

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

MEETING ADJOURNED 11:35 a.m.

MONTEZUMA COUNTY, COLORADO
January 11, 2010

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

LUNCH: 12:00

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

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

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

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

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

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

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

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

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

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

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

County Clerk

January 11, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

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

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

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

LUNCH:

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

MEETING ADJOURNED. 2:40 p.m.

County Clerk

January 18, 2010

Chairman

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

STATE OF COLORADO)

COUNTY OF MONTEZUMA)
) ss.

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

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

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

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

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

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

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

CONTINUED PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held on a proposed dog control resolution. The roll was called and the proceedings were taped for the record. Attorney Slough read proposed Resolution 1-2010 into the record. Sheriff Gerald Wallace was on a conference call. The question as to who would prosecute violators was raised. It was stated that the District Attorney would be the prosecutor. Comm. Rule opened the hearing to public comment at this time. **Greg Kemp** talked about owners with multiple dogs that confront people. **Robert Jensen** asked about subsequent violations. He asked about the problem concerning barking dogs. Paragraph 6A was read regarding said violations. **Kris Poff** asked about working dogs. It was explained that the State statutes exempt working dogs. Hearing no further public comment, Comm. Rule closed that portion. The Board said that barking dogs would not be addressed in this resolution. Sheriff Wallace said barking dogs could be addressed in other areas. After hearing all the evidence presented Comm. Chappell moved to adopt Resolution 1-2010 concerning dog control in the County amending resolution 2-88, seconded by Comm. Koppenhafer and carried. The resolution will be published in the newspapers. (See attached)

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

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

MEETING ADJOURNED. 11:50 a.m.

County Clerk January 25, 2010

Chairman

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

STATE OF COLORADO)
) ss.

COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

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

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

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

FAIRGROUNDS: Fairgrounds Manager Milligan discussed security at the Fairgrounds.

LUNCH: 12:10 p.m.

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

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

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

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

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

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

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

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

SOUTHWEST BOARD of Cooperative Services and Montelores Early Childhood Council met with the Board to request the use of the County Annex. **Vangie McCoy** coordinator for the Montelores Early Childhood Council gave an update concerning the Council's service project and she informed the Board of a learning center slated to open on May 1st. Ms. McCoy invited the Board to an early head start community meeting scheduled for February 10th. **Pam Wilderson** representing the Southwest Board of Cooperative Services informed the Board of her role in early childhood development. Their plan is to have a fair scheduled for Saturday April 24th for families with children from birth to 5 years of age. They are requesting the use of the County Annex at no charge since the Montelores Early Childhood Council is affiliated with the Pinon Project which is a 501C3 local non-profit. The Board agreed to allow the use of the Annex at no charge as per the current Senior Nutrition fee schedule regarding non-profits.

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

LUNCH: 12:05 p.m.

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

MEETING ADJOURNED. 2:15 p.m.

County Clerk

February 8, 2010

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS

MONTEZUMA COUNTY, COLORADO

February 22, 23, 2010

STATE OF COLORADO)

) ss.

COUNTY OF MONTEZUMA)

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

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

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

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

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

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

ROAD: Road Supervisor Dean Roundtree informed the Board he has received plans from Maness and Associated on road 23 and said the plans need to be reviewed by CDOT. He said he heard from Bill Ivy concerning the proposal on the Dolores-Norwood Road. Supervisor Roundtree stated the roads are getting soft which makes plowing difficult and discussed other road damages. The status of Road 16 was discussed. It seems Gary Mahaffey has placed a gate across a portion of Road 16 blocking access to Mr. and Mrs. Gilliland's property. Lori Haukeness, daughter of Yvonne and Leon Gilliland, presented maps concerning the road. She said they would like access be granted to their property and wanted to know if the road is designated as a county road. Ms. Haukeness said the road is not a useable road as it is now. Adjoining land owner Joe Hancock stated he would be willing to put the road back to where the County says it should be and stated he would do so at no cost to the County. Mrs. Gilliland said since there is a cloud on the Mahaffey easement and said easement is encumbered the title company will not insure the title insurance. It was stated that there is no evidence that portion of Road 16 has ever been abandoned. Loretta Murphy with the GIS department presented maps showing that portion as being on the County road map. The Board decided to have a public hearing before making any decision. The hearing has been scheduled for March 8, 2010 beginning at 2:30 p.m. **Supervisor Roundtree** and Planning Director Susan Carver informed the Board of a gate across Road W. It was recommended a public hearing be scheduled. (See maps attached)A public hearing has been scheduled for March 8, 2010.

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

ORDER #0-03-10: Comm. Koppenhafer moved to approve order number 0-03-10 to transfer funds from the Social Services to the General Fund in the amount of \$358,910.00 and to transfer from the Capital fund to the General fund

the amount of \$1,076,729.00. Seconded by Comm. Chappell and carried. This is for Montezuma County matching funds for grant remodel of the courthouse for the heating, cooling and windows.

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

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

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

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

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

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

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

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

FINANCE MANAGER Mary Ann Sanders presented the 6 month schedule of receipts and disbursements for the 6 month period from July 1, 2009 through December 31, 2009 that was received from the County Treasurer.. Ms.

Sanders stated she has reconciled to all funds and they are all in balance. Comm. Chappell moved to sign the schedule of receipts and disbursements for July 1, 2009 to December 31, 2009, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: At the Pinon Project

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

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

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

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

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

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

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

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

recommended abatement on account number R16208 for \$3,296.93 for Mancos Dude Ranch, Inc. seconded by Comm. Koppenhafer and carried. (See attached)

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

LODGERS TAX; Sue Scott gave a lodgers tax update. She showed magazines to the Board of what Mesa Verde Country has done with their portion of the lodger's tax. She said there is some concern among area lodgers because the shopping is down in the area. Ms. Scott discussed the amount of money each entity receives. Comm. Koppenhafer moved to approve the 2010 Montezuma County Lodgers Tax grant funds as follows:

Mancos Chamber in the amount of \$32,000.00, Dolores Chamber in the amount of \$32,000.00, Cortez Cultural Center in the amount of \$6,000.00 and Mesa Verde Country in the amount of \$45,000.00, as presented seconded by Comm. Chappell and carried. (See attached)

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

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

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

LUNCH: 12:00 noon

PLANNING: Planning Director Susan Carver presented an application for RC Southwest Development, Rob Pope and Maness and Associates, Inc agents. The application is for a proposed preliminary plan for phase II of a 13 lot major development located at 23100 Road L, Cortez. Director Carver explained the application stating the Planning Commission reviewed the application and recommended approval and that zoning was already been approved by the Board last year. Agents Rob Pope and Ernie Maness discussed the plan in detail. Comm. Koppenhafer moved to approve the proposed preliminary plat for phase II of the Crestview Heights Subdivision located at 23100 Road L, Cortez, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a sketch plan for a proposed 3 lot minor development on 35.69 acres owned by Ryan C. Warner and Ted R. Neergaard Rev. Trust. The property is located at 7841 Road 37 (G), Mancos. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Carver gave an overview of the plan. She stated the Planning Commission reviewed the application and recommended approval. Ernie Maness and Ryan Warner discussed the plan for the proposed minor development in detail.

Comm. Rule opened the hearing to public comment. Hearing no public comment that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve AR10-34 zoning on 35.69 acres for a proposed 3 lot minor development on property located at 7841 Road 37(G) in Montezuma County, seconded by Comm. Chappell and carried. (See attached)

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

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

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

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

MEETING ADJOURNED. 3:30 p.m.

County Clerk

March 1, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman

Gerald W. Koppenhafer, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, County Administrator
Carol Tullis, County Clerk

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

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

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

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

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

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

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of February 2010. Manager Barton said the tonnages are down due in part to weather issues but tonnages are beginning to pick up. She talked about legislative issues. Manager Barton talked about an issue that the Landfill and the Cortez Sanitation has been working on concerning air quality and ownership of approximately 40 acres that the Sanitation District owns and they are trying to clear the situation up. (See attached)

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

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

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

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

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

LUNCH: 12:00 noon

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

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

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

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

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

PUBLIC HEARING: It being the time set aside a public hearing is held regarding the status of Road 30 as a public and/or county maintained road. The roll was called, the public notice was read, and the proceedings were taped for the record. The specific road under discussion is located between Section 33 and Section 34; Township 38N; Range 15W; NMPM. This road lays North of County Road W and one mile West of Road 31. Director Carver gave an overview of the road. Loretta Murphy with the GIS Department stated the road is on the road map. GIS Specialist

Doug Roth stated the road was on the 1995 road map as a county road. Comm. Rule opened the hearing to public comment. **Jeff Wells** spoke on behalf of Clark Richins. Mr. Richins has no problem with the road being a green signed road but has concerns with property theft, poaching and vandalism if the gate were to be removed. (See letter attached) **Melinda Becher** stated the at one time the owner got permission to put the gate on the road. She has the same concerns as Mr. Richins and does not have a problem with the gate. **Rob Hastings** said he is under contract to purchase property in that area. He doesn't have a problem with the gate being there. **Bruce Christianson** owns property in the area as well and spoke of trash thrown on his property and would like to see the gate remain. He doesn't use the gate but would like access. Hearing no further public comment, Comm. Rule closed that portion of the hearing. Comm. Chappell asked about vacating the road as a county road. Director Carver said there is a fee to vacate the road and a public notice would have to be done. Comm. Koppenhafer moved to waive the fee and hold a public hearing to vacate the road. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding the status of Road 16 as a public and/or county maintained road. The roll was called, the public notice was read, and the proceedings were taped for the record. The specific road under discussion is located between Section 5 and Section 6; Township 37N; Range 17W; NMPM. This road lays South of County Road W. Planning Director Carver gave an overview of the road. It was stated letters were received from Gary Mahaffey and letters from Ray and Eileen Patterson were read into the record by Clerk Tullis. Comm. Rule opened the hearing to public comment. **Lori Haukeness** spoke on behalf of her parents, Leon and Yvonne Gilliland. She presented a packet to the Board with maps and she requested the gate be removed from Road 16 so the Gilliland's have access to their land. **Joe Hancock** said he owns the land on the east side of the road. He said he asked Mr. Gary Mahaffey to open the road for a farm road. Mr. Mahaffey denied the request. He said he will purchase the property from the Gilliland's if the land has legal access. **Gary Mahaffey** referred to Mr. Hancock's request. He said that is his pasture is on his land and the gate is on his land. **Joe Mahaffey** remembers the road as being a road to a trash dump when he was a kid. He said he and Gary gave a 30' access off of road 15 to Mr. Gilliland and they are not land locked. **Leon Gilliland** said Joe and Gary did give them right of way. And he said the road was built back in the 1930's. **Gary Mahaffey** said win or lose they would still like to be friends. He said where they are trying to put the road is on his property and that would cut off the access to his livestock's water supply in the winter time. **Yvonne Gilliland** handed the tax notices for the last 5 years and said the number is a guess number showing the road as a county road. She maintained the county has claimed the road. **Leon Gilliland** spoke about the trash dump and said he requested a no dumping sign from the county which was placed on the road and curbed the dumping. **Jamie Haukeness** spoke about the access and tax notices. Hearing no further public comment, that portion was closed at this time. It was stated the minutes does not reflect any action being taken concerning this portion of Road 16. Road Supervisor Dean Roundtree said no one from the present crew has done anything on the road. Mr. Gilliland has no recollection of the county doing any work on the road either. Mr. Gilliland said the house was moved in the late 1930's from its original location closer to road 15. Comm. Rule opened the hearing back up to public comment. **Richard McClellan** stated this may be a civil action. **Greg Mahaffey** said there has been a gate there as long as he remembers when he farmed for the Gilliland's and had no problem using the access off of Road 15. **Yvonne Gilliland** and **Leon Gilliland** stated Greg had a road to his property. Hearing no further public comment, that portion was closed. After much discussion and hearing all the evidence presented Comm. Koppenhafer moved Road 16 south of Road W is a county road down to the turnaround that is presently being used by the County to plow snow and maintain that road, from that point on down to the section line at the Gilliland property is a public road following the course of the old road that was there when the public used it for a dump and a well site in previous times, seconded by Comm. Chappell and carried. Comm. Rule closed this hearing at this time. (See attached)

RICHARD MCCLELLAN alleged the County has numerous violations concerning the installation of the geothermal project and questioned why a high impact permit was not required. It was stated the project was within

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

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

MEETING ADJOURNED 5:10 p.m.

County Clerk

March 8, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

Carol Tullis, County Clerk

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

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

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

ABATEMENTS: The following abatements were heard.

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

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

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

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

LEAGUE OF WOMEN VOTERS: Jodi Foran with the League of Women Voters of Montezuma County gave an update to the Board on the work the League of Women Voters does. She said the League is a

nonpartisan political organization that encourages informed and active participation in government works to increase understanding of major public policy issues, and influences public policy through educational and advocacy. (See attached)

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

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

LUNCH: 12:05 p.m.

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

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

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

FIRE DISTRICT: Representatives from the area Fire Protection Districts, Fire Chief Don Eberle, and Fire Inspector Brandon Johnson met to discuss the International Fire Code. Fire Chief Eberle updated the Board on the county code commission. He presented a summary analysis of the Montezuma County fire Code adoption and revision commission. He gave an overview of the 2009 International Fire Code. George Deavers spoke on behalf of the Lewis-Arroila Fire District and is in favor of the code but stated the Lewis-Arroila Fire District would like to opt out of the code at this time. Mancos Fire District representative Tony Aspromonte spoke in support of the fire code just for new construction and new businesses starting in a year of adoption of the code. He said the District would then opt in with a schedule for new construction and have a one year plan for all the businesses to have a year to become self compliant. The Board will get a copy of said code for review before going further.

CORRESPONDENCE: The following correspondence was read and noted:
Letter from Colorado State University in regards to Kathay Rennel's appointment as a new director of economic development. (See attached)
Quit Claim Deed and Agreement between the City of Cortez and Montezuma County. (See attached)
Tort Claim from Evangelyn Silas and Federick Frank. (See attached)

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

MEETING ADJOURNED 4:10 p.m.

County Clerk

March 15, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LUNCH: 12:10 p.m.

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

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

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

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

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

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

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

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

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

MEETING ADJOURNED 4:15 p.m.

County Clerk

March 22, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

LYNN DYER, tourism director for Mesa Verde Country and Shirley Powell with Crow Canyon met to update the Board about a Preserve America Grant. Ms. Powell said the grant was in the amount of \$90,000.00. They have heard nothing in regards to the grant but have hopes the money will come through and they asked the Board for their continued support in getting the Grant. Ms. Powell said the funds would be to enhance their web site and inform prospective tourists of other things of interest in this area. Ms. Dyer stated they would like to direct part of the funds to attract international travelers as well.

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

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

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

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

(2) Scheduled a public hearing on a high impact permit and special use permit application for construction of one new county road approach and 140' of new access across the Gray surface; construction of a new 7.71 acre well pad known as Gray 14-15; drilling of up to 4 natural gas wells with horizontal completion. If the well is deemed to be productive, the installation of production facilities on the well pad will be done. The applications are submitted by

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

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

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

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

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

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

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

Point Control LLC on account number 881700000040, seconded by Comm. Chappell and carried. (See attached)

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

MONTEZUMA COUNTY PARTNERS: Michele Rivas and Dani Gregory, representatives with Montezuma County Partners gave their annual fundraiser presentation. Ms. Rivas explained Montezuma County Partners works with at risk youth. She said they have around 80 at risk kids now with 20 of those kids matched up with mentors at this time. The organization works with education, accountability, and numerous other areas with said kids. A national safe place will be coming to the County for kids who are runaways or in need of help. Ms. Gregory talked about the upcoming bike race sponsored by Partners. She said they are actually turning away applicants because there are already over 500 racers signed up. The race brings in a lot of funding that helps with the mentoring and volunteer programs. Comm. Koppenhafer moved to donate \$750.00 to Partners of Montezuma County for the work they do for the youth of Montezuma County, seconded by Comm. Chappell and carried.

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

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

MEETING ADJOURNED 12:10 p.m.

Clerk April 5, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

ROAD: Supervisor Roundtree reported a complaint from Alfred Hughes concerning a fence damaged by the County snow plows. Dean said the Road Department will be taking some equipment to the Suckla Auction this week end. Supervisor Roundtree stated he has been working on revisions to the road and bridge standards.

Comm. Rule informed Supervisor Roundtree that a lady called concerning a problem with standing water on Road G around the airport.

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

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

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

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

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

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

LUNCH: 12:00 noon

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

development consisting of 320 acres and to approve AR35+ on the remaining 317 acres. Motion seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

PLANNING: Director Carver presented the following item:

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

(2) Applicant: **Southwest Cactus Properties**, Principal Susan Macklin and Agent Donald Macklin. Director Carver presented a request to amend a common lot line between lot 75 and lot 76 in the Cedar Mesa Ranches located at 35968 and 35950 Road J.6, Mancos. Director Carver said the lots are owned by the same land owner. The property is currently zoned ARES. Director Carver said the Home Owners Association Board of Directors are not opposed to the approval of this request. Comm. Chappell moved to give preliminary approval to a common lot line adjustment to amend lot 75 and lot 76 of the Cedar Mesa Ranches, seconded by Comm. Koppenhafer and carried. (See attached)

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

CORRESPONDENCE: The following correspondence was read and noted:

Summons from District Court concerning Albert Gary Mahaffey v The Montezuma Board of County Commissioners, (See attached)

Decision on Review regarding Shawn G, Glenn D. Wells and Danny L. Wilkin v Board of County Commissioners. (See attached)

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

MEETING ADJOURNED 2:20 p.m.

Clerk April 12, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

ROAD: Road Supervisor Dean Roundtree discussed minor changes to the proposed road and bridge standards. Administrator Harrison mentioned he had a call from David Temple with Animas Valley Arborists

concerning tree trimming. Mr. Temple offered to conduct classes in how to properly prune trees. He said he would conduct said classes at no cost to the County road department. Supervisor Roundtree will look into Mr. Temple's qualifications before taking any action. Administrator Harrison said he received concerns from Goodman Point Water District in regards to the County ROW.

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

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

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

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

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

LUNCH: 12:00

PUBLIC HEARING: It being the time set aside a public hearing is held for the review and determination of two separate high impact permit and special use permit applications. The roll was called, the public notice was read and the proceedings were taped for the record. Comm. Chappell recused himself from these proceedings at this time. The applications were submitted by Bill Barrett Corporation, Don Hamilton, agent. Said requests are for the purpose of constructing 2 new county road approaches, 2 separate 7.83 well pads known as the Chappell 15-15 and Gray 14-15; drilling of up to 4 natural gas wells with horizontal completion on each pad; and if the well is deemed to be productive, the installation of production facilities on the well pads. The property located at 18751 Road T, Cortez is owned by Steve D. Chappell with the total parcel size consisting of 140 acres. The property owned by D.J. Schafer Living Trust is located at 18201 Road T, Cortez and consists of 80 acres. Planning Director Susan Carver gave an overview of the applications. She presented the Planning Commission minutes dated March 25, 2010. Don Hamilton, agent for Bill Barrett Corp. described the request in detail. They discussed how they will obtain the water and the need for trucking the water in will be eliminated and a

traffic route assessment was presented. Comm. Rule opened the hearing up to public comment at this time. **Lavena Saunders** asked which direction the horizontal drilling would be. She was informed the drilling would be from north to south. **Vic Duran** spoke in favor of the applications. Hearing no further public comment, Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the High Impact Permit and Special Use Permit applications for Bill Barrett Corporation for the construction of 2 proposed well pads known as the D.J. Schafer Living Trust located at 18201 Road T and the Steve D Chappell located at 18751 Road T, Cortez, with the possibility of up to 4 horizontal exploratory wells and contingent upon the applicants posting of speed limit signs of 5 miles under the posted limit and to work with the County Road department in keeping the dust down and with Road Supervisor Dean Roundtree as to what repairs need to be done, seconded by Comm. Rule and carried. (See attached) Comm. Rule closed the hearing at this time.

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

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

MEETING ADJOURNED 3:45 p.m.

Clerk April 19, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

FAIRGROUNDS: Fairgrounds Tanner Young gave a monthly report. He discussed upcoming activities that are planned at the Fairgrounds. He talked about RV hookups at the Fairgrounds. It was stated there will be no RV hookups allowed unless they are using the facility. He would like to see an amendment to the master contract to require an ambulance be on site during any rough stock event. He discussed making changes to the

horsemen's cards to make the card holder more aware of the County's accident policy. He talked about some needed repairs and improvements.

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

ROAD: Road Supervisor Dean Roundtree presented for review the road and bridge standards. Comm. Koppenhafer moved to accept the changes and corrections to the road and bridge standard specifications, seconded by Comm. Chappell and carried. (See attached) Dean said the department is beginning work on the Dolores Norwood Road. They talked about county roads being rough. Supervisor Roundtree stated the department will be starting the mag chloride program soon.

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

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

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

LUNCH: 12:00 noon

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

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

development, seconded by Comm. Koppenhafer and carried. Comm. Koppenhafer moved to approve the final plat for Cielo Bonito Ranchos North a 22 lot major development, seconded by Comm. Chappell and carried. (See attached)

FINDINGS AND PERMIT: Director Carver presented for review, findings and permits for 2 high impact permits and special use permits for applicants Bill Barrett Corp. Said permits were approved at a public hearing held before the Board of County Commissioners on April 19, 2010. Comm. Chappell recused himself from this proceeding. Comm. Koppenhafer moved to accept the findings and permits on High Impact Permit and Special Use Permit numbers 618 and 619 for Bill Barrett Corporation, seconded by Comm. Rule and carried. (See attached)

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

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

MEETING ADJOURNED 2:55 p.m.

Clerk April 26, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

PROPERTY AND CAUSALITY INSURANCE: The bids for the property and causality liabilities insurance were reviewed. Bids were received from CTSI, Woods Insurance Service, and Trident. Attorney Slough recused himself at this time. County Administrator Harrison discussed the bids. After much discussion, Comm. Koppenhafer moved to award Trident through Wolcott Insurance the property and causality liabilities insurance for the County for an 18 month period, seconded by Comm. Chappell and carried.

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

JAIL SITE INSPECTION was conducted at this time.

LUNCH:

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

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

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

MEETING ADJOURNED 2:45 p.m.

Clerk May 3, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

HEALTH AGENCY: Health Agency director Lori Cooper presented the following contracts for renewal. (1) The United Way contract for the car seat program in the amount of \$6500.00. (2) The tuberculosis contract in the same amount as before. She said this contract is for the prevention and control activities for individuals within its service area and she said the active cases here are minimal. (3) The tobacco contract was presented. Director Cooper said the contract is becoming competitive and is decreasing by 20%. Director Cooper talked

about the safety day held recently. Comm. Koppenhafer moved to sign the contract between United Way of Southwest Colorado and the Montezuma County Health Agency for the infant seat program in the amount of \$6,500.00, seconded by Comm. Chappell and carried. (See attached). Comm. Koppenhafer moved to sign the contract between the Colorado Department of Public Health and Environment and the Montezuma County Public Health Agency for the tuberculosis prevention and control activities, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer moved to sign the contract between the Colorado Department of Public Health and Environment and the Montezuma County Public Health Agency for the tobacco education and prevention program, seconded by Comm. Chappell and carried. (See attached)

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

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

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

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

LUNCH: 11:55 a.m.

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

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

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

Comm. Chappell. Comm. Koppenhafer and Comm. Chappell voted aye, Comm. Rule voted nay on the measuring the boundary line on the center of the alleyway. Motion carried. (See attached)

EXEMPTION: Director Carver presented for preliminary review and determination a request of an exemption as provided under section 8103.4 of the Montezuma County Land Use Code wherein Winford P. and Judith Rohwer owns 12 acres located at 10591 Road BB in Pleasant View and they desire to purchase 13 acres from Christopher Lee Jeter. Director Carver said that no new tract would be created with this exemption. It was stated the property is separated by a canal. Comm. Chappell moved to grant the preliminary review and determination where Christopher Jeter will be selling 13 acres more or less to Winford P. and Judith Rohwer, seconded by Comm. Koppenhafer and carried. (See attached)

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

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

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

MEETING ADJOURNED 3:15 p.m.

Clerk May 10, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

LUNCH

PUBLIC HEARING: It being the time set aside a public hearing was held for the purpose of reviewing an Industrial Zoning Request. For property owned by **Kevin B. Wright**, located at 22965 Road F consisting of 123 acres, more or less, situated south of Road G. The roll was called, the public notice was read, and the proceedings were taped for the record. **Planning Director Susan Carver** gave an overview of the application. Commissioner Chappell moved to approve the application for the Industrial Zoning request property owned by **Kevin B. Wright**, located at 22965 Road F, consisting of 123 acres, more or less, situated south or Road G as presented. Seconded by Commissioner Rule, motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

MEETING ADJOURNED 1:40

Clerk May 17, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

WORLD PHILANTHROPY DAYS: Chuck Forth and Missy Miller informed the Board about Rural Philanthropy Days. The event is scheduled for June 9, 2010 in Mancos and 5 counties will be represented. Mr. Forth explained that he is the executive director of Onward, which is a Legacy Foundation. They invited the

Board to attend the elected official's portion of the event. Ms. Miller explained how much money actually comes into the Southwest Region from this event.

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

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

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

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

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

LUNCH: 12:10 p.m.

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

PLANNING: Planning Director Susan Carver presented a request to amend Resolution No. P-42-94 for Danny and Barbara Pierce. Resolution P-42-94 currently describes a 6.98 acre tract of land when the actual

tract size is 5.3 acres. Said tract is located at 19745 Road G, Cortez. Planning Director Susan Carver explained that the request is only to correct the legal description and acreage of the tract. Comm. Koppenhafer moved to approve resolution P-42-94 first amended on a tract of land owned by Danny and Barbara Pierce located at 19745 Road G, seconded by Comm. Chappell and carried. (See attached)

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

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

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

MEETING ADJOURNED 3:05 p.m.

Clerk May 24, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

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

DEWEY SMOUSE: A petition for abatement for tax year 2009 was received from Dewey Smouse on account number R005097. Appraiser Jim Fuller explained that the influence factor for the size did not transfer during the conversion and recommended approval. Dewey Smouse was present. Comm. Chappell moved to approve the abatement on the Dewey Smouse property on account number R005097, seconded by Comm. Koppenhafer and carried. (See attached)

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

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

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

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

LUNCH: 12:00

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

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

EMILY LUTKEN: The final plat for a 2 lot minor development by Emily Lutken was presented for review. The property is located at 12318 Road G, Cortez. Ernie Maness, with Maness and Associates was present. Findings on said property was reviewed. Comm. Koppenhafer moved to approve the final plat for the Lutken 2

lot minor subdivision as presented along with approval of the findings. Seconded by Comm. Chappell and carried. (See attached)

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

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

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

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

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

MEETING ADJOURNED 3:40 p.m.

Clerk June 7, 2010

Chairman

MONTEZUMA COUNTY, COLORADO
June 14, 2010

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

SHERIFF'S OFFICE: A gaming impact grant was presented for signature. Said grant is for GPS systems that will work with dispatch and will have the ability to retrieve records while in the vehicle. Comm. Chappell moved to sign

the gaming grant agreement number 09649 for the Montezuma County Sheriff's Office GPS interface, seconded by Comm. Koppenhafer and carried. (See attached)

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

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

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

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

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

LUNCH:

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a possible violation of the Montezuma County Land Use Code in regard to the apparent operation of an auto salvage yard. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Susan Carver explained the complaint. The property is located at 26745 Road H, Cortez. She said the complaint deals with the apparent operation of an auto salvage yard on the property. L.D. and Tresa Gleeson is the owner of record of said property. Mr. Gleeson said Freddie and Teresa Wilson is currently living at the Road H address. Mr. and Mrs. Gleeson's daughter Susan Kidd explained the situation stating the Wilson's are living there

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

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

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

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

ZONING OPTIONS: The zoning options as presented by the Planning Department were discussed. Andy Logan with the Planning Commission gave his views of said meetings. Director Carver gave a summary of the meetings that were held previously throughout the County. Five options were discussed with option 1 being doing nothing, option 2 with response to LIZ which would require minimal amendments to the Land Use Code, option 3 deals with response to LIZ requiring significant amendments to the Land Use Code and Comprehensive Plan, option 4 would eliminate LIZ and adopt conventional zoning requiring major amendments to the Land Use Code and lastly option 5 is a response to LIZ and would require minimal amendments to the Land Use Code and Comprehensive plan. (See attached) She said the Planning Commission is now asking for direction from the Board on the work done thus far. It was suggested that a corridor be established concerning commercial and industrial zoning along the highways. The Planning Commission said the major issue that came out of the area meetings was the majority of the people wanted to see the County zoned. He suggested the County have an industrial park like the City does. Director Carver will return at a later date with the options being better defined.

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

Agenda SW Water Conservation District. (See attached)

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

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

Dolores Water Conservancy District meeting minutes. (See attached)

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

MEETING ADJOURNED 4:30 p.m.

Clerk June 14, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave the monthly update concerning the Fairgrounds. He talked about the income statement saying it is up. The recent Rodeo went well. Manager Young questioned the Rodeo contract asking about a \$2.00 per car parking fee. Since the fee has never been charged that portion will be removed from the contract. He said there has been no RV hookup charges for the

Rodeo events. Manager Young will inform the Rodeo committee that in the future there will be a charge for RV hookups at the Fairgrounds.. He talked about the Corriente cattle show returning. Discussed replacing the marquee with an electric sign in the future. (See attached)

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

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

Montezuma County Sheriff’s Office monthly report for May 2010. (See attached)

Montezuma County Housing Needs Assessment (See attached)

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

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

MEETING ADJOURNED 12:45 p.m.

Clerk June 21, 2010

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS

MONTEZUMA COUNTY, COLORADO
June 28, 2010

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

KINDER-MORGAN CO2, LP Account number 0100076

KINDER-MORGAN CO2, LP. Account number P100037

KINDER-MORGAN CO2, LP. Account number 0100079

KINDER-MORGAN CO2, LP. Account number P100424

KINDER-MORGAN CO2, LP. Account number 0100034

KINDER-MORGAN CO2, LP. Account number P100035

KINDER-MORGAN CO2, LP. Account number 0100077

KINDER-MORGAN CO2 ,LP. Account number 0100078

KINDER-MORGAN CO2, LP. Account number P100078

LINDE INC. Account number 0100036

QUESTAR EXPLORATION & PRODUCTION. Account number 0100092

QUESTAR EXPLORATION & PRODUCTION. Account number 0100087

QUESTAR EXPLORATION & PRODUCTION. Account number 0100226

QUESTAR EXPLORATION & PRODUCTION. Account number 0100332

PATTERSON UTI DRILLING CO. Account number P001022

CORTEZ PIPELINE COMPANY. Account number P010543

QUESTAR EXPLORATION & PRODUCTION. Account number P100089

KINDER-MORGAN CORTEZ PIPELINE CO. Account number U000038

VERIZON WIRELESS (VAU) LLC. Account number U000268

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

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

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

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

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

QWEST CONTRACT: IT Specialist Rob Peterka and **Amber Kingery** met to discuss the Qwest contract. He explained the County does its own switching and routing which saves the County money. Mr. Peterka spoke about the routing of phone calls in the county offices (ps alley) and explained the phone system the

County has. He addressed how 911 calls are received saying if an office calls 911 it doesn't designate which office called it just comes up to 109 W. Main. Comm. Koppenhafer moved to sign the agreement between Qwest Corporation for private switch/automatic location identification service and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:05

PLANNING:

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

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

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

CDOT LETTER: Director Carver informed the Board she has received letters from CDOT regarding the extension of access permit number 50875 for the Simmons Gravel Pit. The letter gave authorization for a one-year extension of said permit for access permit number 508075. (See attached) It was also noted that a complaint from Eric and Elizabeth Janes was received regarding dust emission from the Simmons and Noland Pits. Director Carver discussed other complaints received. One is concerning problems on Road N.6 loop where people are making left turns damaging concrete barriers and signs being damaged or removed. (See attached) Another complaint about a windmill on property north of Mancos was received. (See attached)

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

CORRESPONDENCE: The following correspondence was read and noted:

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

Letter from Southern Ute Indian Tribe. (See attached)

Letter from Family Leadership Graduation Invitation (See Attached)

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

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

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

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

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

MEETING ADJOURNED 3:15 p.m.

Clerk June 28, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LUNCH: 12:00 noon

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

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

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

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

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

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

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

- Letter to the Editor from Becky O’Camb regarding the Cortez Cemetery District. (See attached)
- Letter stating the extension for opening briefs case #2010CA292 from Echo Basin Ranch, Dan and Kathi Bjorkman with a denial stamp by the Colorado Court of Appeals. (See attached)
- Letter from Ned Harper concerning position on Arizona Immigration law. (See attached)
- Dolores Water Conservancy District minutes and agenda. (See attached)
- Letter from Secretary of Interior regarding PILT payments. (See attached)
- Extension Office update June 2010. (See attached)
- Letter from DOLA concerning 2010 Notice of Valuation. (See attached)

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

MEETING ADJOURNED 4:55 p.m.

Clerk July 12, 2010

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

Carol Tullis, County Clerk

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

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

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

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

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

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

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

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

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

LUNCH: 12:05 P.M.

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

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

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

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

CORRESPONDENCE: The following correspondence was read and noted:

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

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

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

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

MEETING ADJOURNED 3:05 p.m.

Clerk July 19, 2010

Chairman