**, Dolores Public Lands Office regarding the transfer of jurisdictional rights on the Red Arrow Mine Road FSR #567, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to send a letter of support to **Congressman Scott Tipton** expressing support for the proposed the Healthy Forest Management and Wildfire Prevention Act of 2012, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to send a letter of recommendation to appoint Comm. Ertel to the Southwest District Resource Advisory Council, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to send a letter of support for James Dietrich to be appointed to the category 3 Southwest Colorado RAC, seconded by Comm. Ertel. (See attached)

Mr. Dietrich discussed the time line for the **McElmo Flume's** historical grant application. He said a decision will have to be made soon. Comm. Suckla moved to approve \$2,625.00 for the remaining match for the SHF (State Historical Foundation) grant for the McElmo Flume, seconded by Comm. Ertel.

A discussion occurred about the BLM federal lands access program.

COUNTY ADMINISTRATOR REPORT: Administrator Harrison informed the Board he will be setting with the area Veteran's Commanders this Wednesday to review the applications received.

COUNTY ATTORNEY REPORT: Attorney Goldman said there is nothing to report.

COUNTY COMMISSIONER REPORT: Comm. Suckla reported that his recent trip to Washington DC was a learning experience. He will discussed the trip at a later date.

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

Final Determination for SW Colo Mental Health Center Inc., dba Axis Health System.

Letter from DOLA regarding EIAF 07095 – Montezuma County Fairgrounds Improvements.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED. 4:20 p.m.

County Clerk March 11, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 18, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 18, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman

Larry Don Suckla, Commissioner of Deeds - ABSENT
 Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney
 Ashton N. Harrison, County Administrator
 Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Approval of March 11,, 2013 minutes was tabled until next Monday.

WEEKLY EXPENDITURES: The following expenditures were presented for review and approval.
 No expenditures presented.

PUBLIC COMMENT SESSION: The following comments were received;

Raymond Boyd objected to the Brownfield Foundation stating he feels it is wrong to take public money for the cleanup of private property.

Greg Kemp talked about the traffic at the 160-491 intersection at Road G saying there is an average of 20,000 vehicles a day passing through there. He observed that about 1 in 20 vehicles are 18 wheelers.

Bud Garner talked about a meeting he attended along with area Commissioners who met with representatives from Senators Udall, and Bennett and Representative Tipton's offices regarding upcoming programs such as the potential Sage Grouse habitat.

ROAD: Supervisor Roundtree said the project south of town is going well. He presented a draft letter to Mr. Casey McClellan regarding the transfer of Hay Camp Gravel Mine permit to Montezuma County. He discussed the Kinder Morgan truck routes. Bob Clayton representing Kinder Morgan was present. Mr. Clayton talked about a water production problem in the Goodman Point area. He went into what Kinder Morgan has done with various testing and work done to meet the required criteria. This has created more truck traffic on those area roads. He talked about the number of homes on Roads U, 20 and S. The residents living on those roads are becoming concerned with the increased traffic. Mr. Clayton and Supervisor Roundtree discussed the traffic problem and thought going in on Roads U and 20 and going out on Road S with possible signage along the roads might help with the excess traffic. He would like to see signage showing the truck routes with bullets like speed limit of 25 mph, no jake breaks allowed, show courtesy, and these rules are strictly enforced. Supervisor Roundtree talked about the condition of the roads used for these routes. Supervisor Roundtree and Mr. Clayton will look into repair, replacement costs and other issues regarding the road upkeep. It was suggested to send a courtesy letter to the area residence involved explaining this fix is only temporary.

LOCAL LAND AGENCIES: It being the time set aside the Board held the bimonthly meeting with the local land agencies. The following representatives were present; **Debbie Kill, Connie Clementson, Victoria Atkins, Marietta Eaton, Patrick McCoy, and Shauna Jensen.** They discussed watershed issues, Red Arrow Mine Road, Bike Trail at House Creek, Sand Canyon, the Sage Grouse, and the Boggy\Glade letter from Mark Stiles, and the appeal process. Forest Service representative, Debbie Kill discussed the projects coming

this summer. She talked about maps available for the various areas. **Ryan Mahoney** asked about the maps with regards to informing hunters of areas they are allowed into and those areas closed. Ms. Kill said the goal is to educate the public and have an outreach program. The decision map was discussed concerning open roads and roads closed to motorized traffic. **Patrick McCoy** talked about the transfer of the Red Arrow Mine Road letter received from the County stating the decision will be coming from the Denver Office. **Shauna Jensen** informed the Board of three watershed projects that are in the beginning stages. One is in the Taylor Creek area saying this will become a large project eventually. A second project is Turkey Creek and Chicken Cheek area north of Mancos. A third project is in the West Mancos area. She said they hope to implement these projects this summer. **Debbie Kill** talked about the bike trail from the Town of Dolores to House Creek in the Boggy/ Glade area. She said Chris Bouton will be the person heading up this project and will be working with interested entities. **Marietta Eaton** with BLM talked about the Wallace discussions held. **Victoria Atkins** said there is a Federal Lands Access Program available. The program is administered by the States and the County's must apply for this program. Ms. Atkins said this would be an opportunity to address the safety issues along Road 10 around Hovenweep National Monument. She said there is also a County match for this program. She suggested a field trip to look at Road 10 and the Sand Canyon Trail Head issues. A date for the field trip will be set. **Connie Clementson** talked about the programs in detail. The money is from Federal highway monies that is distributed to the States and filtered to the Counties. Ms. Clementson talked about some lease deferment acres east of Mesa Verde and other plans for land purchases around the Mesa Verde boundary. Ms. Clementson gave an update on the proposed Gunnison Sage Grouse potential habitat. She said they are working closely with the U.S. Fish and Wildlife Agency.

FAIRGROUNDS: Fairgrounds Manager **Tanner Young** presented the monthly report. He discussed the income statement. He mentioned the recently Ag-Expo went well. (See attached)

UTE MOUNTAIN ROUNDUP: **Rob Yates, Slim McWilliams, Sue McWilliams, and Bob Yates** representatives for the Ute Mountain Roundup gave an update and overview of the event. Slim McWilliams gave an overview of the partnership between the County and the Ute Mountain Roundup, Inc. (See attached). Sue McWilliams and Administrator Harrison informed the Board of a partial grant award received for the construction of a roof over the grandstands. Ms. McWilliams made an offer to update the master plan at the Fairgrounds. The Roundup will be held on the second week of June. Mr. Yates informed the Board that the Bar B Q they hold will be held on Wednesday night during the week of the Roundup at the Fairgrounds. Mr. McWilliams said the liquor license application has been applied for.

SOUTHWEST COLORADO JR. OLYMPIC ARCHERY DEVELOPMENT representatives **Twila Crites, Bryon Crites, Rusty Hamilton, and Tyrel Rogers** made a request to remodel the archery range at the Fairgrounds. She explained this project will be an expansion of the existing range. Ms. Crites said there will need to be some clearing, leveling and laying of new gravel. Ms. Crites said after looking at the area, they do not require as much space as originally requested. Tyrel Rogers drew a map showing what is there now and what they would like to do. The group would like to begin having sanctioned tournaments in the future. The range may be used by Mesa Verde Archers, 4-H groups, and JOAD and Manager Young asked there be only one

contact for the three entities. A request for gravel towards the project was made. The Board asked for an agreement from the groups before any commitment is made. (See attached)

LUNCH: 12:05 p.m.

PUBLIC COMMENT SESSION: Michelle Allison read a letter regarding the Gunnison Sage Grouse habitat into the record. (See attached)

WANDA CASON with **Senator Udall's** office met to discuss with the Board issues of interest to our area. One issue is PILT. She said there is a video available showing Sen. Udall's discussion about PILT with Sally Jewell, who may be appointed as Secretary of the Department of Interior. The Board spoke about the access to public lands is shrinking and how the Boggy\Glade decision impacts the area. One concern is with the BLM purchasing land.

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 review and determine an AR3-9 zoning request and Pre-sketch plan for a proposed single lot development on property owned by **James and Lea Cody Revocable Trust, James and Lea Cody Trustees**. Said property consists of 5 acres, more or less, from a 47 acre tract of land, more or less, located at 43728 Road M, Mancos. Director Carver explained the request saying the major purpose of this request is for lending reasons. She stated the Planning and Zoning Commission recommended approval of said request. **James Cody** represented the application. Comm. Chappell opened the hearing up to public comment. Hearing none that portion was closed. Comm. Ertel moved to grant the AR3-9 zoning request as proposed by James and Lea Cody Revocable Trust on a parcel located at 43728 Road M, Mancos, seconded by Comm. Chappell and carried. Comm. Ertel moved to accept the final plat for the Flying J Estates Single Lot Development, 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 review and determine an AR10-34 zoning request. The roll was called, the public notice read, and the proceedings were recorded for the record. Erik V. Wegner is requesting an AR10-34 zoning on property located at a to be determined address on Road S, Dolores consisting of 20 acres, more or less. Director Carver provided a review of the request. She said the water source would be by cistern as no other water source is available. Susan Underwood Hart with Maness and Associates acted as the agent for Erik Wegner. Comm. Chappell opened the hearing up to public comment. Hearing none that portion was closed. Comm. Ertel moved that the BOCC grant the AR10-34 zoning request on property owned by Erik V. Wegner located at TDB address, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel moved to accept the resolution P-03-13 for Erik V. Wegner, seconded by Comm. Chappell and carried. (See attached) Comm. Chappell closed this hearing at this time.

PLANNING: Planning Director Susan Carver made a request to forward a high impact permit application as submitted by Kinder Morgan CO2 Company, LP; agents Ecosphere Environmental Services to the Planning and

Zoning Commission. The property is located at a to be determined (TBD) address on Road U, Yellow Jacket. The request is for the purpose of the construction and operation of an expansion to an existing compressor plant known as the Kinder Morgan Yellow Jacket Plant consisting of 39 acres, more or less, located on an adjacent parcel of land. Director Carver stated there will be threshold standards exceeded during the construction or operation of the high impact permit request. Bob Clayton along with Keith Fox, Ecosphere Environmental consultant, discussed the expansion for Kinder Morgan. Mr. Clayton explained the need for the expansion. Comm. Ertel moved to forward the application for Kinder Morgan's Yellow Jacket plant to the Planning and Zoning Commission for their review at the March 28th meeting, seconded by Comm. Chappell and carried. (See attached)

COLORADO BROWNFIELD FOUNDATION: County Administrator Harrison made a request for directive to move forward with the Colorado Brownfield Foundation. Susan Carver and Mark Walker were present. Mr. Walker said the major funding comes from the EPA then filtered to the States for phases 1 and 2 then there is also grant monies. Comm. Ertel would like to see that the property owner doesn't see any profit from the assessment and clean up at the public's expense before committing to any programs. This discussion has been tabled awaiting further information.

CTSI: Ted Lindtveit with CTSI met to discuss the county workers compensation pool loss runs as of December 31, 2012. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich discussed the following:

Mr. Dietrich presented a letter to Casey McClellan, dba Four States Aggregates regarding the Haycamp Gravel Mining Permit #M-1990-025. Comm. Ertel moved to send the letter to Casey McClellan, dba, Four States Aggregates on the Haycamp Gravel Mining Permit #M-1990-025, seconded by Comm. Chappell and carried. (See attached)

He discussed efforts to seeing what the Forest Service and BLM are doing in the Canyon of the Ancients, on Forest Service lands and concerning the Sage Grouse habitat.

He informed the Board of a scheduled conference call with other County's discussing coordination. The call is for Wednesday, March 20, 2013 beginning at 1:00 p.m.

The parking problem at the Sand Canyon Trail Head was discussed.

COUNTY ADMINISTRATOR REPORT: Administrator Harrison reported a pre-agreement meeting concerning the court facilities is scheduled for April 9th and 10th.

He reported on the application review for the Veteran Administrator's position he had with the area commanders. He said 32 applications were received and ranked.

He said a phone conference will be held with Sue Fletcher with the Senior Services concerning the commodities distributions. Comm. Ertel will also be present for the call.

He said he has received a request from the Birding Festival for the use of a Senior Service Bus.

COUNTY ATTORNEY REPORT: Nothing to report

COUNTY COMMISSIONER REPORT: Nothing to report.

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

Dolores Water Conservation District Board of Directors' Meeting.

Colorado Department of Health Agenda for Wednesday March 20, 2013.

Letter from CDPHE to Mr. Mat Bradshaw in reference to proposed interim operations plan approved 49 Square Ventures Facility in Montezuma County.

Signed Variance for Phillip & Julie Ayers

CONTINUED: This meeting was continued to Wednesday, March 20, 2013 at 1:00 p.m. with a conference call hosted by Dolores County Commissioners. This call will include other Counties affected by the Sage Grouse issue.

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

MEETING ADJOURNED. Meeting adjourned after conference call

County Clerk March 18, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 25, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 25, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman
- Larry Don Suckla, Commissioner of Deeds
- Michael Goldman, Goldman, Robbins, & Nicholson, P.C., County Attorney
- Ashton N. Harrison, County Administrator
- Carol Tullis, County Clerk

Met with the **Town of Dolores** at the Ponderosa Restaurant.

CHAIRMAN CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 11, 2013 as corrected. The motion was seconded by Comm. Ertel and carried. Comm. Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 18, 2013 as corrected. Motion was seconded by Comm. Suckla and carried.

WEEKLY EXPENDITURES: No Expenditures submitted

JOANNE SPINA requested to be reappointed to the Limited Gaming Impact Advisory Committee. Comm. Suckla moved to reappoint Joanne Spina to the Limited Gaming Impact Advisory Committee, seconded by Comm. Ertel and carried. (See attached)

LODGERS TAX COMMITTEE: Requests were received from **Sue Scott and Lee Cloy** to be reappointed to a three year term on the Montezuma County’s Lodgers Tax Committee. Comm. Ertel moved to reappoint Sue

Scott and Lee Cloy to a three year term expiring January 2016 to the Montezuma County Lodgers Tax Committee, seconded by Comm. Suckla and carried. (See Cloy letter attached)

PUBLIC COMMENT SESSION: The following comments were received;

Greg Kemp asked if the County knowingly allows illegal activity on County property. Can the County be held liable? He is referring to the upcoming gun show with emphasis on background checks being done.

ROAD: Supervisor Roundtree discussed the bids for the purchase of a tractor for mowing. He said the New Holland came in at \$68,968.00. He stated they will purchase that one.(See attached) Supervisor Roundtree said the work south of town is complete. TPR grant funds (RAMP) were discussed for dangerous intersections throughout the County like Roads 34, L, P at Hwy145, and Road 25. He informed the Board that the Department is finished crushing gravel in Mancos. County Administrator Harrison stated that Mr. Casey McClellan has applied for a gravel permit with the Colorado Division of Reclamation Mining and Safety for the “New Hay Camp Pit”. (See attached) A high impact permit will be done at a later date. It was stated the mag-chloride program will begin in April.

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

PLANNING: Planning Director Susan Carver along with Planning and Zoning Commission member Kelly Belt reviewed proposed amendments to the Land Use Code. Director Carver made a request to schedule a public hearing on these proposed amendment recommendations to the Montezuma County Land Use Code. Comm. Ertel moved to schedule a public hearing for April 29, 2013 at 1:30 pm regarding the proposed land use code amendments, seconded by Comm. Chappell. Commissioners Ertel and Chappell voted aye, Comm. Suckla voted nay, motion passed with 2 ayes, and 1 nay. (See attached)

PLANNING Director Carver discussed a draft letter regarding a change of land use on property located at 7290 Hwy 491/160 south (old Schwan’s building) she has been made aware of recently. The letter is to Four Corners Well Service stating a change in land use may be in violation of the Montezuma County Land Use Code. (See attached)

BRUCE LIGHTENBURGER met to discuss the County Lodger’s Tax. He is requesting funding in the amount of \$50,000.00 for tourism from the County Lodger’s Tax. He is asking the County to step up like the City is doing to promote tourism to our area. His request for funds is not intended to take money already allocated to the various entities. Comm. Suckla would like to see exactly how the money is spent. No decision was made at this time.

MONTEZUMA COUNTY LODGER’S TAX COMMITTEE: Committee members Betsy Harrison, Judith Swain, Sue Scott and Lee Cloy representing the Committee met and explained the makeup of the Committee and how the Committee works. Sue Scott discussed the money received being \$107,000.00 with an extra \$27,000.00 that came in later. She would like to keep the \$27,000.00 at this time in the fund. Mr. Lightenburger weighed in on the tourism issues as well. It was suggested to meet with the various Boards before

making any funding decisions concerning Mr. Lichtenburger's request. The Committee made its recommendation to disburse the tax funds collected in 2012. Comm. Ertel moved to approve the tax fund disbursements of county lodgers tax collected in 2012 as follows; **Cortez Cultural Center** \$2,000.00, **Mancos Chamber** \$30,000.00, **Dolores Chamber** \$30,000.00, and **Mesa Verde Country** \$45,000.00, seconded by Comm. Suckla and carried. (See attached)

LUNCH: 12:00

PUBLIC COMMENT SESSION: No comments made.

MOU: A Memorandum of Understanding among the following Boards of County Commissioners; **Gunnison, Saguache, Dolores, Montezuma, Delta, Montrose, Hinsdale, Mesa, San Miguel, Ouray and the BOCC of San Juan County, Utah** was presented. This MOU deals with work being conducted, and shall continue to be conducted, to reach the goal of increasing the current abundance, viability and vitality of the Gunnison Sage-grouse and their habitat. Comm. Suckla moved to go forward with the MOU with Gunnison, Saguache, Dolores, Montezuma, Delta, Montrose, Hinsdale, Mesa, San Miguel, and Ouray Counties and the BOCC of San Juan County, Utah, seconded by Comm. Ertel and carried. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich reported on the following;

Mr. Dietrich informed the Board of a Rangeland Stewardship Committee meeting that will be Wednesday, March 27th at 7:00 p.m. and they would like to see the Commissioners present. He also informed the Board of a meeting with Mark Stiles and the Dolores County Commissioners on April 30th at 10:30 a.m. to discuss the Boggy Glade area. James would like to set a time for a field trip with the BLM regarding Sand Canyon and Road 10 in the near future. A request was made to forward a letter to the Regional Director in Denver concerning the County's appeal of the Boggy/Glade travel management plan. No action taken at this time. Mr. Dietrich informed the Board of a meeting he attended with the Habitat Partnership Program and NRCS. This meeting dealt with noxious weeds and possible grant monies available. He was told to apply for the grant in this matter. A discussion was held concerning a draft copy of the establishment of the Dolores River National Conservation Area in the State of Colorado, to designate wilderness areas in the State, and for other purposes. He said Rep. Scott Tipton will be at the Monday, April 1st meeting.

COUNTY ADMINISTRATOR REPORT: Administrator Harrison informed the Commissioners of a request he received from the Birding Festival for the use of a County van during their 2013 festival. It was suggested to give a donation to the Festival instead of the use of a van. (See attached)

Administrator Harrison discussed a petroleum storage tank fund program used for the cleanup of certain petroleum contaminated properties. He will research this program further.

COUNTY ATTORNEY REPORT: Nothing to report at this time.

COUNTY COMMISSIONER REPORT: Nothing to report.

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

Letter from DOLA regarding EIAF 07085 Montezuma County Fairground Improvements.

Thank you letter from San Juan Resources Conservation & Development Council thanking the Board for their continued support of this organization.

MOTION to continue this meeting until Wednesday at 7:00 to meet with the Rangeland Stewardship Committee was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED. Meeting adjourned following meeting

County Clerk March 25, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 1, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 1, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman

Keenan G. Ertel, Vice-Chairman

Larry Don Suckla, Commissioner of Deeds

Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney

Ashton N. Harrison, County Administrator, Absent

Kim Percell, Chief Deputy Clerk

CHAIRMAN CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 25, 2013 as presented. The motion was seconded by Comm. Chappell and carried.

WEEKLY EXPENDITURES: The weekly expenditures were presented for review and approval. Commissioner Ertel moved to approve the weekly expenditures with the exception of an expense to LEGGETT & PLATT in the amount of \$28052.29 for further explanation of said expense. Motion was second by Commissioner Suckla and carried. (See attached)

SOUTHWEST WORKFORCE ADVISORY BOARD APPOINTMENT: Commissioner Ertel moved to approve the appointments of Dennis Story with Montezuma County Department of Social Services and Ed Rice with the Cortez School District for a two year term to the Southwest Colorado Workforce Advisory Board. Second by Commissioner Suckla, and carried. (See attached)

PUBLIC COMMENT SESSION: The following comments were received; Mark Peters expressed concerns with speeding cars and excessive dust from heavy trucks on County Road 21. Roy Paul and Dennis Atwater made comments regarding the Forrest Service Roads being closed.

ROAD: Supervisor Roundtree reported to the Board that the Mag Chloride program will begin within the next few weeks, they have a good supply in stock and the price remained about the same. He stated that around 100 residents participate in the Mag Chloride program. Also reported was that they would be starting road counts this week on Road G. Dean reported that work on Road L.3 was coming along and that he had not had any word on the progress of Road 23. Dean reported that he had found a 2005 Komatsu rubber tired excavator that he would be looking at to purchase. This requested purchase was included and approved within the Capital Expenditures budget for last year at \$125,000.00 with this Komatsu at a cost of \$100,000.00.

CONGRESSMAN SCOTT TIPTON and Darlene Marcus updated the Board of some bills Rep. Tipton is working on. Issues regarding Land, Roads, Water and the Sage Grouse were discussed.

COUNTY ADMINISTRATOR REPORT: Administrator Harrison was at a training session.

COUNTY ATTORNEY REPORT: Nothing to report at this time.

COUNTY COMMISSIONER REPORT: Nothing to report.

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

Letter form the Southwester Water Conservation District, notice of Board meeting. (See attached)

Letter, form BLM-Montana/Dakotas re: the release of the draft Billings and Pompeys Pillar National Monument Resource Management Plan and Environmental Impact Statement. (See attached)

Letter and CD from Tri-State Generation and Transmission Association Inc. re: 2014 Colorado Ten Year Transmission Plan. (See attached)

MOTION TO ADJOURN was made by Commissioner Suckla, seconded by Commissioner Ertel and carried.

MEETING ADJOURNED. 11:15 A.M.

County Clerk April 1, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 8, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 8, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman

Keenan G. Ertel, Vice-Chairman
 Larry Don Suckla, Commissioner of Deeds
 Michael Goldman, Goldman, Robbins, & Nicholson, P.C., County Attorney
 Ashton N. Harrison, County Administrator, Absent
 Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting with the Pledge of Allegiance.

MINUTES: Comm. Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 1, 2013 as corrected. The motion was seconded by Comm. Suckla and carried.

WEEKLY EXPENDITURES :

VETERANS SERVICE: Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for February and March, 2013 seconded by Comm. Ertel, motion carried (See attached)

LEGGETT & PLATT: Comm. Ertel moved to approve the expenditure to Leggett and Platt for wire for the Landfill in the amount of \$28,052.29, seconded by Comm. Suckla and carried.

FAIRVIEW CEMETERY: Comm. Ertel moved to reappoint Kami Oliver to the Fairview Cemetery District Board of Directors to a six year term to expire January, 2019, seconded by Comm. Suckla and carried. (See attached)

SAGE GROUSE LETTER: A letter to the USFS concerning the public comments processing on the Gunnison Sage Grouse Habitat was presented to be ratified. Community Service Director James Dietrich discussed the content of the letter. Comm. Suckla moved to ratify the past action with a letter sent to the USFS, seconded by Comm. Ertel, and carried. (See attached)

PUBLIC COMMENT SESSION:

Bud Garner discussed Senate Bills 13005 and 13013 regarding giving the Secret Service Colorado peace officer status and Fort Carson civilian police officers the same status without being post certified.

ROAD: Supervisor Roundtree said he talked to the Stones and they agreed to pay ½ of the cost to mag chloride Road 21 with the County paying the other ½. He informed the Board that the crusher has moved to the Ormiston Pit and they will begin crushing this week or next. He is awaiting an agreement from Dolores County regarding gravel from this pit. He discussed other road problems.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of March, 2013. (See attached).

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of March, 2013. She said CDPHE agreed to 1 year “pilot project” to review the compost plan. She talked about the waste tire facility permit was approved. Manager Barton said the phone upgrade is completed. She will be going to training in Utah in April. She discussed the E-Waste program. (See attached)

TEEN MAZE: Representative, Rebecca Larson with the School Community Youth Collaborative that sponsors the Teen Maze informed the Board of what Teen Maze is and she gave an update and requested annual funding in the amount of \$3,000.00 for this year. Comm. Suckla moved to approve a \$3,000.00 contribution to the 2013 Teen Maze, seconded by Comm. Ertel and carried. (See attached)

SOUTHWEST WATER CONSERVATION DISTRICT representative **John Porter** updated the Board on the District stating the District is made up of 9 area counties. He talked about the following activities; sources of income, administrative expenses, water management, legal issues, grants received over time, and discussed the outlook for 2013. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Clerk’s Deputy Lynn Dorenkamp presented a special event liquor license for the Ute Mountain Roundup. Comm. Ertel moved to grant permission for the Ute Mountain Roundup committee who sponsors the Ute Mountain Roundup to serve alcohol in the designated area at the Montezuma County Fairgrounds, Comm. Suckla further moved for the dates of June 6th through June 8, 2013, seconded by Comm. Ertel and carried.(See attached) Comm. Suckla moved to approve the special event liquor license for the Ute Mountain Rodeo for 2013, seconded by Comm. Ertel and carried. Deputy Dorenkamp informed the Board of a request from Guy Drew Vineyards regarding a wine tasting room. She said the DOR has all the paperwork ready to go and are awaiting acknowledgement from the Board. The Board requested the Planning Department look into this request before any decision will be made.

4-H BOARD member Todd King met to discuss various items for the 4-H Board. He informed the Board of the resignation of Luann Meyer from the Fair Board. Comm. Ertel moved to accept the resignation of Luann Meyer from the Montezuma County Fair Board, seconded by Comm. Suckla and carried. (See attached) A letter from Kathy Marler was received desiring to be appointed to the open four year term to the Fair Board. Comm. Ertel moved to approve the appointment of Kathy Marler to the Montezuma County Fair Board to a term to expire September 2017, seconded by Comm. Suckla and carried. (See attached) Mr. King said he has been approached by the Quilters organization regarding space to display the quilts. Manager Young informed the Board of a partition that might work. Mr. King and Manager Young will look at various options. A request to have a beer booth on the last day of the sale was talked about. He was informed since the Fair is a county sponsored event, no alcohol is allowed.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich reported on the following; He talked about the 250 endangered species listed by the USFS. Mr. Dietrich presented the minutes from an April 3, 2013 meeting of the County Coalition for the Gunnison Sage-grouse. (See attached) He reminded the

Board of the field trip scheduled for 1:00 p.m. on April 15th with the BLM. One issue is with the parking area to Sand Canyon. He will postpone the next coordination meeting with the Forest Service.

COUNTY ADMINISTRATOR REPORT: County Administrator Harrison said that Brownsfields and Brownfield's grants are one and the same and not separate functions. The County Attorney will research the options of the county applying for grants for phases one and two and issuing the grant monies to the property owners and repayments of same back to the County. He stated that in response to Greg Kemp's questions regarding background checks on gun sales at the upcoming gun show scheduled at the Fairgrounds, all gun sales at gun shows must do background checks.

WARRANTY DEED: Comm. Ertel moved to allow Comm. Suckla, Commissioner of Deeds to execute the deed from Montezuma County to Randall P. and Frances M. Dunn on property located on Road 23 as described in exhibit A, seconded by Comm. Suckla and carried. (See attached)

COUNTY ATTORNEY REPORT: Nothing to report at this time

COUNTY COMMISSIONER REPORT: No report at this time.

LUNCH: 12:10

PUBLIC COMMENT SESSION:

No comments received.

MCEDA: Comm. Ertel moved to appoint Montezuma Planning Director Susan Carver to represent Montezuma County as a voting member to the Montezuma County Economic Development Association, seconded by Comm. Suckla and carried.

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. An AR3-9 and AR10-34 rezoning request and presketch plan for a 3 lot minor development on property owned by Robert and Susan Scott 1992 Trust, Robert J. and Susan R. Scott, Trustees, Maness and Associates, Inc. as agents. The property consists of 47 acres, more or less, on a parcel of land located at 38890 and 38894 Hwy. 184, Mancos. Planning Director Carver explained the request in detail. Bob and Sue Scott represented their application. Mr. Scott explained the driveway issues and CDOT access. Attorney Erin Johnson spoke to the historic access to the property. She discussed covenants and a road agreement. A plat note was added regarding possible property access. Comm. Chappell opened the hearing to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the rezoning application for AR3-9 and AR10-34 for Robert and Susan Scott 1992 Trust for the Sundance Bear Lot 3 minor development located at 38890 Hwy 184 with a plat note stating that no document has been discovered granting access rights to southerly and easterly adjoining property as shown herein as Cooper. In the event that access rights are determined to exist, Sundance Bear lot owners need to recognize these rights as well, seconded by Comm. Ertel and carried. (See attached.) Comm. Ertel moved to approve the preliminary plan thereby creating vested rights for the Sundance Bear 3 lot minor development by seconded by Comm. Suckla and carried. Comm. Chappell closed this hearing at this time.

EXEMPTION REQUEST: Glenn E. and Diane M. Wilson made a request for an exemption for property “a” which is a non-compliant tract. Property “b” is owned by Donald and Ann Brown, which is a compliant tract created prior to 1972. Planning Director Susan Carver discussed the request in detail stating the Wilson’s desire to sell a portion of their property in order to create additional retirement security and alleviate some of the burden of maintenance. The Wilson’s intend to sell 4.77 +/- acres of their 14.81 +/- acres southwest of the Towaoc Canal to adjacent property owners, the Browns, leaving them 10.04 +/- acres. The Brown’s have 29.86 +/- acres to the west of the Wilson’s property. Said purchase would increase their total acreage to 34.45 +/- acres. Additionally, the Wilsons wish to divide their property as it is bisected by the Towaoc Canal. There are currently 14.81 +/- acres to the northeast of the canal and 16.12 +/- acres to the southwest. Director Carver explained the application in detail. Comm. Suckla moved to approve Planning Resolution P-08-11 for Glenn and Diane Wilson on 26.7 acres more or less on property located at 29135 Hwy. 160, Cortez, situated in sections 28 & 29, T. 36N., R15W., N.M.P.M. seconded by Comm. Ertel and carried. (See attached)

HAYCAMP GRAVEL PIT: Lavena Saunders met to discuss the Haycamp Gravel Pit with council, Attorney Kelly McCabe. The renewal of DRMS permit was talked about. Mr. McCabe said they are here to set the ground work for the County to continue to use the pit. He said LMN is currently negotiating a new lease with Kathy and Daren Stone as well. The desire is to separate the permit and coordinate the operation locations with the Stones and the County. Ms. Saunders informed the Board of a royalty increase of 5% from \$1.10 a ton to \$1.15 a ton and she discussed a road being constructed on the property for about a mile.

EASEMENTS AND AGREEMENTS: Director Carver presented for review and determination of finalizing proposed road L.3 easements and agreements. Said easements and agreements were presented for signature by the Board of County Commissioners. Comm. Ertel moved to approve High Impact Permit number 622 on property located at 11365 Road 24, Cortez, a letter of agreement for roadway improvements with Empire Electric, seconded by Comm. Suckla and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached:
Letter from Judith Cain regarding the situation in the City Park.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried
MEETING ADJOURNED 3:00 p.m.

 County Clerk

April 8, 2013

 Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 15, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 15, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman
Larry Don Suckla, Commissioner of Deeds
Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney
County Administrator
Carol Tullis, County Clerk

INTERVIEWS: the Board conducted interviews with potential county attorney candidates on April 11, 2013 beginning at 9:00 a.m.

CVSO INTERVIEWS The Board conducted interviews on April 12, 2013 beginning at 9:00 am at the County Annex for the Veteran's Affairs Officer.

CHAIRMAN CHAPPELL opened the meeting of April 15, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 8, 2013 as presented. The motion was seconded by Comm. Suckla and carried.

WEEKLY EXPENDITURES:

Comm. Suckla moved to approve the schedule of receipts and disbursements from 3/1/13 to 3/31/13 for Montezuma County, seconded by Comm. Ertel and carried. (See attached)

APPOINTMENT: Comm. Suckla moved to appoint Comm. Ertel to the AAA board for 2013, seconded by Comm. Chappell and carried.

PUBLIC COMMENT SESSION:

Greg Kemp has a couple of questions regarding the fire ban. He asked how the agricultural interest exemption from such ban would be handled and how dispatch informs area agencies when calls from the public that are burning is done. He was told the Sheriff could answer those questions.

ROAD: Supervisor Roundtree said he has been in contact with the City of Cortez regarding the boundaries and right of ways around the road department on Hwy. 145. He will be meeting with them on Wednesday. He talked about the reflectivity on the road signs and will do mapping of the area signs He was informed of vandalism done to a stop sign and other signage on Roads P and 18 and a culvert issue on Road 26. He said the mag chloride program will begin soon. The Board asked if Supervisor Roundtree would schedule a tour of the road facilities with the Board and the road foremen. He will schedule a time.

FIRE BAN PROCEDURES: Sheriff Spruell met to discuss fire ban procedures. He would like to amend the current fire ban wording in that he would like the ability along with recommendations from the area fire chiefs to institute the fire ban. He also requested the public call dispatch when there is a controlled burn. He requested the time be extended regarding red flag days. The Board will look into amending the resolution. (See attached)

EMERGENCY MANAGER Paul Hollar met to talk about all hazards mitigation and wildfire operations plans and changes made to the plans. Comm. Suckla moved to approve the 2013 annual wildfire operating plan for Montezuma County, seconded by Comm. Ertel and carried (See attached) He presented the quarterly reimbursement request and financial report for signature. (See attached) Manager Hollar discussed proposed mitigation grants and plans. Comm. Ertel moved to approve \$2,075.00 to begin funding for hazmat plan update through a grant agreement between the Department of Public Safety, Division of Homeland Security and Emergency Management and Montezuma County, motion died for lack of second.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich gave the Board an update on the Colorado State Historic fund McElmo Flume Grant. He stated the County is the agency for the grant and the grant has been awarded. Comm. Ertel moved to sign the Colorado Historical Society construction contract number 2013-M2-020 for the structural assessment of the McElmo Flume, seconded by Comm. Suckla and carried. (See attached)

COUNTY ATTORNEY'S REPORT: He was made aware of issues with the resignation of the County Administrator..

COUNTY COMMISSIONER'S REPORT: Nothing to report at this time.

FAIRGROUNDS: Fairground Manager Tanner Young gave his monthly fairground report. He reported the income at the Fairgrounds is up and talked about attendance at the events. He said there is a gun show coming and that the show has already booked for use of the facility for next year. The high school rodeo went well as

have other recently held events. Manager Young informed the Board of upcoming events. The marquee sign at the Fairgrounds needs updated and talked about avenues for the advertising of Fairground events. Manager Young talked about the handicap entrance at the south end of the grandstands saying the Roundup committee wants to have a sidewalk installed around that area.

PLANNING:

EXEMPTION REQUEST: Planning Director Susan Carver presented for review and determination an exemption request as submitted by Emily Irwin. Said property is located at 12480 Road G, Cortez, consisting of 6 acres, more or less, wherein Road G bisects the property leaving 3 acres, more or less, on each side of Road G. The request is allowed for in Section 9103.4 of the Montezuma County Land Use Code. Director Carver explained the request in detail. Emily Irwin represented the application. She said she owns a 6 acre more or less, parcel with an existing home on 2 acres, more or less, on the north side of Road G and an existing residence on the south side of Road G on 4 acres, more or less. Road G bisects the property separating the tract. Comm. Suckla moved to grant preliminary approval of an exemption on property located at 12480 Road G, seconded by Comm. Ertel and motion carried. (See attached)

FINAL REVIEW of an exemption request as submitted by Glenn and Diane Wilson who are the owners of property located at 29135 Hwy. 160, Cortez, and Donald and Ann Brown who own property located at 28825 Hwy. 160, Cortez. Said exemption request will allow the Wilson's to deed 4.77 acres, more or less, from their property to be made a part of the Brown's existing acreage/property. Director Carver explained that no new tract will be created. Comm. Ertel made a motion to approve resolution P-08-11 and to remove the County Administrator's name from the document and to grant Glenn and Diane Wilson the separation of a tract of land to Don and Ann Brown located at 29135 Hwy 160, Cortez, Comm. Ertel further moved to amend the resolution number from P-08-11 to P-04-13, seconded by Comm. Suckla and carried. (See attached)

Director Carver reported on the Guy Drew Vineyards having wine tasting at a facility located on Hwy 160. She had questions regarding zoning of the facility as well.

VICTIMS RIGHTS WEEK: District Attorney Will Furse and members of the District Attorney's Office discussed Victims Rights Week. Comm. Ertel read the proclamation to declare the week of April 21-27, 2013 as Victims Rights Week. Comm. Ertel moved to proclaim the week of April 21-27, 2013 as National Victims Rights Week, seconded by Comm. Suckla and carried. (See attached)

LUNCH: The Board had lunch with the Unlimited Learning Center.

FIELD TRIP: The board conducted a field trip with the BLM to Sand Canyon and Road 10.

CORRESPONDENCE: The following correspondence was read, noted and attached:
Letter from Ute Mountain Roundup regarding location of the beer sales at the Rodeo.

MEETING ADJOURNED after the field trip.

County Clerk

April 15, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 22, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 22, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman
- Larry Don Suckla, Commissioner of Deeds
- Michael Goldman, Goldman, Robbins, & Nicholson, P.C., County Attorney

County Administrator
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of April 22, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 15, 2013 as presented. The motion was seconded by Comm. Suckla and carried.

WEEKLY EXPENDITURES: No expenditures presented.

DOLA CONTRACT: The Energy Impact Assistance Fund contract **EIAF #7095** – Montezuma County Fairgrounds Improvements, was presented for approval and signature. Comm. Ertel moved to change the signing authority on the DOLA grant to Chairman of the Board of County Commissioners Steve Chappell, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION: Bud Garner talked about the maritime and territorial law. He talked about the laws of states adopted concerning federal lands and a panel discussion on both of these issues.

ROAD: Supervisor Roundtree said he attended the RAMP workshop. He feels he is not qualified to meet the design criteria. Supervisor Roundtree discussed a meeting with the City of Cortez regarding the boundary located around the road department on Hwy. 145. He said the City was not very receptive in any proposals presented. **Ryan Mahoney** with the Town of Dolores met to discuss a water truck the Department has that is considered as surplus. It needs some repairs and the County has no further use for it. Mr. Mahoney said the Town would have a use for it. Comm. Suckla moved to approve the transfer of a water truck from the Road Department to the Town of Dolores in the amount of \$2,000.00 to be paid to the Road Department, seconded by Comm. Ertel and carried. Discussed truck routes and other road issues including missing road signs.

LEASE: The lease for the **Haycamp Gravel Pit** was discussed. No action was taken at this time.

RESOLUTION 2013-3, WESTERN REFINING: A Resolution regarding the permit renewal for road use on Road BB, Roads 9, 10 and Road 12 concerning the oversized trucks was reviewed. Comm. Ertel moved to approve Resolution 2013-3, road use permit for Western Refining, seconded by Comm. Suckla and carried. (See attached)

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 SERVICES: Did not appear. Will reschedule.

MCPHEE MARINA: Marianne Mate gave an update concerning the McPhee Marina Breakwater project. She informed the Board of the background of this project. Ms. Mate said there will need to be an extension for the breakwater grant.

EXECUTIVE SESSION: Pursuant to Attorney Goldman's suggestion, Comm. Ertel moved for the Board of County Commissioners move to executive session pursuant to C.R.S. statutes 24-6-402(4)(b) for the purpose of legal advice, personnel matters and negotiations 24-6-402(4)(e), 24-6-602(4)(f), seconded by Comm. Suckla and carried.

Comm. Chappell said the Board voted to return to regular sessions.

APPOINTMENTS: The following appointments were made;

COUNTY ATTORNEY: Comm. Suckla moved to approve the appointment of John Baxter as County Attorney contingent upon negotiations and to give Chairman Chappell the ability of power of negotiation to determine employment of the attorney, seconded by Comm. Ertel and carried.

VETERAN'S OFFICER: Comm. Ertel moved to appoint Enrique Torres as the County Veteran's Affairs Officer as recommended by area Veteran commanders and the BOCC, seconded by Comm. Suckla and carried.

COUNTY TREASURER: County Treasurer **Sherry Dyess** met to discuss the Title 1 money disbursements. Comm. Suckla moved to distribute the National Forest Distribution of title one funds as follows; 25% to the Road Department and 75% of the \$213,493.19 to the area schools for State fiscal year 2012-2013, seconded by Comm. Ertel and carried. (See attached)

WEB SITE: Naomi Lennon-Lamke informed the Board of area entities she talked with concerning helping update the County website and she will be collecting more information on who would like to help.

COMMUNITY SERVICES DIRECTOR: James Dietrich reported on the McPhee Breakwater project and what needs to be done. He said the topographical research needs to be completed and anchor points located. James will research the financial obligations required to complete this project. He informed the Board of a meeting scheduled for Thursday at 5:30 p.m. for a Dolores Trails planning efforts kickoff. He reminded the Board of the upcoming meeting with the Dolores County Commissioners and Mark Stiles scheduled for April 30, 2013. Comm. Suckla made a motion to approve up to \$4500.00 for the location of anchor points for the McPhee Breakwater Project to Maness and Associates contingent upon the condition that the grant monies is not available, seconded by Comm. Ertel and carried.

COUNTY COMMISSIONER REPORT: Comm. Suckla reported on the last legislative session he attended in Denver recently. Comm. Ertel reported on the Mesa Verde Country meeting he attended. Comm. Chappell said he will be attending the upcoming Region 9 meeting in Durango this week.

COUNTY ATTORNEY REPORT: Attorney Goldman reported on a letter received from Vaughn and DeMura regarding the law suit between the Denver Health and Hospital Authority V Spruell et al. He said there was a default judgment in the amount of \$75,241.86. (See attached)

HICKENLOOPER LETTER: Comm. Suckla moved to sign a letter of support with the coalition of County Commissions in a letter to Governor Hickenlooper regarding his stance on his energy policy, seconded by Comm. Ertel and carried.

LUNCH: 12:05 pm

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. Said hearing is for the purpose of an AR3-9 rezoning request and sketch plan for a proposed single lot development on property owned by Stanley Brooks Living Trust and Rebecca R. Brooks Living Trust, Robert Brooks, Trustee, Maness and Associates agents. The property is located at 21400 Road N, Cortez. Planning Director Carver explained the request. She said the Planning and Zoning Commission recommended approval. Ernest Maness with Maness and Associates explained why the family wanted to rezone a portion of the property. He said they wish to separate 3.28 acres, more or less, from the 41.92 acres, more or less. The remaining acreage will be in excess of 35+ acres and is not a part of this rezoning request as the property is currently zoned AR35+. Comm. Chappell opened the hearing up to public comment at this time. Hearing no comments that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the AR3-9 zoning and presketch plan on 3.28 acres more or less, based on conformity with the code, seconded by Comm. Ertel, and carried. Comm. Chappell closed the hearing at this time. (See attached)

FINAL PLAT: Comm. Ertel moved to approve the final plat for the proposed single lot development consisting of 3.28 acres, more or less, on property located at 21400 Road N, Cortez. Co., seconded by Comm. Suckla and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an INDHZ – heavy industrial rezoning request. The roll was called, the public notice was read, and the proceedings were recorded for the record. This request is submitted by Kinder Morgan CO2 Company, LP; agents Ecosphere Environmental Services. The property is located at a TBD address on Road U, Yellow Jacket, consisting of 39 acres, more or less. Planning Director Susan Carver explained the property is currently vacant land. The applicants are proposing a change in land use which necessitates the rezoning of said parcel. She stated the change in land use includes an expansion of an existing compressor station known at the Kinder Morgan Yellow Jacket Plant which is located on an adjacent parcel. Bob Clayton with Kinder Morgan represented the application. He explained the purpose for doing this project and why it needs to be done. Comm. Chappell opened the hearing to public comment. Hearing none, that portion was closed. After hearing all the evidence presented Comm. Ertel moved to approve the heavy industrial rezoning request as submitted by Kinder Morgan CO2 Co. on property located at 17774 Road 14, Yellow Jacket, Co., consisting of 39 acres, more or less, based on the following shall not generate any significant adverse impacts on other property in the area, seconded by Comm. Suckla and carried. (See attached) Comm. Chappell closed this hearing at this time.

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 a high impact permit application for the purpose of expanding on an existing compressor station by the installation of surface compression and other surface facilities to sustain production levels and to maintain

CO2 production by lowering the abandonment pressure of the well sites/field as submitted by Kinder Morgan CO2 Company, LP; agents Ecosphere Environmental Services. Said property is located at a TBD address on Road U, Yellow Jacket. This property consists of 39 acres, more or less and is currently vacant land. Planning Director Susan Carver explained in detail the request. She discussed threshold standards that will be exceeded. Bob Clayton, with Kinder Morgan represented the application. It was requested to have the oral testimony from the previous public hearing on rezoning be made a part of this record as well. Comm. Chappell opened the hearing up to public comment. Hearing none, that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the high impact permit no. 13-000005 on property located at 17774 Road 14, Yellow Jacket, Co., contingent upon information submitted within the high impact permit application and oral comments made at both the Planning and Zoning Commission Board and the County Commissioners. All other local, state and federal permits must be obtained and kept in good standing. Seconded by Comm. Ertel and carried. (See attached) Comm. Chappell closed this hearing at this time.

FINDINGS; Comm. Ertel moved to accept the findings and permit of high impact permit no. 13-000005 for Kinder Morgan CO2 Company LP on property located at 17774 Road 14, Yellow Jacket, Co. seconded by Comm. Suckla and carried. (See attached)

PLANNING:

Planning Director Susan Carver made a request to forward 4 separate high impact permit applications and special use permit application to the Planning and Zoning Commission. Said applications were submitted by Kinder Morgan, CO2 Company, Bob Clayton and Ecosphere Environmental Services agents. The applications are for the construction and use of 4 separate 5.5 acre, more or less, well pads; drilling of 1 CO2 well per pad; construction of tie-in pipelines; and associated production activities on the following properties; 1) property owned by Kathryn M. Story Living Estate, located at 12199 Road 16, Cortez. 2) Property owned by Michael L. Reed located at a TBD address on Road W, Yellow Jacket. 3) Property owned by Barbara G. Kirk and Marjorie

Ann Wright, located at 12255 Road W, Yellow Jacket. 4) Property owned by Daniel Lee and George Samuel Bangs, located at 21657 Road 11, Pleasant View. Director Carver discussed this request. Comm. Suckla moved to forward the 4 separate high impact permit and special use permit applications as submitted by Kinder Morgan CO2 Company to the Planning and Zoning Commission, seconded by Comm. Ertel and carried. (See attached)

REQUEST TO AMEND Resolution No.; P-34-97E was submitted for preliminary review and determination. A request was submitted by Tommy and Norva A. Lansing with property located at 18601 Road G and property owned by Ray E. and Susan Stafford with property located at 19035 Road G. The Staffords wish to convey 15 acres, more or less, of their 109.55 acre, more or less, to be combined with and made a part of the Lansing's 30 acres, more or less, whereby the Lansing property will exceed 35 acres, more or less. The Lansing property was created by Resolution No. P-34-97E. Director Carver gave an overview of the request. She explained no new tract would be created. Tommy Lansing represented his request. Comm. Ertel moved to approve the preliminary request to amend Resolution No. P-34-97E to allow the Lansings to purchase of 15

acres, more or less, from the Stafford's 109 acre, more or less, parcel of land located at 19035 Road G, Cortez, and to default the 15 acres, more or less be zoned AR35+, seconded by Comm. Suckla and carried. (See attached)

FINAL PLAT: Planning Director Carver presented for review and determination of a final plat for a proposed 3 lot minor planned unit development on property owned by Bruce Downer, Tris Downer, Andrew Fowler, Barbara E. Holmes, and Catherine Baudion. The property is located at 17665 Road G, Cortez, containing 40.71 acres, more or less. Director Carver discussed the final plat in detail. She said there is an existing bridge across McElmo Creek which has been designed and approved by an engineer with yearly inspections to be done. Attorney Erin Johnson represented the applicants. Comm. Suckla moved to approve the final plat for the 3 lot minor planned unit development for the Oxbow Farm 3 lot cluster incentive planned unit development for Bruce Downer, Tris Downer, Andrew Fowler, Barbara E. Holmes, and Catherine Baudion. The property is located at 17665 Road G, Cortez, and variance application PID 5613-334-00-002, seconded by Comm. Ertel and carried (See attached)

RESOLUTION 2013-4: Comm. Ertel moved to adopt Resolution 2013-4 authorizing the issuance of credit cards, seconded by Comm. Suckla and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached:
Colorado Board of Health Agenda.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 3:25 pm.

County Clerk

April 22, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 29, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 29, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman
- Larry Don Suckla, Commissioner of Deeds
- Jeff Robbins, Goldman, Robbins, & Nicholson, P.C., County Attorney
- County Administrator

Carol Tullis, County Clerk

The Board met with representatives from the City of Cortez, Town of Mancos, and the Town of Dolores on Wednesday, April 24, 2013 at 12:00 at Shiloh Steak House.

CHAIRMAN CHAPPELL opened the meeting of April 29, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 22, 2013 as presented. The motion was seconded by Comm. Suckla and carried.

WEEKLY EXPENDITURES: No expenditures submitted.

PUBLIC COMMENT SESSION: No public comments were made.

ROAD: Supervisor Roundtree and James Dietrich discussed the letter with Casey McClellan regarding the Haycamp Gravel permit. Comm. Suckla moved to sign the letter with Four Corners Aggregates, Casey McClellan, for the transfer of gravel permit number M-1990-025 to Montezuma County, seconded by Comm. Ertel and carried. (See attached) Supervisor Roundtree said he has had discussions with representatives from Russell Engineering regarding the RAMP grant concerning Road P and Hwy. 145. He was told to pursue the application. Supervisor Roundtree talked about the road plan. He said Road V needs attention. He talked about the reflectivity of the road signs and the gps location on the signs saying it is progressing.

Don McCartney met to discuss problems on Road M.5 and 32. He is asking for permission to move a red signed road sign on Road M.5. He talked about the easements saying the sign is in the county right of way. It was stated that a red road sign is not a county maintained road. Supervisor Roundtree will talk with Jim Burton with the County addressing program about the placement of the sign.

SWHS: John Nadone and Kent Helwig gave the quarterly update on Southwest Health Systems. They talked about the balance sheet and monthly operating report for 3rd month ended at March 31, 2013. (See attached). Mr. Helwig reported the clinic on North Elm required evacuation and the need to shut down the facility due to high levels of carbon monoxide. He explained the problems will be repaired before the clinic is reopened.

SENIOR SERVICES: Sue Fletcher and Mary Holliday gave their quarterly report regarding Senior Services. Ms. Fletcher informed the Board on the USDA commodity giveaway program. She talked about the nutrition program and the number of meals served from January through March. Mary Holliday talked about the transportation programs and potential needs. Ms. Fletcher informed the Board that the Advisory Board meets on the second Tuesday of each month.

BUD GARNER presented a proposal for resolution in support of federal and state constitutions regarding the people's right to keep and bear arms. The Board will look into the resolution.

PUBLIC HEALTH CONTRACT between the Colorado Department of Public Health and Environment and the Board of County Commissioners of Montezuma County was presented by Health Director Lori Cooper. She said this contract deals with the tobacco prevention program. Comm. Ertel moved to approve the amendment on task order #1 under the master grant number 13 FAA 00035 for the step grant for tobacco prevention, seconded by Comm. Suckla and carried. (See attached)

GEORGE K. BAUM: Did not appear.

COMMUNITY SERVICES DIRECTOR, JAMES DIETRICH reminded the Board of the meeting with the Dolores County Commissioners and Mark Stiles on Tuesday, April 30, 2013. He also said the water court case with BLM has been scheduled for May 17, 2013 at 10:30. Mr. Dietrich discussed a draft resolution concerning the potential sage grouse habitat. He discussed workings of the Rangeland Stewardship Committee with regard to the Canyon of the Ancients rangeland health assessment. He said the committee is asking for the Commissioner's input. James is working on the Sand Canyon BLM grant on the parking lot. He informed the Board of a meeting this week concerning the McElmo Flume. He talked about the breakwater project stating it is progressing and the grant monies have been expended.

LUNCH: 11:45

EXECUTIVE SESSION: Pursuant to Attorney Robbins's suggestion, Comm. Ertel moved for the Board of County Commissioners move to executive session pursuant to C.R.S. statutes 24-6-402(4)(b) for the purpose of legal advice, personnel matters and negotiations 24-6-402(4)(e), 24-6-602(4)(f), seconded by Comm. Suckla and carried.

Comm. Chappell said the Board voted to return to regular sessions.

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 regarding proposed amendments to the Montezuma County Land Use Code which include, but not limited to, proposed uses-by-right for commercial and industrial zoned properties. Planning Director Carver, Planning and Zoning Commission representatives Tim Hunter and Dennis Atwater explained the amendments in detail. They discussed the UBC code and to make an addition to the code stating according to the Uniform Building Code, 1997 or a more stringent code such as the IBC, International Building Code regarding all new construction and remodeling of commercial or industrial use building and public building. Wildfire mitigation was talked about. Comm. Chappell opened the hearing to public comment at this time. **Richard Kipp** felt the process was trying to add control to the people. He talked about private property rights. **Greg Kemp** said there are a couple of things that might need clarification concerning heavy equipment rentals. He mentioned a typographical error. He talked about the use of the word international in the IBC. **Dexter Gill** feels we don't need to over regulate ourselves. He said we should build on what we have and make it better. **Scott Ehmke** said it looks like the amendments are adding flexibility with the building code language. **Greg Kemp** said he wanted to correct a

couple of statements made by Mr. Gill in that the code is revised every 3 years, not every year, and any citizens can propose to code writers a change as manufacturers do as they develop new technology.. **Richard Kipp** said the word international doesn't disturb him but the word control does. Hearing no further comments, that portion was closed. Director Carver addressed issues raised during the public comment portion. Comm. Ertel moved to close the public comment portion and public hearing and to continue the Commissioner's action on the land use code amendments to Monday, May 6, 2013 at 2:30 p.m. Seconded by Comm. Suckla and carried.

AFTER-THE-FACT EXEMPTION: Planning Director Susan Carver presented an after-the-fact exemption request Resolution no.; P-9-89 as submitted by Chadwick Lance Shippy. Said property is located at 5863 Road 25, Cortez. The property consists of 4 acres, more or less, and Nevan Shippy with property located at 5865 Road 25, Cortez, consisting of 2 acres. In 1996, a deed was recorded that deeded approximately 3 acres, more or less, of Nevan Shippy's property to Chadwick Shippy without County approval whereby leaving both the 4 acre and 2 acre parcel non-compliant. This request is an after-the-fact request to bring both parcels into compliance with the land development regulations. Director Carver explained the application in detail. She feels this meets the criteria for an after the fact agreement. Comm. Suckla moved to approve the preliminary request of an after-the-fact exemption and request to amend Resolution Number P-9-89 on property owned by Nevan Shippy consisting of 4 acres, more or less; and, property owned by Chadwick Shippy consisting of 2+ acres. Both properties were created prior to the Land Use Code being adopted and are therefore eligible for an exemption from the subdivision regulations, seconded by Comm. Ertel and carried (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich reported he has received a letter from the Forest Service regarding the jurisdiction of the Dolores Norwood road. He will respond to the letter.

COMMISSIONER'S REPORT: No report given.

COUNTY ATTORNEY'S REPORT: Mr. Robbins talked about the fire ban procedure.

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

Termination of special county attorney roll from Dennis R. Golbright.

Letter concerning truck traffic using Road 20 from Sara Vicary.

MOTION TO ADJOURN was made by Comm. Ertel seconded by Comm. Suckla and carried.

MEETING ADJOURNED 3:35 pm.

County Clerk

April 29, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO**

May 6, 2013

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 6, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman – absent am.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator
- Carol Tullis, County Clerk

The Bocc met on April 30, 2013 at 10:30 am at the Dolores County Courthouse to meet with the Dolores County Commissioners and the Forest Service representatives to review the Boggy Glade Decision Notice.

CHAIRMAN CHAPPELL opened the meeting of May 6, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 29, 2013 as presented. The motion was seconded by Comm. Chappell and carried.

REVIEW/APPROVE OF EXPENDITURES:

Comm. Suckla moved to approve the expenditures for March 1, 2013 through March 31, 2013. Seconded by Comm. Chappell and carried. (See attached)

USDA: Comm. Suckla moved to approve the signing of the USDA work and financial plan, agreement number 13-7308-0310-RA, seconded by Comm. Chappell and carried. (See attached)

PUBLIC COMMENT SESSION:

GREG KEMP reminded the Board of a request he made in January concerning the placement of a flag at the Road Department facility on Hwy 145. He said no flag is being flown to date.

RICK TORRES introduced himself. He is the new Veteran’s Affairs Officer.

MIKE GADDY stated he would like to discuss the upcoming water court hearing with the County Attorney and the Board.

ROAD: Supervisor Roundtree informed the Board that Casey McClellan signed the Haycamp Gravel permit letter.(See attached) He discussed the RAMP project at County Road P and Hwy. 145. Supervisor Roundtree presented the Haycamp Gravel Permit. This is a lease agreement for the mining and development of road aggregated between Lavena E. Saunders, Harry Rogers, and Michelle Welsh and Montezuma County. Comm. Suckla moved to sign the lease between Montezuma County and Lavena E. Saunders, Harry Rogers, and Michelle Welsh for the lease to the Haycamp Gravel Permit, seconded by Comm. Chappell and carried. (See attached)

Planning Director Susan Carver brought in a Quit Claim Deed between Montezuma Valley Irrigation Company and Montezuma County on a portion of Road L.4. Comm. Suckla moved to approve the transfer deed on Road L.4 between Montezuma Valley Irrigation Company and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

A discussion was held regarding the transfer of property around the County Road Department and the City of Cortez. County Surveyor Ernest Maness explained the transfer in detail. The Board would like to meet with the City before making any decision. Supervisor Roundtree discussed other road related issues such as the milling process and the mag chloride program. A discussion on comp time for the Road Department was held.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of April, 2013. (See attached).

K-9 SEARCH AND RESCUE: Chuck Melvin with the K- Search and Rescue made a request for additional funding. He talked about workman's comp and liability insurance being paid by the County. He asked what they can plan on and budget for regarding the request. Mr. Melvin informed the Board about the program and said they not only work in this County but all over. Comm. Suckla moved to approve \$1500.00 for the K-9 Search and Rescue for 2013, seconded by Comm. Chappell and carried.

SHERIFF SPRUELL met to discuss the fire ban procedure. Sheriff Spruell wants the ability to declare a no burn day on the recommendation of the area fire chiefs. Sheriff Spruell wants to see a mandatory call whereby the residents call dispatch before they burn to see if there are any burn bans in place. The BOCC will review the fire ban procedures already in place before making any changes. He presented a Gaming Grant for signature. Comm. Suckla moved to approve the Gaming Impact Grant for the 2013-2014 cycle local government limited gaming impact fund application, seconded by Comm. Chappell and carried. (See attached)

THYSSENKRUPP ELEVATOR: Robert Smith County Maintenance Supervisor and **Sam Stewart** with Thyssenkrupp Elevator gave an update concerning the Courthouse elevator upgrade. Mr. Stewart discussed the State's elevator code and upgrades. He talked about pricing options required for the County to bring the elevator up to code. They discussed upgrading the old system versus installing a new system. Mr. Smith will talk to the inspectors to see what may be required for either system. More information will be forthcoming before making any decision.

HAYCAMP UPDATE: Casey McClellan representing McStone Aggregates, LLC and Nathan Barton with Wasteline, Inc. reviewed the status of the South/New Hay Camp Pit state reclamation permit. Planning Director Carver discussed the high impact permit and special use permit process. Comm. Suckla said he would like to see this application go to a public hearing before the BOCC for the high impact permit application and decision. Comm. Chappell agreed.

IT: Chris Lindus with the IT Department met to discuss the hiring of a new IT employee. His stated he interviewed various candidates and narrowed the applicants to one. Comm. Suckla moved to approve the hiring of Jody Payne at a salary base of \$31,500.00 a year as an IT worker under the direction of IT Specialist Chris Lindus, seconded by Comm. Chappell and carried.

LUNCH:

Comm. Ertel was in attendance.

PUBLIC HEALTH DEPT tour was cancelled.

CONTINUATION OF PUBLIC HEARING: It being the time set aside the continuation of a public hearing is held. The roll was called and the proceedings were recorded for the record. This continuation is from the April 29, 2013 public hearing regarding the Montezuma County Land Use Code amendments. Director Carver reviewed the changes to the documents. Comm. Chappell opened the hearing to public comments. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to pass the amendments to the Montezuma County Land Use Code Resolution 5-2013, seconded by Comm. Ertel and carried. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich reported on the McPhee Breakwater project progress. More discussions will be done. He said an extension on the grant period will be requested. Mr. Dietrich stated action needs to be done soon on the Federal Lands Access Grant. The Habitat Partnership grant regarding herbicide treatments was discussed. Comm. Ertel moved to sign the grant with Habitat Partnership Program in the amount of \$4,995.00 for the noxious weed control program on private lands, seconded by Comm. Suckla and carried. (See attached) James talked about the flood plain map and ordinance. He discussed the Dolores Norwood road and research being done.

COMMISSIONER'S REPORT: Comm. Ertel reported on the meeting he attended with AAA.

COUNTY ATTORNEY'S REPORT: Talked about the following; acquiring a WESTLAW account, internet access, a computer, printer, etc for his office here.

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

Termination letter from special county attorney roll from Dennis R. Golbrict.

Commendation letter from Dolores School District RE-6 commending Social Service Director Dennis Story for his support, guidance and action concerning a recent incident with the school.

The following landfill letters; Assessment monitoring on Carver Lanfill, proposed alternative final cover QA/QC Plan, and proposed composting pilot project,

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 3:10 pm.

County Clerk

May 6, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 13, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 13, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman – absent.
Larry Don Suckla, Commissioner of Deeds
John C. Baxter, County Attorney
County Administrator
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of May 6, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 6, 2013 as presented. The motion was seconded by Comm. Chappell and carried.

REVIEW/APPROVE OF EXPENDITURES: No expenditures presented.

Comm. Suckla talked about the landscaping at annex three.

PUBLIC COMMENT SESSION:

Guy Drew with Guy Drew Vineyards talked about a manufactures sales room for wine tasting and sales to be housed at Mesa Verde Pottery on Hwy 160. His concern is due to the length of time this application has taken. He said this delay is costing him a large sum of money. He is asking the BOCC to determine the proper use of the property and zoning. He will work with Planning to resolve this situation.

Kirstin Brown with the Division of Reclamation of Mining and Safety stated they have money to reclaim the property destroyed by the Weber Fire. She said they will request 100,000 gallons of water as there are coal mines smoldering that needs to be taken care of now. This project will be done sometime in late September. Further research and discussions with various entities will be done.

ROAD: Supervisor Roundtree said the Department is busy with the mag chloride program. He talked about the Mosquito Control using the Road facility on Hwy 145 stating gates are left open frequently. Comm. Suckla will research this issue as to when the Mosquito Control program began using the facility. Supervisor Roundtree informed the Board that he has not received the signed contract on the Haycamp Gravel Permit.

CITY OF CORTEZ Manager **Shane Hale** met with the Board to discuss the golf course property. Micah Rudosky with the golf course and Dean Palmquist met to discuss the property as well. Supervisor Roundtree informed the Board of the boundaries and right of ways. City Manager Hale talked about how the property access and changes took place over the years. Mr. Hale said the City would be willing to split the cost of constructing a fence to clean up the boundary. Access through a gate was discussed and how the County could have said access through the gate whereby the City could give the Department a key to the gate. More discussion will be done.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of April, 2013. (See attached) She presented the character trait for the month being Attentiveness. She talked about the following; special events like the E-waste program and the Cortez cleanup recently held. She stated CDPHE is still finalizing AQ/QC Plan for the final closure of the Carver site. Work to upgrade camera computer and how help from the IT department is required. She talked about other issues with the Landfill. Manager Barton said she would like to replace the pressure washer. She found a portable Hotsy Hot Water Pressure Washer for around \$5,000.00 through Hotsy of the Four Corners. (See attached)

DISTRICT COURT UPDATE: District Judge Walker and Eric Hogue met to discuss the building for the courts. They said they would like to see an inspirational and safe place to work and something to be proud of. The discussion concerned options from the architect, the elevator revamping, and the City taking the justice building on Mildred Road. Temporary housing for County Court and Probation was discussed.

PLANNING: Comm. Suckla made the following statement regarding the request from Guy Drew Vineyards. It appears that the proposed use falls within the historic use of the property and therefore no high impact permit review process is necessary. The certification of use will be kept on record with the Planning Department. No permit is required. Comm. Suckla moved to expedite notification to the State Liquor Enforcement Division,

seconded by Comm. Chappell and carried. (See attached) **LATER:** Guy Drew Vineyards permanent winery tasting location vinous liquor license. (See attached)

STIFEL PUBLIC FINANCE: No representatives from Stifel Public Finance appeared.

PUBLIC HEALTH: Public Health Director Lori Cooper presented the following contracts for signature;

The Public Health contract. The NFP (Nurse Family Partnership). The Air monitoring. And the United Way.

Comm. Suckla moved to sign the Public Health Contract for 2013, the Nurse Family Partnership contract for 2013, the United Way contract for the car seat program for 2013, and the contract for the air monitoring station with the State for 2013, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining 4 separate high impact permit and special use permit applications. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Susan Carver presented 4 separate high impact permit applications and special use permit applications as submitted by Kinder Morgan, CO2 Company, Agent Bob Clayton and Laura Getts with Exosphere Environmental Services. Said request is for the construction and use of 4 separate 5.5 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) property owned by Katheryn M. Story Living Estate, located at 12199 Road 16, Cortez. (2) property owned by Michael L. Reed, located at a to be determined address on Road W, Yellow Jacket, (3) property owned by Barbara G. Kirk and Marjorie Ann Wright, located at 12250 Road W., Yellow Jacket, and (4) property owned by Daniel Lee and George Samule Bangs, located at 21657 Road 11, Pleasant View. Director Carver gave an overview. Bob Clayton with Kinder Morgan explained the application requests in detail. He addressed concerns from Godwin and Kami Oliver. The Oliver's concerns deal with truck traffic and the speed limit being obeyed. Another concern is with dust control. (See attached) Mr. Clayton answered various questions asked by the Board and explained the procedure used during these operations. He stated that to help mitigate the dust problems Kinder Morgan waters the roads from time to time. Comm. Chappell opened the hearing to public comments at this time. **Linda Honeycutt** said after contacting Mr. Clayton about the truck drivers speeding, the drivers did well for a short time but the speeding continued again. She suggested as part of the permit, cameras could be purchased, fines imposed and issue a conditional permit and if they continue to break the law, pull the permit. She said maybe there could be some car pooling done to limit the amount of traffic. **Josh Alexander** is a neighbor to Mike Reed and he has concerns with traffic and air quality once the work begins and the road is built. **Tiffany Alexander** said they are very close to the well and they moved there for the peace and quiet. She said the trucks fly by and they can hear the wells already there. She has concerns with the odor as well. **Al Rushing** has concerns with dust abatement and will mag chloride be done. Hearing no further comments, that portion was closed. Mr. Clayton answered the concerns addressed during the public comment period. It was stated road counters could be placed on roads W and 15 to monitor the amount of traffic and speed of said traffic. Mr. Clayton said mag chloride is planned for Road 15 and on a portion of Road W. He said there are H2S monitors in place to monitor

the odor. He said maybe the roads could be patrolled with Kinder Morgan paying for the overtime if necessary. After hearing all the evidence presented Comm. Suckla moved to approve Kinder Morgan Well YA8, high impact permit number 13-000006 and special use permit number 000001 on property owned by Michael L. Reed, Kinder Morgan Well GP26 on high impact permit number 13-000007 and special use permit number 000002 on property owned by Katheryn M. Story, Kinder Morgan Well YF4 on high impact permit number 13-000009 and special use permit number 000003 on property owned by Barbara Kirk and Marjorie Wright and Kinder Morgan Well HA5 on high impact permit number 13-000006 and special use permit number 000001 on property owned by Michael L. Reed, Comm. Suckla amended his motion to be on high impact permit number 13-000008, special use permit number 000004 on property owned by Daniel Lee Bangs and George Samule Bangs instead of on Michael L. Reed and to correct the permit numbers, seconded by Comm. Chappell and carried. (See attached) Comm. Chappell closed this hearing at this time.

PLANNING DEPARTMENT: Planning Director Susan Carver presented for review and determination of an exemption request to allow Wesley H. and Christine A. Wilson to convey/sell 5 acres, more or less, of their 140 acre, more or less, parcel of land located at 17540 Road 14, Yellow Jacket to Kinder Morgan CO2 Company to be combined with and made a part of Kinder Morgan's 39 acre, more or less, parcel of land located at 17810 Road 14, Yellow Jacket. Both properties are adjacent to each other and no new tract will be created if this exemption request is approved. Comm. Suckla moved to give preliminary approval on an exemption for Wesley and Christine Wilson's property at 17540 Road 14, Yellow Jacket and for Kinder Morgan to purchase 5 acres, seconded by Comm. Chappell and carried. (See attached)

HIGH IMPACT PERMIT APPLICATION to determine if a public hearing review process for a proposed expansion of the Yellow Jacket Electrical Substation will be required as proposed by Empire Electric Association. The property is located at 14068 Road U, Yellow Jacket and consists of 2 acres, more or less, wherein an electrical substation currently exists on said parcel. Planning Director Carver explained the proposed expansion is on property currently zoned INDHZ-Heavy Industrial and the expansion is less than 10 percent of the existing land use(s). Glen Noble represented Empire Electric. The Board agreed since the expansion is less than 10%, no high impact permit would be required.

COUNTY SURVEYOR Ernest Maness discussed the easements and boundaries regarding the property around the County Road shop on Hwy. 145. He clarified the boundary adjustments.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich reported he has received the topographic report from Ernest Maness on the McPhee Breakwater project. He said they are moving ahead on the McElmo Creek Flume. Comm. Suckla moved to contract with Anthony and Associates to do the foundation assessment on the McElmo Creek Flume project, seconded by Comm. Chappell and carried. (See attached) Mr. Dietrich reported on the Federal Lands Access program for the parking lot around Sand Canyon off Roads G, 10, and N. He stated he has the grant application about ready to go on this project awaiting some information from the BLM. He talked about other concerns he has. Comm. Suckla moved to approve the application for the Colorado Access Program Project between the Canyon of the Ancients and Montezuma County to move forward, seconded by Comm. Chappell and carried (See attached)

COMMISSIONER'S REPORT: Nothing reported

COUNTY ATTORNEY'S REPORT: Talked about reasons for executive sessions.

CORRESPONDENCE: The following correspondence was read, noted and attached: Nothing was received.

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

MEETING ADJOURNED 3:30 pm.

County Clerk

May 13, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 20, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday

May 20, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
 Keenan G. Ertel, Vice-Chairman.
 Larry Don Suckla, Commissioner of Deeds
 John C. Baxter, County Attorney
 County Administrator
 Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of May 20, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 13, 2013 as presented. The motion was seconded by Comm. Ertel and carried.

REVIEW/APPROVE OF EXPENDITURES:

VETERANS SERVICE: Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for April, 2013, seconded by Comm. Ertel, motion carried (See attached)

PUBLIC COMMENT SESSION:

ALLEN RANDOLPH, DON BRIDGEWATER, AND MONIE PRIBBLE represented local truckers that haul for Kinder Morgan. They said Kinder Morgan is considering hiring outside truckers. Local truckers have been doing the hauling for years and they are concerned that by hiring outside services it could put them out of business. The Board will recommend to Kinder Morgan to hire locals. It was recommended to send a letter with these concerns to encourage Kinder Morgan to keep its services local where ever they can.

DENA GUTTRIDGE said the Chamber of Commerce would like to have a business after hours where alcohol would be available at the upcoming Ute Mountain Roundup. See Fairgrounds report.

RONDA WIER met to have a plat signed to annex a small portion of land into the Town of Mancos. Director Carver suggested a road maintenance agreement be recorded with the plat. Comm. Ertel moved to grant the annexation of lot 20, block 18 and extension of alley of the D.H. Lemmons Townsite to the Town of Mancos along with the road maintenance agreement of January, 2012. (See Attached)

GREG KEMP met to discuss contamination of property in Mancos around a motorcycle course.

ROAD: Lloyd Everett informed the Board of the work the Department is doing. He said rock is being moved from the Ormiston Pit to McElmo. He was asked about the intersection on a portion of Road 25 where barricades and no left turn signs have been removed. Director Carver said a letter has been received regarding the removal of the signs. A letter concerning the conditions of approval of the subdivision will be drafted. Mr. Everett was asked about the status of Road 23. He believes CDOT is working on the access points to the road. He was asked about the maintenance of the Dolores Norwood Road. It was stated cattle truck traffic will begin

sometime in June. He said mag chloride has not been budgeted for in 2013 on that road but they will be able to blade the road from time to time.

LAVENA SAUNDERS AND HARRY ROGERS met to discuss the lease with Casey McClellan and the letter of intent to turn the permit over to the County. It was explained the lease would be turned over to the County on September 30, 2013. They discussed areas of reclamation and concerns that Mr. McClellan will not sign the permit over to the County and they wondered what would be required if this happens.

FEDERAL LANDS: Connie Clementson and Derek Padilla along with **Mark Lambert**, representatives with the Federal Lands Agencies met. Marietta Eaton with the BLM was also present. They discussed the land use and resource management plan. Mr. Lambert gave an overview of the documents that will be released on July on the BLM and Forest Service lands. He explained there is one effort with 3 decisions being 1) Forest Service plan, 2) BLM decision, and 3) Oil and gas leasing decisions. He said they held 14 scoping meetings and 21 study group meetings. Mr. Lambert talked about other issues the Agency is doing. He discussed the timeline opened for the Forest Service plan being opened to appeal while the BLM plan becoming open to protest. Comm. Suckle asked Mr. Padilla about the cost sharing program on the Dolores Norwood Road for the mag chloride and grazing allotments and management of said allotments on forest and BLM land. The designation of the Dolores Norwood Road as an RS 2477 road was discussed. Mr. Padillo stated he had no opposition to the County's position on taking ownership of the road. Mr. Padillo informed the Board of a timber sale closure around the McPhee Park area and they will be closing the temporary roads in that area. He said this project will be done sometime in June.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly report for the Fairgrounds. Dena Guttridge requested the Business After Hours and the service of alcohol at the Ute Mountain Roundup on June 6, 2013. Comm. Suckla moved to approve the service of alcohol at the Business After Hours event on June 6, 2013 from 5:00 p.m. to 7:00 p.m., seconded by Comm. Ertel and carried. Manager Young reported on the 12 Hours of Mesa Verde bike race and the recent dog shows held at the Fairgrounds going very well. He said the car racing will begin this week end and other events coming up. He reported a water leak occurred when the sprinklers were turned on and repairs have been scheduled. He said videos have been taken and will be done during the rodeo. He talked about the grant for the grandstands and lighting proposals.

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

WINDOW WASHING BID: Maintenance supervisor Robert Smith and Amber Kingery, with the Finance department stated no bids were received for the window washing at the courthouse, annexes 1, 2, 3, and the Justice building. It was suggested to add a few more hours to the current night maintenance crew to wash the windows. The Board agreed to expand the night crew's hours to do the windows and see how it works.

AT&T: Julie Cocca with AT&T met to request leasing additional ground space from the County. She explained the request saying the location is at 149 W. Montezuma Ave. She said the area would be equivalent of two parking spaces adjacent to the existing Fast Track compound. AT&T will still require their antennas to be

located on the Fast Track tower. The request is to lease an additional 21'x13' area of ground space. If the request is approved it is AT&T's intent to relocate all equipment into a new pre-fabricated shelter. She indicated they would like to enter into a long term lease agreement with the County that would enable AT&T to remain at this location and continue to provide quality services to the local residents. She will talk to IT to discuss various options. Ms. Cocca will draft a proposal. (See Narrative Attached)

LATER: Ms. Cocca and IT Specialist Chris Lindus met to discuss a lease contract and wifi needs for the County. She said they would like a 20 year lease at \$500.00 a month for a 250 square foot area. Mr. Lindus said they cannot provide wifi, however, the lease amount could help pay for wifi. The Board felt they needed at least \$700.00 a month rather than \$500.00 a month. Ms. Cocca felt she could get that amount approved. More research and discussion will be done before approving any lease.

LANDSCAPING BIDS: Maintenance Supervisor Robert Smith presented bids for landscaping at Annex 3. Comm. Ertel moved to award the bid for landscaping of the annex 3 parking lot to Sprinkler Pro LLC in the amount of \$7300.00 with the exact type of vegetation to be determined at a later date, seconded by Comm. Suckla and carried. (See attached)

LUNCH: 12:05

BLM: Marietta Eaton with the BLM along with **Connie Clementson** met to discuss rangeland allotments. A power point presentation was done on the BLM livestock grazing in Southwest Colorado. She gave an overview of the history of the grazing specification on the BLM and talked about the history of the Wesley Wallace grazing history regarding his allotments on the Canyon of the Ancients National Monument. Ms. Eaton stated in the future the BLM would like to continue their relationship in the following areas; in working with the Montezuma County Rangeland Stewardship Committee, to deal with any immediate concerns, to develop a common understanding and language, getting boots on the ground, build trust and respect between the agencies and permittees, to work together, and to discuss options for vacant allotments with the stakeholders. They will continue to work closely with the Rangeland Steward Committee.

IT SPECIALIST Chris Lindus talked about the firewall associated with the County internet.

PLANNING: Montezuma Water Company representatives **Tad Willbanks and Steve Bowman**, District Manager, met to discuss permit requirements for the construction of an additional storage building on property located at 27666 Road T, Dolores. Said structure is a dry unit that is 144'x16' and will be used for material storage in an area where outdoor storage currently exists. Planning Director Susan Carver gave an overview of the application in detail. It was stated the long term goal is to move the entire office to this existing facility. She explained the water company is considered as light industrial and she recommended the zoning be changed to light industrial instead of commercial. Comm. Ertel moved to allow Montezuma Water Company to change their land use from commercial to light industrial zoning, seconded by Comm. Suckla and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 re-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 rezoning and pre-sketch plan for a proposed single lot development consisting of 5.6 acres, more or less, from a 271 acre, more or less, parcel of land as submitted by Ted R. and Connie M. Neergaard Revocable Trust, Agents Maness & Associates, Inc. The parcel is located at 36380 Hwy. 160, Mancos. Planning Director Susan Carver gave an overview of the request. Mr. Neergaard and Ernest Maness represented the application. Comm. Chappell opened the hearing to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the AR3-9 rezoning request and presketch plan on a single lot development consisting of 5.6 acres more or less, for the Neergaard Single Lot Development, seconded by Comm. Ertel and carried (See attached)

FINAL PLAT: Comm. Suckla moved to approve the Neergaard Single Lot Development final plat as presented by Maness and Associates, seconded by Comm. Ertel and carried.

EXEMPTION: Planning Director Carver presented for review and determination of an Exemption Application to adjust the common lot line between properties owned by the Ruth Smoot Revocable Living Trust located at 14921 Road 26, Dolores, Co., with one parcel consisting of 230 acres, more or less; and one consisting of 6 acres, more or less. Both parcels are compliant parcels of land with the 6 acre, more or less, parcel of land being created prior to the adoption of subdivision regulations and the 229 acre, more or less, parcel of land consisting of more than 35 acres and is not regulated by the subdivision regulations. No new parcel/tract shall be created by the approval of this request. Director Carver along with Ernie Maness of Maness and Associates discussed the application. It was stated this exemption will clean the property description up. Director Carver said the Smoot property is currently listed for sale. Comm. Suckla moved to approve the exemption application to adjust the common lot lines on the Ruth Smoot Revocable Living Trust with one parcel consisting of 230 acres, more or less, and one consisting of 6 acres more or less, seconded by Comm. Ertel and carried (See attached)

RESOLUTION: Comm. Suckla moved to approve Resolution P-05-13 final plat for the Ruth Smoot Revocable Living Trust, seconded by Comm. Ertel and carried. (See attached)

CONTRACT: Public Health Director Lori Cooper presented the Emergency Preparedness Contract with the Public Health Department for signature. Comm. Ertel moved to approve the County Emergency Preparedness contract with CDPHE, seconded by Comm. Suckla and carried. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich presented a letter to Kinder Morgan. Comm. Suckla moved to send a letter to Kinder Morgan on behalf of local contractors and Kinder Morgan's support in hiring local contractors to boost the local economy, seconded by Comm. Ertel and carried. (See attached). Mr. Dietrich discussed a letter of coordination sent to the Forest Service previously. He stated he met with the people regarding the McElmo Flume.

COMMISSIONER'S REPORT: Nothing to report

COUNTY ATTORNEY'S REPORT: Nothing to report.

IT SPECIALIST Chris Lindus discussed the contract with the District Attorney's Office for internet access and IT services. He talked about the County firewalls and how they work. He would like to see the County go wireless and have the District Attorney Office have their own connections. He said by going wireless, we would own the infrastructure.

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

Letter from Department of Revenue regarding collection and administers of the County Lodging Tax.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 4:55 pm.

County Clerk

May 20, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 10, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 10, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
John C. Baxter, County Attorney
County Administrator
Kim Percell, Chief Deputy Clerk

CHAIRMAN CHAPPELL opened the meeting of June 10, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 20, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES: Commissioner Suckla moved to approve the schedule of receipts and disbursements from 4/1/13 to 4/30/13 for Montezuma County, seconded by Commissioner Ertel and carried. (See attached)

PUBLIC COMMENT SESSION: Jackie Randall discussed the traffic concerns of the Lebanon Estates entrance on Road 25. The Commissioners reported that there was a public hearing scheduled and they would make a determination of findings following the public hearing. **Gunther Hardt** requested the commissioners and the road department look at the condition of Road W as it was becoming very rough. **Dennis Atwater** discussed his efforts and concerns regarding access to private properties through public lands.

ROAD Supervisor Roundtree presented an agreement between the Forrest Service, Dolores County and Montezuma County regarding USFS roads. (See attached) Dean reported they had completed the Mag Chloride program and they were starting the project on Road B. Dean along with **Bill Frownfelter** with **Russell PE** discussed a **RAMP** application for the intersection of Road P and Hwy 145. The commissioners requested that Bill check on a 5% match instead of a 10%. He will report back to the Commissioners.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of May, 2013. (See attached).

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of May, 2013. Debby gave the incidents report along with presenting the character trait for the month being Faith. (See attached).

VETERANS SERVICE: County Veterans Service Officer Rick Torres reported to the Commissioners that he is getting set up in his new office. He presented a bill for the purchase of a computer and a request to purchase a digital scan machine for storing and protecting sensitive and private information. Commissioner Ertel moved to approve the request to equip the office of the **County Veterans Service Officers** with a purchase of a computer and monitor for \$774.34 and a Konica Minolta copier for a 60 month contract of \$83.85 per month. Second by Commissioner Suckla, motion carried (See attached) Commissioner Ertel moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for May, 2013 seconded by Commissioner Chappell, motion carried (See attached)

LIQUOR LICENSE: Clerk's Deputy Lynn Dorenkamp presented a liquor license renewal for **Echo Basin Dude & Guest Ranch LLC.** as well as one day Special Event applications for the **Montezuma County Republican's** and **For Pets Sake Inc.** Commissioner Ertel moved to approve the renewal application for Echo Basin Dude & Guest Ranch with a report of change as presented, seconded by Commissioner Suckla and carried. (See attached) Commissioner Suckla moved to approve the Special Events application for Montezuma County Republican's for a one day event scheduled June 22, 2013. Second by Commissioner Ertel, motion carried. (See

attached) Commissioner Suckla moved to approve the Special Events application For Pets Sake Inc. for a one day event scheduled July 27, 2013 as presented. Second by Commissioner Ertel, motion carried. (See attached)

Cortez Police Chief, Roy Lane met with the Commissioners to discuss the **911 System**. He reported the current one was outdated and needed to be replaced. He stated that when our system is down 911 calls are routed through Durango creating a time lapse in response time. Since we have a 911 fund he requested that we use the funds to pay for a new system. Commissioner Ertel moved to spend the \$312,000.00 to upgrade the 911 system at the justice center with the funds coming from the 911 fund. Second by Commissioner Suckla, and carried.

FAIRGROUNDS: Fairgrounds Manager Tanner Young presented a Bid Solicitation for Grandstand Roof Design and Construction at Montezuma County Fairgrounds for Commissioner approval before publication.

SENIOR SERVICES: Sue Fletcher presented the **San Juan Basin Area Agency on Aging** contract for state and federal funding for SFY14. Commissioner Suckla moved to approve the Contract between the San Juan Basin Area Agency and Montezuma County for General Funds and Title III B, C-1, C-2 & E Services for the period of July 1, 2013 through June 30, 2014 as presented. Second by Commissioner Ertel, motion carried. (See attached)

SENIOR TRANSPORTATION: Mary Holaday with Senior Services presented a CDOT contract for review and signature. This document had been presented at an earlier date but the second page of signatures had been missed. (See attached)

Mary Skidmore, John Skidmore and Travis Measles represented a group of farmers that have concerns with the Prairie Dog infestation within the county. The Commissioners said they would check into what authority they had and would get back to the group.

FIRE BAN: Sheriff Spruell said he has been in contact with the area fire chiefs. They are all in agreement to put the fire ban into effect. Commissioner Suckla moved to approve **Resolution # 2013-6** a resolution canceling the suspension of the ban on fires and the use of fireworks as presented. Second by Commissioner Ertel, motion carried. (See attached) **PAUL HOLLAR**, Emergency Manager invited the Commissioners to the Enhanced ICS 402 Overview for Executive/ Senior Officials, dated July 23, 2013.

LUNCH: 12.00

PLANNING: LeeAnn Mulligan presented for preliminary review and determination of a request to adjust the common boundary between 2 separate parcels of land within the **Lisenbury 2-Lot Minor Development**. Said properties are both owned by **Terry W. and Toni Branson** and are located at 29296 and 29298 Road P.5, Dolores Co. situated in Sec 33, T. 37N., R. 15W., N.M.P.M. The amendment of a plat is provided for in Section 9104 of the Land Use Code. Commissioner Suckla moved to approve the preliminary approval of the

Terry and Toni Branson property located at 29296 and 29298 Road P.5 Dolores Co. a boundary line adjustment as presented. Second by Commissioner Ertel, motion carried. (See attached).

RESOLUTION: Final review and determination of an after-the-fact Exemption request as submitted by Nevan Shippy and Vicki Shippy with property located at 5865 Road 25, Cortez, CO, consisting of 4 acres, more or less; and Chadwick Lance Shippy with property located at 5863 Road 25, Cortez, CO, consisting of 2 acres, more or less. Said parcels of land were created prior to the adoption of the Land Use Code. Said request is allowed for under Section 9103.4 of the Land Use Code. Commissioner Ertel moved to approve **Resolution P-9-89 Second Amended**, in regards to a property line adjustment for Nevan Shippy and Vickie Shippy properties located at 5865 and 5863 Road 25, Cortez Co. as presented. Second by Commissioner Suckla, motion carried. (See attached)

High Impact Permit Application: Cottin and Randy Rodd with the **Off Highway Vehicle Events** met with the Commissioners to discuss an event scheduled to take place on **Sheldon Zwicker's** property located at 9257 Road G, Cortez, Co. Commissioner Ertel moved to forward the High Impact Permit Application on to the Planning and Zoning department, contingent on a 50 ft boundary between the private property and the BLM property. Second by Commissioner Suckla, and carried.

High Impact Permit Request: Review and determination of a request to operate, use the crusher, on Sundays at the Simmons Gravel Pit located at 39238 Hwy. 160, Mancos, CO as submitted **Four Corners Materials**. The current County High Impact Permit limits their operations on Sundays. It is necessary for Four Corners Materials to operate their crusher either every Sunday or occasional Sundays to keep up with a demand for materials for the Highway improvements projects in Montezuma County. The dates requested to operate on Sundays are from June 16, 2013 through July 28, 2013. Said request is not a 10 percent expansion of the permitted uses as permitted under High Impact Permit # 581. Commissioner Suckla moved to approve a request to temporarily extend days of operation for Four Corners Materials located at 39238 U.S. Hwy. 160 Mancos, Co. for **High Impact Permit # 571** for a period of time beginning June 16, 2013 through July 28, 2013. Second by Commissioner Ertel, and carried. (See attached)

VARIANCE: Final review and determination of a **Variance request** for the setback standards for auxiliary structures from County Road rights-of-way. The current standard is 25 feet. **Montezuma Water Company** has submitted a request for a variance to build a new material/equipment shelter approximately 15 feet from the right-of-way on Road T. Said property is located at 27666 Road T, Dolores, CO; situated south of Road T, west of Hwy. 145. Commissioner Ertel moved to grant a variance to the set back standards from 25ft. right of way to a 15ft. right of way for property located on Road T for Montezuma Water Company to build an Equipment Shed. Second by Commissioner Suckla, and carried. (See attached)

SUBDIVISION COMMON LOT LINE: Preliminary review and determination of a request to delete the common area platted in the **Mildred Estates** subdivision by adjusting the common boundary lines of Lot 1 owned by **Sociel and Linda Foster** located at 25970 Road P, Cortez, CO, consisting of 4.49 acres, more or less; and Lot 43 owned by **Randolph Allen West** and **Kathleen McGinley-West** located at 25582 Road N.6

Loop, Cortez, CO, consisting of 3.56 acres, more or less. Both property owners will purchase a portion of the common area whereby adjusting the boundaries of their 2 parcels within the existing subdivision. Said request is allowed for under Section 9104 of the Land Use Code. Commissioner Suckla moved to approve the preliminary review to adjust the common boundary lines between Sociel and Linda Foster and Randolph Allen West and Kathleen McGinley -West located at 25970 Road P, Cortez, Co. and 25582 Road N.6 Loop, Cortez, Co. as presented. Second by Commissioner Ertel, and carried. (See attached)

RESOLUTION: Final review and determination of an Exemption request for the purpose of **Kinder Morgan** purchasing 5 acres, more or less, from **Wesley H. and Christine A. Wilson** from property located at 17540 Road 14, Yellow Jacket, CO and combining it to become a part of their existing 39 acre, more or less, parcel of land located at 17810 Road 14, Yellow Jacket, CO; whereby creating a 44 acre, more or less, parcel of land. Commissioner Suckla, moved to approve **Resolution P-06-13** a purchase of 5 acres, more or less, from Wesley H. and Christine A. Wilson to Kinder Morgan CO2 Company located at 17540 Road 14 in Yellow Jacket Co. Second by Commissioner Ertel and carried. (See attached)

County Weed Program Update: **LeeAnn Milligan, Don Morris, Kirk Swope, Mark Tucker, Kenny Smith, Gary Gnas, J.R. Berry and Michael Jensen** met with the Commissioner to give them an overview of the County Weed program. Some topics discussed were, land owners that are sensitive to spray, No Spray land owners, funding, equipment and new or pending legislations.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich recommended that the Coordinated Meeting on June 17th with the Forest Service be rescheduled. He also reported that there would be a conference call with the Sage Grouse Working Group Thursday June 13, 2013.

COMMISSIONER'S REPORT: Commissioners Ertel, Suckla and Chappell gave overview reports on various meetings and the CCI training that they had attended since the last Commissioner meeting.

COUNTY ATTORNEY'S REPORT: **Attorney Baxter** reported that he had met with County Assessor Mark Vanderpool earlier in the day and there would be a hearing in Denver.

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

Letter: State Of Colorado Department of Local Affairs re; Pending Application for Property Tax Exemption.
 Letter: US Department of Interior re: Federal Mineral Estate located in Dolores, seeking comments.
 Letter: US Department of Interior re: West Dolores Rim Hazardous Fuels reduction environmental assessment.
 Letter: Montezuma Community Economic Development Association / Kinder Morgan re: Contract Employees.
 Letter: Fundamentalist Church of Jesus Christ of Latter-day Saints re: Notice of Inquiries.

MOTION TO ADJOURN was made by Commissioner Suckla, seconded by Commissioner Ertel and carried.
MEETING ADJOURNED 3:45 pm.

County Clerk

June 10, 2013

Chairman

MONTEZUMA COUNTY, COLORADO

June 17, 2013

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 17, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
John C. Baxter, County Attorney
County Administrator
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of June 17, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 10, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

Landfill Manager Deb Barton requested approval to purchase a screen machine for composting. She stated the unit they found is a used machine and meets the required standards. Comm. Suckla moved to approve the purchase of a screen machine in the amount of \$7500.00 delivered, seconded by Comm. Ertel and carried.

PUBLIC COMMENT SESSION:

Bud Garner informed the Board of the lawsuit filed against Governor Hickenlooper regarding the gun bills will be heard today in the 10th Circuit Court in Denver. Comm. Suckla moved to have Attorney Baxter write a letter as a friend of the courts on the lawsuit regarding the recent gun laws passed in Colorado, seconded by Comm. Ertel and carried.

Ryan Mahoney met to discuss a letter outlining the request for invoiced money allotted for the Montezuma Community Economic Development Association in the County along with an employee job description. He

informed the Board of the functions of the development group. Comm. Suckla asked for a quarterly report as well. (See attached)

ROAD Supervisor Roundtree said the Forest Service contacted him about the Dolores-Norwood road. He discussed the last worksheet. He said in the past the Forest Service usually provided the material and the Road Department furnished the labor. (See attached). He was on a conference call with CDOT concerning the RAMP application and he stated they would not accept the 5% match for the intersection of Road P and Hwy 145. Dean will still request the 5% match. Supervisor Roundtree said they have had good luck with the mill machine and have used it on Roads BB, most of Road V and will move to Road 26 this week. **Derek Padilla** mentioned the Forest Service will try to contract with Montezuma and Dolores Counties on the Dolores-Norwood road possibly in the fall.

FEDERAL LAND AGENCIES: Representatives with the BLM and Forest Service met with the BOCC. **Derek Padilla and Connie Clementson** with the Forest Service presented and discussed letters previously written concerning coordinating agencies. (See attached) They discussed concessions designations to the travel management plan. Comm. Chappell asked for a list of the concessions that were made. Mr. Padilla informed the Board of the status of the Bear Creek livestock allotment with the Wallace permit. Mr. Padilla responded to a question asked previously as to being a participating member of the International Union of Conservation and Nature. He stated the Forest Service pays roughly \$16,000.00 per year to participate in that organization. He discussed other projects, some being minor water shed projects, one being in the Cherry Creek area, the Dolores-Norwood road status. The Board stated the direction they are taking is to pursue the RS2477 designation on the Dolores-Norwood Road. The Board asked about the impact on Road W and the current road conditions because the Forest Service is narrowing the usage of the roads and trails which is causing a great impact on the travel on Road W. Mr. Padilla said they will look into it.

Marietta Eaton and Victoria Atkins discussed the permit for Rodney Carriker on the Canyon of The Ancients National Monument in the Sand Canyon area. She stated the permit would be renewed; however, they will be looking at what the cultural stipulations will be. She stated they are working with the Carriker's. She talked about how they deal with the public use of the trails and are trying to improve signage in Sand Canyon and Rock Creek Trails. They talked about the parking lot and said there will be a scoping project done. (See attached) Derek Padilla was asked about fire resources. He said most of the resources are on the Front Range and since there is no activity in this area the resources are directed in other areas as the need arises at this time. Connie Clementson talked about the fire restrictions. She said right now fires are allowed in developed campgrounds of recreation sites and smoking is restricted to inside vehicles. She also discussed the PILT payments. Discussions for future meeting was held.

FAIRGROUNDS: **Fairground Manager Tanner Young** gave his monthly report for the Fairgrounds. He talked about the income and attendance. He said the car races, team roping and MBHA barrel racing events went well. Manager Young said the Ute Mountain Rodeo and carnival recently held had record numbers in attendance. The Boren Liquidation auction went well. He informed the Board of upcoming events scheduled.

BOARD OF HEALTH: Public Health Director Lori Cooper gave the quarterly update for the Department. She said she has hired two new employees, one for the home visitation program for high risk families and a new nurse for the family partnership program. She presented a listing of all the programs the Health Department administers and what the programs do one being the contract for performing air pollution and ozone monitoring activities. (See attached).

IT DEPARTMENT: A discussion regarding the personnel policy for the IT department was held. Chris Lindus and Amber Kingery met to talk about comp time issues. Mr. Lindus requested an executive session be held. Comm. Suckla moved for the Board of County Commissioners move to executive session pursuant to C.R.S.24-6-402(4)(f), seconded by Comm. Ertel and carried. Comm. Chappell said the Board voted to return to regular session.

DENNIS ATWATER talked about a Resolution for Roads, Rights-of-Way and Routes of Travel within the boundaries of Montezuma County. Mr. Atwater discussed the proposed resolution in detail. The Board will review the proposed resolution before any decision will be made. He said this resolution is based on an Apache County Az. resolution that was passed September 2011. (See attached)

LUNCH: 12:45 pm

COMM. CHAPPELL EXCUSED FOR THE PM SESSION

PLANNING:

A COMPLAINT was received regarding compliance concerns with the established Dolores River Valley setback requirements for structures setbacks from the river. Planning Director Carver explained the complaint. The complaint is regarding possible violations of the Montezuma County Land Use Code on new construction on property owned by Grant Smith located at 18440 Hwy. 160, Dolores. Three possible violations are concerning the DRVP setback from the edge of the Dolores River for all new construction (Resolution 17-2003), flood damage prevention which requires a professional engineer, architect, to submit certification to Montezuma County (Resolution 13-2008), and the required flood plain development certification recording fee of \$250.00 has not been paid. **Kelen Lovett** asked about the land use code requirements regarding the structure and the setbacks. Director Carver explained the code requirements he questioned. Mr. Smith was advised to secure a flood plain certificate for his shop. The deck he built does not meet the 100 foot setback. This complaint will be revisited next Monday at 3:00 pm. No decision was made at this time. (See attached)

HIGH IMPACT PERMIT: Director Susan Carver requested 2 separate high impact permit applications and special use permit applications submitted by Kinder Morgan, CO2 Company, agent Bob Clayton and Ecosphere Environmental Services to the Planning and Zoning Commission Board for review. Said request is for the construction and use of 2 separate 5.5 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) property owned by Raymond J. and Melissa T. Delio located at 10227 Road Y, Pleasant View, consisting of 160 acres, more or less,

and (2) property owned by Cortez, LLC located at 18800 Road Y, Pleasant View, consisting of 758 acres, more or less. She is requesting for the applications to be forwarded to the Planning and Zoning Commission. Comm. Suckla moved to forward the applications from Kinder Morgan for 2 well sites to the Planning and Zoning Commission, seconded by Comm. Ertel and carried. (See attached)

Planning Director Carver made a request to forward a high impact application to the Planning and Zoning Commission. Said application is a request to permit the construction of a 170 foot communications tower within a 50 x 50 foot lease area as proposed by T-Mobile on property owned by Don O'Brien located at 17593 Hwy. 145, Dolores. Said property is currently zoned commercial. Comm. Suckla moved to forward the application from T-Mobil for a tower on the Don O'Brien's property, seconded by Comm. Ertel and carried. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich informed the Board of an impending field trip with Dolores and Montezuma County and the Forest Service for Tuesday morning June 25th between 9:00 and noon.

A letter requesting an extension of the economic impacts comment period on the Gunnison Sage Grouse was presented. Comm. Suckla moved to sign a letter to request a 3 month extension and to give signing authority to Comm. Ertel, seconded by Comm. Ertel and carried. (See attached)

He updated the Board on the McPhee Breakwater project. Mr. Dietrich said the HPP Program letters have been sent and has been getting some responses.

COMMISSIONER'S REPORT: No report

COUNTY ATTORNEY'S REPORT: Attorney Baxter discussed a letter received from the **Law Firm of Marla C. Underell, LLC** regarding a notice of intent to sue. (See attached)

- Attorney Baxter mentioned the Commissioners have no authority regarding prairie dog control.

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

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

Notice of 112 construction materials reclamation permit application consideration McStone Aggregates, New Hay Camp Pit No M-2013-031 from the Division of Reclamation, Mining and Safety.

Colorado Board of Health Agenda, Wednesday, June 10, 2013

Dolores Water conservancy district minutes.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 3:05 pm.

County Clerk

June 17, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
 MONTEZUMA COUNTY, COLORADO
 June 24, 2013**

STATE OF COLORADO)
) ss.
 COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 24, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator

Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of June 24, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 17, 2013 as amended. The motion was seconded by Commissioner Ertel and carried.

REVIEW/APPROVE OF EXPENDITURES:

Comm. Ertel moved to accept the change order for Sprinkler Pros LLC on the bid price for the Annex 3 parking lot to \$9200.00, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION:

Marianne Mate said she was on the Dolores River Valley working group and discussed the guidelines and regulations. She talked about the setbacks and other guidelines to the plan and informed the Board of other citizens involved in working on plan.

Norman Jones informed the Board of the increased traffic on Road W. He said the dust on the road and the speeding has become an issue.

Bob Hansen said he has lived on that road (W) for a number of years and this is the worst he has seen and agrees with Mr. Jones. He said he doesn't want mag-chloride on the road.

Don Bergstrom said he talked to Forest Service representative Bill Ivy a number of years ago and Mr. Ivy said the Forest Service would donate the gravel for chip seal on Road W but nothing has been done to date.

Lynn Hardy said the Forest Service brochure said the road (W) is listed as a bike trail as well.

DOLA representative **Ken Charles** discussed the Court House design for the renovation of the building for the expansion of the 22nd Judicial District. The Board said they are still waiting for the design from the architects. They talked about grant options and requirements, and discussed the installation of an elevator. Mr. Charles also asked about the progress on the roof over the grandstands. He will contact Fairgrounds Manager Young about the roof.

Greg Kemp talked about how mag-chloride has helped dramatically in his subdivision.

ROAD Supervisor Roundtree said the Department could put a speed counter on Road W to monitor the traffic and speed. He said the milling project is going well and they are finished with Road 21. The Russell Engineering application for RAMP is done and they are requesting a letter. Supervisor Roundtree will sign said letter asking for the 5% match.

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

LIQUOR LICENSE: Clerk Tullis presented a retail liquor store license renewal for Eagle Claw Trading Post and Liquor Store. Comm. Ertel moved to approve the renewal for Eagle Claw Trading Post and Liquor Store, seconded by Comm. Suckla and carried

COUNTY FAIR: Todd King representing the County Fair presented a letter from Jay P. Lawrence expressing his interest in fill a position on the County Fair Board. Comm. Suckla moved to appoint Jay Lawrence to a four year term effective immediately, seconded by Comm. Ertel and carried. (See attached) Mr. King talked about the Fair book and said the Pinon Project requested to have a flyer regarding a VOICE contest. He talked about the rocket launch program and a suitable location for said launch due to the fire ban being in place. He talked about dates and events scheduled during the Fair like the VOICE contest, demolition derby, livestock sale, chuck wagon dinner and the ranch rodeo. Other possible events were discussed such as a carnival. (See attached) Fair Grounds Manager Tanner Young was also present.

SHERIFF SPRUELL along with Charles Balke with the Cortez Fire Department met to discuss a variance on the Fire Ban. The variance is requested by Kinder Morgan CO2 for their welding activities. Sheriff Spruell said a variance is not required due to the way the law reads. (See attached) He also stated burn barrels are not permitted during the fire ban. Sheriff Spruell said he has appointed Linda Carter as his undersheriff due to the resignation of Robin Cronk.

TOUR: The Board took a tour of the Public Health Department at this time.

LUNCH:

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 and a Special Use Permit Application. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of the proposed operations of an open-pit extraction, processing, stockpiling and dispensing of aggregate resources for open market sales on 200 acres, more or less, of a 290 acre, more or less parcel of land. Said land is owned by Richard M. McClellan, Casey McClellan, and David E. Nelson, Richard and Casey McClellan and Nathan Barton, agents. Said property is located at 32429 not 32260 Road S, Dolores, Co. Planning Director Susan Carver reviewed the applications in detail. She explained the applications are for aggregate mining operations. She stated she re-ran the public notice due to the fact she had the wrong address in the first notice which has been corrected with the notice being corrected in the notice published on June 18, 2013 in the Cortez Journal. Casey McClellan along with Nathan Barton represented the application. Mr. McClellan talked about the proposal saying this is a new application on 290 acres. The easements were discussed. It was stated they will not be doing anything different than what they are doing now. Director Carver said the traffic threshold standards may at times be exceeded. Hours of operations was talked about. Mr. Casey McClellan mentioned the noise levels saying that will not be a problem. Comm. Chappell opened the hearing up to public comment. **Lavena Saunders** said she is representing LMN Properties saying she is objecting to this application. She asked about the emergency exits, and are they applying for a new permit application or an extension of an

existing permit. She also asked about safety issues concerning employees. Hearing no further comments that portion was closed. Casey McClellan said his current lease is up in September and this is a new permit application. He explained the exit route, saying there is the Hall road and most of the property lines have been cleared as well as fire trails that could provide exits. He talked about the safety concerns saying it is rare that one person is left alone, and others are checking on them. Director Carver further explained the application. Mr. McClellan was asked about the hours of operations. He said the hours are basically daylight hours (5:30 am to 8:30 p.m.) Director Carver informed the Board that the assumption is the life of this pit is approximately 10 to 15 years with mining of 2.5-6 acres each year. Hearing all the evidence presented Comm. Suckla moved to approve Special Use Permit application number 13-000005 and High Impact Permit application number 13-000010 and to amend the paperwork to be for daylight hours and not 8:00 a.m. to 5:00 p.m. with the contingency that all Federal, State, and Local permits are obtained and kept in good standings, Comm. Suckla further amended the motion to include the findings and permit on Special Use Permit number 13-000005 and High Impact Permit number 13-000010, seconded by Comm. Ertel and carried. (See attached) Comm. Chappell closed this hearing at this time.

BAKER SANITATION LETTER: Comm. Ertel moved waive the Landfill fees for Baker Sanitation for their donation of a dumpster for the 2013 County Fair, seconded by Comm. Suckla and carried. (See attached)

EXEMPTION: Planning Director Carver presented a preliminary exemption request as provided for under Section 9103.4 or the Land Use Code and a preliminary review and determination of a request to amend the preliminary plat of the EEA-MVI 2 lot minor general planned unit development. Said properties include property owned by Keith and Thaddeus Cole located at 11267 Road 24, Cortez, consisting of 36 acres. Also, property owned by Shawn and Kathy Wells located at 11501 Road 24, Cortez consisting of 35 acres, more or less and property owned by Empire Electric Association, Inc., located at 23999 Road L.4, Cortez consisting of 43 acres, more or less. The request is to adjust the common boundaries between the 3 properties. Director Carver explained the request and stated no new track of land would be created. Scott Ehmke and Neal Stephens represented Empire Electric for the application. Director Carver said non opposition letters from Montezuma Valley Irrigation, Shawn and Kathy Wells, and Keith and Thad Cole were received. Comm. Ertel moved to approve the preliminary exemption request made by Empire Electric Association, Keith Cole and Shawn and Kathy Wells to adjust the common lot lines between the 3 properties pursuant to Section 9103.4 of the land use code and amend the previously approved preliminary plat for the MVI-EEA Business Park, A general planned unit development pursuant to section 5306.2 of the land use code, seconded by Comm. Suckla and carried. (See attached)

COMPLAINT CONTINUATION of compliance concerns with the established Dolores River Valley setback requirements for structures from the river on a deck being built by Grant Smith was held. Planning Director Susan Carver presented a complaint letter from Michael Waide and Wayne and Gloria King. She discussed regulations to the existing land use code and gave some background to the complaint. The landowner is requesting the Board allow him to keep the structure at its present location. Director Carver reported on recommendations from the Planning and Zoning Commission. Attorney Baxter discussed options the Board may

have from negotiations with the landowner to filing misdemeanor or criminal charges. **Kelen Lovett** discussed the land use code in regard to the setbacks. He feels the regulations deal with septic issues and not this deck. It was stated this deck is in the FEMA flood plain. The DRV plan has been in place for 10 years and may need to be revisited. It was suggested to have a focus group in the Dolores River Valley and get their input. Comm. Suckla moved to impose a \$1,000.00 fine for Grant Smith for non-compliance for his deck and revisit the Dolores River Valley policies and to approve the variance to the 100' setback for his deck, Comm. Suckla amended the motion to revisit the Dolores River Valley plan through the Planning Commission and focus groups of landowners of those Dolores River Valley residents affected by the setbacks. The motion was seconded by Comm. Chappell. Commissioners Suckla and Chappell voted aye, Comm. Ertel voted nay, motion passed by a 2 to 1 vote. (See attached)

VARIANCE: Planning Director Susan Carver presented a request to the setback standards for auxiliary structures on property owned by Greg and Judy Deems. Said property is located at 14155 Road 20, Cortez. The request is to be able to construct an auxiliary structure 17 feet from the common lot line of another parcel of land. Planning Director Carver explained the request in detail. A neighbor, Nadia Cristo has concerns about various trees and constructions are obstructing her views. Since previous deed restrictions address her issues, she was informed that would be a civil matter. Ms. Cristo said she is not really opposed to the variance. Comm. Ertel moved to table this variance until Greg and Judy Deems can be present, seconded by Comm. Suckla and carried. (See attached)

SUSAN THOMAS said they have a Scenic Byway grant for signage for the Canyon of the Ancients and possibly for Phil's World and there are some signs available.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich reported the Forest Service and BLM have put fire restrictions in place. He reminded the Board of the field trip tomorrow with the Forest Service. He said the BLM and the Dolores County Commissioners will not be present. Mr. Dietrich said he cannot contact the Blue Water Design Group regarding the McPhee Breakwater Project and specifications of the Grant. He gave the Board a little back ground on the Dolores River Valley members, staff members, and consultants that worked on the plan. He also provided a policy recommendation on the 100' setback.

COMMISSIONER'S REPORT: No report

COUNTY ATTORNEY'S REPORT: Attorney Baxter reported on his conversation with the Assessor's Attorney in the Kinder Morgan case. He said the closing arguments are to be in written form and the Attorney felt the hearing went well. He explained the decision could be in 3 months.

He reported on a support letter expressing support of the gun laws for the Sheriff's Office. He suggested a resolution be done rather than a letter of support. Comm. Ertel moved to adopt Resolution number 7-2013 expressing support for the right to bear arms, seconded by Comm. Suckla and carried. (See attached)

CORRESPONDENCE: The following correspondence was read, noted and attached:
DOLA letter for designation for LEA.

Letters of Annual Determination for Community Connections, Inc.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 4:18 pm.

County Clerk

June 24, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 1, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 1, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
John C. Baxter, County Attorney
County Administrator
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of July 1, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 24, 2013 as amended. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES: No expenditures presented.

PUBLIC COMMENT SESSION:

The Board discussed a conservation agreement MOU concerning the Gunnison Sage Grouse habitat and the possibility of said sage grouse being declared as an endangered species by the Federal Government.

Dexter Gill talked about the tour the Board took with the Forest Service and BLM representatives. He discussed the comments about timber sales and road closures. He said the agencies should follow the law in resource management.

Pat Kantor stated she served on the Dolores River Valley Plan from the inception of the plan. She talked about the quality and significance of the Dolores River and some of the issues the group dealt with. She talked about the importance of a flood plan.

ROAD Supervisor Roundtree informed the Board that the Department is finished with the milling machine and will begin graveling those roads next week. He said the crusher was moved from the Ormiston Pit to the Hay Camp Gravel Pit. He said the Department has some job vacancies which will need to be filled. **Rob Pope** has an issue with driveways within the Hartman Hights Subdivision off of Road K.3. His problem is with the construction of said driveways off of the K.3 access prior to construction of homes. The final plat will be placed on the agenda at a later date.

LIQUOR LICENSE: Clerk's Deputy Brandon Vialpando presented a liquor license renewal for Hilltop Liquors, Skyline Food and Gas. Comm. Suckla moved to approve the liquor license renewal for Hilltop Liquors, Skyline Food and Gas, seconded by Comm. Ertel and carried.

Deputy Vialpando presented a liquor license renewal for Mary Janes at Stoner. Comm. Ertel moved to table the application on Mary Janes at Stoners LLC until Monday, July 8, 2013, seconded by Comm. Suckla and carried.

LANDMARK DIVIDEND: No representative appeared.

PLANNING: LeeAnn Milligan with the Planning Department informed the Board that a public hearing publication deadline has been missed regarding the rock racing scheduled for the July 4th weekend. She said the Planning and Zoning Commission passed the application. Ms. Milligan will contact those that spoke at the public comment portion of the Planning and Zoning Commission and inform them that the Board will discuss this rock racing issue this afternoon.

MEDICAL MARIJUANA: Sherry Garcia did not appear

JAIL TOUR: The Board conducted a tour of the jail at this time.

LUNCH:

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 for the purpose of reviewing and determining a written request, as submitted by Lebanon Estates Subdivision Homeowners, for a change in traffic

restrictions, placed as contingencies on the final plat of the Lebanon Estates 19 lot major subdivision. Said traffic restrictions are specific to the northern most platted access for ingress and egress at the intersection of Road N.8 Loop and Road 25. The hearing was conducted at Lebanon Estates Subdivision. **David Hanson**, representing the homeowner's association, stated the intersection is becoming an issue not a safety issue but more of a hazard. He said petitions will be sent to all lot owners for their approval. Comm. Ertel, on advice of council, informed the homeowners association that before the plat can be changed 100% of the landowners should be in agreement. Comm. Chappell opened the hearing up to public comment. **David Hanson**, president of the HMO said a survey was required and a complete survey was done, the Planning and Zoning Commission said engineers looked at the intersection and did not suggest traffic travel should travel between 50 and 60 mph. He said no other restrictions like this have been put on other subdivisions. **Jennifer Hay Preston** said traffic hazards were of concern with the north entrance being the most hazardous. **Mike Lowry** asked about how many accidents have been reported at this intersection involving no left turn? Originally, there was a no U turn sign on Road P and is not gone. He said the barricades placed there were removed by snow plows. To him the no left turn does not make any sense. **Allen Carroll** stated he is gratified to hear the County Commissioners comply with the Land Use Code. He suggested an engineer's study may need to be done. **Jackie Randall** said a sign has been replaced since she brought it to the attention of the Commissioners. She said the Commissioners retained an engineer to do a study and he said this intersection was a highly dangerous intersection and his recommendation was to close or gate it and the State Patrol Captain England said it was very confusing and needed to be closed. She asked if the Commissioners are willing to go on record to override their reports to state this isn't dangerous. **Karen Sobetzer** said she lives at the crest of a hill and she counts 12 seconds before she turns into her driveway. She stated the speed limit is often exceeded and enforcement of the speed limit should be done. **Corbin Claxton** took exception to the comments of his wife making a left turn. He feels the no left turn sign is ridiculous. **Jane Eaton** said it's safer to turn left out of there. **Kay Hanson** said a point that needs to be made is when the engineer and state patrol analyzed this street you got the answer they wanted. She stated we need to look at the facts if we are going to do a survey and have it re-engineered then all other intersections need to be looked at and they all will come up as hazardous. **Jim Candelaria** represents 3 properties in the subdivision. He said Bechtolt Engineers conducted a traffic study and had no issues with the intersection. The County had Wasteline Inc evaluate the intersection as well. He mentioned CDOT had no issues with it. **Jackie Randall** said what they are here for is to see how dangerous this intersection is if you make a left hand turn. **Blaine Montgomery** said he drives this road everyday and said in a traffic study there are various criteria that needs to be met. He said it might be a good idea to have a third party look at it. **Jennifer Hay Preston** agreed with the third party idea as the traffic count is higher now. **Jim Candelaria** said traffic studies are not done just for today but for the next 20 years and the count and survey is still more than adequate for the time frame. **Ben Randall** asked how can a 20 year study be done and made good, it's not the same as when it started. **Mike Lowry** asked what happened to that no U turn sign on Road P. **Jay Balfour** discussed the speeding statements used by the 2nd engineering firm being 50 to 60 MPH. He strongly urged the Commissioners consider that speed statement. **Commissioner Chappell** stated the posted speed limits are the legal speed limits. **Dave Hanson** said the State Patrolman was sitting on this road and looking north to make his opinion on traffic going that way. He said the posted speed limit is 30 MPH. **Jeff Woods** said he rides a motorcycle up and down this road 3 to 4 times day and said there is no way he can be seen if you are sitting at that corner when he is coming around that

corner. He said traffic laws are there for a reason. **Corbin Claxton** said if all abide by the traffic law there would be no problem and the left turn makes no sense. **Ben Randall** said most people are not paying attention to traffic. **Brian Rantz** said he drives this road everyday and there are a lot of dangerous intersections and the speed limit needs to be lowered. **Blaine Montgomery** commented one of the things in the road traffic study is called the 85th percentile which is the speed most people drive and is the criteria used as the safest speed to travel. **Jim Candelaria** wanted to clarify the no left turn sign is not a law but a private property issue. Hearing no further public comments Comm. Chappell closed this portion of the hearing. Comm. Suckla addressed the part about the 100 % signatures of every lot owner. He said according to legal council that is what would be required to change the plat. Comm. Ertel said everybody has a valid reason for seeing things the way they see them and he agrees there are more intersections more treacherous than this one. Comm. Chappell said the Board will take this under advisement until the subdivision owners respond and will look at other information from previous hearings and will make a decision in the coming weeks. Comm. Chappell closed this hearing at this time.

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 granting a variance for a rock racing event scheduled for the 4th of July weekend. LeeAnn Milligan with the Planning Department said due to scheduling issues the public notice was not published within the 10 day time frame in the Cortez Journal. It was explained the application is in the process. A variance is requested for one event only that is scheduled for the 4th of July weekend. The hearing is for a perpetual high impact and special use permit request for the purpose of conducting up to four (4) off-road OHV vehicle rock race events per year on property owned by Sheldon Zwicker located at 5740 Road G, Randy, and Cottin Rodd and Rich Klein II agents. Comm. Chappell opened the hearing up to public comment. **Sheldon Zwicker** said he is the property owner and 3 events have already been held over the years with no bad incidents. He stated the locals in the canyon are in favor of these events, the ones objecting to it are from people moving in from outside the area. He said this event would not only help him but brings revenue into the county. **Chester Tozer** spoke in favor of the event as well. **Cindy Green** said she is trying to get a grasp on the process for the high impact and special use permits for such events. She said this is a great organization with expensive vehicles involved and the people are professionals and the event brings in revenue. **James R. Rodd, Jr.** said the event is growing and the racers coming from out of the area fall in love with this area are remaining to explore Montezuma County after the event. **Dennis Atwater** said he is Chairman of the Planning and Zoning Commission and each year they come in to make the applications and said generally there is a preponderance of the community in favor of this event and he supports the P & Z's recommendation to approve this variance even though he was not at that meeting. He stated off-road events are becoming more and more popular. **David Harrison** participates in a lot of motorcycle events all over and said we need an event like this here to bring in revenue and he would like to see more events like this come to the area. Letters from **Susan Thomas** and **Joyce Kramer** was submitted. (See attached) Hearing no further public comments, that portion was closed. After hearing all the evidence presented, Comm. Suckla moved to approve this variance based on the Planning and Zoning Commission's recommendation on the Sheldon Zwicker property on Road G, 18 miles down McElmo Canyon for 2 weeks until the public hearing takes place, seconded by Comm. Ertel and carried. Comm. Chappell closed this hearing at this time.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich discussed the conservation agreement MOU regarding the Gunnison Sage Grouse Habitat. The Board asked James to write a letter to support the County's involved but state this County doesn't have any such birds or habitat. He reported the Forest Service and BLM have begun Stage 1 fire restrictions in the higher elevations and State 2 in the lower elevations. He said he has been in contact with the engineer on the Bluewater Project who informed him he is ready to start on the project. He talked about the McElmo Flume project.

COUNTY COMMISSIONER'S REPORT: No report

COUNTY ATTORNEY REPORT: No report

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

Letter from Connie Clementson with the BLM.

Letter from U.S. Department of the Interior concerning an environmental assessment.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 4:15 pm.

County Clerk

July 1, 2013

Chairman

MONTEZUMA COUNTY, COLORADO
July 8, 2013

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 8, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of July 8, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 1, 2013 as amended. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

Expenditures from May 1, 2013 through May 31, 2013 was presented. Comm. Suckla moved to approve the expenditures from May 1, 2013 through May 31, 2013, seconded by Comm. Ertel and carried. (See attached)

VETERANS SERVICE: Comm. Ertel moved to approve the **Montezuma County Veterans Service Officers** monthly report and Certification of pay for June, 2013 seconded by Comm. Suckla, motion carried (See attached)

DOLA Energy /Mineral Impact Assistance Program reimbursement request and progress report was presented. Comm. Ertel moved to approve for Comm. Chappell sign the request for the grant reimbursement request for Reilly Johnson Architecture, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION:

Pat Kantor said she doesn't favor focus groups in regards to the Dolores River Valley Plan because people are not that familiar with the issues involved. She said it is the Commissioner's and Planning Commission's job to look into the future and plan for it. She was informed that the Planning Commission will begin looking into the Plan.

Dennis Atwater talked about the Department of Interior's Blue Ways Project where there is a push to take land in the white river watershed and once the issue gained national exposure, the Department of Interior backed off.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of June, 2013. (See attached).

ROAD: Road Supervisor Dean Roundtree said last week was a slow week. He informed the Board he is in receipt of a contract concerning the Dolores-Norwood Road from Peter Merkel. He will bring it before the Board. It was stated Road P was in good condition. Supervisor Roundtree said the crusher will get started at the Hay Camp Gravel Pit this week and a boundary check is scheduled for this week on the Hay Camp Pit. Planning Director Carver and Supervisor Roundtree talked about the project on Road K.3 and addressed the issues Mr. Pope brought to the Board last week. She said the Land Use Code states the access is to be platted prior to approval of the plat.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of June, 2013. She introduced **John Briest** with Weaver Boos. He said he represents the County with ground issues like the Carver ground, Compost and EDOP. Manager Barton informed the Board of the SWANA annual conference in Estas Park on October 3-5 she will be attending. She said she will be asking to serve as the chapter chair for the next two years. Manager Barton said she will be teaching a landfill management class in Sterling on November 4-8, 2013. Manager Barton discussed volume discounts, Kinder Morgan delinquency payments, compost equipment, training and the overtime budget line. (See attached)

ASSESSOR MARK VANDERPOOL said 196 valuation appeals were received and they were able to adjust 126 or 64%. He talked about assessed values for real and personal property. Assessor Vanderpool gave a ten year history of Montezuma County Taxable assessed valuation. (See attached)

LIQUOR LICENSE RENEWAL: Clerk's Deputy's Lynn Dorenkamp and Brandon Vialpando presented a liquor license renewal for Mary Janes at Stoner LLC. There are a couple of concerns the Sheriff has with this facility. He stated the applicant has a felony background; however, it is up to the Commissioner's to grant the license. The property may be under the foreclosure process and the building is in disarray. Comm. Ertel moved the application for Mr. McDonald, for Mary Janes at Stoner LLC be tabled to determine the outcome of the foreclosure action being made clear and the character description from the Sheriff's Office weighs on the decision, motion seconded by Comm. Suckla. Comm. Chappell called for a vote, Comm. Suckla, Comm. Ertel and Comm. Chappell voted nay, motion did not pass. Comm. Suckla moved to deny the application, seconded by Comm. Ertel and carried.

KINDER MORGAN: Cancelled.

COMMUNITY SERVICES DIRECTOR REPORT: **James Dietrich** discussed the meeting with the BLM scheduled for the 15th. It was suggested to inform the Rangeland Stewardship Committee of this meeting. He will try to arrange a meeting with the BLM range specialist and the Rangeland Stewardship Committee. Mr. Dietrich informed the Board that roughly 6,000 acres in our area are designated as wilderness study areas. A letter will be written to Rep. DeGette regarding these areas. The letter regarding the Gunnison Sage Grouse Habitat was presented for signature. (See attached)

COUNTY COMMISSIONERS REPORT: Comm. Suckla informed the Board of a meeting with the Lower Dolores Group and Sen. Bennett held at the Dolores Lookout regarding the wild and scenic designation.

COUNTY ATTORNEY REPORT: **Attorney Baxter** reminded the Board of a couple of hearings coming up. One is a scheduling hearing on the water issues and abatement hearings in Denver regarding Bill Barrett Corp. and Unit Petroleum.

ROB POPE asked why he was pulled from the July 15, 2013 agenda. Director Carver said the reason was because the final plat is not completed. Mr. Pope talked about several delays on this project. The driveway issues was discussed. Director Carver informed the Board of the pages in the Land Use Code that talk about access points and applications. She talked about driveway design and locations, the construction requirements, the development plan and that accesses be platted on green signed roads. Mr. Pope said the homeowner should have a say in the best place for their access.

LUNCH: 12:13

EXECUTIVE SESSION: Pursuant to Attorney Baxter's suggestion, Comm. Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried. Comm. Chappell said the Board voted to return to regular sessions.

COMPENSATORY TIME: The Board discussed the compensatory time issue for Chris Lindus. Comm. Suckla moved to allow Mr. Lindus 40 hours comp time due to a misunderstanding and for him to stay at exempt status, seconded by Comm. Ertel and carried.

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

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 2:45 pm.

County Clerk

July 8, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 15, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 15, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of July 15, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 8, 2013 as presented. The motion was seconded by Commissioner Ertel and carried.

REVIEW/APPROVE OF EXPENDITURES: No expenditures presented.

PUBLIC COMMENT SESSION:

Rebecca Samulski representing the Montezuma County Fire Chiefs stated they are applying for a 2013 Colorado Wildland Fire Fuel Reduction Grant and the 2013 Colorado Wildfire Risk Reduction Grant. These grants are to pursue a low-income wildfire risk reduction program for our residents. The Board will check with Landfill Manager before making any decisions. (See attached)

Ernie Allsup met to encourage the Board to take a look at the zoning in the Dolores River Valley. He said his home is less than 100' foot from the setback.

Bud Garner said he has concerns with a statement made about not wanting property owners on the focus group.

Mariane Mate spoke about the flood plain and the TDR 10 acre minimum was because of water quality issues. She said there a large number of buildings in the flood plain. She said all landowners that own property on the river should get an invitation to the focus group meetings.

Tim Hunter read a letter concerning the Dolores River Valley Plan. (See attached)

Dennis Atwater commented on a recent road closure on Road X blocking access to McPhee Reservoir.

Lori Olander said her neighbor has a lot of Canadian thistle, bind weeds and other noxious weeds. She lives on Road CC. The Board will look into the problem.

Bessie White said her family is always spraying around her land and talked about the cost involved.

Fernie Lopez lives on Road N and travels Road 26 on his way home. He said there is a trench dug across the road and now it has become a large pothole. He asked if it could be filled. He was informed that portion of the road is on the chip seal program. He also informed the Board that there is a culvert plugged at the entrance to his subdivision (Knollwood Subdivision on Road N)

Greg Kemp said he believes there are school funds available for fire mitigation grants.

ROAD: Loretta Murphy presented the final plat for the Road 23 intersection. Comm. Ertel moved to sign the final plat for the intersection of Montezuma County Road 23 relocated intersection unto Hwy. 184, seconded by Comm. Suckla and carried. The Forest Service Road Project Contract was presented for signature. Said contract is for the **Montezuma County Dolores-Norwood Road** magnesium chloride application. This coop agreement allows for the parties to cooperate in the planning, survey, design, construction, reconstruction, improvement and maintenance of certain forest roads. Comm. Suckla moved to sign the road project agreement between Montezuma County and the U.S. Forest Service for 2013-2014, seconded by Comm. Ertel and carried. (See attached)

FEDERAL LAND AGENCIES: The Board asked audience members for issues for discussion with the Forest Service and BLM. **Chester Tozer** talked about the Wallace Family grazing permits on the Monument and he would like to see the Wallace boys get them back. He talked about multiple uses in the Monument plan. He

stated Federal Judges said the permits are considered as property rights. **Steve Wallace** informed the Board of the permit numbers of Yellow Jacket, Flow Dyne Park, and Cahone Mesa. Mr. Tozer and Mr. Wallace said the Forest Service is fencing reservoirs built by the ranchers to be used as wetlands for ducks. Mr. Tozer talked about a piece of land Jackie Wallace owns around Battle Rock and that the Wallace nephews are keeping the permit up. It was said the permit would be cancelled upon her death even though she wishes to transfer the permit to her nephews. Mr. Tozer said the BLM would need permission to purchase land but no permission was asked for. **Dennis Atwater** commented on the water right issue saying the BLM has no authority. He brought up Resolution 2-2004, a resolution in support of what the BLM's rules were. **Sheldon Zwicker** mentioned one issue he has is grazing allotments and water rights and said the government should pay for them if they take them. **Mike Gaddy** talked about a meeting with Mr. Smith with the BLM where Mr. Smith said their power comes through regulations for governing control over these properties. **Dexter Gill** talked about the organic laws.

FAIRGROUNDS: Fairgrounds manager Tanner Young gave his monthly report. He discussed the income statement and the attendance. He said the car races, CASA dog show, FCCHC horse cutting event, and the NBHA events went well. Manager Young informed the Board of upcoming events that have been scheduled (See attached). The bids were opened for the grandstand roof. Bids were received from **Weeminuche Construction Authority** with 2 separate bids enclosed, (2) one from **Mr. Concrete Construction Co.** with alternates 1 and 2 enclosed, and one from **Cruzan Construction**. He said all showed up for the pre-bid meeting. Manager Young informed the Board he will take the bids to engineer Terri Thomas for review before the bid is awarded. Weeminuche's bid was \$314,000.00 for galvanized; Mr. Concrete's bids were (alternate 1) for red iron at \$283,170.00, galvanized \$319,550.00, and (alternate 2) is \$245,221.00, for red iron and \$273,349.00 galvanized. Cruzan Construction's bid is \$317,332.00, for galvanized.

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich discussed the MOU regarding the Gunnison Sage Grouse Habitat and an upcoming meeting scheduled for Tuesday. He said a meeting is scheduled for August 7, 2013 with Darlene Marcus from Rep. Tipton's Office. Mr. Dietrich discussed a letter he received from Marietta Eaton concerning the rangeland health assessments.

COUNTY COMMISSIONER'S REPORT: Nothing to report.

COUNTY ATTORNEY REPORT: Attorney Baxter said he was in water court and he will meet with Comm. Ertel and come up with proposed stipulations before proceeding. He will be going to Denver with Assessor Vanderpool for hearings before the Board of Assessment Appeals.

LUNCH: 12:00

FINAL PLAT: LeeAnn Milligan with the Planning Department presented the **Hartman Heights Subdivision** final plat for approval. **Rob Pope, Susan Underwood, and Ernie Maness** were present. Ms. Milligan explained this is a 19 lot major development. Comm. Ertel moved to sign the final plat for the Hartman Heights Subdivision, a 19 lot major subdivision and to grant a variance to the land use code to not require driveways be

constructed off Road K.3 prior to the sale of said lots, seconded by Comm. Suckla and carried. Comm. Suckla moved to approve the findings of the Hartman Heights Subdivision, seconded by Comm. Ertel and carried. (See attached)

KINDER MORGAN: LeeAnn Milligan with the Planning Department requested a high impact permit application be forwarded to the Planning and Zoning Commission for their review and recommendation for seismic testing by Kinder Morgan. **Bob Clayton, Larry Smith and Bill Caver** explained the application. LeeAnn Milligan gave an overview of the application. Mr. Smith informed the Board that the 3D seismic survey will be done on 93 square miles in Dolores and Montezuma Counties. Comm. Ertel moved to send the special use permit application for Kinder Morgan on their 3D seismic survey to the Planning and Zoning Commission, seconded by Comm. Suckla and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the review and determination of a perpetual high impact and special use permit as requested for the purpose of conducting up to four (4) off-road OHV vehicle rock race events per year. The roll was called, the public notice read, and the proceedings were recorded for the record. The property is owned by **Sheldon Zwicker** located at 5740 Road G, Cortez, Randy and Cottin Rodd and Rich Klein II agents. LeeAnn Milligan gave an overview of said applications. Randy Rodd represented the applications and gave a review of how the first race went. He said things went well but there was an issue with dust. He addressed water issues for future races. He said he will have to concentrate on promoting the races a little better as the turnout was down. Comm. Chappell opened the hearing up to public comment. **Greg Kemp** said he has no problems with this type of event but has a problem with the term in perpetuity. **Casey Warner** approves of the permit and has a passion for off roading. **Robert Schuster** lives next to this race and everything said is opposite of what was told him. The dust and noise was in excess. **Matt Warner** said he works at the Holiday Inn and this race will bring revenue to the area. He said he is in favor of the event. **Duane Bradshaw** addressed the dust issue and spoke in favor of this event as well. **Peter Wells** stated this can be a family affair and can be a positive event. **Brittany Zwicker** is in favor of the races and enjoys them as a family. **Bob Clayton** said there are about 90 days of wind storms and dust is a part of that. He said there could be around 50,000 visitors a year and a number of them drive down McElmo Canyon. He talked about the problems with wetting down roads. **Chester Tozer** said he saw a little bit of dust but farming operations can create more dust than the race. **Sheldon Zwicker** thought the races were a good success and there was dust but has seen more dust during some of the dust storms. He discussed the perpetual permit but the permit will be reviewed on a yearly basis. **Dennis Atwater** said dust is a way of life as long as you live here. He said this is a great event for this county and is good for the economy. He feels the dust will be controlled better as a stipulation of the permit. **Mike Gaddy** talked about the essence of freedom is private property. **Mike Randolph** moved here to work for Randy Rodd. He said this event adds to the community. **Carlos Olivas** said he is working with Mr. Rodd to take care of the dust situation during these events. **Robert Schuster** says the dust is so far out of control but feels there was no respect for the neighbors and the event is not what he was told and this was intrusive and he does not appreciate it. **Sheldon Zwicker** clarified that nothing changed from the previous races held last year. Hearing no further public comment Comm. Chappell closed that portion. Randy Rodd answered questions addressed in the comment portion. He said the course did

not change. Hearing all the evidence presented, Comm. Suckla moved to approve high impact permit number 13-000016 and special use permit number 13-000006, seconded by Comm. Ertel 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. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing a light industrial re-zoning request on property owned by **Karna Ward**, agents Andy and Kristyn Spruell. The property is located at 7250 Road G.2 consisting of 1.07 acres, more or less. Said property had been used as a small engine repair shop and this proposal is for an auto glass repair shop. LeeAnn Milligan reviewed the application. She said the request is for re-zoning only for a light industrial commercial business. Andy Spruell discussed the application in detail saying he has been doing this type of work (auto glass repair) for 6 years and wishes to do a start up business. Comm. Chappell opened the hearing up to public comment at this time. Hearing none that portion was closed. Hearing all the evidence presented Comm. Ertel moved to approve the light industrial re-zoning request on property owned by Karna Ward for an auto glass business for Andy Spruell located at 7250 Hwy 160-491, seconded by Comm. Suckla and carried. (See attached). Comm. Chappell closed this hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held to review and determine a high impact permit request. The roll was called, the public notice read, and the proceedings were recorded for the record. This high impact permit request is to construct and operate a telecommunications facility to include a 2,500' lease area within a 21.43 acre, more or less, parcel of land; a 170 foot lattice self-supporting steel communications tower and an equipment shelter on property owned by **Donald O'Brien, agent Declan Murphy with T-Mobile**. Said property is located at 17593 Hwy 145, Dolores. LeeAnn Milligan overviewed the application in detail. Declan Murphy was on a conference call during the hearing and commented on the application. Comm. Chappell opened the hearing up to public comment. Hearing none that portion was closed. Hearing all the evidence presented Comm. Suckla moved to approve high impact number 13-000011 on property owned by Donald O'Brien for T-Mobile located at 17593 Hwy 145, Dolores, seconded by Comm. Ertel and carried. (See attached) Comm. Chappell closed this hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held concerning a light industrial re-zoning (INDLZ) request. The roll was called, the public notice read, and the proceedings were recorded for the record. This request is being submitted by **4 Corners Well Service, Inc.** Said property is owned by 4 Corners Well Service, Inc., Joshua Stephenson, agent, located at 7290 Hwy. 160-491, Cortez, consisting of 3 acres, more or less. The property is currently being used as a well service company. LeeAnn Milligan discussed the application. She said this business is in the overlay area. She said this business is a derrick repair business. Joshua Stephenson spoke as to this request. Comm. Chappell opened the hearing up to public comment. Hearing none, that portion was closed. Hearing all the evidence presented Comm. Ertel moved to grant the re-zoning to light industrial for property located at 7290 Hwy 160-491 for 4 Corner Well Service, Inc, seconded by Comm. Suckla and carried. (See attached) Comm. Chappell closed this hearing at this time.

VARIANCE APPLICATION: A variance application was presented for review and determination for **Deems and Cristo**. Comm. Ertel moved to grant a mutual variance between the Deems property located at 14155 Road 20, Cortez and the Cristo property located at 14081 Road 20, Cortez, regarding the setbacks to the property lines, seconded by Comm. Suckla and carried. (See attached)

FINAL PLAT: A final plat for the **Sundance Bear Subdivision, Robert and Susan Scott** was presented. Comm. Suckla moved to approve the final plat for the Sundance Bear Subdivision, Robert and Susan Scott, seconded by Comm. Ertel and carried.

ROAD RESOLUTION: Dennis Atwater discussed a road resolution. This proposed resolution deals with the exclusive authority of Montezuma County, Colorado over certain roads, right-of-ways, and routes of travel within the boundaries of said county and located on certain lands also managed by the U.S. Forest Service or BLM. Mr. Atwater said the purpose is to protect the health, safety and welfare of the Citizens of Montezuma County. He cited references in the CDOT manual, Forest Service manual, Colorado Revised Statutes, precedent cases, plenary authority, and ultravires. He said opposition has been met in every way during this process. He asked the Board to use their power to protect the rights and liberties of its citizens and adopt this resolution. The Board would like to inform the State and Federal representatives of this action before moving forward with this resolution and to make some revisions to the resolution submitted. (See attached)

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

Letter from William Hendrickson concerning the County's Russian Knapweed problem.

Letter from the Montezuma County Historical Society to members and friends.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 6:05 pm.

County Clerk

July 15, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 16, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At executive session of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday July 16, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
John C. Baxter, County Attorney
County Administrator
Carol Tullis, County Clerk

Comm. Chappell opened the meeting at 9:00 a.m.

LETTERS: Letters regarding the 2013 Colorado Wildfire Risk Reduction Grant and the 2013 Colorado Wild Land Fire Fuel Reduction Program were presented. Comm. Suckla moved to sign the 2013 letter of support for the Colorado Wildfire Risk Reduction Grant and the 2013 letter of support for the Colorado Wild land Fire Fuel Reduction Program, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to go into executive session for the discussion of a personnel matter to interview potential candidates for County Administrator pursuant to C.R.S. 24-6-402(4)(f) and to allow Assessor Mark Vanderpool, Treasurer Sherry Dyess, Clerk Carol Tullis, and Administration Secretary Lynette Reece be present at this executive session, seconded by Comm. Ertel and carried.

Comm. Chappell said the Board voted to return to regular sessions.

Meeting adjourned 12:10

County Clerk

July 16, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 22, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 22, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds - Absent
- John C. Baxter, County Attorney - Absent
- County Administrator
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of July 22, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 15, 2013 and the minutes of July 16, 2013 executive session as presented. The motion was seconded by Commissioner Chappell and carried.

REVIEW/APPROVE OF EXPENDITURES:

ORDER: Comm. Ertel moved to approve order number 3 to transfer from the Conservation Trust Fund to the Montezuma County General Fund \$33,224.45 for operations of the County Fairgrounds from January through June 2013, seconded by Comm. Chappell and carried. (See attached)

COUNTY TREASURER REPORT: Comm. Ertel moved to approve the schedule of receipts and disbursement from January 1, 2013 through June 30, 2013, seconded by Comm. Chappell and carried. (See attached)

UPDATE COUNTY ADMINISTRATOR: Comm. Ertel moved to approve the appointment of **Melissa Brunner** as County Administrator for the Board of County Commissioners, seconded by Comm. Chappell and carried.

Comm. Ertel moved to set the starting salary for Melissa Brunner at \$80,000.00 per annum, seconded by Comm. Chappell and carried.

PUBLIC COMMENT SESSION:

Dennis Atwater talked about federal preemption to the invalidation of a US state law when it conflicts with Federal law. (See attached)

Steve Reed talked about the burn ban in regards to burning weeds. It was stated that state law allows burns for agricultural interests only and are exempt from the burn bans. **LATER: SHERIFF SPRUELL** clarified the fire ban regulations. He said the County can impose more restrictive fire bans than what the State requires.

ROAD: Supervisor Dean Roundtree along with Planning Director Susan Carver reported on the road impact fee report and how some fees were spent. (See attached) Supervisor Roundtree discussed roads 26, G and others requiring attention. He said chip seal has been scheduled for August.

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 SERVICES: Sue Fletcher and Mary Holliday presented the report for the Senior Services January through June. (See attached). They talked about various grants they will be applying for. Sue discussed a meeting with Housing Solutions and the CSBG funds.

BIDS: The bid for the Grandstand roof at the County Fairgrounds was awarded at this time. **Slim McWilliams, Terri Thomas, and Tanner Young** were present. Bids were received from Weeminuche Construction Authority, Mr. Concrete and Construction, Inc., and Cruzan Construction Co. Fairgrounds Manager Tanner Young discussed the contract requirements in detail. Comm. Ertel moved to award the bid for the roof at the Montezuma County Fairgrounds grandstands to Mr. Concrete and Construction, Inc. in the amount of \$245,227.00, seconded by Comm. Chappell and carried. (See attached)

CEMETERY DISTRICT: Comm. Ertel moved to re-appoint Bessie White to the Sylvan Cemetery District to a 6 year term expiring January 2019, seconded by Comm. Chappell and carried. (See attached)

AUDIT: Chris Majors presented the 2012 county audit. He said the audit went well. He explained the audit in detail. Comm. Ertel moved to accept the 2012 audit and basic financial statement from Majors and Haley P.C, seconded by Comm. Chappell and carried.

LANDFILL: Tim Bates representing the Landfill reported on the grinding operations at the Landfill. He presented bids for the tractor for the Landfill. He reported 4 bids were received with a fifth bid being a day late. Bids were from Southwest Ag. (60,000.00) John Deere (62,761.00) Wagner (107,652.00) and an individual (57,000.00) but this bid didn't meet the specifications. Comm. Ertel moved to accept the bid from Southwest

Ag., Inc. for the creeper on the compost turner in the amount of \$60,000.00, seconded by Comm. Chappell and carried. (See attached)

MVI: Lora Davis met to discuss neglect of a MVI irrigation ditch. She read a letter of complaint concerning problems with an MVI irrigation ditch running through her property on Road 27, Dolores. Ms. Davis said this problem is causing a lot of flooding on her property. She was informed this Board has no jurisdiction over this matter.

LUNCH: 12:20

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 for the purpose of reviewing and determining 2 separate high impact permit and special use permit applications submitted by Kinder Morgan CO2 Company, Ecosphere Environmental Services, agents. Said request is for the construction and use of 2 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) Raymond and Melissa Delio property located at 10227 Road Y, Pleasant View, and (2) Cortez LLC, a California LLC located at 18800 Road Y, Yellow Jacket. Planning Director Susan Carver explained the permits. Bob Clayton with Kinder Morgan and Laura Getts with Ecosphere Environmental Services represented the applications. Mr. Clayton said these permits are the end of their 2013 drilling process. Comm. Chappell opened the hearing to public comment, hearing none that portion was closed. After hearing all the evidence presented Comm. Ertel moved to grant high impact permit number 13-000017 and special use permit number 13-000007 to Kinder Morgan CO2 Company, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel moved to grant high impact permit number 13-000018 and special use permit number 13-000008 to Kinder Morgan CO2 Company, seconded by Comm. Chappell and carried. (See attached) Comm. Chappell closed this hearing.

HIGH IMPACT PERMIT/SPECIAL USE PERMIT: The high impact permit and special use permit applications submitted by T-Mobile was presented for preliminary review and requested the Board forward the applications on to the Planning and Zoning Commission was made. This application is for a proposed new cell tower to be constructed and operated on property owned by Robert Watkins located at 1317 Hwy 160/491, Cortez. Ben Feldman with T-Mobile was on a conference call. Planning Director Susan Carver gave an overview of the application and she is asking for the application to be forwarded to the Planning and Zoning Commission. It was explained this is a self supporting tower. Comm. Ertel moved to send to the Planning and Zoning Commission the high impact permit and special use permit for T- Mobile for the construction of a 195' tower, seconded by Comm. Chappell and carried. (See attached)

VARIANCE REQUEST: A temporary variance request was submitted by Michael and Paulette Gasner located at 15325 Road 22, Dolores. This request is regarding the setback standards. Paulette Gasner explained their home needs to be constructed as mold has been found in the existing residence that is affecting her health. The request is to have a temporary residence moved onto the property for them to reside in while mitigation is performed on the existing home or it's demolition. Comm. Ertel moved to grant a temporary variance from the

setbacks from June 22, 2013 to June 22, 2014 on property located at 15325 Road 22, for Michael and Paulette Gasner, seconded by Comm. Chappell and carried. (See attached)

MONTEZUMA COUNTY WEED PROGRAM: Members with the HOA's with Elk Springs and Elk Stream subdivisions met to discuss problems with weeds since the Weber Canyon Fire. LeeAnn Milligan with the Montezuma County Weed Control Program said there is a little money in the weed program and she hopes any excess funds might be able to help these subdivisions.

COMMUNITY SERVICES DIRECTOR REPORT: No report.

COUNTY COMMISSIONER REPORT: No report

COUNTY ATTORNEY REPORT: No report

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

Notice and agenda of the Southwest Water Conservation District.

Colorado Board of Health agenda.

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

MEETING ADJOURNED 3:35 pm.

County Clerk

July 22, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 5, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 5, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of August 5, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 22, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

Transportation assurance report was presented for signature. Mary Holaday presented a grant application for approval. Comm. Suckla moved approve the Montezuma County Senior Services grant application for 2014 and 2015, seconded by Comm. Ertel and carried. (See attached)

VETERANS SERVICE: Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for July, 2013 seconded by Comm. Ertel motion carried (See attached)

Veteran's Services customer satisfaction survey's was presented for the Board's information. (See attached)

Extension Department: Approval for overtime for an Extension employee was requested. Amber Zickfoose informed the Board that Tonya Yates with the Extension Office earned over the 40 hours in comp time during the County Fair and transporting 4-H kids out of town. Comm. Ertel moved to grant 80 hours of comp time to Tonya Yates, 4-H Coordinator, seconded by Comm. Suckla and carried.

Fairgrounds: The grandstand roof progress report from DOLA was presented for signature. Comm. Suckla moved to approve the progress report for DOLA Energy Impact Assistance Program on the roof at the Montezuma County Fairgrounds, seconded by Comm. Ertel and carried. (See attached)

PUBLIC COMMENT SESSION:

Dennis Atwater read a law regarding public lands and road closures. He is asking the Board to put the resolution in place that was presented earlier.

Duane Likes talked about the economy and the money brought in by hunters and fishermen.

Bud Garner talked about the wildfires in Arizona.

ROAD: Supervisor Dean Roundtree discussed the mylar for the boundary changes at the County Shop on Hwy 145. He presented the agreement with CDOT for cold mix. Comm. Ertel moved to allow Road Supervisor Dean Roundtree to enter into an agreement with CDOT to trade cold mix in exchange for chip seal material, seconded by Comm. Suckla and carried. (See attached) Supervisor Roundtree discussed other road matters and a draft letter regarding the Department rates.

COOPERATIVE WEATHER OBSERVER, NOAA, NWS representative James Andrus presented the precipitation report through the month of July, 2013. (See attached).

DISCUSSION with **Tim Hunter** about his position on the Planning and Zoning Commission. Comm. Suckla addressed his feelings about local government and the comments Mr. Hunter made at the last meeting. Comm. Suckla moved to remove Mr. Hunter from the Planning and Zoning Commission, seconded by Comm. Ertel. Comm. Chappell called for the vote, Comm. Suckla voted aye, Commissioners Ertel and Chappell voted nay, motion died two nay, and one aye.

LANDFILL: Bids for the grinder at the Landfill was opened. Landfill Manager Debby Barton stated only one bid was received from RCL Trucking for the composting at the Landfill. Comm. Ertel moved to grant RCL Trucking the bid for the grinding for wood waste products at the Montezuma County Landfill for the remainder of 2013, seconded by Comm. Suckla and carried. (See attached)

SOUTHWEST MEMORIAL HOSPITAL: Kent Helwig representative from Southwest Memorial Hospital (Southwest Health Systems, Inc.) gave the quarterly update. Comm. Suckla moved to approve the Balance Statement and Income Statement for Southwest Memorial Hospital for June 30, 2013, seconded by Comm. Ertel and carried. (See attached)

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

Charles Treasurer: Appraiser Cynthia Claytor explained the appeal from Charles Treasurer on account R015521. She explained how the Assessor's Office arrived at the value. She recommended the value remain at \$58,840.00. Comm. Ertel moved to remain in line with the Assessor's Office valuation on property owned by Charles Treasurer located at 24620 Road V.4, Dolores, at \$58,840.00, seconded by Comm. Suckla and carried. Mr. Treasurer was not in attendance. (See attached)

Riordan Family Trust: Appraiser Rex Robichaux explained the assessment on account number R13542 in detail saying the Assessor's adjusted 2013 value is \$100,000.00 and the property use is as vacant land. **Mr. Joe Riordan** represented his appeal estimating the property should be \$80,000.00. He stated the comps used are not comparable to his property. Comm. Ertel moved as the BOE they split the difference from \$100,000.00 and be adjusted downward by \$10,000.00 on the assessed value. Motion died due to lack of second. Comm. Suckla moved to value the property at \$85,000.00, seconded by Comm. Ertel and carried. (See attached)

SPECIAL EVENTS LIQUOR LICENSE: Clerk's Deputy Lynn Dorenkamp presented a special events liquor license for the **Cortez Culture Center**. Comm. Ertel moved to approve the special events liquor license for the Cortez Culture Center for their gathering at the Four Seasons Green House and Nursery scheduled for August 15, 2013, seconded by Comm. Suckla and carried. (See attached)

CEMETERY DISTRICT: Comm. Ertel moved to reappoint **Neita Muniz** to the Lebanon Cemetery District Board of Directors and the term to expire January, 2019 and to reappoint **Frank Muniz** to the Lebanon Cemetery District Board of Directors with the term to expire January, 2018, seconded by Comm. Suckla and carried (See attached) **SYLVAN CEMETERY DISTRICT:** Comm. Suckla moved to reappoint **Lori Olander** to the Sylvan Cemetery Board of Directors to a term of 6 years to expire January, 2018, seconded by Comm. Ertel and carried. (See attached)

COURTHOUSE REMODEL: A discussion of the remodel grant for the Courthouse was held. Lynette Reece and Amber Zickfoose with the finance department stated they were informed the grant for the courthouse design will expire in November and DOLA said they could request an extension to said grant. Ms. Zickfoose said the contract with the elevator has expired and is out of compliance. It was stated an architect needs to be found. The Board discussed the elevator compliance deadline. Robert Smith with the Maintenance Department discussed the elevator situation.

FAIRGROUNDS GRANDSTAND: Fairgrounds Manager Tanner Young and Mickey Rule with Mr. Concrete talked about the Fairgrounds Grandstand roof project. Mr. Rule explained the process and certain requirements that will be done. Manager Young talked about other projects at the Fairgrounds for the future.

LUNCH: 12:00

PUBLIC HEARING: Will be rescheduled for a later date.

BOUNDARY ADJUSTMENT: Comm. Ertel moved to sign the quit claim deed between Montezuma County, City of Cortez, and AMC Developing, LLC, seconded by Comm. Suckla and carried.

EXEMPTION REQUEST: Planning Director Susan Carver presented an exemption request to adjust a common lot line between properties owned by Deana R. Whitmer located at 21730 Road C, Cortez, consisting of 80 acres, more or less, and one parcel located at 21430 Road C, Cortez, consisting of 27 acres, more or less. Both properties are adjacent to each other. This request is to adjust the common boundary of the two properties, wherein one parcel will contain 3 plus acres with the remaining acreage as one parcel of land consisting of 104 acres, more or less. Director Carver stated no new parcel will be created by the approval of said request.

Planning Director Carver explained the exemption request. Stacy Weyand represented the request. Comm. Ertel moved to grant preliminary approval to Deana R. Whitmer on property located at 21736 Road consisting of 80 acres plus 27 acres and to minus 3 acres more or less, seconded by Comm. Suckla and carried, (See attached)

COMM. SUCKLA moved to sign the variance for the Hartman Heights 19 lot major subdivision, seconded by Comm. Ertel and carried. (See attached)

Director Carver updated the Board of the subject of the trees that Four Corners Materials were to plant at the Mud Creek Site. She explained that due to the lack of water, they wish to plant at a later date.

FIRE BAN: Sheriff Spruell met to discuss the fire ban. Sheriff Spruell said he has been in contact with most fire chiefs and stated most are willing to lift said ban. Sheriff Spruell would like to amend the ban so he would have the ability to authorize certain types of burning during said ban. Comm. Suckla moved to lift the suspension of the fire ban by the approval of Resolution 8-2013, seconded by Comm. Ertel and carried. (See attached)

RESOLUTION 07-2010: A request was made to consider rescinding Resolution 07-2010. This Resolution is prohibiting commercial marijuana operations in the unincorporated areas of Montezuma County and was adopted by the Board of County Commissioners on August 30, 2012. Perry E. Sheets approached the Board to discuss the resolution prohibiting commercial marijuana cultivation operations in the unincorporated areas of Montezuma County. He stated he would like to supply dispensaries and eventually retail stores. Mr. Sheets said he would also like to open a horticultural store. (See attached.) he Board was informed that the County has the authority to allow or not allow such marijuana operations in Montezuma County. Planning Director Carver talked about a previous application and concerns of law enforcement. The Board would like more information and wish to meet with Sheriff Spruell before making any decision. No action was taken at this time.

Lynette Reece presented a letter from Reilly Johnson Architecture regarding the elevator design. Ms. Reece will contact them. (See attached)

COMMUNITY SERVICES DIRECTOR REPORT: James Dietrich informed the Board of a message from CCI of a meeting on Thursday August 8, 2013 in Montrose on the Gunnison Sage Grouse. He said he has been informed that CCI would like for the County to appoint one legislative committee member for 2013. Another message he got from CCI is informing them of a meeting of the Western District on August 16, 2013 in Montrose. A call was received from Connie Clementsen asking for support of the Federal Lands Transaction Act. No letter will be written at this time. Mr. Dietrich said he received a letter from Stockman's Association regarding a meeting scheduled with Darlene Marcus. Mr. Dietrich talked about a meet and greet scheduled between the Rangeland Stewardship Committee, the BLM and Canyon of the Ancients representatives. He talked about a draft letter to Diana DeGette regarding her bill. Comm. Ertel moved to send the letter to Honorable Diana DeGette at 600 Grant Street, Suite 202, Denver, Co. in reference to the Colorado Wilderness Act of 2013, seconded by Comm. Suckla and carried. (See attached) He talked about a Department of Interior news release.

COUNTY COMMISSIONER'S REPORT: Comm. Chappell reported on the Region 9 meeting he attended. Comm. Suckla reported on the Housing Authority meeting he attended and the recent NACO convention held in Ft. Worth, Texas.

Comm. Ertel reported on a recent trip to Springerville, Az. He talked to a commissioner from Apache County regarding its public lands resolution. Comm. Chappell mentioned a 4 wheeler trip around the Grand Canyon area

he took and observations he made.

COUNTY ATTORNEY REPORT: No report made.

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

Letter from US Department of Interior regarding an environmental assessment.

Letter from Kathleen Satterfield regarding Kinder Morgan’s high impact permit and special use permit applications.

Invitation from Southwestern Colorado Livestock Association and Southwestern Cowbelles.

Letter from CDPHE regarding comments and request for clarifications.

MOTION TO ADJOURN was made by Comm. Suckla , seconded by Comm. Ertel and carried.

MEETING ADJOURNED 3:50 pm.

County Clerk

August 5, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 12, 2013**

STATE OF COLORADO)
) ss.
 COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 12, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of August 12, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 5, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

General Fund expenditures for June 1, 2013 through June 30, 2013. Comm. Suckla moved to approve the expenditures of Montezuma County for June 1, 2013 through June 30, 2013, seconded by Comm. Ertel and carried. (See attached)

CEMETERY DISTRICT: Comm. Ertel moved to appoint Justin Dusty Foster to the Board of Directors on the Dolores Cemetery District from January 2012 until January 2015, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION:

Greg Kemp asked the Board about previously asked questions concerning absentee residents regarding the prairie dog problem and noxious weeds. Attorney Baxter stated letters have been written concerning the noxious weeds.

ROAD: Road Supervisor Dean Roundtree said Nathan Barton contacted him regarding the transfer of the **Haycamp Gravel Permit** from McStone to Montezuma County. Supervisor Roundtree asked to have an engineer look at the construction of 2 sand sheds one at the Roundup site and the other at the Dolores site. He said the RFP was put into the 2013 Road budget for this project. He will move forward on this project. Supervisor Roundtree said the Department intends to chip seal beginning next week and the Department is currently hauling gravel in preparation for the chip seal. Discussed the problem on Road H saying the bad spots have been patched.

MOSQUITO CONTROL DISTRICT: Cancelled

LANDFILL: The Board conducted a site visit at the Montezuma County Landfill at this time.

LUNCH:

BOARD OF EQUALIATION: It being the time set aside the following Board of Equalization appeals was heard. The roll was called and the proceedings were recorded for the record for each appeal hearing.

RICHARD C. HENNEKE LIVING TRUST: Appraiser Claytor explained the appeal and informed the Board of the comparable sales used to arrive at Mr. Henneke's assessment. After hearing all the evidence presented Comm. Suckla moved to approve the Assessor's assessment valuation for tax year 2013, seconded by Comm. Chappell and carried. (See attached)

1ST NET REAL ESTATE SERVICES (SAFEWAYS) Dan George, agent for 1st Net Real Estate Services representing Safeway at Cortez on account number R008847. He says the market sales and income approach supports their requested value of \$3,100,000.00. The Assessor's Office value for tax year 2013 is \$3,578,240.00. Assessor Mark Vanderpool explained the appeal in detail. Dan George, agent for Safeway of Cortez was on a conference call. Mr. George represented the appeal talking about his sales and income approach. After hearing all the evidence presented Comm. Ertel moved in regard to the BOA appeals on 1st Net Real Estate Services, Safeway's stands with Assessors valuation of 3,578,240.00, seconded by Comm. Suckla and carried (See attached)

SAFEWAY, INC. Assessor's Appraiser Jessica Norris explained the appeal and how the values were arrived at. Kenneth Zdrok, agent for Safeway's Stores represented the appeal on a conference call. Assessor Vanderpool explained the Assessor's procedure further and according to the guidelines the Office recommends no change. This account (P000648) deals with personal property. After hearing all the evidence presented Comm. Suckla moved to rule in favor of the Montezuma County Assessor's value of \$818,500.00, seconded by Comm. Ertel and carried. (See attached)

WERNER & ELLEN KRESS: Appraiser Cynthia Claytor talked about the appeal on account number R002030 for tax year 2013. **Mr. Warner and Ellen Kress** were present. Ms. Claytor stated Mr. Kress is appealing the valuation of the land only but she has to look at the entire parcel and recommends the value remain at \$477,040.00. After hearing all the evidence presented Comm. Ertel moved to adjust the value on the Warner and Ellen Kress property on Merritt Way to \$80,000.00 on the land only, seconded by Comm. Suckla and carried. (See Attached)

CHARLES M. MCAFEE & CO. RLLLP: Appraiser Rex Robichaux discussed the appeals in detail. He said the accounts referenced are all dry/grazing agricultural land. Mr. Robichaux talked about current local production trends and market conditions. He said that ag land is valued by an income method supplied by the state. Chuck and M.B. McAfee represented their appeal. After hearing the evidence presented Comm. Suckla moved to split the difference between what the Assessor's value is and what Mr. McAfee is requesting. The motion died due to a lack of a second. Comm. Ertel moved to leave the Assessor's values for the dry land farms. Motion dies due to lack of second. Comm. Suckla moved to split the difference with a 30% increase over the prior year's values, seconded by Comm. Chappell. The vote was Comm. Chappell and Comm. Suckla voted aye, Comm. Ertel voted nay. Motion carried two to one.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit and special use permit request. The roll was called, the public notice read, and

the proceedings were recorded for the record. Said request is for the purpose of constructing a 195' self-supported multi-carrier telecommunications tower within a secured 50' X 50' lease area on a 22 acre, more or less, parcel of land. The parcel is owned by Robert Watkins; agent, Ben Feldman with Pinnacle Consulting, Inc. This tract is located at 20513 Road A, Cortez. Planning Director Susan Carver explained the request. Comm. Suckla said a letter of concern was received from Don and Jody Schwindt regarding the access to the proposed facility and the close proximity to their residence. (See attached) Their concerns were addressed by Mr. Feldman. Comm. Chappell opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Ertel moved to grant the High Impact Permit number 13-000021 and Special Use Permit number 13-000008 for T-Mobile's 195 foot multi-carrier telecommunications tower with the access coming off Road A and to install steel plates to protect the irrigation lines, seconded by Comm. Suckla and carried. (See attached) Comm. Chappell closed the hearing at this time

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 review and determine an AR3-9 rezoning request and sketch plan for a proposed 3 lot moderate development. One parcel is a new proposed tract of land consisting of 3 acres, more or less, from a 146 acre, more or less, parcel of land owned by Leonard A. & Edith A. Maez on property located at 23107 Road P, Dolores. The other 2 parcels, are to become a part of the proposed 3 lot moderate development/ Tract 1 is a tract of land owned by Carter E. & Cynthia L. Culbertson and located at 23243 Road P, Dolores, consisting of 5.5 acres, more or less, created by Resolution and tract 2 is a tract of land owned by Jared and Lindsey Gaasch located at 23317 Road P, Dolores, consisting of 3.08 acres, more or less, also known as the Gaasch Single Lot Development. Through the subdivision process, the 3 parcels will be combined into one subdivision whereby vacating the existing exemption on Carter E. and Cynthia Culbertson's property and the Gaasch single lot development owned by Jared and Lindsey Gaasch. Planning Director Susan Carver discussed this request along with their agent Ernie Maness. Comm. Chappell opened the hearing up to public comment at this time. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the AR3-9 rezoning request for Leonard and Edith Maez on property located at 23107 Road P on 3 plus acres, seconded by Comm. Ertel and carried. Comm. Chappell closed this public hearing.

PRELIMINARY PLAT. Comm. Suckla moved to approve the preliminary plat for the Maez 3 lot moderate subdivision, seconded by Comm. Ertel and carried. (See attached)

PLANNING: Planning Director Susan Carver requested the Board forward to the Planning and Zoning Commission Board for review of two separate high impact permit applications and special use permit application as submitted by Kinder Morgan, CO2 Company. Bob Clayton, Kinder Morgan agent, and Laura Getts with Ecosphere Environmental Services. Said request is for the construction and use of 2 separate 5.5 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) property owned by James Burr and Michele Z. Ferrier located at 9846 Road CC, Pleasant View, consisting of 141 acres, more or less, and (2) property owned by Henes Farms Limited located at 22200 Road 10, Pleasant View consisting of 152 acres, more or less. Comm. Ertel moved to forward to the Planning and Zoning Commission two separate high impact permit and special use permit applications for Kinder Morgan, seconded by Comm. Suckla and carried. (See attached)

FINAL PLAT: Planning Director Susan Carver presented for review the final plat for an exemption request submitted by the Fairview Cemetery District, with property located at 16904 Road Z, Yellow Jacket currently consisting of 2 acres, more or less. The Cemetery is in need of expansion and would like to attach an additional 4 acres, more or less, to become a part of their existing 2 acres, more or less, parcel of land from property owned by Zane Odell located at 23247 Hwy. 491, Yellow Jacket. The four acres, more or less, would be added to and made a part of the existing Cemetery District. The remaining Odell property will remain in excess of 35 acres. Planning Director Carver wants the public to be aware that all letters of concerns received is electronically forwarded to the Board for their review. Cemetery Director Ray Patterson explained the need for more property. Emery and Mirna Namingha contested the planned expansion saying there will be adverse impacts to their property and decrease in property values. They said it would limit any expansion in the future if any property comes for sale in that area. Ms. Namingha said debris from the cemetery comes to their property and they suggested other parcels. Mr. Patterson informed the Board of pipelines that run through the property. The Board would like to contact the CSU property and business management office before making any decision.

LETTER: Director Carver gave the Board a letter from McStone Aggregates LLC regarding the request for termination of reclamation permit and release of reclamation financial warranty and performance warranty. (See attached)

FIRE BAN items were discussed with Sheriff Spruell and Emergency Manager Paul Haller. He presented a draft resolution for the Boards review. No decisions were made at this time.

MARIJUANA GROWTH SIGHTS: The Board held a discussion with Sheriff Spruell regarding a request to lift the moratorium for commercial marijuana growing sights in the unincorporated areas of Montezuma County. This is dealing with rescinding Resolution 07-2010. The Sheriff said his department doesn't have the manpower to enforce any problems caused by such sites at this time. Perry Sheets was present. Mr. Sheets wants to see the moratorium lifted so he could open a growth site. **Jim Cody** is in the process of opening an OPC operation in the Town of Mancos and he talked about the process he has gone through. Comm. Suckla moved not to lift the moratorium, seconded by Comm. Chappell and carried.

COMMUNITY SERVICES DIRECTOR REPORT: **James Dietrich** talked about a response from Connie Clementsen about the grazing issue on BLM ground. He mentioned the water court will be on August 29, 2013 and the coordinating meeting with the Forest Service and BLM will be next Monday, He reminded them of a meeting scheduled in Montrose on Friday. Mr. Dietrich updated the Board on the Breakwater Project. He talked about design problems.

COUNTY COMMISSIONER'S REPORT: No report.

COUNTY ATTORNEY REPORT: Nothing to report

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

Dolores Water Conservation Dist. Minutes

Southwest Water Conservation Dist. Tentative agenda.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 5:45 pm.

County Clerk

August 12, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 19, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 19, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- John C. Baxter, County Attorney
- County Administrator, Melissa Brunner
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of August 19, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 12, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

HEALTH DEPARTMENT: Health Department Director Lori Cooper presented a contract for the WIC program. Comm. Suckla moved to sign the WIC contract from October 2013 to October 2014 for Montezuma County, seconded by Comm. Ertel and carried. (See attached) She presented the Single Entry Point contract for approval. She explained this program is for case management for unskilled care in the home. Comm. Ertel moved to approve the intergovernmental agreement between the Montezuma County Health Department for the Administration of Long Term Care programs for the Colorado home and community based services population, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION: No comments were made.

ROAD: Road Supervisor Dean Roundtree discussed the transfer of the Haycamp gravel pit. He stated Casey McClellan is uncomfortable about the refund of his bond. Comm. Suckla informed Dean that residents in the Spring Creek Subdivision said their roads have not been bladed this year. Supervisor Roundtree said the road is on the Schedule A program. He discussed the RFP for the construction of the 2 sand sheds. He will post the project out for bid. Chip sealing is currently on Road 24 and will begin on Road P soon and should be completed by next week sometime.

PUBLIC LANDS AGENCIES: The Board met with representatives from the federal lands agencies. **Connie Clementson** with the BLM, **Jeff Christianson**, recreational planner and **Derek Padilla** with the Forest Service and **Marietta Eaton**, Canyon of the Ancients was present. They discussed the Red Arrow Mine road and the transfer of the Dolores Norwood Road. He said the forest service doesn't have the jurisdiction to transfer any roads. It was explained the Board would have to begin the transfer process. Mr. Padilla talked about the Rico West Dolores travel management plan. Connie Clementson with the BLM talked about recreation on BLM ground. Jeff Christianson discussed the recreational activities that directly affect the county. He talked about the wilderness study areas and analysis recommendations. Marietta Easton talked about the Wallace allotment in the Sand Canyon area. She said the allotment would be retired upon the death of Ms. Wallace. She said the permits have been reissued for Kelly Place and Canyon Ranch. The parking situation at Sand Canyon was discussed. Derek Padilla said there is currently a small fire around the Narriguinnip canyon area which they are watching closely.

FAIRGROUNDS: Fairgrounds Manager Tanner Young reported on the income statement and recent events held at the Fairgrounds. He said the attendance is up and all events went very well. He informed the Board on upcoming events. (See attached).

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

SAFEWAY: Assessor Mark Vanderpool talked about the appeal for **Safeway, Inc.** (Gerald and Tammy Stansbury). He said this is the commercial parking lot on the property. Assessor Vanderpool said the value was adjusted due to the acreage being incorrect and the Assessor's Office has adjusted the value to \$138,560.00. It is his recommendation that no further adjustment is warranted. The taxpayers were not present. After hearing all the evidence presented Comm. Ertel moved to leave the assessed valuation for Safeway Inc., Gerald and Tammy Stansbury at \$138,560.00, seconded by Comm. Suckla and carried. (See attached)

CORTEZ MAIN LLC: Assessor Mark Vanderpool informed the Board that due to the acreage being incorrect, the property value has been adjusted to \$559,350.00. Gerald and Tammy Stansbury were not present. He discussed sales of multi-tenant properties in the area. He recommends the value of \$559,350.00 be upheld by the Board. After hearing all the evidence presented Comm. Ertel moved to remain with the Assessor's valuation on taxpayer Gerald and Tammy Stansbury for tax year 2013, seconded by Comm. Suckla and carried. (See attached)

LUNCH: 12:00

VFW LADIES, SUGAR PINE RANCH RALLY: Representatives of the VFW and the Sugar Pine Ranch Rally met to discuss the motorcycle rally scheduled. Clerk's Deputy **Lynn Dorenkamp** presented a special event liquor license application for the Sugar Pine Ranch Rally. **Queenie Barz, Joyce Humiston, and Kelli Likes** represented the application. Comm. Ertel moved to grant the special events license to the Montezuma County VFW Ladies Auxiliary number 5231, seconded by Comm. Suckla and carried. (See attached)

FINDINGS: Comm. Suckla moved to approve the findings for High Impact Permit number 13-000021 and Special Use Permit 13-000008 for T-Mobile, seconded by Comm. Ertel 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. Said hearing is for the purpose of reviewing and determining a high impact permit application and a special use permit application as submitted by Geophysical Land Services, Inc., Agent: **Larry C. Smith, client: Kinder Morgan CO2 Company.** The applications are for the purpose of conducting a 3D geophysical seismic survey project known as the Cow Canyon 3D Geophysical Survey which includes approximately 93 square miles. A portion of the test area is located in Dolores County with the majority of the project area located in Montezuma County. This public notice was given to any/all mineral interest owner(s) located in the vicinity of the proposed test area as well. It was explained this survey will provide data to develop a three dimensional image of the geologic structure and stratigraphy underlying the project area. The data generated from this survey will significantly enhance evaluation of the potential CO2 mineral resources. **Planning Director Susan Carver** explained the applications. Larry Smith and **Bill Carver** represented the application. It was stated that helicopters may not be used for this project. Mr. Smith explained the process, how they deal with the individual land owner and the various phases that will be done for this project. Comm. Chappell opened the hearing up to public comment at this time. **Allan Bleak** lives in Pleasant View and said he is pro gas but he feels the details in the permit are vague. He has problems with the well points as to where they are going to drill. He stated his land is developed with fruit trees, a vineyard and a well. **Julie**

Bulger asked about the drilling process for the wells, and wants to insure the mineral owner rights are not affected. She doesn't want oil wells installed on her property. She asked if the landowners will be notified when this project begins. She asked if they will be notified of any roads put on the property and will they remove any of their debris left. Hearing no further comments, that portion was closed. The agents responded to the questions. Mr. Carver explained how the charges are placed and said the charges are destroyed and they never leave a charge behind. They said they get permission from the surface and mineral owners. Mr. Smith explained there are no night operations or lighting and no permanent structures built for that type of operation. He responded to any trash left will be mitigated by an environmental crew that will walk behind and pick up any trash left. When they were asked if they would compensate the landowner for any damages, Mr. Smith stated they would definitely compensate the landowner for any damages caused by this project. After hearing all the evidence presented Comm. Suckla moved to approve high impact permit number 13-000024 and special use permit number 13-000009 for the purpose of conducting the 3D geophysical survey known as the Cow Canyon 3D geophysical survey including 93 acres with the condition that if any county road located in Montezuma County is damaged the roads will be restored to as good as or better condition than before, seconded by Comm. Ertel and carried. (See attached)

FINDINGS: Comm. Ertel moved to approve the findings on the 3D Geophysical Survey known as the Cow Canyon 3D Geophysical Survey in Montezuma County, seconded by Comm. Suckla and carried. (See attached)

PLANNING: Planning Director Carver presented an after-the-fact exemption request for preliminary review and determination. The request as submitted by **James Malapanes** on property located at 36760 Road P.3, Mancos is to bring the tract of land into compliance with development regulations. Director Carver explained the property is part of the Summit Lake East development that was created prior to 1998 without County approval and also prior to when the Land Use Code was originally adopted. Mr. and Mrs. Malapanes represented their request. Comm. Suckla moved to approve the after-the-fact exemption on property located at 36760 Road P.3. Mancos for James Malapanes, seconded by Comm. Ertel and carried. (See attached)

EXEMPTION REQUEST: Planning Director Carver presented an exemption request as submitted by **Bonnie Kennedy**. She wants to split her property into 2 separate parcels. The property is located at 14203 Road 35.6. Ms. Kennedy is represented by her attorney, **Hazen Brown**. Mr. Brown said all utilities are in place for both properties. Comm. Ertel moved to grant an exemption for the division of property belonging to Bonnie Kennedy located at 14203 Road 35.6, Mancos for 2 separate parcels with one being approximately 20 acres and the other being about 16 acres, seconded by Comm. Suckla and carried. (See attached)

COMMUNITY SERVICES REPORT: **James Dietrich** informed the Board that the County requested a 60' easement on the Red Arrow Mine Road. He reminded the Board of the opportunity to comment on the BLM proposed rule to regulate hydraulic fracturing on public lands and Indian lands. (See attached) He also informed the Board they are still moving ahead on the Breakwater Project.

COUNTY COMMISSIONER'S REPORT: Comm. Ertel reported on a meeting he attended with the Mosquito Control District.

Comm. Suckla reported on the meeting he attended concerning the lower Dolores River water.

COUNTY ATTORNEY REPORT: Attorney Baxter presented a lease agreement on the AT&T parking spaces for signature.

CORRESPONDENCE: The following correspondence was read, noted and attached:
Montezuma County Sheriff's Office monthly report for July, 2013.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.
MEETING ADJOURNED 3:25 pm.

County Clerk August 19, 2013

Chairman

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 26, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
County Administrator, Melissa Brunner
John C. Baxter, County Attorney
Carol Tullis, County Clerk

7:00 A.M. Breakfast meeting with the Town of Dolores at the Ponderosa Restaurant.

CHAIRMAN CHAPPELL opened the meeting of August 26, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 19, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

SUE SCOTT, Heather Hughes, Deanna Truelsen, Lee Cloy and Betsy Harrison with the Lodgers Tax Committee discussed a Mesa Verde Country Grant. Sue Scott reminded the Board of the \$30,000.00 that showed up in the tax account and said Mesa Verde Country is requesting \$25,000.00 of those funds for matching grant funds in order to develop a new website and online marketing strategy to reach more potential visitors and entice them to stay in our area. Comm. Ertel moved to grant the use of \$25,000.00 of the Lodgers Tax money to go to Mesa Verde Country for the development of a new website and direct booking, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION:

Jim Candelaria asked about the road in Lebanon Estates Subdivision on Road 25. He was informed all is ok.
Dennis Atwater made the statement that the law is the best predictor in how the courts will decide.
David Dove encouraged the Board to move forward on the resolution concerning road closures
Dexter Gill talked about the fires in the western states and how many acres have burned. He talked about the water shed being vulnerable to burning. He mentioned the economy and how the fires affect it.

ROAD: Road Supervisor Dean Roundtree stated the notice for the sand sheds have been posted and he asked if the money could be carried over to 2014 if the project cannot be completed in 2013. Administrator Brunner said the money has been committed and there should be no problem. Supervisor Roundtree presented a topographical map of the Haycamp Gravel Pit and pointed out where the County is mining and discussed the boundaries. He said the Department is repairing roads affected by the recent rains and all blades are working.

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.**

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;

WILLIAM R. & SANDY M. LUCKY: Appraiser Scott Davis presented an appeal to the 2013 assessment on property owned by William and Sandy Lucky, account number R002924. Mr. Davis said the Assessor's valuation has been valued at \$187,280.00. He also said the office cannot just value the land they have to look at the entire parcel. Mr. and Mrs. Lucky represented their appeal saying they feel the amount of the land should be \$59,740.00. After hearing all the evidence presented Comm. Suckla moved to leave the Assessor's value at \$187,280.00 along with the senior exemption being approved, seconded by Comm. Ertel and carried. (See attached)

ROBERT J. NEWCOMBE: Appraiser Scott Davis presented an appeal from Robert Newcombe. Mr. Davis said the parcel is vacant land with the valuation on account number R002932 being \$100,000.00 and he recommends the Board uphold that value. Mr. Newcombe said the valuation is not based on a reasonable number of sales of comparable properties. He feels the value should be \$72,000.00. Hearing all the evidence presented Comm. Ertel moved to leave the current valuation for Mr. Robert Newcombe at \$100,000.00 for tax year 2013, seconded by Comm. Suckla and carried (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the consideration of a retail liquor license regarding **Mary Janes At Stoner LLC**. The roll was called, the public notice read and the proceedings were recorded for the record. Comm. Ertel moved to reschedule this public hearing for Mary Janes at Stoner LLC until October 7, 2013 at 11:00 a.m., seconded by Comm. Suckla and carried. Comm. Chappell closed this hearing at this time.

ARCHITECT PLANS: District Judge Walker and Eric Hogue gave a presentation of State Architect Plans regarding the remodel of the court offices and courtrooms. Mr. Hogue explained the needs to relocate the courts and various offices.

LUNCH: 12:00

ASSESSOR VANDERPOOL presented the abstract of assessment for signature. Comm. Suckla moved to approve the abstract of assessment for 2013, seconded by Comm. Ertel and carried (See attached)

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: Assessor Vanderpool presented appeals from Bill Barrett Corp, K.E. Andrews agent on account numbers E000357, E100334, E100344, E100455, E100456, E100458, and E100459. Jerry Wisdom with Total Assessment Solutions Corporation was in attendance. Agent for Bill Barrett, K.E. Andrews was not present and not on a conference call. Jerry Wisdom explained the assessment values and how the values are arrived at. After hearing all the evidence presented Comm. Suckla moved to agree with the Assessor's valuations on the above reference accounts, seconded by Comm. Ertel and carried. (See attached) The hearing was closed

UNIT PETROLEUM CO: Assessor Vanderpool presented appeals from Unit Petroleum Co, K.E. Andrews agents on account numbers E000345, E1000039, E100040, E100044, E100228, 100229, and E100230. Jerry Wisdom with TASC discussed the values. The agent for Unit Petroleum Co. was not present or on a conference call. After hearing all the evidence presented Comm. Ertel moved to uphold the values presented by TASC for the Assessor's Office on the above referenced accounts, seconded by Comm. Suckla and carried. (See attached) The hearing was closed.

EXECUTIVE SESSION: Pursuant to Attorney Baxter's suggestion, Comm. Ertel moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried. Comm. Chappell said the Board voted to return to regular sessions.

PLANNING:

REVIEW of compliance standards and conditions placed on high impact permit number 52 for the Dog Hotel on property located at 33350 Hwy. 184, Mancos. Director Carver reviewed the permit mitigations with the Dog Hotel. She said it appeared they were not conducting business at this time. The owners of the Dog Hotel did not appear today. Comm. Ertel moved to send a letter to Thomas Overington Living Trust doing business as the Dog Hotel giving them notice they are out of compliance of their high impact permit and to give them 30 days to respond back to the Planning Department and having no response to this action the permit number 52 will be nullified, seconded by Comm. Suckla and carried. (See attached)

EXEMPTION REQUEST: Planning Director Susan Carver presented for final review and determination of an exemption request as submitted by Emily Irwin. Said property is located at 12480 Road G, Cortez, consisting of 6 acres, more or less, wherein Road G bisects the property leaving 3 acres, more or less, on each side of Road G. Director Carver explained said request is allowed for in Section 9103.4 of the Montezuma County Land Use Code. Director Carver said the Board already gave preliminary approval for this exemption. Comm. Suckla moved to give final approval of the exemption request submitted by Emily Irwin on property located at Road G, Cortez and to approve planning resolution P-14-91 first amended, seconded by Comm. Ertel and carried. (See attached)

PRELIMINARY REVIEW for Marilyn Harrington Trust was cancelled.

AFTER-THE-FACT: Planning Director Carver presented an after-the-fact exemption request as submitted by Charles Steven Chapman, Sr. on property located at 13990 Road FF, Pleasant View. Said property consists of 15 acres, more or less, and was created around 1987 without local approval whereby creating a non-compliant parcel of land. This request is to bring the parcel into compliance with the subdivision regulations. Mr. Chapman wishes to put living quarters in the existing barn. It was stated one septic system is permitted but the second septic system is not a permitted system. Comm. Ertel moved to grant the after-the-fact exemption, seconded by Comm. Suckla and carried. (See attached)

EXEMPTION REQUEST: Planning Director Carver presented for final review and determination an exemption request as provided for under Section 9103.4 of the Montezuma County Land Use Code and preliminary review and determination of a request to amend the preliminary plat of the EEA-MVI 2-lot minor general planned unit development. Said properties include property owned by Keith Cole and Thaddeus Cole with property located at 11267 Road 24, Cortez consisting of 36 acres, more or less; and property owned by Shawn and Kathy Wells, with property located at 11501 Road 24, Cortez, consisting of 35 acres, more or less, and property owned by Empire Electric Association, Inc., located at 23999 Road L.4, Cortez, consisting of 43 acres, more or less. The request is to adjust the common boundaries between the 3 properties whereby resulting in the following:

EEA tract B of the GPUD: Beginning acreage: 43+/- resulting acreage; 37+/- . Property would remain zoned INDHZ, The property uses included the maintenance facilities for Empire Electric Associations operations.

KEITH AND THAD COLE: Beginning acreage; 36+/- resulting acreage 10+/- . This property is currently zoned AR35+. The property could default to AR10-34 zoning that would be consistent with the size and use of the parcel. There are no further plans for any type of redevelopment of the remaining Cole property.

SHAWN AND KATHY WELLS: Beginning acreage; 35+/- resulting acreage 67+/- . The property is currently zoned AR35+ and will continue to be zoned AR35+. There are no further plans for any type of redevelopment of the resulting Wells property. The purpose is to obtain this acreage for farming and grazing of livestock.

Scott Emhke represented the application for Empire Electric. Director Carver said preliminary approval has been given. Comm. Suckla moved to approve the After the Fact Exemption number 13-000025 whereas Keith and Thad Cole, Shawn and Kathy Wells, and Empire Electric Association are in agreement to the adjusted common lot lines, seconded by Comm. Ertel and carried. (See attached)

AMENDMENT to the La Paloma Ridge 2 lot moderate development was cancelled.

DISCUSSION: Ernie Maness with Maness and Associates, Inc. requested a discussion of exemption plat requirements. It was said the land involved is a noncompliant tract of land. Ernie Maness is asking for a variance to set the property pins on land owned by Doug Weyman and property owned by Mr. Shephard. It was suggested the landowners discuss the land descriptions and try to work this problem out.

COMMUNITY SERVICES REPORT: No report

COUNTY ADMINISTRATOR REPORT: No report

COUNTY COMMISSIONER'S REPORT: Comm. Suckla informed the Board he was appointed to the advisory board of the Rural Action Caucus.

Comm. Ertel said he had a meeting with members of the Weed program.

COUNTY ATTORNEY REPORT: Attorney Baxter said history concerning RS2477 roads is being gathered.

CORRESPONDENCE: The following correspondence was read, noted and attached:
Letter from Citizens Bank on behalf of Gonphysion, LLC who plan to open a Papa Murphy's pizza franchise in our area.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.
MEETING ADJOURNED 4:35 p.m.

County Clerk

August 26, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 3, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the executive session of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday September 3, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney - ABSENT
- Carol Tullis, County Clerk

EXECUTIVE SESSION

It being the time set aside **Comm. Chappell** called the hearing to order at 2:00 p.m. He asked Juanita Reed if she wanted an open or closed hearing. Ms. Reed requested a closed hearing.

EXECUTIVE SESSION: Pursuant to Attorney Baxter’s suggestion, Comm. Ertel moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried.

Comm. Chappell said the Board voted to return to regular sessions.

After hearing all the evidence presented Comm. Suckla moved to uphold the termination of Juanita Reed, seconded by Comm. Ertel and carried.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 2:35 p.m.

County Clerk	September 3, 2013	Chairman
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**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 9, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 9, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
 Keenan G. Ertel, Vice-Chairman.
 Larry Don Suckla, Commissioner of Deeds
 County Administrator, Melissa Brunner
 John C. Baxter, County Attorney
 Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of September 9, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 26, 2013 and of the Executive Session on September 9, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

VETERANS SERVICE: Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for August, 2013 seconded by Comm. Ertel, motion carried (See attached)

PUBLIC COMMENT SESSION:

Dexter Gill commented that across the country the Board of County Commissioners is being recognized as one of the most available contacts for the public.

ARRIOLA CEMETERY: A letter of interest in being appointed to the Board of Directors on the Arriola Cemetery District was received. Comm. Ertel moved to re-appoint James Fisher to a 5 year term expiring January, 2018, to appoint Roberta Williams and re-appoint Sue Patterson to 6 year terms expiring January, 2019, seconded by Comm. Suckla and carried.

DOLORES CEMETERY: A letter was received from Gary Allen for re-appointment to the Board of Directors on the Dolores Cemetery District. Comm. Suckla moved to appoint Gary Allen to the Board of Directors for the Dolores Cemetery District to a 6 year term expiring January 2019, seconded by Comm. Ertel and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree was informed of a letter received from Bill Gapp concerning stripping on Road N east of Hwy. 145 and Road 28 north from N. (See attached) Supervisor Roundtree stated the Department has to put one more lift on Road P and 26 then they will begin stripping. **Attorney Baxter** presented the Haycamp Gravel pit transfer papers. Comm. Ertel moved for the Board of County Commissioners to sign the transfer of mineral permit and the succession of operators on the Haycamp Gravel Permit from **Casey McClellan, McStone Aggregates LLC dba Four Corners Aggregates, LLC** to

Montezuma County, seconded by Comm. Suckla and carried. (See attached) **Ray Randolph** met to discuss speeders on Roads 21 and B. He suggested a four way stop be placed at the intersection. The Sheriff's Office will be contacted to monitor the intersection.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of August, 2013. (See attached).

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of August, 2013. She talked about equipment that's broken down and in need of repair and they have been unable to bale trash without at least one. She informed the Board of bids she put into the newspaper to replace loaders. (See attached)

PUBLIC HEALTH: Lori Cooper, Public Health Director and finance manager **Laurel Schafer** gave a budget presentation to the Board. They discussed the expenditures, grants, and income for the Department.

LIQUOR LICENSE: Clerk's Deputy Lynn Dorenkamp presented a renewal for a beer and wine liquor license for **Kelly Place Inc.** Comm. Ertel moved to approve the renewal of a beer and wine liquor license for Kelly Place located at 14537 Road G, seconded by Comm. Suckla and carried. (See attached)

UPDATE: Linda Towle and Susan Thomas representatives for the McElmo Flume historical project updated the Board on the project. They said the engineering reports with construction drawings were received and talked about where they go from here. Ms. Towle talked about the historical grants available, required cash matches and application deadlines. She discussed different preservation options.

HOSPITAL DISTRICT: Bill Thompson, Brad Wayt and Kent Helwig, representatives from Friends of the Hospital and the Montezuma County Hospital District met to discuss Referendum 5D. This deals with a ballot question to allow the District to retain, collect, and expend from any revenue sources without further voter approval ("de-bruce"). They explained that current law restricts the amount of money the District keeps and this question will remove that restriction and gives them freedom to apply for state grants available to rural hospitals. (See attached)

LUNCH: 12:05 p.m.

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 held for the purpose of reviewing and determining a written request by lot owners within the Lebanon Estates 19-lot major development for a change in traffic restrictions placed as contingencies on the final plat of the development. The restriction is a no left turn sign and triangle shaped medial requirement placed on the plat at the northern Road N.8 Loop access of the Lebanon Estates Subdivision. Planning Director Susan Carver explained the traffic restrictions are specific to the northern most platted access for ingress and egress at the intersection of Road N.8 Loop and Road 25. She

stated this request is to amend the plat. **David Hanson**, president of the home owners association, spoke on behalf of the development asking the restriction be removed. He said letters were written to all lot owners as requested by the Board. Comm. Chappell opened the hearing up to public comment. **Jackie Randall** asked the Board to consider all the facts. She asked what has changed to make the intersection safer. **Dick Eaton** said the south entrance is as dangerous as an intersection on a portion of Road P. **Jim Candelaria** said they complied with all regulations at the time of development. **Nathan Barton** said he was the county retained engineer on this project. He discussed the traffic study, the 42" standard and a series of recommendations were made at that time. **Jennifer Hay Preston** talked about following the Land Use Code and compliance. **David Hanson** said he has not heard of the 42" standard in determining intersection standards. **Richard Eaton** asked the engineer about why there is no sign for a right turn or no parking. **Greg Kemp** commented that if the Commissions decide to overrule the experts, he assumes the County is willing to accept any liability. **Jim Candelaria**, speaking as the developer, clarified the traffic study saying they were told where the two accesses were. **Director Carver** stated CDOT had no objection to the subdivision at the time of development. **Kay Hanson** asked about the county standards for all ingress and egress procedures. Is that a requirement for all subdivisions? She said they are coming as homeowners to request the removal of the restriction and not as a developer. **Nathan Barton** stated Bechtolt Engineering was requested to look at the CDOT compliance and he spoke about the traffic counts and speeds. **David Hanson** talked about the standard and State Patrol saying that intersection is not their responsibility. Hearing no further comment, that portion was closed at this time. Planning Director explained how an application is handled and standards used. After hearing all the evidence presented Comm. Ertel moved to disregard or absolve the County from the access restrictions from the Lebanon Estates Subdivision entering Road 25, seconded by Comm. Suckla and carried, (See attached) Comm. Chappell closed the hearing at this time.

PLANNING:

Planning Director Susan Carver presented the final plat for an exemption request submitted by the **Fairview Cemetery District**. The property is located at 16904 Road Z, Yellow Jacket currently consisting of 2 acres, more or less. The cemetery is in need of expansion and would like to attach an additional 4 acres, more or less, to become a part of their existing 2 acre, more or less, parcel of land from property owned by **Zane Odell** located at 23247 Hwy 491, Yellow Jacket. Director Carver explained the 4 acres, more or less, would be added to and made a part of the existing Cemetery District. The remaining Odell property will remain in excess of 35 acres. Planning Director Carver explained the request. **Ray Patterson, Zane Odell, and Kami Oliver** represented the Cemetery District. Mr. Patterson talked about conversations he had with CSU and Dolores Water Conservation District. It was found there is one lateral line adjacent or very close to the south boundary that then turns north about 150' west of the cemetery's current boundary. Comm. Suckla moved to approve Resolution P-14-12 for the exemption request for the Fairview Cemetery District, seconded by Comm. Ertel and carried. (See attached)

SUMMARY REPORT: A report regarding the public meetings of the Dolores River Valley Plan was given. **Dennis Atwater** with the Planning and Zoning Commission and **County Planning Director Susan Carver** talked about the meetings held recently concerning the Dolores River Valley Plan. Mr. Atwater said a survey was an online survey through survey monkey and was not turned off until September 6th. He discussed the timeline and agenda items of the meetings in detail. The Planning and Zoning Commission proposes amendments

to the Montezuma County Land Use Code in Chapter 8, creating a new Section 8105: Their recommendation is to define structure, allowable structures, penalties, and (or) violations further. (See attached)

LETTER: Planning Director Carver presented a copy of a letter she received from Richard McClellan from Kinder Morgan in reference to Cow Canyon 3-D. (See attached)

FINAL PLAT: A final plat for the **Maez 3-lot moderate development** was presented. Director Carver explained the plat. Comm. Suckla moved to approve the final plat for the Maez 3 lot moderate development located at 23317 Road P, Dolores, seconded by Comm. Ertel and carried. (See attached)

ELEVATOR: A preview of the elevator location was discussed with the engineers.

COMMUNITY SERVICES REPORT: James Dietrich informed the Board the BLM informed him we were not successful for the grant for the parking lot at Sand Canyon. The RAC nominations for Keenen Ertel and James Dietrich were turned down. He talked about the Red Arrow Mine Road concerning the easements. (See attached) He discussed the Tenderfoot Allotment with the Forest Service. The permittee is asking for a letter of support for his Environmental Assessment to the Forest Service. Comm. Ertel moved to send a letter to Derek Padilla, District Manager of the Dolores Public Lands Office with regard to the Tenderfoot Allotment, seconded by Comm. Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator Brunner said she has been talking with different departments to get a feel of what each department does.

COUNTY COMMISSIONER'S REPORT: Comm. Ertel said he attended the Silver Anniversary of the Anasazi Heritage Center. He also spoke about a meeting he attended on Area on Aging.

Comm. Suckla reported on a meeting he attended with the Housing Authority. He said he will be attending the Lower Dolores River meeting.

Comm. Chappell also attended the Heritage Center anniversary.

COUNTY ATTORNEY REPORT: Attorney Baxter stated he will also attend the Lower Dolores River meeting with Comm. Suckla. He reported on the water court hearing he attended. He reminded the Board he will be going to the BOA hearings with Bill Barrett Corporation and Unit Petroleum in a couple of weeks.

EMERY NAMINGHA discussed the Fairview Cemetery District decision. He also discussed his future plans for his property and his cultural beliefs regarding burial sites.

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

Letter introducing nurse family partnership called the Montelores Nurse-Family Partnership.

Memorandum from Eric Hogue concerning the drawings and probation information.

Letter from DOLA regarding the energy and mineral impact fund grants on the courthouse design.

Letter of process service to the Sheriff's Department on Thomas H. Overington Living Trust.

Return of Service on Thomas H. Overington Living Trust

Annual report for calendar year 2012, proposed closure and post closure cost estimate for 49 Square Ventures Facility comments.

Notice of 112c construction materials reclamation permit release request to McStone Aggregates.

Copy of certified letter to Donna Jo Sellers regarding an unpermitted disturbance in a road right-of-way.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 5:20 p.m.

County Clerk

September 9, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 16, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 16, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of September 16, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 9, 2013 as corrected. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

Expenditures for July 1, 2013 through July 31 , 2013 (See attached) Comm. Suckla moved to approve the expenditures for Montezuma County from July 1, 2013 through July 31, 2013, seconded by Comm. Ertel and carried.

PUBLIC COMMENT SESSION:

Greg Kemp requested a letter of endorsement from the Board for Habitat for Humanity’s application to become an enterprise zone which would allow those who donate to Habitat for Humanity the ability to receive

State tax credit for their donation. Comm. Ertel moved to send a letter of endorsement as the Board of Commissioners in support of the application of Habitat for Humanity to become an Enterprise Zone, seconded by Comm. Suckla and carried (See attached)

Dennis Atwater mentioned the public lands roads resolution.

Dexter Gill stated he was a bit disturbed by the Forest Service's decision to close the sanitary facilities at McPhee Reservoir.

ROAD: Road Supervisor Dean Roundtree reported the Department will finish with the chip seal project this week. He said they have been blading a few roads and repairing minor road damage due to the recent storms. Supervisor Roundtree said CDOT had invited him to help design turn lanes on some roads south of Cortez. The meeting is scheduled for October 3rd to discuss the preliminary design. He informed the Board of an irrigation ditch in Weber Canyon that keeps filling with silt and flooding the road. He said this problem is due to the Weber Fire. He talked about a problem on Road S and 17 where Kinder Morgan had a generator roll off a truck. Also discussed fees charged for rig moves. Comm. Ertel said he will be unable to attend the next TPR meeting on September 27th and asked if he would be able to attend. Utilities within new subdivisions was discussed.

MEETING with the Federal Land Agencies was cancelled.

JAMES DIETRICH gave a presentation on the flood plain in Montezuma County. He talked about areas in the National Flood Plain listed by FEMA.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly update for the Fairgrounds. He reported on the income, attendance, recent events held at the Fairgrounds and events scheduled. (See attached)

SPECIAL EVENT LIQUOR LICENSE was presented for approval. Clerk's Deputy **Lynn Dorenkamp** presented a special event liquor license for United Way/Taste of the Seasons. She reported this event will be in December. Comm. Suckla moved to approve the liquor license for United Way/Taste of the Seasons for the special event that will be held on December 4, 2013, seconded by Comm. Ertel and carried. (See attached)

BID OPENING: Landfill Manager Debby Barton presented the bids received for the loader to be opened. Manager Barton explained the bids received from Golden Equipment, Wagner Equipment and Honnan Equipment. Her recommendation is to accept the bid for the 2 loader package from Wagner Equipment. Comm. Ertel moved to purchase equipment for the Montezuma County Landfill for a 924K and 907H2 loaders in the amount of \$209,929.00 from Wagner Equipment, seconded by Comm. Suckla and carried. **LATER:** Landfill manager Deb Barton informed the Board that the bid amount was incorrect as instead of the 907H2 loader should be a 906H2 loader that costs less. The correct amount of the bid should be \$207,403.00 with the \$1,000.00 warranty be included. The motion is hereby amended to note the corrections.

MCELMO FLUME: Linda Towle updated the Board on the status of the McElmo Flume. She mentioned she met with Shane Hale with the City of Cortez. She was given a grant application from the City for their consideration. Ms. Towle will continue talking to different entities for funding. Comm. Suckla moved to approve \$2,500.00 to help with the grant application from the Southwestern Water Conservation District for the McElmo Flume, seconded by Comm. Ertel and carried. (See attached)

LUNCH:

FINAL PLAT: Maez 3 lot moderate development. Cancelled

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining 2 separate high impact permit and special use permits. The roll was called, the public notice was

read, and the proceedings were recorded for the record. Said applications are being submitted by Kinder Morgan CO2 Company, agent Ecosphere Environmental Services. These requests are for the construction and use of 2 separate 5 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) James Burr and Michele Z. Ferrier on property located at 9846 Road CC, Pleasant View; and 2) Henes Farms Limited, on property located at 22200 Road 10, Pleasant View. Planning Director Susan Carver discussed the application in detail. Bob Clayton represented Kinder Morgan and Barbara Wickman agent for Ecosphere Environmental Services represented their applications. Mr. Clayton stated this is phase one and these wells will be assessment wells in the Cow Canyon area. He discussed the use of Roads CC and 10 instead of Road BB and 14. Road Supervisor Roundtree mentioned the snow removal if this is to begin in the winter months. He said the Department does the snow removal during the day light hours on the roads proposed. Comm. Chappell opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing all the evidence presented Comm. Ertel moved to approve high impact permit number 13-000025 and special use permit number 13-000010 for Kinder Morgan Company on property owned by James Burr and Michele Ferrier located at 9846 Road CC, Pleasant View with the route corrections noted, seconded by Comm. Suckla and carried. (See attached) Comm. Suckla moved to approve high impact permit number 13-000026 and special use permit number 13-000011 for Kinder Morgan Company on property owned by Henes Farms located at 22200 Road 10, Pleasant View the Planning Department to use as well as the amendments proposal by the Planning Department to change the access road and the frontage road to Road 10, seconded by Comm. Ertel and carried. (See attached) Comm. Chappell closed the hearing at this time.

DIRECTIVE: Dolores River Valley Plan. Planning Director Susan Carver and Dennis Atwater with the Planning and Zoning Commission discussed the meeting held regarding the Dolores River Valley Plan. Comm. Suckla would like to see three more meetings held, one for those in favor of the plan, one for those opposed to the plan and a third to bring both sides together with a new moderator. Mr. Atwater feels there have been enough meetings held. Director Carver suggested since it has been 10 years since the plan was implemented a grant could be looked into to have an engineered study to look at the water quality in the Valley and other issues involved. Comm. Suckla will be talking to other Commissioners on this issue as some of them have just experienced severe flooding in their counties and will report on what they have to say. The survey will be opened up on survey monkey asking a few additional questions for comments.

EXEMPTION: Gross Exemption cancelled.

FINAL PLAT: The final plat for the Davies Major Development was cancelled.

COMMUNITY SERVICES REPORT: James Dietrich

COUNTY ADMINISTRATOR REPORT: Administrator Brunner discussed the reporting of the bills paid, she was asked about the status of marijuana facilities within the unincorporated areas of Montezuma County and she said the Treasurer asked how the Board wanted to disburse the mineral lease payments. Administrator Brunner said on September 30th a meeting will be held concerning the jurisdiction of the Red Arrow Mine facility in Mancos.

COUNTY COMMISSIONER'S REPORT: Comm. Suckla informed the Board that on September 27th the BLM will release their master plan regarding the Lower Dolores River and the irrigation water.

COUNTY ATTORNEY REPORT: Attorney Baxter reported on the water meeting he attended with Comm. Suckla.

CONTRACT: The contract with AT&T regarding the easement agreement for groundspace.(See attached)
EXECUTIVE SESSION: Pursuant to Attorney Baxter’s suggestion, Comm. Ertel moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried.

Comm. Chappell said the Board voted to return to regular sessions.

Comm. Ertel moved to make a unilateral change for Jim McClain to the IT operations for Montezuma County at a salary of \$75,000.00 per year and to terminate Chris Lindus with a severance package to be determined, seconded by Comm. Suckla and carried.

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

- Update on the Statewide Plan Schedule and Related Meetings from CDOT Region Transportation Director.
- Dolores Water Conservancy District agenda for September 12th and minutes of July 11th meeting.
- Proof of filing from Nathan Barton concerning the Wallace Pit.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 3:40 p.m.

County Clerk	September 16, 2013	Chairman
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**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 23, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 23, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner

John C. Baxter, County Attorney
 Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of September 23, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 9, 2013 as corrected. The motion was seconded by Commissioner Ertel and carried.

REVIEW/APPROVE OF EXPENDITURES:

FAIRGROUNDS ROOF: A reimbursement request on the roof at the Fairgrounds was presented for signature. (See attached)

McELMO FLUME: Linda Towle gave an update on the McElmo Flume. She said an application for a grant from the City of Cortez in the amount of \$2,000.00 will be submitted.

PUBLIC COMMENT SESSION:

David Furrey said he is a former resident of Cortez and came up to see the rock crawl. He talked about economic development and suggested the Board might invite area businesses to a meeting to talk about what contributions they may make to the economy in this area. He also discussed the open meeting postings.

ROAD: Road Supervisor Dean Roundtree presented the bid openings for the Sand Sheds. There were six bids received from the following:

- 1) **Weeminuche Construction Authority** in the amount of \$242,304.12.
- 2) **Cruzan Construction Company** bid one in the amount of \$211,128.00 and bid two in the amount of \$235,991.00.
- 3) **TerraVision General Contracting and Consulting** In the amount of \$79,884.63 per shed for a total amount of \$159,769.26.
- 4) **PCC Preferred Contracting and Consulting LLC** in the amount of \$208,642.00.
- 5) **Mr. Concrete and Construction Inc.** bid one in the amount of \$151,350.00 and bid two in the amount of \$149,710.00.
- 6) **Canderlaria Construction Inc.** bid one in the amount of \$177,592.00 and bid two in the amount of \$158,990.00.

It was stated that an engineer will look at the bids before it will be awarded. (See attached)

Supervisor Roundtree informed the Board of some storm damage they are working on and that Weber Canyon was hit hard with this last storm. He talked about how the Department works with Kinder Morgan on the maintenance of some roads.

ITEMS FOR DISCUSSION: Waiver of the Landfill fees for the Narraguinnip lake cleanup was discussed. Landfill Manager informed the Board that if fees are waived, the County would pay any surcharges. It was suggested they might look to MVI for help.

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.** The 2014 budget request for the Social Services Department was presented.

2014 BUDGET PRESENTATIONS: The following departments presented their budget requests for 2014:
DISTRICT ATTORNEY: District Attorney Will Furse and Ms. Folsom explained the Office's budget requests.

SHERIFF: Sheriff Spruell and Lynda Carter gave an overview of the Sheriff's Office budget and needs.

COUNTY CLERK: County Clerk and Recorder Carol Tullis presented the budget requests for the Clerk's Office and the Election Department for 2014.

COUNTY TREASURER: Treasurer Sherry Dyess presented the budget requests for the Treasurer's Office

COUNTY ASSESSOR: Assessor Mark Vanderpool discussed the Assessor's Office budget requests.

LANDFILL: Landfill Manager Debby Barton gave an overview of the 2014 Landfill budget requests.

2014 HEALTH INSURANCE: The rates for the County health insurance for 2014 were discussed. Finance Manager Amber Zickefoose informed the Board there will be a 9% increase in fees. Comm. Suckla moved to leave the County health insurance program as it is, seconded by Comm. Ertel and carried.

LUNCH:

PLANNING: Planning Director Susan Carver presented for review and determination of compliance with the standards and conditions of High Impact Permit No. 13-000016 and Special Use Permit No. 13-000006. This discussion in regards to a rock crawl on property owned by Sheldon Zwicker. Comm. Ertel moved to grant the High Impact Permit OHV on property located at 8783 Road G owned by Sheldon Zwicker for an event scheduled for September 28th and 29th, 2013, seconded by Comm. Suckla and carried.

TOUR: The Board conducted a tour of the Road Department.

CORRESPONDENCE: The following correspondence was read, noted and attached:
 Letter from Sue Patterson regarding her satisfaction with the Veterans Service Officer.

CONTINUATION: Comm. Ertel moved to continue this meeting until Tuesday, September 24, 2013 at 1:30 p.m., seconded by Comm. Suckla and carried.

CONTINUED COMMISSIONER'S MEETING September 24, 2013

Present were;

Steve D. Chappell, Chairman - ABSENT

Keenan G. Ertel, Vice-Chairman.
 Larry Don Suckla, Commissioner of Deeds
 County Administrator, Melissa Brunner
 John C. Baxter, County Attorney
 Carol Tullis, County Clerk

Vice-Chairman Ertel called the meeting to order.

EXECUTIVE SESSION: Pursuant to Attorney Baxter's suggestion, Comm. Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried.

Comm. Ertel said the Board voted to return to regular sessions.

Comm. Suckla moved to keep the termination of Chris Lindus in place, seconded by Comm. Ertel and carried.
 Comm. Chappell was absent.

LANDFILL: The Board received an anonymous tip regarding toxic waste accepted at the landfill. Landfill Manager Deb Barton informed the Board of the regulations pertaining to solid waste. She gave the Board a listing of special wastes approved. The response to the memo sent by Tim Bates was presented. Manager Barton said according to the State, she didn't break any laws however she made a mistake and apologized to the Board and her staff for this error. (See attached)

COMMUNITY SERVICES REPORT: James Dietrich discussed deadlines for the comment period being October 8th on the economic analysis for the Gunnison Sage Grouse. He mentioned the San Juan National Forest regional management plan is out for review. The BLM protest is due October 21st then the Forest Service protest period is later. Discussed the Dolores Communications Tower lease. The Forest Service will honor the BLM lease currently in place for now. He will find out who owns what regarding this tower. Comm. Suckla asked Mr. Dietrich to draft a resolution concerning the use of brine water in the well drilling process. He was asked to draft a letter to the Forest Service concerning the sanitation system at McPhee Reservoir.

COUNTY ADMINISTRATOR REPORT: No report.

COUNTY COMMISSIONER'S REPORT: No report

COUNTY ATTORNEY REPORT: No report

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 3:45 p.m.

County Clerk

September 23/24, 2013

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS

MONTEZUMA COUNTY, COLORADO
September 30, 2013

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 30, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of September 30, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 23, 2013 as presented. The motion was seconded by Commissioner Ertel and carried.

MCELMO FLUME: Linda Towle reported on the State Historical Society Fund. Comm. Ertel moved to accept the grant application for the rehabilitation of the McElmo Creek Flume through the Colorado Historical Society Fund, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION:

Lou Garon stated he has a problem with the way snow is being plowed on Road 35.3. He stated the snow is plowed up to the fence on his property and is destroying the fence. He said the fence is 10’ inside the easement. He is requesting someone to fix the fence.

Greg Kemp complimented the Board for having the agenda posted on the windows so they could be viewed on the weekends. He mentioned a nationwide survey regarding the local farmers market saying the market rated high on said survey.

ROAD: Road Supervisor Dean Roundtree and Lloyd Everett said the report from the engineer, Terri Thomas, on the sand sheds is completed. She said the bid from Mr. Concrete being the low bidder met all the

requirements. Comm. Suckla moved to accept the bid from Mr. Concrete and Construction for the ultra roof in the amount of \$151,350.00 with a completion date of January 31, 2014 or sooner, seconded by Comm. Ertel and carried.

Steve Fusco met to talk about Road J. He said the road was a historic road that the pioneers used to get to Utah before Road G was built. He said the road has some drainage issues and is getting narrow in some spots. He would like culverts placed for proper drainage. Supervisor Roundtree said the Department will fill in spots where the washout occurred. Dean said the road is on the map as a non-maintained road that is graded. Mr. Dan Peterson said he has been grading the road himself but the drainage is an issue. (See attached)

BUDGET REQUESTS: The following Departments presented their 2014 budget requests.

ROAD AND WEED: Road Supervisor Dean Roundtree and Lloyd Everett presented the 2014 budget request for the Road Department.

LeeAnn Millican discussed the budget for the Weed Department.

COUNTY ATTORNEY: Attorney Baxter explained his 2014 budget requests.

COMMUNITY SERVICES: James Dietrich gave his budget for 2014.

FAIRGROUNDS: Fairgrounds Manager Tanner Young explained his requests for 2014 for the Fairgrounds.

EXTENSION Agent Tom Hooten informed the Board of the 2014 budget requests for the Extension Office.

VETERANS SERVICE: Veteran's Officer Rick Torres gave the Veteran's Office 2014 budget.

GROUNDS AND BUILDINGS: Robert Smith talked about the maintenance department's 2014 budget.

LT. DEPARTMENT: Jim McClain asked for an extension to get his budget requests in place before presentation.

MAPPING DEPARTMENT: GIS specialist Doug Roth presented the Department's 2014 budget.

PLANNING DEPARTMENT: Planning Director Susan Carver talked about the 2014 budget needs.

SENIOR NUTRITION: Sue Fletcher and Mary Holiday explained the Senior Nutrition program and budget needs for 2014.

TRANSPORTATION: Mary Holiday along with Sue Fletcher explained the 2014 budget requests.

LUNCH: 12:15

BID OPENING The bids for the cleaning and windows for Annex 1 were opened. There were 3 bids opened. Bravo presented a bid for \$3217.00 per month, a second from Laurel Schafer in the amount of \$1,231.67 per month and the third bid was from Budget Cleaning for 2,000.00 per month. Comm. Ertel moved to grant the cleaning service contract and the window cleaning contract to Laurel Schafer, seconded by Comm. Suckla and carried. (See attached)

PLANNING: Planning Director Susan Carver presented for review and determination of High Impact Permit number 521 for Jolly Rancher Bed and Breakfast. The property is owned by Ellen, Vincent and Debra Ragsdale and located at 12683 Road 25, Cortez. She explained that three previously permitted unconstructed cabins are being proposed to be built as yurts. Director Carver explained Ms. Ragsdale has already been permitted for 6 units and now wishes to have 3 of those units becoming yurts. Ellen Ragsdale represented her

application. Comm. Suckla moved to allow 3 units to be yurts rather than mobile units, seconded by Comm. Ertel and carried. (See attached)

Comm. Chappell excused himself from the meeting.

RED ARROW MINE: Loretta Pineda, Kate Pickford, and Steve Renner gave a power point presentation for Colorado D.R.M.S. on the status of the Red Arrow Mine. Ms. Pineda gave an overview of how DRMS works. She gave the chronology, talked about the violations, corrective actions, and civil penalties. Ms Pickford talked about the permitted area and operations. Steve Renner discussed the unpermitted mill and the milling process. He told the Board of the samples taken and results from those samples. Funding and cleanup operation were discussed. Ms. Pineda wanted to let the Board know that there are no health risks as the sites are secured and there is no activity going on. Ms. Pineda made a commitment to get back to the Board after she hears reports from the EPA.

COMMUNITY SERVICES REPORT: James Dietrich and Susan Carver talked about how oil and gas companies are allowed to reuse water in their drilling process. They also discussed having a questionnaire on survey monkey regarding OHV use on designated county roads as long as they are legally licensed.

COUNTY ADMINISTRATOR REPORT: Administrator Brunner requested to use the three days she worked in August to be used as comp time rather than being paid for it. She said this would only be a one time request. The Board allowed this request. (See attached)

COUNTY COMMISSIONER'S REPORT: No report

COUNTY ATTORNEY REPORT: No report

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

Letter from U.S. Department of the Interior regarding a proposal to develop a programmatic agreement.

Notice of Public Hearing on the State Board of Equalization concerning exempt properties requests for Cortez Masonic Temple Assn.

Notice of Final Decision in response to Davis Real Estate Limited Partnership's application for livestock crossing permit.

Agreement of structure and right to enter agreement between Lavena E. Saunders, Harry R. Rogers, and Michelle K. Welsh and Stone Sand and Gravel, LLC.

Appeal of Montezuma County accounts R008917 and R008918 (Cortez Main, LLC) from Jon Lewis Kelly P.C.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 4:00 p.m.

County Clerk

September 30, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 7, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 7, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of September 30, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 30, 2013 as corrected. The motion was seconded by Commissioner Ertel and carried.

AUGUST EXPENSES PUBLICATION: The August Expenses was presented for signature for publication. Comm. Ertel moved to accept the expenses for publication from August 1, 2013 through August 31, 2013, seconded by Comm. Suckla and carried. (See attached)

ORDER: Comm. Ertel moved to approve Order number 4 to transfer from ETA Fund to Road Fund the amount of \$24,089.00 for ½ of Jim Burton's salary and benefits, and to approve **Order number 5** to transfer from the Jail Bond Fund to the General Fund the amount of \$346,923.00 for the 2013 Jail operations seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT SESSION:

Dexter Gill commented how he is concerned over the Government shutdown especially the way it affects the resources and economy in the county. He stated the government is in default of certain contracts with the area businesses.

Comm. Chappell raised concerns about the Forest Service planting chubs in area streams in Yellow Jacket and McElmo Canyon areas.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of September, 2013. (See attached).

ROAD: Road Supervisor Dean Roundtree presented an equipment rate listing. Comm. Suckla moved to approve the equipment rental rates for the Montezuma County Road Department, seconded by Comm. Ertel and carried. (See attached) Supervisor Roundtree said the painting truck broke down. He said he had a planning meeting with CDOT regarding the passing lanes south of Cortez. He said they wanted to put right in right out lanes on Road 21. They discussed changes to Road B and other options. Supervisor Roundtree said the chip seal program is complete and the Department will be doing blade patching this week.

Sheriff Spruell and Sergeant Anderson discussed off road vehicles on county roads. He talked about requirements needed to allow OHV's on roadways. A survey on ATV use was presented for review. The Board stated they would like verbiage in the survey to allow OHV travel on connecting routes between trails to help other County's that may have such routes and trails. (See attached)

LANDFILL: Landfill Manager Debby Barton rescheduled her report.

PLANNING: Planning Manager Susan Carver presented for review and clarification of a high impact permit number 13-000024 and special use permit number 13-000009 on Kinder Morgan CO2 Company, seismic testing standards for operational activities. Larry Smith represented the permit. He said they have been approached by some landowners asking them to enter certain locations during night-time hours where they cross certain fields to mitigate damages to the fields during the winter months while the ground is hard or frozen. It was suggested to get written permission from the landowners involved.

FINAL PLAT: Planning Director Susan Carver presented the final plat on the Speyer 2 lot moderate subdivision located at 12860 Road 22, Cortez, consisting of 9.75 acres, more or less. Comm. Ertel moved to approve the final plat on the Speyer 2 lot moderate Subdivision located at 12860 Road 22 and to approve a variance of the setbacks of an auxiliary structure from 25' to 3', seconded by Comm. Suckla and carried. (See attached)

RESCHEDULED 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. Clerk's Deputy Lynn Dorenkamp presented an application for consideration of a retail liquor license received from Mary Janes at Stoner LLC located at 25113 Hwy. 145, Dolores. She explained the renewal application was denied on July 8, 2013 prompting this public hearing. **Jeff Kane**, attorney acting on behalf of **Mary Janes of Stoner LLC** and **Frank McDonald. Lee Hart** and Frank McDonald were present. Mr. Kane said the Board would have to have good cause which would be a violation of the liquor code. He stated the Board would have to give notice and reason for denial. Lee Hart showed plans and artist rendition of construction of the building. Legal possession of the property was in question and Mr. McDonald said the property is clear. Ms. Dorenkamp said no violations have been received. Mr. McDonald explained his plans to open a bar and grill along with concerts and other functions. Comm. Chappell opened the hearing to public comment. **Sheriff Spruell** stated he has had complaints from area residents in the past. He said it will be difficult for his office to respond in a timely manner if problems arise. **Greg Kemp** said having a place that serves liquor that's 20 miles or so away might be problematic with impaired drivers. **Scott Leinbeger** said he is working with Mr. McDonald on various projects and wants to see positive things happen. **Joe Dombeck** was on a conference call and he was the previous operations manager of Mary Janes and said there was no time of improprieties mentioned at the time when the license was issued. **Lynn Dorenkamp** said she has just become involved with issuing licenses and wonders why a license would be issued if the facility is not able to provide those services. Hearing no further comments that portion was closed. Mr. Kane answered the question raised as to why have a license if the facility is not ready to open. He said Mr. McDonald wanted the license in place prior to opening that's scheduled for April, 2014. After hearing all the evidence presented Comm. Ertel moved to renew the liquor license for Mary Janes at Stoner LLC for one year from renewal date, seconded by Comm. Suckla and carried. Comm. Chappell closed the hearing. (See attached)

RESOLUTION: Comm. Suckla moved to approve Resolution 9-2013 a resolution authorizing the County Administrator position, seconded by Comm. Ertel and carried. (See attached)

LUNCH:

Planning Director Susan Carver wrote a certified letter to Donna Sellers regarding an unpermitted driveway and septic system. Ms. Seller responded by letter refusing to pay any fees and complying with the required permits. (See attached) More information was requested.

PLANNING: Planning Director Susan Carver presented a final plat to adjust the common lot lines of Mildred Estates Subdivision Lot 1, owned by Seciel and Linda Foster located at 25970 Road P, Cortez and Lot 43, owned by Randolph Allen West and Kathleen McGinley-West, located at 25582 Road N.6 Loop, Cortez. Comm. Suckla moved to approve the final plat to adjust the common lot lines to Mildred Estates for Lot 1 owned by Seciel and Linda Foster and lot 43 owned by Randolph Allen West and Kathleen McGinley-West, seconded by Comm. Ertel and carried.

Planning Director Carver presented a letter written by Drew Gordanier to Derek Padilla Dolores District Ranger regarding the Tenderfoot Allotment Management Plan, EA. (See attached)
Letter from Jim Law pertaining to the Land Use Code as it pertains to the Dolores River. (See attached)

ELEVATOR: The Board discussed the Courthouse elevator. Robert Smith with the Maintenance department and Administrator Brunner talked about the design and cost of the elevator. It was decided to move forward with repairs of the current elevator and the proposal from ThyssenKrupp Elevator for renovations was signed. Administration was directed to decline the further investigation from Reilly Johnson Architecture & Flanagan Architecture for “Programming” and “Concept Design” services at the Courthouse on Main Street in Downtown Cortez. (See attached)

IT: IT Manager Jim McClain discussed computer projects he is currently working on.

COMMUNITY SERVICES REPORT: James Dietrich talked about a statement concerning OHV travel on county roads to be put on the survey monkey. He informed the Board that the meeting on the Gunnison Sage Grouse has been cancelled due to the Government shutdown. Mr. Dietrich will be attending a wildfire meeting scheduled for Monday with Sen. Ellen Roberts in LaPlata County. The Rangeland Stewardship Committee wants to meet October 15th at 7:00 P.M. and would like to meet with the new wildlife officer. He talked about the tower on Forest Service ground above Dolores.

COUNTY ADMINISTRATOR REPORT: Administrator Melissa Brunner spoke about a meeting she had with a representative from CTSI. She talked about the funding of the District Attorney’s Office between Montezuma and Dolores County.

COUNTY COMMISSIONER’S REPORT: Comm. Ertel reported on a Council of Government meeting about AAA he recently attended. He said he met with a CDOT representative and was informed of projects and money required for these projects.

Comm. Suckla said he will be going to Sante Fe for the national RAC meeting.

Comm. Chappell reported on the Region 9 meeting he attended.

COUNTY ATTORNEY REPORT: No report

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

Letter from Travelers Insurance on Claim #EUW5922, Claimant: Marion Harper.

Notice of 110(c) to 112(c) Construction Materials Reclamation Permit. Application consideration of Stone Sand & Gravel, LLC, Wallace Pit Permit No. M-1983-028.

Contract between Mr. Concrete & Construction Inc and Montezuma County on the construction of the two sand sheds for the Road Department.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 3:25 p.m.

County Clerk

October 7, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 15, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday October 15, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds ABSENT
County Administrator, Melissa Brunner
John C. Baxter, County Attorney
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of October 15, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 7, 2013 as corrected. The motion was seconded by Commissioner Chappell and carried.

2014 BUDGET: Administrator Brunner presented the 2014 budget for review.

County Coroner Charlie Rosenbaugh discussed his 2014 budget and the need for a larger refrigeration unit.

LUNCH:

PLANNING Manager Susan Carver presented an after-the-fact exemption on property owned by James Malapanes located at 36760 Road P.2 for review. Mr. Malapanes was on a conference call. Comm. Ertel move to grant an after-the-fact exemption and final plat for the James Malapanes property located at 36760 Road P.2, seconded by Comm. Chappell and carried. (See attached)

FINAL PLAT: Planning Manager Carver presented a final plat for a proposed amendment to the Davies 6-lot Major development by further developing Lot 1 consisting of 6.22 acres, more or less, wherein the applicants Kenneth and Lynda Davies desire to divide the 6.22 acres into two 3 acre parcels of land. Said property is located at 24736 Road M, Cortez. Planning Director Carver explained the amendment. Lynda Davies represented the application. Comm. Ertel moved to grant the final plat of the proposed Davies 6 lot major development located at 24736 Road M, Cortez, seconded by Comm. Chappell and carried. Comm. Ertel moved to approve findings of the final plat for the second amendment of the Davies Major Development by the further development of Lot 1 into 2 separate parcels whereby making the subdivision of a 6-lot Major Development, seconded by Comm. Chappell and carried. (See attached)

Planning Director Carver made a request to forward 3 separate high impact permit and special use permit applications for well pad construction, drilling of CO2 well and associated drilling activities, as submitted by Kinder Morgan CO2 Co., agent Bob Clayton for Kinder Morgan and Laura Getts agent for Ecosphere Environmental Services. Said request is for CN-2 property owned by Roxie Rupe with property located at Road CC, Pleasant View. CN-4 property located at 26250 Road 8, Pleasant View, owned by Leroy Oliver, and CNE-4 owned by Brad E. & Pamela White with property located at 25783 Road 9, Pleasant View. Comm. Ertel moved to forward the 3 well permit applications for Kinder Morgan CO2 on to the Planning and Zoning Commission, seconded by Comm. Chappell and carried. (See attached)

COMMUNITY SERVICES REPORT: James Dietrich presented a letter to Rep. Scott Tipton regarding House Bill 3189. Comm. Ertel moved to send a letter from the Board of County Commissioners to Rep. Scott Tipton regarding House Bill 3189, the Water Rights Protection Act, seconded by Comm. Chappell and carried. (See attached)

Mr. Dietrich updated the Board on a meeting he attended with Senator Ellen Roberts. He informed the Board of the Rangeland Stewardship meeting of tonight. He said Matt Thorp with the Division of Wildlife will be here.

Corrected Planning Resolution P-14-91 First Amended for Emily Irwin. (See attached)

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

MEETING ADJOURNED 2:30 p.m.

 County Clerk

October 15, 2013

 Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 21, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 21, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
County Administrator, Melissa Brunner
John C. Baxter, County Attorney
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of October 21, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 15, 2013 as corrected. The motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT:

Greg Kemp informed the Board of a meeting he attended with Live Well Colorado. He talked about the program and the activities they are involved with. (See attached)

ROAD: Road Supervisor Dean Roundtree said the Department is finishing up with the road stripping. Supervisor Roundtree presented the reclamation permit for Hay Camp Gravel for signature. (See attached) He talked about road impact fees and priority roads.

Planning Director Carver and Supervisor Roundtree discussed a non-compliant road access off Road AA to property located at 18476 Road AA, Lewis owned by Donna Sellers. Director Carver talked about a 5 mile

radius and cost to gravel the road. They explained the policy has been that the County would furnish the gravel and the landowners would pay to have the gravel hauled. (See attached)

FIREWISE: Fire Wise director Pam Wilson and Rebecca Samulski updated the Board on the FireWise Southwest Colorado, Montezuma County Chapter. They gave a power point presentation. Ms. Samulski presented a letter requesting an allocation of \$25,980.00 to maintain and enhance the presence of FireWise of Southwest Colorado's Montezuma County Chapter. She presented the proposed budget for the Montezuma County Chapter for 2014. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly report on the Fairgrounds. He talked about the income and attendance. He stated the events recently held went well. Manger Young talked about upcoming events and booking of events for next year. The grandstands roof project is beginning next week. Manager Young said he has been in discussion with Mesa Verde Tourism Director informing them of functions held at the Fairgrounds. He talked about dropping the fee on the large parking lot.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of September, 2013. She discussed the Carver results, a proposed rate structure, volume discounts, loader purchases, late payers, NSF check recovery and the holiday work schedule. (See attached) Loren Workman asked about Saturday drop off for his trucks and volume discounts for bailing on Saturdays. He said he wants to start a recycling program.

LIQUOR LICENSE: Clerk's Deputy Lynn Dorenkamp presented renewals of liquor licenses for Woody's Food Stores, Log Cabin Liquors, and Maverik Inc. Comm. Suckla moved to approve the liquor license renewals for Log Cabin Liquors located at 41900 Hwy. 160, Mancos, Woody's Enterprises located at 158 S. Hwy. 160, Cortez and Maverik Inc., at 10223 Hwy 491, Cortez, seconded by Comm. Ertel and carried. (See attached)

LUNCH: The Board met with the Dolores County Commissioners for lunch.

PLANNING: Planning Manager Susan Carver presented a request for a variance to Chapter 8 of the Land Use Code regarding Transferable Development Rights (TDRs) within the Dolores River Valley. Said request was submitted by Aaron Chubbick on property located at 18468 Hwy 145, Dolores. The request is to add a second residence to the property without TDR requirements. Aaron Chubbick discussed his request in detail. Director Carver explained what the Land Use Code says about the TDRs. Comm. Suckla moved to grant the variance. The motion died due to lack of a second. It was stated Mr. Chuddick made an agreement to decommission the old home. Due to the current regulations, the variance could not be granted at this time. (See attached) Comm. Suckla moved to have the Planning and Zoning Commission look into amendments to Chapter 8 of the Land Use Code regarding the TDR section, seconded by Comm. Ertel and carried. Comm. Ertel moved to postpone the public hearing scheduled for November 12, 2013 regarding the setback amendments in the Dolores River Valley to the Land Use Code until further notice, seconded by Comm. Suckla and carried.

COMMUNITY SERVICES REPORT: James Dietrich reported a letter regarding the Gunnison Sage Grouse was mailed last Friday. He updated the Board on the meeting with the Colorado Fish and Wildlife Services and the Rangeland Stewardship Committee. He presented a protest letter to the BLM, regarding the San Juan Public Lands Resource Management Plan. Comm. Suckla moved to approve signing a protest letter from Montezuma County to the BLM, seconded by Comm. Ertel and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: County Administrator Brunner informed the Board of a meeting she has scheduled with the Court representatives regarding the Court remodel.

COUNTY COMMISSIONER'S REPORT: No report.

COUNTY ATTORNEY REPORT: No report

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

Notice of regular meeting for the Dolores Water Conservancy District and the August 8th minutes.
Letter of appointment of John Porter to the Southwester Water Conservation District.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 3:44 p.m.

County Clerk

October 21, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 28, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 28, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of October 28, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 21, 2013 as presented. The motion was seconded by Commissioner Ertel and carried.

REVIEW/APPROVE OF EXPENDITURES:

Schedule of Receipts and Disbursements. Comm. Suckla moved to approve the schedule of receipts and disbursements for September 1, 2013 through September 30, 2013, seconded by Comm. Ertel and carried. (See attached)

VETERANS SERVICE: Comm. Ertel moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for September, 2013 seconded by Comm. Suckla, motion carried (See attached)

INVOICE: Comm. Ertel moved to make payment to Reilly and Johnson Architecture in the amount of \$6800.00 in relation to the courthouse elevator design, seconded by Comm. Suckla and carried. (See attached)

PUBLIC COMMENT:

Cheryl Dean informed the Board that she wants to install a 70' flag pole and fly an American Flag on her property at the Antique Corral. Comm. Ertel moved to allow Cheryl Dean to erect a 70' flag pole on her property at Antique Corral located on Hwy. 491 south of Road G, seconded by Comm. Suckla and carried. (See attached)

Dexter Gill complimented the Board on the installation of an overhead screen.

Theresa Carlson Dunn asked if the Board and Administration had a relationship with the District Attorney. The Board informed her that they manage the office budget.

LANDFILL: Landfill Manager Debby Barton presented the renewals for the Air Pollution Emission Notice and the Compost permit for a 5 year period.

ROAD: Road Supervisor Dean Roundtree said the Department is through striping roads. A proposed development agreement between the Board of County Commissioners and developers like Kinder Morgan was presented for review.

EXTENSION OFFICE: Amber Zickefoose and Lynette Reece with the Administration Office met to discuss comp hours regarding an employee with the Extension Office. Employee will have to schedule the appropriate time off to account for the comp hours. Administrator Brunner and Extension Hooten will work on this and Administrator Brunner will report back to the Board.

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

SENIOR SERVICES: Sue Fletcher reminded the Board of the Navajo Taco Dinner on October 30th to help the department with its matching funds. She said she has been contacted by Diana Buza regarding a pickleball program to be held at the Annex 2 which could bring in some revenue for the County. This program deals with

keeping seniors healthy through exercise, diet and having access to health services without hassle. (See attached) Ms. Fletcher asked if she could appoint Administrator Brunner as an alternate on the AAA Board. A letter appointing Ms. Brunner as an alternate for Keenan Ertel on the AAA Board was signed. (See attached). **Mary Holaday** with Senior Services gave the quarterly report. She reported on a grant to purchase a new van.

ASSESSOR Mark Vanderpool informed the Board of the Board of Assessment Appeals decision regarding the Kinder Morgan appeal. He stated the decision came down in favor of the County. Assessor Vanderpool talked about the aspects of the lawsuit. He said Kinder Morgan could appeal the decision to the Colorado Court of Appeals. He said his Department would like to audit Kinder Morgan on this tariff for tax years 2009 forward.

SHAY ALLRED with Mountain West Fuels LLC met to discuss the fuel fleet cards and options available. He talked about savings and rebates with the use of such cards. Comm. Ertel asked for Mr. Allred and Administrator Brunner to run a test to see if this will work for the County before moving forward.

HISTORICAL SOCIETY: Representatives with the local historical society met to discuss a place to house a museum in this area. June Head and David Everett gave a background on the Historical Society. Mr. Everett informed the Board of items that are currently stored in the Justice Building. Ms. Head talked about the history of the previous museums in the County. (See attached)

COUNTY EMPLOYEE HANDBOOK: Amber Zickefoose with the Administration Office presented draft revisions to the 2014 Employee handbook for the Board's consideration. She explained the revisions in detail.

LUNCH:

PERSONNEL EXIT INTERVIEW:

EXECUTIVE SESSION: Pursuant to Attorney Baxter's suggestion, Comm. Ertel moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried.

Comm. Chappell said the Board voted to return to regular sessions.

Road Supervisor Roundtree and Planning Director Carver brought the Development Agreement previously discussed back before the Board for their review. This particular proposed agreement deals with Kinder Morgan. The Board would like to discuss road impact fees and maintenance with the various entities involved before making a decision on any agreement.

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

Financial Assurance Review for 2012-2013 for Montezuma County Landfill.
County updates regarding the county website.

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

MEETING ADJOURNED 3:15 p.m.

County Clerk

October 28, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 4, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 4, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
County Administrator, Melissa Brunner
John C. Baxter, County Attorney
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of November 4, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 28, 2013 as corrected. The motion was seconded by Commissioner Suckla and carried.

REVIEW/APPROVE OF EXPENDITURES:

GRANT SIGNATURES: The Colorado Department of Local Affairs Energy/Mineral Impact Program regarding the grant to Mr. Concrete and Construction Inc. for the construction of the roof at the Fairgrounds and to Reilly Johnson Architecture for the architectural services for the courthouse elevator design was presented for signature. Comm. Suckla move to allow the Chairman of the Board to sign the pay request and progress report for Mr. Concrete and Construction Inc in the amount of \$\$33,188.20 and for Reilly Johnson Architecture for the elevator design in the amount of \$6,800.00, seconded by Comm. Ertel and carried. (See attached)

PUBLIC COMMENT:

Greg Kemp said the State Attorney General's office has all the paperwork on the Red Arrow Mine. He suggested the Board write the Attorney General to request how much mercury Mr. Luikko purchased and the people that worked there to be tested to see if they have been exposed. It was stated to wait at least a week to see what comes down from the Attorney General's Office.

Jim Sellers met to talk about a letter they received regarding Road AA. He would like to see this portion of road upgraded to county specifications. The County will work with Mr. Sellers on the road impact fees to upgrade the road.

ROAD: Road Supervisor Dean Roundtree talked about what it would take to bring Road AA up to standards. He informed the Board that the Department will be closing a portion of Road U to replace the bridge over the irrigation canal for about a week.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of October, 2013. (See attached).

EMERGENCY MITIGATION PLAN: Sheriff Spruell and Emergency Manager Paul Hollar met to talk about an emergency mitigation plan. Manager Hollar explained the meeting being reschedule due to recent floods. He discussed the plan and the departments involved. Sheriff Spruell presented an intergovernmental agreement with the Dolores School for the school resource officer. Comm. Suckla moved to approve the IGA with the Sheriff's Office and the Dolores Schools, seconded by Comm. Ertel and carried. (See attached)

UTE MOUNTAIN RODEO: Slim McWilliam with the Ute Mountain Roundup along with area sponsors presented a check to the Board of County Commissioners in the amount of \$35,000.00 for the roof over the grandstands at the Montezuma County Fairgrounds.

COURTHOUSE PLANS: Eric Hogue and District Court Judge Walker met to discuss the remodel for the courthouse. Judge Walker introduced Tom Franklin who performed an office space study and Gerald Marrovey, State Court Administrator. Mr. Franklin gave his report in detail explaining the needs of the courts. Mr. Marrovey said he is here to offer help with financing possibilities with the remodel, help with grants and Architects and assist to find options the County may have. An architect will assess the courthouse at no charge to the County.

AIR QUALITY PERMIT: Matt Carnahan and Kyle High representing Four Corners Materials met to discuss the annual review of high impact permit number 581 on property located at 39238 Hwy. 160, Mancos. Said property is owned by Eldon A, Linda L. and Andrew K. Simmons. They would like to see the permit become permanent rather than have an annual review. Planning Director Carver said she has received complaints from Betsy Harrison and Patricia Burk. Mr. High explained upgrades that have been done. Comm. Suckla moved to make the permit permanent based on information just received, seconded by Comm. Ertel and carried. (See attached)

VARIANCE REQUEST: Planning Director Susan Carver presented a variance request on setback standards for construction of a garage on property located at 13980 Road 29, Dolores owned by John and Sydney Thompson, Chris Curry with Spice Box Homes, agent. Mr. Curry explained the addition and said they had a waiver letter from William and Judy Mollenkopf who are the adjacent property owners. Comm. Ertel moved to table this variance until the next meeting scheduled on November 12, 2013, seconded by Comm. Suckla and carried. (See attached)

COMPLAINT: Planning Director Carver said she has received a complaint from CDOT regarding slurry being dumped on the Wallace property on Hwy. 184. She will write the property owners a letter.

FUND REQUEST: A request for funds from the Clara Ormiston fund was received. Nila Tortorello with Social Services presented a request for Clara Ormiston funds from a cancer patient in the amount of \$2,538.50.

Comm. Suckla moved to approve funds from the Clara Ormiston Fund for a cancer patient in the amount of \$2,538.50, seconded by Comm. Ertel and carried.

LUNCH:

COMMUNITY SERVICES REPORT: James Dietrich said today is the deadline for the appeal of oil and gas leasing on the San Juan National Forest. Comm. Ertel moved to submit a letter of comments to the Rocky Mountain Regional Office of the San Juan National Forest on oil and gas leases available, seconded by Comm. Suckla and carried. (See attached)

He discussed an agenda item for the upcoming BLM meeting regarding an opportunity to network with them on a roads and trails plan. Mr. Dietrich said he has been in touch with the engineer on the McPhee Breakwater Project. He informed the Board of a response from Southwest Water Conservancy District to a request for money for the McElmo Flume project. The State Historical Society wants assurance concerning the architectural structure of the flume. He will do some research and report back to the Board. The Gunnison Sage Grouse meeting has been rescheduled.

2014 BUDGET: County Administrator Melissa Brunner presented the 2014 budget. She explained the various funds in detail.

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

CDHS letter regarding fiscal year 2012 county wide cost plan.

Central Federal Lands Highway Division access program application.

Governmental Notice of Claim from Attorney Joel Fry on behalf of Claimant, Sierra Lyen.

Tri-State Generation & Transmission Association, Inc. 2014 Colorado ten year transmission plan.

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

MEETING ADJOURNED 2:55 p.m.

County Clerk

November 4, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 12, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday November 12, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of November 12, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 4, 2013 as presented. The motion was seconded by Commissioner Ertel and carried.

REVIEW/APPROVE OF EXPENDITURES:

ORDER: Comm. Ertel moved to approve Order number 6 to transfer from the Clara Ormiston Fund for a cancer patient the amount of \$2,538.50, seconded by Comm. Suckla and carried. (See attached)

SHERIFF SPRUELL and IT Manager, Jim McClain held an open discussion with the Board. Sheriff Spruell discussed the dispatch bills. He stated the dispatch operations are governed by a dispatch board. Sheriff Spruell informed the Board about the problem of hiring and keeping employees. He said he has a problem with letting employees take vacations and comp time. He would like to have the opportunity of paying for vacation and comp time they have not been able to take. He talked about monies the inmates pay. Other maintenance concerns were addressed. Jim McClain explained a program called COG which is a group that works to get rural counties grants that are available for various projects like fiber connectivity.

SPECIAL EVENTS: Clerk's Deputy Lynn Dorenkamp presented a special event liquor license for Southwest Health Systems for an event they wish to hold at Four Seasons Greenhouse & Nursery. She explained donation jars will be placed. Comm. Ertel moved to grant a special events license to Southwest Health Systems located at 1311 N. Mildred Rd. for December 12th at Four Seasons Greenhouse & Nursery from 6:00 p.m. to 11:00 p.m. seconded by Comm. Suckla 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 for the purpose of reviewing and determining an AR3-9 rezoning request and sketch plan for a proposed single lot development on property owned by Diane Adelson, consisting of 6 acres, more or less, from a 36 acre, more or less, parcel of land. Said property is located at 26506 Road N, Cortez. Planning Director Susan Carver explained the remaining acreage will be combined with and made a part of adjacent property owned by Joe Lemond Moore and Twila Marie Moore Living Trust located at 26370 Road N, Cortez, consisting of 40 acres, more or less. Planning Director Susan Carver explained the request in detail. Agent, Scott Wallace represented the application. It was stated irrigation water will be available. Comm. Chappell opened the hearing up to public comment. **John Rutledge** would like an explanation concerning the irrigation water and how it is to be distributed. Hearing no further comments, that portion was closed. The irrigation distribution was discussed. After hearing all the evidence presented Comm. Suckla moved to approve the rezoning request for Diane Adelson, seconded by Comm. Ertel and carried. Planning Director Carver presented the final plat for approval. Comm. Suckla moved to approve the final plat for the Adelson property and the Moore property, seconded by Comm. Ertel and carried. (See attached) Comm. Chappell closed this hearing at this time.

PLANNING: A final plat for a proposed single lot development consisting of 10 acres, more or less from a 52 acre, more or less, tract of land was presented. The request is made by The Bartels Family Revocable Trust, Dennis V. and Carole M. Bartels, Trustees. Maness and Associates are the acting agents. The property is located at 4550 Road 41, Mancos. Planning Director Carver and Ernie Maness explained the request. Comm. Ertel moved to approve the final plat on a single lot development on a 10 acre tract of land for the Bartels Family Revocable Trust, seconded by Comm. Suckla and carried. (See attached)

AFTER-THE-FACT EXEMPTION request is submitted by Charles Steven Chapman, Sr. with property located at 13990 Road FF, Pleasant View, Co. Director Carver said this exemption will bring the land into

compliance. Comm. Suckla moved to approve Resolution number AFT 13-000029 for the Charles Chapman property located at 13990 Road FF, seconded by Comm. Ertel and carried. (See attached)

DISCUSSION: The Board held a discussion concerning the Sage Hen Campground. Lloyd Powers met with the Board to ask for their help in reopening the Sage Hen Campground. He said he was instrumental in forming a Sage Hen Citizens group that was trying to get the campground reopened. The group tried to work with the Forest Service including doing trash pickup. He stated the group has since been disbanded.

VARIANCE REQUEST: Planning Director Susan Carver presented an after-the-fact exemption request specific to setbacks for auxiliary structures. This request was submitted from John and Sidney Thompson. They are requesting the structures to be 25' from the road right-of-ways and property boundary lines. They wish to construct an auxiliary structure 5 feet from the County Road right-of-way and 3 feet from the property boundary line. Comm. Ertel moved to approve to grant a variance from the county road right-of-way that exceeds the minimum distance required, seconded by Comm. Suckla and carried. (See attached)

COMMUNITY SERVICES REPORT: James Dietrich discussed a letter regarding the predation to the management of the mule deer population. Mr. Dietrich talked about House Bill 2657 concerning the disposal of federal lands. Comm. Suckla moved to sign a letter to Sen. Udall, Sen. Bennett, and Congressman Tipton concerning the Board's position in support of House Bill 2657, seconded by Comm. Ertel and carried. (See attached) He mentioned some federal land in South East Utah where they are considering legislation concerning a conservation plan which might increase Hovenweep National Monuments boundaries.

CORRESPONDENCE: The following correspondence was read, noted and attached:
Letter from DOLA awarding the Montezuma County Sheriff's Office Public Safety in the amount of \$75,000.00

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 12:05 p.m.

County Clerk

November 12, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 18, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday November 18, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

CHAIRMAN CHAPPELL opened the meeting of November 18, 2013 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 12, 2013 as presented. The motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: JIM SELLERS met with the commissioners to discuss the progress on Road AA. Road Supervisor Dean Roundtree presented an estimated cost of improvements for the land owner. Jim stated he would get back to the Commissioners. (See attached)

ROAD: Road Supervisor Dean Roundtree discussed the release of the Baumgartner Gravel Pit, as well as the use of Sand Stone gravel pits. Dean presented the 2014 project schedule. Other roads discussed were roads P, S, T, 21, 34 and Road 33 as well as the Kinder Morgan Truck Route and a bridge on Road J. He reported that at this time the crusher was working on chips for the CDOT project and future county projects.

FEDERAL AGENCIES: Derek Padilla, Tom Rice, Marietta Eaton and Connie Clementson met with the Board. The commissioners held a discussion on the reopening of the **Sage Hen Recreational Area** to the public. Derek explained by law and policy if certain circumstances have changed within an area they have to go

through the required process to open the area back up. Derek reported to the Commissioners that they had found a 300 to 400 acre area that has been identified to have a Pine Beetle infestation, and that they would be treating it. Connie Clementson reported that they were working on the grazing permit program and would be reporting on it next month. She reported that there would be two new bike trail heads off of Road L and Road M. Marrietta Eaton reported that there will be a new mountain lion exhibit at the heritage center starting on December 8, 2013. She also reported they would have access to a Transportation Scholar for a few months and that they would be working on an overview of all trails then they would determine what issues need to be addressed. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report. He gave the income report, attendance, events recently held and that he was booking events for 2014. He stated that the Concrete Trench was complete and that the Grand Stand Roof and the Race Track Wall projects are being worked on. Tanner presented the **2014 Montezuma County Fairgrounds Fee Schedule** for the Commissioner approval. Commissioner Suckla moved to approve the Rate Schedule for the Montezuma County Fairgrounds for the year 2014 as presented with an amended change of \$500.00 instead of \$750.00 for the Parking Lot A fee. Seconded by Commissioner Ertel, Motion 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.**

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of October, 2013. A discussion was held and an analysis was requested by the Commissioners on the comparison of Bailing and Compacting. The 2014 Landfill Rates were presented for approval. Commissioner Ertel moved to approve the **Montezuma County Landfill Rate Schedule** for the year 2014 as presented. Second by Commissioner Suckla, motion carried. (See attached)

MOU: Tom Hooten with the **Extension Office** presented a **MEMORANDUM OF UNDERSTANDING** for the use of the yellow building at the Fairgrounds by the **4H/FFA**. Commissioner Suckla moved to approve the Memorandum of Understanding for year 2014 between Montezuma County and the Montezuma County 4H/FFA as presented with an amendment to paragraph 4 as stated by Attorney Baxter. Seconded by Commissioner Ertel, motion carried. (See attached)

FAIRBOARD APPOINTMENTS: Todd King with the Montezuma County Fairboard presented applications from **Debra Eurich, Shawn Treinen, Brandee Simmons, and Carlos Whitmer** along with resignations from **Rob Bell** and **Bernadette McClain**. Commissioner Ertel moved to accept the 4 applicants as presented contingent upon confirmation of the resignation or communication from Mr. Cox. Second by Commissioner Suckla, motion carried. (See attached)

PLANNING: Planning Director Susan Carver requested a final decision on the revocation of High **Impact Permit #52**, for owner/operator, **Tom Overington**. Said property is located at 33350 Hwy. 184, Mancos. The

permit is for the purpose of running a dog kennel and boarding business. The permit is scheduled to be revoked for non-compliance with conditions of said permit. Commissioner Ertel moved to revoke the High Impact permit #52, owner Tom Overington located at 33350 Hwy 184 Mancos. Second by Commissioner Suckla 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 3 separate high impact permit and special use permit applications submitted by Kinder Morgan, CO2 Company, agent Bob Clayton and Exosphere Environmental Services. Said request is for the construction and use of 3 separate 5.5 acre, more or less, well pads and drilling of 1 CO2 well per pad on the following properties; 1) Property owned by Roxie D. Rube located at a to be determined address on Road CC, Pleasant View, consisting of 144 acres, more or less. 2) Property owned by Leroy Oliver, located at 26250 Road 8 (guess), Pleasant View, consisting of 160 acres, more or less. And 3) property owned by Brad and Pamela White located at 25783 Road 9 (guess) Pleasant View, consisting of 160 acres, more or less. Commissioner Chappell opened the hearing to the public for comments, having no comments he closed that portion of the hearing. Commissioner Suckla moved to approve High Impact permit No. 13-000028 and Special Use Permit No. 13-000012 property owned by Roxie D. Rupe located at TBD Road CC, Pleasant View Co. High Impact permit No. 13-000029 and Special Use Permit No. 13-0000113 property owned by Leroy Oliver located at 26250 Road 8, Pleasant View Co. and High Impact permit No. 13-000030 and Special Use Permit No. 13-000014 property owned by Brad E and Pamela K. White located at 25783 Road 9, Pleasant View Co. as presented under the condition that all roads involved adhere to the Montezuma County Road Agreement. Second by Commissioner Ertel and carried. (See attached).

VARIANCE REQUEST: A request for a variance to the setback standards for an auxiliary structure from 25' to 2' from the County Road right-of-way, as proposed by Susan Marie Northern. The property is located at 25754 Road T, Dolores. Commissioner Ertel moved to grant a variance to the setback standards for a structure on property located at 25754 Road T in Dolores Owner Susan Marie Northern, seconded by Commissioner Suckla and carried. (See attached)

COUNTY HANDBOOK: The Draft Employee Handbook was presented by Amber Zickefoose from County Administration for review. The Commissioners will look it over and make a decision on it next week. Amber also presented the Montezuma County Official Holidays 2014 Schedule for approval. Commissioner Ertel moved to accept the Montezuma County Official Holidays schedule for the year 2014. Second by Commissioner Suckla, motion carried. (See attached)

COMMUNITY SERVICES REPORT: James Dietrich discussed a Forest Service Meeting scheduled November 20, 2013 in Durango. Those who will be attending will be James Dietrich, Attorney Baxter, Commissioners Suckla and Chappell.

COUNTY ADMINISTRATOR REPORT: Administrator Melissa Brunner reported she had held a conversation with the City Of Cortez regarding the Courts building issues. She reported that they were working on budget updates and would be presenting them soon; Melissa also reported that she was working on a fuel bid for the 2014 calendar year.

SHERIFF: Dennis Spruell met with the Commissioners to further discuss payment to employees for vacation and comp time that they had not had the opportunity to take. The Commissioners agreed he should pay his employees down to the 40 hour maximum on their comp time.

MEETING CONTINUED: Comm. Ertel moved to continue this meeting until Tuesday, November 19, 2013 at 10:00 a.m. in order to meet with the Forest Service at their Durango office, seconded by Comm. Suckla and carried. The Commissioners met with the Forest Service and decided they would uphold their original position.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.

MEETING ADJOURNED 3:30 p.m.

County Clerk November 18, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 25 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday November 25, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
County Administrator, Melissa Brunner
John C. Baxter, County Attorney
Kim Percell, Chief Deputy Clerk

CHAIRMAN CHAPPELL opened the meeting of November 25, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 18, 2013 as amended. Motion was seconded by Comm. Ertel and carried.

COUNTY HANDBOOK: **County Administrator Melissa Brunner** presented the final County Handbook for approval. Commissioner Suckla moved to approve the Employee Handbook as amended for the year 2014. Seconded by Commissioner Ertel, and carried. (See attached)

PUBLIC COMMENT: **Rebecca Samulski** with **FireWise SW Colorado** talked with the Commissioners regarding continued support from the County of the FireWise program. She discussed some of the past years support and was hoping the Commissioners would reconsider their funding request for the year 2014. **Greg Kemp** spoke on behalf of the FireWise program stating it was a valuable service to the community that enhanced the safety of the residents.

ROAD: Road Supervisor Dean Roundtree and Fairgrounds Manger Tanner Young discussed a new lease tractor program with **New Holland Tractors**. The program allows the County to lease a tractor for use of not more than 250 hours at a \$12.00 per hour rate. Tanner stated he wanted to use this tractor as a back up tractor at the Fairgrounds, and that a tractor was within his 2013 budget.

Dean also reported that they were working on the County roads after the last storm and a discussion was held on the fee schedule for the Kinder Morgan road maintenance. Administrator Brunner stated that Planning Director Susan Carver would be presenting the fee schedule on December 9, 2013 to the commissioners.

PUBLIC HEALTH CONTRACT: Lori Cooper and Dennis Story met with the Commissioners to discuss the **SafeCare** program. The SafeCare Colorado program is a program to reduce child abuse and neglect in Colorado through preventive training for parents. Commissioner Suckla moved to approve the SafeCare Grant Contract as presented. Second by Commissioner Ertel and carried. (See attached)

Sage Hen Recreation Area Discussion: Lloyd Powers met with the Commissioners giving them an overview of discussions he held with the Forest Service and research he has completed regarding the reopening of the Sage Hen Recreation Area. The Commissioners decided to give Lloyd and the **Sage Hen Citizens Group** a letter of support.

COMMUNITY SERVICES REPORT: James Dietrich presented a request from the Bureau of Land Management for a letter of support from the Commissioners regarding a grant application to the State of Colorado's Off Highway Vehicle (OHV) program. The Commissioners requested additional information regarding the Grant. There was a discussion held regarding the Division of Wildlife and it was suggested that the Commissioners meet with them on a monthly basis starting in December. Administrator Brunner reported that there would be a representative from Congressmen Tipton's office at the December meeting with the Forest Service.

COUNTY ADMINISTRATOR REPORT: Administrator Melissa Brunner presented a request from the **Housing Authority** of the County of Montezuma regarding Board Vacancies. Commissioner Suckla moved to appoint to the Housing Authority of Montezuma County Board of Directors **Orly Lucero** and **Damien Johnson** to serve as Commissioners for the current vacancies as presented. Second by Commissioner Ertel and carried. (See attached) Melissa reported to the Commissioners that an Operations Manager had been hired for the Landfill, and that the decision made between Compacting and Baling at the landfill will make a difference on their certification.

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

Letter from FireWise SW Colorado, regarding funding the year 2014.

Letter from Fire Smart LLC, regarding reconsideration of funding for FireWise.

Letter from University of Denver Strategic Issues Program regarding a report titles Money, Elections and Citizens United: Campaign Finance Reform for Colorado.

MOTION TO ADJOURN was made by Comm. Ertel, seconded by Comm. Suckla and carried.
MEETING ADJOURNED 11:35a.m.

County Clerk

November 25, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 9, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 9, 2013 at the courthouse in Cortez, Colorado, there were present:

- Steve D. Chappell, Chairman - ABSENT
- Keenan G. Ertel, Vice-Chairman.
- Larry Don Suckla, Commissioner of Deeds
- County Administrator, Melissa Brunner
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

VICE- CHAIRMAN ERTEL opened the meeting of December 9, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 25, 2013 as presented. Motion was seconded by Comm. Ertel and carried.

ORDER 7: Comm. Suckla moved to approve the transfer from the Law Enforcement Authority to the General Fund the amount of \$930,000.00 for January 1, to December 31, 2013 expenditures, seconded by Comm. Ertel and carried. (See attached)

ORDER 8: Comm. Suckla moved to approve the transfer from the Conservation Trust Fund to the Montezuma County General Fund \$176,819.83 for operations of the County Fairgrounds from July-December, 2013, seconded by Comm. Ertel and carried. (See attached)

VETERANS SERVICE: Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for October, 2013, seconded by Comm. Ertel, motion 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 public hearing is for the purpose of adopting the 2014 budget. **COUNTY ADMINISTRATOR BRUNNER** gave a detail overview of the budget. She explained the list of funds. Comm. Ertel opened the hearing to public comment at this time. **Greg Kemp** complimented the Commissioners and Administration on including monies for Firewise of Southwest Colorado. **David Long** asked what happens since Kinder Morgan has appealed the decision. Hearing no further comments that portion was closed. Comm. Suckla moved to approve **RESOLUTION 2013-09** a resolution adopting a budget for Montezuma County, Colorado for the calendar year beginning on the first day of January 2014 and ending on the last day of December 2014, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to approve **RESOLUTION 2013-10** a resolution levying general property taxes for the year 2013 to help defray the costs of government for Montezuma County, Colorado for the 2014 budget, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to approve **RESOLUTION 2013-11** a resolution levying general property taxes for the year 2013 to help defray the costs of the Law Enforcement Authority of Montezuma County, Colorado, for the 2014 budget, seconded by Comm. Ertel and carried. (See attached)

Comm. Suckla moved to approve **RESOLUTION 2013-12** a resolution to appropriate sums of money, seconded by Comm. Ertel and carried. (See attached).

Comm. Ertel closed this hearing at this time.

LUNCH

OCTOBER EXPENDITURES: Comm. Suckla moved to approve the expenditures for October, seconded by Comm. Ertel and carried (See attached)

COOPERATIVE WEATHER OBSERVER, NOAA, NWS representative James Andrus. Did not appear.

ROAD: Road Supervisor Dean Roundtree and Planning Director Susan Carver discussed a development agreement with Kinder Morgan and other entities like Kinder Morgan. They also talked about revising the over

weight permits the County has. Supervisor Rountree said they have not been enforced. Dean discussed a permit application fee schedule for underground installations.

Planning Director Carver informed the Board that she has had no response to her letters to Steve Wallace regarding dumping waste on his property. She will contact the State agencies to see what they have done. Director Carver presented an affidavit from Sheldon Zwicker concerning the fish release in McElmo Creek. (See attached)

LLOYD POWERS updated the Board on the Sage Hen Recreation Area. He discussed a conversation he had with Derek Padilla about public involvement with the campground. The Board agreed to talk to Mr. Padilla about Sage Hen Recreation Area.

LANDFILL: Shalako Powers with the Landfill presented the profit and loss statement for the month of November, 2013. (See attached)

SHERIFF SPRUELL presented a grant for signature. Comm. Suckla moved to approve signing the SORNA grant, seconded by Comm. Ertel and carried. (See attached) Sheriff Spruell presented a gaming grant for signature. Comm. Suckla moved to approve signing the Local Government Limited Gaming Impact Fund, seconded by Comm. Ertel and carried. (See attached)

LIQUOR LICENSE: Deputy Lynn Dorenkamp presented a liquor license renewal for Sophia Lodge and Retreat Center. Comm. Suckla moved to approve the liquor license renewal for Sophia Lodge and Retreat Center in Dolores, Co. seconded by Comm. Ertel and carried. (See attached)

EXIT INTERVIEW for Assessor Mark Vanderpool was conducted.

WOLCOTT INSURANCE Agent Bentley Colbert, John Payne, Michael Rosell, and Larry J. Shupe with Travelers Insurance discussed the County insurance needs. Mr. Payne said he is in charge of the marketing and financials for Colorado public entities. Larry Shupe introduced himself stating he is the account executive (the underwriter) and gave a financial overview of Travelers Insurance. Michael Rosell is the claim account executive for Travelers. They explained coverage differences.

RED ARROW MILL SITE: Steve Renner with Colorado DRMS, Jennifer Chergo, Craig Myers, and Richard Graham with the EPA (Region 8) met to discuss the Red Arrow Mill Site cleanup. Mr. Renner informed the Board of the mill tailings at the mine and what was done to secure the tailings. He talked about the liquid contaminates and how the liquids are contained. He discussed areas where clean dirt has been brought in. Mr. Renner informed the Board about the enforcement issues regarding certain civil penalties and revoking the permit. Mr. Myers said the air monitoring is done. He talked about the mercury vapor levels. Mr. Graham informed the Board that mercury was found in the piles but the mercury and arsenic levels are low and not a health threat. The report has been finalized and is on the EPA web site.

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 16, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman
 Keenan G. Ertel, Vice-Chairman.
 Larry Don Suckla, Commissioner of Deeds
 County Administrator, Melissa Brunner
 John C. Baxter, County Attorney
 Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of December 16, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 9, 2013 as presented. Motion was seconded by Comm. Suckla and carried.

PUBLIC COMMENT:

JERRY KOSKIE talked about the Sage Hen Recreational area. He has concerns about safety for kids riding 4 wheelers, noise and partying being done in the area if opened to camping. He hopes the area would be patrolled if it is reopened with adequate security.

LLOYD POWERS updated the Board on the efforts to reopen Sage Hen Recreational area.

SAFECARE SUBCONTRACT: The CDPHE SafeCare subcontract between CDPHE and Montezuma County Public Health Department was signed. (See attached)

CERTIFICATION OF Mill levies and Revenues. Comm. Suckla moved to approve the certification of mill levies and Revenues for 2014 as presented, seconded by Comm. Ertel and carried. (See attached)

RESOLUTION 2013-13: Amber Zickefoose presented Resolution 2013-13 amending the 2013 budget. Comm. Ertel moved to approve Resolution 2013-13, a resolution to amend the 2013 budget, seconded by Comm. Suckla and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree presented permit application fees for underground installations. Comm. Ertel moved to approve the permit application fees for underground installations effective January 1, 2014, seconded by Comm. Suckla and carried. (See attached) He presented a change order on the sand sheds that are to be built for the Road Department. Contractor Mickey Rule explained the change was due to the engineer changing the plan. Comm. Suckla moved to approve the change order in the amount of \$13,754.00 for Mr. Concrete's bid, seconded by Comm. Ertel and carried.

He presented for review an agreement on the road impacts caused by natural resource development. Comm. Ertel moved to approve the proposed development agreement to the County Road system impacts caused by natural resource development, seconded by Comm. Suckla and carried. (See attached)

Supervisor Roundtree and Susan Carver discussed a draft agreement to amend/update ordinance regulating the weight of trucks using county roads and establishing a permit system for overweight trucks and oversize/overweight transportation permit application. (See attached)

Administrator Brunner presented the CDOT partnership contract for Hwy 145 and Road P. (See attached)

FEDERAL AGENCIES MEETING: Marietta Eaton, Michael Jensen, Damon Corley, Tom Rice, Connie Clementson, and Derek Padilla met to discuss various issues. Ms. Eaton with the BLM introduced Damon Corley who is a new rangeland management specialist. He informed the Board of his qualifications and experience. It was stated they are close to having a complete rangeland management team in place. Michael Jensen spoke about grazing allotments, the number of permits and length of time on the permits. He talked about the AUMs and they anticipate lots of applicants for the former Wallace private property and rangeland permits. Fencing issues were discussed. Mr. Jensen gave a drought update. Connie Clementson informed the Board about the resource management plan saying it is in the protest period right now. Forest Service representative, Derek Padilla, and Tom Rice met to discuss what is happening within their departments. Mr. Padilla stated Ron Archuleta has been hired as a new forest service supervisor. He talked about the camping at the Sage Hen facility. He explained closing the campground was due to vandalism, trash being left, cultural resources, and not keeping to the designated areas as a few of the reasons for closing the area to camping. Mr. Padilla said they are going to re-engage in the analysis on the Rico/West Dolores Travel Management Project.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of November, 2013. (See attached).

FAIRGROUNDS Manager Tanner Young gave the monthly report on the Fairgrounds. He talked about upcoming events. He said the lease agreement on the tractor has been finalized and discussed the purchase of a dump truck. Manager Young and Jim McClain with the IT department discussed the PA system for the Fairgrounds.

SITE VISIT: The Board conducted a site visit to the Fairgrounds to inspect the grandstands roof.

LUNCH:

VETERANS SERVICE: Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for November, 2013 seconded by Comm. Ertel, motion carried (See attached)

COUNTY ROAD MAP: GIS Specialist Doug Roth presented proposed changes for the 2014 official County Road Map for review and to schedule a public hearing to approve said changes. Mr. Roth explained the map and changes. A public hearing to adopt the 2014 Official County Road Map is scheduled for January 13, 2014 at 11:00 a.m.

HAWKINS STREET and the east end of Empire Street road maintenance were discussed. County Supervisor Roundtree and the City of Cortez engineer Ken Torres will research the situation further and report their findings at a later date before any decision will be made.

PLANNING AND ZONING: Planning Director Susan Carver updated the Board on the advertisement for the Planning and Zoning Commission Board applicants. She informed the Board of potential candidates. She said the deadline for applications is December 27th and will schedule interviews beginning January 6, 2014. (See attached)

EXECUTIVE SESSION: Pursuant to Attorney Baxter’s suggestion, Comm. Ertel moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Suckla and carried.

Comm. Chappell said the Board voted to return to regular sessions.

APPOINTMENT: Comm. Ertel moved to appoint Scott Davis as interim Assessor to replace Mark Vanderpool, seconded by Comm. Suckla and carried.

COMMUNITY SERVICES REPORT: James Dietrich presented a draft of the Forest Service appeal. He said a lot of information will be coming in from the water side of things and other entities. Comm. Suckla moved to sign the Office Management Plan appeal letter, seconded by Comm. Ertel and carried.

COUNTY ADMINISTRATOR REPORT: Administrator Brunner discussed CCI steering committee proxies, (See attached) She discussed secure rural school funds, the breakwater funding and other projects.

COUNTY ATTORNEY REPORT: No report

COUNTY COMMISSIONERS REPORT: Comm. Ertel said Chris Burkett is working on the **MCEDA**

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

Southwest Colorado Canyons Alliance support letter for Canyons of the Ancients National Monument and Anasazi Heritage Center.

Dolores Water Conservancy District Minutes.

Letter of support for FireWise.

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 4:15 pm

County Clerk

December 16, 2013

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 23, 2013**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 23, 2013 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman

Keenan G. Ertel, Vice-Chairman.
Larry Don Suckla, Commissioner of Deeds
Melissa Brunner, County Administrator
John C. Baxter, County Attorney
Carol Tullis, County Clerk

CHAIRMAN CHAPPELL opened the meeting of December 23, 2013 with the Pledge of Allegiance.

MINUTES: Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 16, 2013 as corrected. Motion was seconded by Comm. Ertel and carried.

PUBLIC COMMENT:

ROAD: Road Supervisor Dean Roundtree discussed the progress on the construction of the sand sheds. He mentioned the condition of a portion of Road W and stated the Department is trying to blade patch various roads. He talked about the number of tons of gravel/chips crushed.

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

CDOT GRANT: Mary Holaday presented the CDOT Division of Transit and Rail Agreement for administration and operating expenses for signature. She discussed the amount and matches for these grants. Comm. Ertel moved to approve the contract with CDOT for the Division of Transit and Rail Agreement, seconded by Comm. Suckla and carried (See attached)

SAGE HEN: Lloyd Powers met to discuss the Sage Hen Recreation Area. He talked about a Forest Service letter from Derek Padilla. Mr. Padilla talked about dispersed camping in his letter and Mr. Powers along with the Board stated this was an incorrect statement.

CLEANING CONTRACT: The 2014 cleaning contract with Clarence Bugg is presented for signature. The contracts are for the Courthouse, Annex 2, and the Justice Building. Comm. Suckla moved to approve the cleaning contracts for Clarence Bugg for calendar year 2014, seconded by Comm. Ertel and carried. (See attached)

PUBLIC HEALTH CONTRACT: The Baby & Me Tobacco Free and Southwest Region for POD kits contracts were presented for signature. Comm. Ertel moved to approve the signing of the Baby and Me Tobacco Free for the Montezuma County Health Department, seconded by Comm. Suckla and carried. Comm. Suckla moved to approve the POD kits contract based on Administrator Brunner's investigation of the true nature of the contract, seconded by Comm. Ertel and carried. (See attached)

COMMUNITY SERVICES REPORT: No report

COUNTY ADMINISTRATOR REPORT: Administrator Brunner reported on an upcoming meeting provided as a service from CTSI on strategic plans and team building for various committees and boards.

COUNTY ATTORNEY REPORT: Attorney Baxter discussed a resolution or ordinance regarding the introduction of non-native species into Montezuma County. He reported he had been contacted by Peter Ortega, Tribal attorney, stating there is a movement of codifying sales tax charges to tribal members.

COUNTY COMMISSIONERS REPORT: Comm. Suckla informed the Board of a roundtable meeting with the Lower Dolores River group on January 9, 2014 and another meeting with the City of Cortez about the Mesa Verde Trail being held on January 7, 2014.

CORRESPONDENCE: The following correspondence was read, noted and attached:
Final Determination from Division of Property Taxation denying the exemption for Cortez Center Inc.
Thank you from Shirley Dennison

MOTION TO ADJOURN was made by Comm. Suckla, seconded by Comm. Ertel and carried.

MEETING ADJOURNED 11:45 am

County Clerk December 23, 2013

Chairman

