The Board of County Commissioners met in regular session held at the Nucla Town Hall at 10:30am. Those present: David White, Chairman; Ronald Henderson, Commissioner; Carolyn Clawson, Deputy County Attorney; Ken Norris, County Manager; Sandy Nelson, Chief Deputy Clerk to the Board.

A. WELCOME

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL: Ronald Henderson, District 1 Present
   Glen Davis, District 2 Absent
   David White, District 3 Present

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

Debra Lear, a Montrose County resident and Clerk for the Town of Naturita, explained that DOLAI approved the Town of Naturita’s Energy and Mineral Impact Assistance Funds grant application for the flood control project; this grant was fully funded. When Montrose County allocated $33,000 to Nucla, Naturita, and Olathe, the Town of Naturita decided to use the funds to obtain a grant that would bring in a larger amount of funds. Ms. Lear received an email from Emergency Manager Don Angell (dated August 4, 2015) suggesting that a portion of the $33,000 be used to clean out the pond. Ms. Lear noted that the $33,000 could not be utilized for that purpose because it had already been allocated to go towards the matching funds of the grant. Subsequently, a bid for cleaning out the pond was obtained from Williams Construction (the only excavation contractor in the area) for $20,933.00.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Dola Grant</td>
<td>$341,250.00</td>
</tr>
<tr>
<td>County Grant</td>
<td>$33,000.00</td>
</tr>
<tr>
<td>Clean Pond prior to Grant contract</td>
<td>$20,933.50</td>
</tr>
<tr>
<td>Fund left from Grant</td>
<td>$12,066.50</td>
</tr>
<tr>
<td>Town Match</td>
<td>$1,060,864.50</td>
</tr>
<tr>
<td>Total</td>
<td>$455,000.00</td>
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The chart below outlines the projected sales tax revenue for the year, which shows how little the Town of Naturita had available for covering expenses.

| The Sales Tax 4%       | $221,206.00 |
| - 1% Capital Improvement Tax | $55,306.00 |
| Total in Sales Tax    | $165,900.00 |
| The Property Tax      | $45,516.00  |
| Total in these yearly taxes | $266,722.00 |

Ms. Lear expressed appreciation for all that Montrose County had given them but noted they needed to continue to ask for assistance for each phase of the project. Naturita did not have the funds, proper equipment or operators to clean the pond. At Commissioner White’s inquiry, Ms. Lear affirmed that this phase covered the cost of the retention pond; she explained however, that the grant paid for the expense of the retention pond. Details of the project are shown below.
Recommendation

A detention pond is designed to capture and store high flows while releasing low to moderate flows. Without major renovation of the existing detention pond embankments, the pond cannot be effectively used as a detention pond. Our site observations did not indicate that the embankment could be easily repaired. We are recommending that 36" diameter CMP be installed from the pond to the existing 48" storm drain pipe on the north side of the Highway. A large capacity concrete grated inlet box should be installed near the bottom of the pond. Due to the size of the pipe, open cut of the Highway may be needed. The final design could allow the existing highway drainage structures to continue to operate as installed. Portions of the existing 24" CMP under the Highway should be backfilled with flowable fill to prevent future damage to the Highway. It will be necessary to obtain an easement for this project.
Commissioner White noted that the recent fire on BLM\textsuperscript{ii} land caused flooding in the Town of Naturita and he inquired whether BLM had been contacted. In response to the question, Ms. Lear inquired whether Bobby Reeder, Superintendent for the west end County Road and Bridge Department had visited the BLM site. Road and Bridge Superintendent Reeder asserted his belief that the BLM had no intention to assist with flood remediation costs. He also noted that the pond was cleaned several years ago and costs were approximately $1,200.00. Commissioner White noted that the bid obtained from Williams Construction for cleaning the pond was approximately $21,000.00. He itemized the bid as follows.

- Mobilization- $7,970.00
- Access Road- $1,848.00
- Erosion Control (Rip-Rap Placement)- $891.00
- Pond Cleaning (Excavation)- $1,0224.50
- Bid Total- $20,933.50

Ms. Lear pointed out that the pond cleaning cost was listed incorrectly (above) and should be $1,224.50. At Ms. Lear’s comment that the mobilization fee was prohibitive, Naturita Mayor John Riley explained that approximately 60 yards of material needed to be installed before the pond could be accessed. Public Works Director Ken Winckler noted a private individual owned the pond. Ms. Lear affirmed this was correct and explained that Debbie Moore owned the pond. At Public Works Director Winckler’s inquiry, Ms. Lear clarified that Ms. Moore had verbally agreed to issue an easement to Naturita. One issue concerning an easement involved property with outstanding property taxes that had not been paid since 1982; the County would need to forgive those taxes before the property owner would agree to an easement. The property owner maintained that the property was worthless because the property was flooded every time it rained. Ms. Lear had suggested to the property owner the possibility of donating the land to the Town of Naturita if the County would forgive the property taxes. Ms. Lear explained that the property could not be put up for sale in a tax sale because it was in a flood zone. County Manager Ken Norris asserted that the County was working with the County Treasurer (Rosemary Murphy) regarding the matter.

Commissioner White noted it was his understanding that the County built the retention pond in the 1950’s; however, there was no record of the event.

Ms. Lear reported that in the last eight years, flooding in the Town of Naturita was continuing to worsen. Commissioner White asked County Manager Norris to work on the situation in conjunction with the Road and Bridge Department. County Manager Norris agreed to do so. Commissioner White pointed out that having the
pond cleaning in the grant seemed redundant; paying for the costs of the cleaning twice was unnecessary. At Commissioner White’s inquiry, Ms. Lear explained that it would be four to six weeks before DOLA would have the grant contract ready for signature. Public Works Director Winckler inquired whether the $20,000 from the grant would cover costs for the access road and riprap. Ms. Lear affirmed it would, but pointed out that the road and rip-rap would be torn out if Naturita was required to clean the pond again. Commissioner White agreed and noted that this would need to be done to expand the detention pond. Public Works Director Winckler agreed; Commissioner White noted there was a risk that in the meantime that the area would be flooded again. At Commissioner White’s inquiry, Ms. Lear affirmed that Naturita was in possession of a good supply of sand bags. Commissioner White suggested that instead of spending $20,000 to first clean the pond, that sand bags be used to prohibit flood damage. Ms. Lear suggested installing jersey barriers in that area. Public Works Director Winckler affirmed this could easily be done; the County could loan the barriers until construction work in the area was completed. Ms. Lear reported that large boulders fell from the hillside and lodged underneath the bridge on Hwy 141 during the previous flooding. An unidentified member of the public reported that CDOT\textsuperscript{ii} was attempting to remove the boulders. Ms. Lear noted that the flooding had damaged a great deal of the town’s sidewalks. Public Works Director Winckler assured Commissioner White that the County could install jersey barriers fortified by sand bags, which would divert water. This would be a temporary solution until the pond could be reconstructed. Commissioner White suggested that Naturita create a RFP\textsuperscript{iv} to begin the process of the project. Ms. Lear responded that the project would go out for bid as soon as the grant contract was signed, which Ms. Lear estimated to be approximately two weeks. The engineering invitation to bid had already been approved by DOLA Regional Manager Ken Charles. Ms. Lear also pointed out that the project would not be completed in time to prevent flooding; flooding usually occurred in that area during the month of August.

Richard Craig, a Montrose County resident, noted that he had discussed the possibility with County Clerk and Recorder Tressa Guynes of having an office in the west end of the County to accommodate drivers license processing.

Mr. Craig also asked what steps he could take to increase the amount of County roads that would allow ATV’s\textsuperscript{v} in the west end of the County. Commissioner White affirmed he was in favor of allowing ATV’s on County roads. Mr. Craig explained he wished for ATV use to be extended to Mail Box Road and into the Second Park area. Commissioner White suggested that Sheriff Rick Dunlap be consulted concerning the matter. Mr. Craig noted there had been no issues with ATV’s that were allowed on 25 Mesa Road and D Road and that he would discuss the matter with Sheriff Dunlap, who planned to be in the west end of the County that evening. Commissioner White asked Mr. Craig to compile and provide a list of roads he wished to add. Mr. Craig agreed to do so. Public Works Director Winckler asked Mr. Craig to submit the list of roads to him and that he would give it the Board of
County Commissioners. Commissioner White asserted he would consider the matter because he was not opposed to it.

Joshua Newingham, a Montrose County resident, informed the Board that County VSO Sheldon Smith had been coming to the west end of the County to the Veteran’s coffee meeting over the past three months. Participation had increased significantly since VSO Smith had started to attend. Mr. Newingham reported however, that he was informed on Monday (August 10, 2015) that VSO Smith had been limited to travel to the west end of the County in a County vehicle and only if someone from the County was also traveling to the west end. Mr. Newingham inquired whether VSO Smith could be authorized to attend the Veteran’s coffee meeting, which was held the second Wednesday of the month from 10:00am to 4:00pm. Commissioner White and County Manager Norris asserted they were not aware of this fact; however, County Manager Norris affirmed he would investigate the matter. Mr. Newingham reported that VSO Smith’s supervisor from HHS had limited his travels to the west end. He noted there had been no one helping the veteran’s in the west end for the past two years, and VSO Smith’s work with the veteran’s was greatly appreciated.

Mr. Craig noted that until VSO Smith had begun visiting the west end, no one was fully aware how many veterans lived in the area. Mr. Newingham added that over thirty veterans (from Nucla and Naturita) attended the first veteran’s coffee meeting that VSO Smith attended. Subsequently, veterans from Norwood, Redvale, Bedrock, and Paradox were also attending. At Commissioner White’s suggestion, Mr. Newingham supplied his telephone number to the Board.

Reed Mitchell, a Montrose County resident, and president of the Basin Clinic Board (Naturita), reported that the Basin Clinic Board submitted a letter to the County on Monday, August 10, 2015. Dawn Duran of the County Administration Office affirmed the County had received the letter; however, Commissioner White asserted that he had not yet read it. Mr. Mitchell noted that the upcoming year would be the third year since Montrose Memorial Hospital had withdrawn their financial support from the Basin Clinic. The County had helped Basin Clinic with its finances for the past three years and the letter requested that the County consider increasing its financial support to supplement costs for capital improvements (i.e. outdated digital analogue x-ray equipment). Basin Clinic had survived the withdrawal of the hospital’s financial support and was doing well with five providers that included three part-time physicians. Nancy Rambo, Basin Clinic Manager explained that the outdated x-ray equipment and accompanying computer needed to be replaced. She noted it was possible that Basin Clinic could obtain a matching grant to obtain the equipment. The IV pumps and AEDs were also in need of replacement. At Commissioner White’s inquiry, Mr. Mitchell asserted the letter did not include a list of items needed. The letter outlined the County’s past support of $265,000 (2013), $365,000 (2014), and $300,000 (2015) and requested the County give Basin Clinic $400,000 in 2016. A draft of Basin Clinic’s budget was also
included in the letter. Ms. Rambo assured Commissioner White that she would provide a list of items needed by Basin Clinic. Commissioner White also suggested a list of possible grants that were available to the Basin Clinic as well as amounts/services the County could provide as a match. Mr. Reed added that upgrades to Basin Clinic’s aging building were also necessary; costs for those upgrades would also be included in the upcoming correspondence to the County. Commissioner White suggested that Basin Clinic ask for community assistance on some of the upgrades to the building. Ms. Rambo reported that Basin Clinic’s revenues were above budget in 2015. Basin Clinic is paid $80 per visit from Medicare/Medicaid no matter what charges were incurred; therefore, they increased DOT physicals that brought in extra revenue. An internal medicine physician from Montrose as well as a physician from Ophir was now traveling to the west end of the County to attend the more difficult patients. Ms. Rambo noted that the small number (seven) of Basin Clinic personnel was performing exceptionally well when compared to a similar sized clinic that had seventeen full time personnel. Mr. Reeder added that Christine Daniels had created Basin Clinic’s 2016 budget.

Judy Millen, a Montrose County resident, informed the Board that Veteran Service Officer Sheldon Smith notified her on Thursday, August 6, 2015, that he was no longer authorized to visit veterans at the Resource Center. HHS had chosen to require that veterans travel to the HHS building to visit the VSO. Veterans were quite upset about this decision and had written many letters to HHS Director Kristin Pulatie. HHS Director Pulatie had responded with various contradictory reasons for the change, one of which was that the Commissioners ordered HHS Director Pulatie to direct that VSO Smith be moved back to the HHS office. Ms. Millen inquired if that statement were true. Commissioner Henderson affirmed it was correct. Commissioner White added that the Commissioners discussed the issue with HHS Director Pulatie and because VSO Smith was a HHS employee, and other services were available to the veterans at the HHS office, it was important he be located at the HHS office. Ms. Millen argued that most of the veterans in the west end of the County did not need or want to seek benefits from HHS; the VSO should be at the Resource Center, not HHS. At Commissioner Henderson’s inquiry, Ms. Millen explained that although veterans needed veteran’s services such as counseling and a safe place to meet, most did not want HHS services, such as welfare and food stamps; they also did not want to be associated with HHS. Commissioner Henderson acknowledged the Commissioners would consider the matter further. He added that one of the challenges the Commissioners faced was that there was some confusion about what services VSO Smith was providing; therefore, the Commissioners took this action to monitor VSO Smith’s activities. Commissioner White asserted that personnel issues were involved, which could not be discussed publicly. An issue had arisen regarding the number of veterans that visited the Resource Center from surrounding counties; however, these counties were not willing to support Montrose County’s service to the veterans of these counties. At Ms. Millen’s inquiry, Commissioner White responded that although there were provisions in Colorado statutes regarding a VSO, counties were not required to provide a VSO. Montrose County was a large county that warranted a VSO office. County Manager Norris informed Ms. Millen that before January of 2015,
the County had not financed a full time VSO. The County wholeheartedly supported the program, but needed to deal with the in-house issues, assure that all necessary services were being offered, and monitor funds being spent.

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

County Manager Norris announced that Item C4 of the Consent Agenda needed to be removed.

C. CONSENT AGENDA: All matters under the consent agenda are considered routine by the Board of County Commissioners and are enacted with a single vote. There was no separate discussion of these items. If discussion was deemed necessary, that item would have been removed from the Consent Agenda and considered separately:

1. Request for approval of General Fund and Special Fund Expenditures: NONE
2. Approval of Minutes: NONE
3. HEALTH AND HUMAN SERVICES, authorization for the Chairman’s signature on the annual Agreement to Purchase Out-of-Home Placement Services with Youthtrack San Luis Youth Center, effective 07/01/2015 through 06/30/2016, as reviewed by Counsel; this represented a budgeted reimbursed expense not to exceed available funding in support of Strategic Plan Priority #3 Provide for Public Safety.
4. HUMAN RESOURCES, approval for the appointment of Kristin Pulatie as Montrose County’s Director of Health and Human Services, effective 08/12/2015, as reviewed by Counsel, in support of Strategic Plan Priority #4 Effective and Responsive Government. This item was removed from the Consent Agenda.

COMMISSIONER HENDERSON MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED, WITH THE REMOVAL OF ITEM C4. COMMISSIONER WHITE SECONDED. MOTION CARRIED UNANIMOUSLY.

D. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS:

1. CLERK AND RECORDER, Tressa Guynes, consideration and award of the RFP Recording System Replacement Project #CCR-201311 to Pioneer Technology Group, LLC, dated 05/22/2015, based on best value to the County with authorization for the Chairman’s signature on the 2015 Budget Amendment in the amount of $36,275.00 to fund Phase 1 implementation of the Project in 2015.
This represented an unbudgeted expense in support of Strategic Plan Priority #4 Effective and Responsive Government.

Clerk and Recorder Tressa Guynes addressed the Board by introducing Clerk and Recorder Supervisor Pearl Lynch, who had been the primary person responsible for the RFP process and Chief Deputy Clerk Sandy Nelson. Clerk and Recorder Guynes read the following statement.

Some of the most important personal & trusted documents, such as documents claiming ownership of land, marriage licenses, military certifications & everything we hold in our County’s history for the citizens in Montrose County are housed in a software program that is nearly 10 years old. Our recording software technology & functionality at the Montrose County Clerk & Recorder’s Office is so antiquated & unstable that we experience daily system errors, system freezes & total failures. Our current software no longer comes with any upgrades or support. One of the biggest impacts to our office is the steady decline in customer service due to the constant system failures. These failures are compromising the customer service that our citizens deserve. These system problems also affect the County’s IT Department. When the system fails, IT staff has to get involved to get it cleaned up.

In early April of this year, I requested a meeting with the Board to discuss issues with our Recording software. In that meeting, Pearl & I expressed these issues & communicated the need for an upgrade on our recording system.

After discussing this need with the Commissioners, the County Manager Ken Norris, the County Attorney Teresa Williams, the County Finance Director Cindy Bennett & Sue Wheater, who is the County’s proficient with RFPs, we prepared a Request For Proposal (RFP) for a new recording software system.
Colorado County Clerk Recording Offices do not have any governing authority that oversees a state-wide recording system. This puts the burden on each individual county to research & determine which software vendor meets our needs. Our purpose throughout this process has been to provide the best due diligence for our citizens. We have pooled our Montrose County resources, as well as regularly communicated with numerous other counties. We’ve conducted months of research in preparation for this decision & recommendation. We followed the Montrose County Procurement Policy Methods of Source Selection for RFPs.

Throughout the RFP process, the County Attorney reviewed all procedures and documentation. Sue Wheater also provided valuable assistance.

The RFP was advertised in the Montrose Daily Press newspaper on May 22, 2015 and again on May 29, 2015 and posted on the County website.

Due to the lack of response (only two received) the RFP deadline was extended to 2:30 P.M. July 7, 2015. The RFP was advertised again in the Montrose Daily Press newspaper on June 30, 2015.

Proposals were received from:
1. Pioneer Technology Group
2. PropertyInfo Corp.
3. Tyler Technologies
4. Harris Recording Solutions

The RFP Evaluation Committee consisted of:
1. Pearl Lynch – Recording Department Supervisor
2. Tressa Guynes – County Clerk & Recorder
3. Sandy Nelson – Chief Deputy Clerk & Recorder
4. E.J. Trujillo – IT Director
5. Jim Lewis – IT Network / Systems Manager
Each Evaluation Committee member thoroughly reviewed all RFP responses and then met on July 8, 2015 to discuss and agree upon a “short list” of 3 vendors to present demonstrations. All five members participated in the demonstrations.

1. Pioneer Technology Group
2. PropertyInfo Corp.
3. Tyler Technologies

We contacted 31 counties for references seeking any and all information about these vendors.

The Committee met periodically to collaborate their findings and to compile additional questions for clarification from each vendor. We held conference calls with each vendor for follow up and clarification on technical issues that arose after the demonstrations, as well as regular email communication with all vendors throughout the entire process.

After extensive due diligence, the Evaluation Committee reconvened and scored the vendors based on the six Evaluation Criteria indicated in the RFP: Functionality of System, Customer Service, Technical Solution, References and Qualifications, Fee Schedule and Payment Options, and Strategy and Implementation Plan.

The Committee is prepared to make a recommendation to the Board of County Commissioners at the Board Meeting.

Clerk and Recorder Guynes reported that Pioneer Technology Group received the highest score; therefore, it was the Committee’s unanimous decision to extend a contract to Pioneer Technology Group for the new Montrose County recording system. The final ranking was as follows.
Once the Board of County Commissioners approved the bid award, the Clerk’s Office would negotiate a contract; the Clerk’s Office intended to negotiate a lesser fee than proposed in the RFP. It was anticipated a contract would be signed in 2015; upon signing of the contract, fifty percent of the license fee was due. The proposed amount was $26,275. The Clerk’s Office would be required to pay travel expenses such as airfare, hotel and food. The professional fees for installing the software were included in the license fee. There would be two onsite (weeklong) visits during the implementation and training phase; expenses were estimated to be $5,000 for each onsite visit. The first visit was planned for 2015; it was uncertain as to when the second visit would be necessary. The total 2015 cost of $36,275 included the two onsite visits ($5,000 each) and the license fee of $26,275. It was possible that $5,000 would be paid in early 2016 for the second onsite visit. In 2016, upon completion and acceptance of the final installation, the remaining balance (fifty percent) of the license fee, the full install and integration fee, the auto-redact fee, and the first year (in advance) maintenance fee would be due. The proposed total was estimated to be $95,625. Each of these fees would be negotiated during the contract phase; Clerk and Recorder Guynes expressed hope the fees would be negotiated to a lesser amount.

Commissioner Henderson noted that this investigation was a thorough and meticulous one, and was necessary because in the past, the County had purchased a software program that was less than satisfactory. He commended and expressed appreciation to Clerk and Recorder Guynes for assuring this would not happen in this situation. He also noted that the thorough investigation would be beneficial for Clerk and Recorder Guynes in the future. Clerk and Recorder Guynes pointed out that Chief Deputy Clerk Nelson and Supervisor Lynch had been instrumental in the investigation, as well as IT Director EJ Trujillo and Jim Lewis of the IT Department.
Reed Mitchell inquired what the service life of the software would be. Clerk and Recorder Guynes responded the service life would be at least fifteen years; however, the Clerk’s Office intended for it to be longer. The current software no longer offered upgrades; therefore, the Clerk and Recorder’s Office made certain that the new software came with upgrades, which meant the software would have a long life.

Commissioner White noted that social security numbers were included on death and birth certificates; however, the Clerk’s Office was capable of redacting those numbers. Clerk and Recorder Guynes affirmed this was correct and explained that the new software had the capability of auto-redacting all social security numbers, a mother’s maiden name, etc. in the history of County records. A County policy would be necessary for what could be redacted. Commissioner White asserted that it was important to safeguard against people who would steal social security numbers for voting and other purposes.

Deputy County Attorney Carolyn Clawson inquired whether upgrades to the software were automatically included. Clerk and Recorder Guynes responded that upgrades would be made twice a year; other maintenance issues would be made separately. The annual maintenance fee had not yet been negotiated, but the proposed amount was approximately $14,000, which would provide online and onsite maintenance when necessary. At Deputy County Attorney Clawson’s inquiry, Clerk and Recorder Guynes affirmed that all training questions would be accommodated as well.

COMMISSIONER HENDERSON MOVED TO AWARD THE RFP RECORDING SYSTEM REPLACEMENT PROJECT #CCR-201311, DATED 05/22/2015 TO PIONEER TECHNOLOGY GROUP LLC BASED ON BEST VALUE TO THE COUNTY WITH AUTHORIZATION FOR THE CHAIRMAN’S SIGNATURE ON THE 2015 BUDGET AMENDMENT IN THE AMOUNT OF $36,275.00 TO FUND PHASE 1 IMPLEMENTATION OF THE PROJECT IN 2015. THIS REPRESENTED AN UNBUDGETED EXPENSE IN SUPPORT OF STRATEGIC PLAN PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER WHITE SECONDED. MOTION CARRIED UNANIMOUSLY.

Upon the Board’s acceptance of the proposal, Clerk and Recorder Guynes expressed appreciation to the Commissioners for their guidance and for working with the Clerk and Recorder’s Office throughout the process.
2. GOVERNMENT AFFAIRS DIRECTOR, Jon Waschbusch, consideration of a relocation assistance agreement with Montrose Economic Development Corporation (MEDC). Through this agreement, Montrose County would provide a one-time payment of twenty-two thousand five hundred ($22,500.00) dollars to MEDC, which would be used for the acquisition of fiber optic utility infrastructure required by a new business to be located in Montrose County. The agreement requires that thirteen (13) new full-time jobs be created by the business no later than December 31, 2016. Pursuant to the agreement, MEDC is required to provide verification of the jobs and completion of infrastructure. This funding represented a budgeted expense from County economic development funds in support of Strategic Plan Priority #1 Managed Growth and Economic Development and Priority #4 Effective and Responsive Government.

Government Affairs Director Jon Waschbusch noted that MEDC Director Sandy Head was present to answer any questions.

Commissioner Henderson inquired whether the $22,500 would be prorated for reimbursement if the projected thirteen jobs were not created. MEDC Director Head responded that a deadline of December 1, 2016 was made for creating the thirteen jobs. It was estimated however, that the thirteen jobs would be created within the next three months. Eight local citizens would be hired (with veterans being targeted) and eight people from outside the area would be hired for the remaining jobs. The criterion for these jobs was that as long as they were viable and working in Montrose, the deadline of December 1, 2016 would be extended. If the business left the Montrose area before the two-year deadline or before the jobs were created, those jobs would be prorated and a refund requested. The average salary of these jobs would be in access of $41,000. One of these employees was currently housed and doing business in the office of MEDC.

Government Affairs Director Waschbusch clarified that the agreement was between Montrose County and MEDC; MEDC was obligated to repay the County regardless of any interaction between the business and MEDC.

County Manager Norris expressed his approval for the agreement and explained that Montrose County had participated in many studies with DMEA (Delta Montrose Electric Association) and Region 10 to support broadband development in the region. The County decided not to expend a lump sum on the project, but to advance funds on a project-by-project basis that would assure the County was receiving the results (job creation) it desired. He noted that Government Affairs Jon Waschbusch and MEDC Director Head had done an exceptional job finding the need and matching broadband to this project.
COMMISSIONER HENDERSON MOVED TO APPROVE RELOCATION ASSISTANCE AGREEMENT WITH MONTROSE ECONOMIC DEVELOPMENT CORPORATION (MEDC). THROUGH THIS AGREEMENT, MONTROSE COUNTY WOULD PROVIDE A ONETIME PAYMENT OF TWENTY-TWO THOUSAND FIVE HUNDRED ($22,500.00) DOLLARS TO MEDC, WHICH WOULD BE USED FOR THE ACQUISITION OF FIBER OPTIC UTILITY INFRASTRUCTURE REQUIRED BY A NEW BUSINESS TO BE LOCATED IN MONTROSE COUNTY. THE AGREEMENT REQUIRES THAT THIRTEEN (13) NEW FULL TIME JOBS BE CREATED BY THE BUSINESS NO LATER THAN DECEMBER 31, 2016. PURSUANT TO THE AGREEMENT, MEDC IS REQUIRED TO PROVIDE VERIFICATION OF THE JOBS AND COMPLETION OF INFRASTRUCTURE. THIS FUNDING REPRESENTED A BUDGETED EXPENSE FROM COUNTY ECONOMIC DEVELOPMENT FUNDS IN SUPPORT OF STRATEGIC PLAN PRIORITY #1 MANAGED GROWTH AND ECONOMIC DEVELOPMENT AND PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER WHITE SECONDED.

3. LEGAL DEPARTMENT, Teresa S. Williams, County Attorney, consideration and approval of an engagement letter with Hageman Law PC for legal advice and services in relation to certain RS 2477 roads within the County’s boundaries. Hourly rates are Principal $200/hr., Associate $175/hr. and Legal Assistant $80/hr. with ancillary costs for copying, mileage, postage and long distance telephone/fax in support of Strategic Plan Priority #4 Effective and Responsive Government.

In County Attorney Teresa Williams’ absence, Commissioner Henderson asserted that this item pertained to legal matters concerning Dave Wood Road and several rights-of-way issues. As an example, he cited the Naturita pond where ownership and certification of the pond was unclear. If the pond failed, ownership of the pond would be unknown, which meant the matter would need to be solved in Court. Another factor regarding the pond was that the source of funding did not care about the issue. It was his opinion that erosion was part of the pond’s issue and he suggested that the town of Naturita periodically clean or survey the pond. He also noted that one of the consequences for living in the canyon where Naturita was situated was that citizens had to deal with flooding. He acknowledged that he did not favor seeking immediate, temporary relief for the situation, but that it needed to be studied to determine how it should be resolved. He pointed out that all contained water in Colorado needed to be inspected and certified; Naturita did not have certification for the pond. The reason for the inspection and certification was for liability in the event the pond gave way, causing damage to property below.

Regarding Item D3, Commissioner Henderson asserted that Ms. Hageman (attorney) was very capable to handle these issues and the County was fortunate that she had agreed to help the County in this manner.
COMMISSIONER HENDERSON MOVED TO APPROVE AN ENGAGEMENT LETTER WITH HAGEMAN LAW PC FOR LEGAL ADVICE AND SERVICES IN RELATION TO CERTAIN RS 2477 ROADS WITHIN THE COUNTY’S BOUNDARIES. HOURLY RATES ARE PRINCIPAL $200/HR., ASSOCIATE $175/HR. AND LEGAL ASSISTANT $80/HR. WITH ANCILLARY COSTS FOR COPYING, MILEAGE, POSTAGE AND LONG DISTANCE TELEPHONE/FAX IN SUPPORT OF STRATEGIC PLAN PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER WHITE SECONDED. MOTION CARRIED UNANIMOUSLY.

In response to Commissioner Henderson’s comments during Item D3 regarding the pond, Debra Lear explained that Debbie Moore had agreed to give Naturita an easement for the pond and access to the pond, which meant that Naturita would take ownership of the pond. Commissioner White informed Ms. Lear that the process was not that simple and that she needed to discuss the matter with Naturita’s attorney. Deputy County Attorney Clawson agreed to do so.

4.  **LEGAL DEPARTMENT, Julie Andress, Assistant Attorney**, consideration for the approval of a proposed settlement agreement in Varecha, et al v. Board of County Commissioners, 2014 CV 30151, in the amount of $55,500.00, as full and complete settlement of all claims alleged by William R. Varecha against Montrose County for its purchase of the Raspberry #1 Communication Transmission site tower and shelter building in support of Strategic Plan Priority #4 Effective and Responsive Government and #3 Provide for Public Safety.

Deputy County Attorney Clawson noted that the item also supported Strategic Plan #3 Provide for Public Safety.

Assistant County Attorney Julie Andress explained that Mr. Varecha sued the County with the claim he had an interest in the Raspberry #1 transmission site. He initially sued the County for an inverse condemnation claim as well as seeking a declaratory judgment. The County succeeded in having the inverse condemnation claim dismissed. The declaratory claim was then addressed through mediation, whereby the County investigated what Mr. Varecha owned; the County discovered that Mr. Varecha and Mark Young had a lease agreement; Mr. Varecha alleged he had built the building at the base of the tower. After mediation, the County tentatively agreed to buy all Mr. Varecha’s interest in Raspberry #1 for $55,500, which would foreclose the litigation. A

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1. **Inverse condemnation** is a term used in the law to describe a situation in which the government takes private property but fails to pay the compensation required by the 5th Amendment of Constitution.” For more information, go to [https://en.wikipedia.org/wiki/Inverse_condemnation](https://en.wikipedia.org/wiki/Inverse_condemnation).

2. **Declaratory Judgment** is “a binding judgment from a court defining the legal relationship between parties and their rights in the matter before the court. A declaratory judgment does not provide for any enforcement, however. In other words, it states the court’s authoritative opinion regarding the exact nature of the legal matter without requiring the parties to do anything.” For more information, go to [https://www.law.cornell.edu/wex/declaratory_judgment](https://www.law.cornell.edu/wex/declaratory_judgment).
caveat to the situation was that Mr. Varecha sold one of his premium spaces to KKCO (NBC 11 News of Grand Junction) that had several antennae on the property. The term of KKCO’s lease was through the year 2028; at that point, the County could renegotiate the lease with KKCO. County Manager Norris clarified the space was for one antenna but that there were two antennae on the site. Assistant County Attorney Andress affirmed this was correct and added that more than one space was considered premium space. Commissioner Henderson noted this issue was created by a handshake agreement and implication; Mr. Varecha was very wealthy with unusual attorneys that would not let the matter drop. These types of situations needed to be carefully looked into beforehand because a great deal of supposition and implication regarding the matter was made without real evidence. Through the due process, Mr. Varecha was successful in putting considerable pressure on the County.

County Manager Norris clarified that the tower and shelter were owned by the bank. The original owner had financial difficulties and because the tower and shelter were public safety concerns and the primary means of communication between Montrose and Nucla, the County needed to acquire the property. The bank and previous owner had notified the County they planned to put the property up for sale nationwide. Deputy County Attorney Clawson and County Manager Norris struggled with the decision to purchase the property, which would mean Mr. Varecha’s involvement. The decision was made to purchase the tower and it was acknowledged that the County would most likely need to deal with Mr. Varecha in the future. County Manager Norris affirmed that settling for $55,000 was a good deal for the County.

Deputy County Attorney Clawson commented that through extensive due diligence, the County was aware of Mr. Varecha’s stated claim; however, the County decided to take the risk in purchasing the property because the County needed the site for critical communication transmission. The tower and shelter housed State DTR® equipment, and County and law enforcement equipment. The decision was made that agreeing to a settlement with Mr. Varecha would be less expensive to County taxpayers.

As an anecdote, Commissioner Henderson shared that approximately forty years ago he delivered his first load of concrete to the site for the tower base. While there, his concrete truck became stuck and he was forced to spend the night there because his radio communication equipment was ineffective at that location.

**COMMISSIONER HENDERSON MOVED TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT IN VARECHA, ETAL V. BOARD OF COUNTY COMMISSIONERS, 2014 CV 30151, IN THE AMOUNT OF $55,500.00, AS FULL AND COMPLETE SETTLEMENT OF ALL CLAIMS ALLEGED BY WILLIAM R. VARECHA AGAINST MONTROSE COUNTY FOR ITS PURCHASE OF THE RASPBERRY #1 COMMUNICATION TRANSMISSION SITE TOWER AND SHELTER BUILDING IN SUPPORT OF STRATEGIC PLAN PRIORITY #3 PROVIDE FOR THE PUBLIC SAFETY AND #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER WHITE SECONDED. MOTION CARRIED UNANIMOUSLY.**
5. PUBLIC WORKS, Ken Winckler, consideration and approval for the Chairman’s signature on Road Project Agreement No. 15-RO-11041000-025 with the U.S. Department of Agriculture, U.S. Forest Service and Manti-La Sal National Forest, documenting cooperation in completing repairs to Road FSR #50371 Paradox, as reviewed by Counsel. This agreement is effective 08/12/2015 and expires 12/30/2020; representing revenue in the amount of $40,000, supporting Strategic Plan Priority #2 Improve and Maintain a Safe Transportation System and Priority #4 Effective and Responsive Government.

Public Works Director Ken Winckler explained that Manti-La Sal National Forest and Montrose County had been involved in an agreement, the last of which was a five-year agreement. The agreement before the Board for approval was also a five-year agreement, which would be reviewed and approved by the Board annually. The $40,000 revenue was reimbursement for rock or gravel utilized for the roads the County would maintain per the agreement. The Forest Service’s annual budget began September 1; therefore, the County needed to approve the agreement before that time. If not approved by Friday August 14, 2015, the $40,000 would be assigned to another entity in the Forest Service.

COMMISSIONER HENDERSON MOVED TO APPROVE THE CHAIRMAN’S SIGNATURE ON ROAD PROJECT AGREEMENT NO. 15-RO-11041000-025 WITH THE U.S. DEPARTMENT OF AGRICULTURE, U.S. FOREST SERVICE AND MANTI-LA SAL NATIONAL FOREST, DOCUMENTING COOPERATION IN COMPLETING REPAIRS TO ROAD FSR #50371 PARADOX, AS REVIEWED BY COUNSEL. THIS AGREEMENT IS EFFECTIVE 08/12/2015 AND EXPIRES 12/30/2020; REPRESENTING REVENUE IN THE AMOUNT OF $40,000, SUPPORTING STRATEGIC PLAN PRIORITY #2 IMPROVE AND MAINTAIN A SAFE TRANSPORTATION SYSTEM AND PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER WHITE SECONDED. MOTION CARRIED UNANIMOUSLY.

E. UNFINISHED BUSINESS: NONE

F. PLANNING & DEVELOPMENT: NONE

G. EXECUTIVE SESSION: NONE
With no further business coming before the Board, the Board of County Commissioners adjourned at 12:01pm.

BOARD OF MONTROSE COUNTY COMMISSIONERS

ATTEST:

David S. White, Chairman

Tressa W. Guynes, Clerk & Recorder

Glen Davis, Vice Chairman

Marie Simons, Deputy Clerk to the Board

Ronald D. Henderson, Commissioner

Acronym Guide

DOLA: Department of Local Affairs
BLM: Bureau of Land Management
CDOT: Colorado Department of Transportation
RFP: Request for Proposal
ATV: All Terrain Vehicle
VSO: Veteran’s Service Officer
HHS: Health & Human Services
IV: Intravenous
AED: Automated External Defibrillator
MEDC: Montrose Economic Development Corporation
DTR: Digital Trunked Radio