The Board of County Commissioners met in Regular Session at the County Administrative Office Board Room at 9:30 a.m. Those present: Keith Caddy, Chairman; Glen Davis, Commissioner; Martha Whitmore, County Attorney; Ken Norris, County Manager; Eloise Lentz, Clerk to the Board.

A. WELCOME

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL: Keith Caddy, District 1: Present       Glen Davis, District 2: Present
               Roger Rash, District 3: absent

4. PUBLIC COMMENT PERIOD: This was the time for members of the public to present issues of concern or interest to the Board.

Montrose Resident Nancy Medlock reminded the public that the Police Officers Memorial Remembrance Event would take place on May 15, 2018, 10:00 a.m. at Centennial Plaza in downtown Montrose.

Commissioner Caddy welcomed the Genealogical Society to the BOCC meeting. Librarian Sue Nichol noted that previously there had been discussion with the Commissioners regarding the County providing a location for the Genealogical Society to set up offices. The groups intent today was to serve as a reminder that they were still in need of accommodations. It had been requested that the County provide free space for the group, and in turn they would assist the County by archiving records. Requests for preservation of documents and clients seeking information had increased. The former PIC building and the west wing of the County’s south campus were offices potentially available. The members would be willing to help with painting, etc. Commissioner Caddy noted that both facilities suggested were in dire need of repair.

Genealogical society handout.pdf

B. COUNTY MANAGER, Ken Norris consideration for removal or change in any items on this Agenda:

Item D-2 adjustment.
C. CONSENT AGENDA:

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

1. Request for approval of General Fund and Special Fund Expenditures: 04/04/2018 and 04/13/2018

C1 Payables 040418 and 041318

2. Approval of Minutes: 03/21/2018, 03/28/2018 and 04/04/2018

C2 BOCC Minutes 032118
C2 BOCC Minutes 032818
C2 BOCC Minutes 040418

3. FAIRGROUNDS/EVENT CENTER, authorization for the Chairman’s signature on an entertainment agreement with Vince Morgan, ASE LLC to provide family entertainment that includes a freestyle motocross show at the 2018 Montrose County Fair, as reviewed by Counsel; this agreement represented a Fair Board expense of $19,000.00 in support of Strategic Plan Priority #1 Managed Growth and Economic Development.

C3 Fairgrounds-Event Center Vince Morgan ASE LLC Agreement

4. MONTROSE REGIONAL AIRPORT, authorization for the Chairman’s signature on the First Amendment to the Hangar Lease with the State of Colorado, Department of Public Safety, Division of Fire Prevention and Control, extending the current lease for three (3) years, effective upon the signature of the State Controller or Designee, as reviewed by Counsel; representing annual revenue of $22,357.56 and in support of Strategic Plan Priority #1 Managed Growth and Economic Development.

C4 Airport CO Hangar Lease 1st Amendment
5. MONTROSE REGIONAL AIRPORT, authorization for the Chairman's signature on the Hangar Lease with St. Mary's Hospital & Medical Center, Inc., effective 4/18/18, as reviewed by Counsel. This represented annual revenue in the amount of $22,357.56 and supports Strategic Plan Priority #1 Managed Growth and Economic Development of Montrose County.

C5 Airport  St Mary’s Hosp-Medical Ctr Inc Hangar Lease

6. GOVERNMENT AFFAIRS, authorization for the Chairman’s signature on a Deed of Easement to the City of Montrose, as reviewed by Counsel. This deed provides the City of Montrose with a non-exclusive utility easement for a waterline. This action has no budgetary impact and supports Strategic Plan Priority #1 Managed Growth and Economic Development.

C6 Government Affairs  City of Montrose-Deed of Easement

7. GOVERNMENT AFFAIRS, the Chairman’s signature on a Community Partnership Agreement with Colorado Mesa University, as reviewed by Counsel. This agreement stipulates conditions related to County funding being provided to the organization in 2018. This action represented a budgeted expense in the amount of $85,000.00 and supports Strategic Plan Priority #4 Effective and Responsive Government.

C7 Government Affairs  CO Mesa University CPA

8. GOVERNMENT AFFAIRS, the Chairman’s signature on a Memorandum of Understanding (MOU) with Delta County and Mesa County, Colorado, as reviewed by Counsel. This MOU outlines Montrose County’s participation in a shared DOLA Grant to be used for consulting services. Delta County is the fiscal agent for this grant. This action represented a budgeted expense in an amount not to exceed $11,111.00 for 2018 in support of Strategic Plan Priority #5 Increase Citizen Engagement and Represent Local Interests.

C8 Government Affairs  Delta-Mesa Counties MOU

COMMISSIONER DAVIS MADE A MOTION TO APPROVE THE CONSENT AGENDA AS WRITTEN. COMMISSIONER RASH SECONDED. MOTION PASSED UNANIMOUSLY.
D. GENERAL BUSINESS & ADMINISTRATIVE ITEMS:

1. GOVERNMENT AFFAIRS, Jon Waschbusch, Director, authorization for the Government Affairs Director to finalize and submit an Application for Annexation to the City of Montrose. This application, to be known as the Hogback Addition, would request annexation of County owned property located on Sunset Mesa, as reviewed by Counsel. This property was the site of a former County owned gravel pit which has since been reclaimed in support of Strategic Plan Priority #1 Managed Growth and Economic Development.

D1 Government Affairs  Hogback Addition

Director Waschbusch pointed out that this 19-acre parcel was acquired by Montrose County in the early 1980's, to be used as a permitted gravel pit. In recent years that property was reclaimed, the pit closed and released from any further obligation by the State of Colorado. This was currently vacant land and declared surplus by the County Commissioners in an effort to sell to private ownership. The County had endeavored to improve access for this parcel and now it had potential to be a more desirable piece on the private market. If approved, the County would submit an annexation application to the City of Montrose. This application would not require a signature from the Chairman of the Board, but once the City deemed the application complete, there would be a document for the Chairman’s signature.

COMMISSIONER DAVIS MOVED TO AUTHORIZE THE GOVERNMENT AFFAIRS DIRECTOR TO COMPLETE AND SUBMIT AN ANNEXATION APPLICATION FOR THE HOGBACK ADDITION TO THE CITY OF MONTROSE AND TO AUTHORIZE THE CHAIRMAN’S SIGNATURE ON THE ANNEXATION PETITION TO THE CITY OF MONTROSE AT SUCH TIME AS IT WAS DEEMED NECESSARY. COMMISSIONER CADDY SECONDED. MOTION PASSED TWO WITH ONE ABSENT.

Director Waschbusch informed the Commissioners that the County received a preliminary notification that the County would receive a $194,000.00 grant from the State of Colorado to complete the OHV (Off Highway Vehicle) trail on the west end of the County. This would be the missing link in the 160-mile-long Rim Rocker Trail from Montrose, Colorado to Moab, Utah. Currently 158.6 miles were OHV legal and this grant would allow completion of the remaining portion.

Commissioner Caddy commended Director Waschbusch for his extensive efforts regarding this grant.
2. COUNTY ATTORNEY, Lane Thomasson, Carolyn Clawson, adoption of RESOLUTION NO. 24-2018 to proceed with improvement and expansion of Spring Canyon Road by replacing an unsafe bridge with a box culvert, and authorization to provide the County Attorney the authority to proceed with negotiations with landowners regarding just compensation for the acquisition pursuant to CRS 38-1-101 and initiating eminent domain proceedings as it deems necessary to complete the transaction. This is in support of Strategic Plan Priority #4 Effective and Responsive Government.

D2 County Attorney Spring Creek Road Transmittal

D2 County Attorney Spring Creek Road RES

Attorney Clawson clarified that this included authorization under CRS 43-2-112 for the certification by the Board of County Commissioners to the CDOT (Colorado Department of Transportation) Commission, as needed to complete this transaction.

RESOLUTION NO. ___-2018
MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS
Concerning
IMPROVEMENT OF SPRING CANYON ROAD

WHEREAS, pursuant to C.R.S. § 43-2-112 and C.R.S. § 30-11-107(h), the Board of County Commissioners (the “Board”) shall approve and designate by written resolution duly adopted by a majority vote of the Board, expansions and improvements of county roads requiring acquisition of additional land by eminent domain; and

WHEREAS, the Board hereby determines that Spring Canyon Road located in Montrose County, requires limited expansion for the purpose of replacing a bridge that is no longer safe with a box culvert, that requires an additional acquisition of a very limited amount of private property, amount to 0.092 of an acre; and

WHEREAS, the 0.092 of an acre that is to be acquired by the County was appraised on February 23rd, 2018 for a value of $500.00; and

WHEREAS, in accordance with C.R.S. § 43-2-112(1) and C.R.S. § 38-1-101(2)(b), the Board must determine the public purpose for expansion and improvements of Spring Canyon Road. Such expansions and improvements have the public purpose of providing safer access to lands
WHEREAS, the Board declares that the replacement of the bridge with a box culvert, which requires a very limited expansion of Spring Canyon Road in order to accommodate the necessary box culvert, is necessary for the continued public access and use of this road and finds that such limited acquisition of private property in order to accomplish the bridge replacement with a box culvert is in the public interest; and

WHEREAS, the legal descriptions of the Easements required for the Board to accomplish the public purpose are listed below:

Access and Culvert Easement:

A strip of land 12 feet wide, situated in Section 23, Township 48 North, Range 10 West, New Mexico P.M., Montrose County, Colorado, being 6 feet each side of the following described centerline: Beginning at a point which bears S70°42′13″E 1554.59 feet from the Northwest corner of said Section 23; Thence 66.98 feet along the arc of a curve to the right with a radius of 100 feet, an interior angle of 38°22′31″ and a chord of N46°10′53″E, 65.73 feet; Thence N65°22′08″E 33.02 feet to a point of termination. Containing 0.028 Acres more or less as described.

North Culvert Easement:

A parcel of land situated in Section 23, Township 48 North, Range 10 West, New Mexico P.M. and being more particularly described as follows: Beginning at the NW corner of said Section 23; Thence S70°42′13″E 1554.59 feet to the centerline of the existing access easement; Thence N63°00′23″W 6.00 feet to the True Point of Beginning; Thence N63°00′23″W 14.00 feet; Thence 80.37 feet along the arc of a curve to the right with a radius of 120 feet, an interior angle of 38°22′31″ and a chord of N46°10′53″E, 78.88 feet; Thence N65°22′08″E 33.02 feet; Thence S24°37′52″E 14.00 feet; Thence S65°22′08″W 33.02 feet; Thence 71.00 feet along the arc of a curve to the left with a radius of 106 feet, an interior angle of 38°22′31″ and a chord of S46°10′53″W, 69.68 feet to the True Point of Beginning; Containing 0.035 Acres more or less as described.

South Culvert Easement:

A parcel of land situated in Section 23, Township 48 North, Range 10 West, New Mexico P.M. and being more particularly described as follows: Beginning at the NW corner of said Section 23; Thence S70°42′13″E 1554.59 feet to the centerline of the existing access easement; Thence N63°00′23″E 6.00 feet to the True Point of Beginning; Thence 62.96 feet along the arc of a curve to the right with a radius of 94 feet, an interior angle of 38°22′31″ and a chord of N46°10′53″E, 61.79 feet; Thence N65°22′08″E 33.02 feet; Thence S24°37′52″E 14.00 feet; Thence 65°22′08″W 33.02 feet; Thence 53.58 feet along the arc of a curve to the left with a radius of 80
feet, an interior angle of 38°22’31” and a chord of S46°10’53”W, 52.59 feet; Thence N63°00’23”W 14.00 feet to the True Point of Beginning; Containing 0.029 Acres more or less as described.

**Basis of the Bearing:**

The bearing between the found 3 ⅜” Aluminum Cap at the Northwest Corner of Section 23, Township 48 North, Range 10 West, N.M.P.M. and the found 3 ¾” Aluminum Cap at the North ¼ Corner of said Section 23, bears N87°57’47”E (ASSUMED)

**WHEREAS,** pursuant to C.R.S. § 43-2-112(1), the Board of County Commissioners shall cause the Director of Public Works in his role as the road supervisor to obtain an appraisal of the land to be condemned, provide the appraisal to the landowners, survey the land to be acquired, and make a written report to the Board of County Commissioners describing the proposed road to be laid out, or changed, and the portions of land of each landowner to be taken for that purpose; and

**WHEREAS,** said report and survey shall be accompanied by a map showing the present and proposed boundaries of the portion for the county road to be established, opened or changed, together with an estimate of the damages and benefits accruing to each landowner whose land may be affected thereby; and

**WHEREAS,** the board must certify the report to the transportation commission and cause a plat to be filed in the office of the county clerk and recorder in a book kept for that purpose; and

**WHEREAS,** the Board shall authorize Montrose County staff to take such action as needed to acquire land to complete the transaction and to negotiate on behalf of the County the just compensation required for acquisition of land needed to accomplish the Board’s public purpose.

**NOW, THEREFORE, BE IT RESOLVED,** the Board of County Commissioners of Montrose County, Colorado hereby declares:

1. The very limited expansion and improvements of Spring Canyon Road by replacing an unsafe bridge with a box culvert is necessary to serve the public interest by continuing the availability of access to public lands; and
2. The Director of Public Works is hereby directed and authorized in his role as road supervisor to provide the landowners with an appraisal, survey the land and make written report describing the land to be changed and the landowners affected by such change; and
3. Authorizes Montrose County staff to take such action as necessary to acquire the land needed to complete the expansion and improvements of Spring Canyon Road including negotiating just compensation with the landowners for acquisition, and commencing such legal action as the County Attorney deems necessary to complete the acquisition.

This Resolution may be extended, revised, amended or revoked by subsequent resolution prior to its expiration by majority vote of the Montrose County Board of County Commissioners.

**ADOPTED AND EFFECTIVE** this _____ day of __________, 2018.

**BOARD OF COUNTY COMMISSIONERS,**

This document was approved on ______.  
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Montrose Resident Nick Hidu pointed out that this road passed through his 80-acre parcel. This construction was previously approved at a BOCC meeting in Olathe, and was intended to have been completed within 3 (three) months. Mr. Hidu queried and Commissioner Caddy explained there should be no more delays, but there was no schedule as to when it would begin.

COMMISSIONER DAVIS MADE A MOTION FOR THE APPROVAL OF THE CHAIRMAN’S SIGNATURE ON RESOLUTION NO. 24-2018 AS READ INTO THE RECORD BY ATTORNEY CLAWSON. COMMISSIONER CADDY SECONDED. MOTION PASSED TWO WITH ONE ABSENT.

3. COUNTY MANAGEMENT, Kathy Kacso, appointment of Philip Booker to the Montrose Memorial Hospital Board of Trustees to fulfill a vacancy with a term expiration of January, 2020 in support of Strategic Plan Priority #4 Effective and Responsive Government and Priority #5 Increase Citizen Engagement and Represent Local Interests.

COMMISSIONER DAVIS MADE A MOTION THAT MR. BOOKER BE APPOINTED TO THE MONTROSE MEMORIAL HOSPITAL BOARD OF TRUSTEE’S TO FILL A VACANCY WITH A TERM EXPIRATION OF JANUARY, 2020 IN SUPPORT OF STRATEGIC PLAN PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT AND PRIORITY #5 INCREASE CITIZEN ENGAGEMENT AND REPRESENT LOCAL INTEREST. COMMISSIONER CADDY SECONDED. MOTION PASSED TWO WITH ONE ABSENT.

Commissioner Caddy swore in Mr. Booker

E. PLANNING AND DEVELOPMENT:

1. Planning and Development Director Steve White, Sinner Large Tract Exemption (EX-17-0051); Proposal: To divide an eight (8)-acre parcel from an 81-acre tract; Owner: R. Paul and Nikki Sinner; Applicant: Same

E1 P&D_Sinner Staff Report
E1 P&D_Sinner Plat
COMMISSIONER DAVID MADE A MOTION TO APPROVE THE SINNER LARGE TRACT EXEMPTION (EX-17-0051); TO REMOVE AN 8 (EIGHT) ACRE PARCEL FROM AN 81-ACRE TRACT. OWNER IS R. PAUL AND NIKKI SINNER; APPLICANT: SAME. COMMISSIONER CADDY SECONDED. MOTION PASSED TWO WITH ONE ABSENT.

F. EXECUTIVE SESSION: NONE

COMMISSIONER DAVIS MADE A MOTION TO ADJOURN. COMMISSIONER CADDY SECONDED. MOTION PASSED TWO WITH ONE ABSENT.

With no further business coming before the Board, the Board of County Commissioners adjourned at 10:00 a.m.

ATTEST:

BOARD OF MONTROSE COUNTY COMMISSIONERS

______________________________
Keith Caddy, Chairman

Tressa Guynes, Clerk & Recorder

______________________________
Roger Rash, Vice Chairman

By: ________________________________

Eloise Lentz, Clerk to the Board

_________________________________
Glen Davis, Commissioner