

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

- County Attorney; Bob Slough
- County Administrator/Budget Officer; Ashton Harrison
- County Road Supervisor; Dean Roundtree
- Director of Social Services; Dennis Story
- Director of Public Health; Lori Cooper
- Health Officer; Dr. Kent Aiken
- Region 9 Economic Development Board; Steve Chappell, Alternate; Larrie D. Rule
- Southwest Regional Transportation Committee; Larrie D. Rule, Alternate; Steve Chappell
- Veteran's Affairs Officer, Bud Carrier. Term to expire Jan. 2013.
- Legal Publications; Cortez Journal

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

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

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

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

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

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

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

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

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

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

**LUNCH 12:15**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. This public hearing is for the purpose of reviewing and determining AR 3-9 and AR 10-34 zoning request and pre-sketch Plan for a proposed 2-Lot Minor development on property owned by **Joseph Casey** and **Lorraine Simms** located at 27911 Road M, Dolores, Co. containing 39.23 acres, more or less. There was no public comment. Commissioner Chappell moved to approve the AR 3-9 zoning request for Lot #1 and AR 10-34 zoning for Lot #2 in the **Hot Iron Minor Sub Division** property owned by **Joseph Casey** and **Lorraine Simms** as presented. Second by Commissioner Koppenhafer, motion carried. (See attached) Commissioner Koppenhafer moved to approve the Final Plat for the **Hot Iron Sub Division** as presented, seconded by Commissioner Chappell, and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. A public hearing to review an Industrial Zoning request on property owned by **Gerald** and **Verinia Fosnot**, business location of **Cortez Electric Inc.**, located at 10419 Hwy 491 Cortez, Co. consisting of 1.03 acres, more or less. There was no public comment. Commissioner Koppenhafer moved to approve the zoning request for property owned by **Gerald and Verinia Fosnot**, business location of **Cortez Electric, Inc.** located at 10419 Hwy. 491, Cortez, Co. as presented. Second by Commissioner Chappell, motion carried. (See attached)

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

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

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

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

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 4:20 p.m.**

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Clerk January 9, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

**LUNCH: 12:00**

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

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

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

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

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

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

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

**ORDERS:** The following orders were presented for approval.

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

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

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

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

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

Invitation to the Seventh Annual Energy Forum and Expo Co.

Thank You from the The Nest Child Advocacy Center.

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

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

Colorado Board of Health agenda.

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

**MEETING ADJOURNED 2:40 p.m.**

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Clerk January 23, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

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

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

**LUNCH: 12:00**

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

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

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 3:40 p.m.**

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Clerk January 30, 2012

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Chairman

Online Copy

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

**EMERGENCY MANAGEMENT:** Did not appear

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

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

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

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

**LUNCH: 12:00**

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

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

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

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

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

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

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

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

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

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

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

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

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

Notice of regular Board Meeting for Southwest Water Conservation Dist.

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

CDOT letter regarding the TPR boundary revision process.

CCI meeting correspondence.

CHSDA memo request for child welfare funding consultant.

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

DWCD regular meeting and minutes of 12/8/2011

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

**MEETING ADJOURNED 3:45 p.m.**

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Clerk February 6, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read and the proceedings were recorded for the record. This hearing is to review and determine the adoption of an updated Official County Road Map. Due to the fact this public hearing was not listed on the agenda for today's meeting, it was suggested the hearing be noticed and held on April 2, 2012 at 9:00 a.m. Comm. Rule made a motion to move this hearing to April 2, 2012 at 9:00 a.m., seconded by Comm. Koppenhafer and carried.

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

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

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

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

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

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

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

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

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

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

**LUNCH: 12:30**

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

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

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

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

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

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

**MEETING ADJOURNED 3:30 p.m.**

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Clerk February 13, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

**LUNCH: 12:00**

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 3:30 p.m.**

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Clerk February 27, 2012

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Chairman

Online Copy

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 12:05 p.m.**

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Clerk March 5, 2012

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Chairman

Online Copy

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 11:20 a.m.**

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Clerk March 19, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

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

**LUNCH: 12:00**

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

**BAKER SANITATION: Cancelled.**

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

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

**MEETING ADJOURNED 2:55 p.m.**

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Clerk March 19, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LUNCH:**

**PLANNING:** The following items were presented:

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

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

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

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

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

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

**MEETING ADJOURNED 2:20 p.m.**

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Clerk March 12, 2012

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Chairman

Online Copy

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. This public hearing is for the purpose of reviewing and determining the **Official County Road Map**. GIS Specialist Doug Roth presented the proposed Official County Road Map as well as a slide show of the changes included within the map. There were no public comments given. Commissioner Koppenhafer moved to approve the 2012 Official County Road Map as presented on April 2, 2012. The motion was seconded by Commissioner Rule, and the motion carried. (See attached)

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

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

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

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

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

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

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

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

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

**MOTION TO ADJOURN**

**MEETING ADJOURNED**

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Clerk April 2, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

**LUNCH:**

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

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

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

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

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

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

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

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

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

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

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR10-34 zoning request on two separate tracts of land that were created by an after-the-fact exemption. The properties are owned by Phil R. and Rebecca A. Moore with property located at 24902 Road F, consisting of 10 acres, more or less; and property owned by Reva L. Moore Family Trust located at 24600 Road F, consisting of 30 acres, more or less. Director Carver gave the Board an overview of the application. Melynda Carver represented the application. Comm. Chappell opened the hearing to public comment, Hearing none that portion was closed. After hearing all the evidence presented Comm. Rule moved to approve the AR10-34 zoning request on two separate tracts of land that were created by an after-the-fact exemption for Phil R. and Rebecca A. Moore located 24902 Road F consisting of 10 acres, more or less, and property owned by the

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

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

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

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

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

**MEETING ADJOURNED 4:15 p.m.**

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Clerk April 9, 2012

Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

**LUNCH: 12:30**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 5:15 p.m.**

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Clerk April 16, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

**LUNCH: 12:00**

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

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

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 3:15 p.m.**

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Clerk April 23, 2012

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Chairman

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

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

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

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

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

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

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

#### **LUNCH: 12:00**

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

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

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

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

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

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

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

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

**MEETING ADJOURNED 4:00 p.m.**

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Clerk April 30, 2012

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Chairman

Online Copy

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

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

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

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

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

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

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

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

**SOUTHWEST RETAC:** Did not appear.

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

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

**LUNCH: 12:00**

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

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

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

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

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

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

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

Letter from Susan Thomas, Project Coordinator of Geotourism Mapguide.

Letter from Axis Health System.

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

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

**MEETING ADJOURNED 3:45 p.m.**

Online Copy