The Board of County Commissioners met in regular session held at the County Administrative Office Board Room at 9:00am. Those present: David White, Chairman; Glen Davis, Vice-Chairman; Ronald Henderson, Commissioner; Teresa Williams, County Attorney; Ken Norris, County Manager; Marie Simons, 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 Present
   - 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.

Rosemary Anderson, a Delta County resident, presented a copy of an article dated November 2, 2015 from Time magazine to the Board. She read portions of the article as follows.

Ted Koppel The former Nightline anchor warns against a massive cyberattack and discusses the end of neutral news as his book Lights Out hits shelves

How likely is that? I’ve talked to experts in the Department of Homeland Security and FEMA. And while there are those who believe it will not happen, the preponderance of those that I spoke to believe not only that it can but that it will. Former Secretary of Homeland Security Janet Napolitano told me she thinks the chances are 80% to 90%.
Ms. Anderson asserted her belief there was a one hundred percent chance of a cyber attack because the United States had many enemies around the world. Commissioner White noted that Ted Koppel had been interviewed on a talk show recently.

Ms. Anderson commented that during a recent Sunday morning show, Montrose, Colorado was mentioned in a discussion regarding water and what would happen when the electrical grid failed. Ms. Anderson noted that two books had been published regarding that subject: “One Second After” and “One Year After”.

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

Due to the potentially long discussion regarding Item F1, County Manager Ken Norris requested that discussion for that item take place after Item F5. The Commissioners agreed.

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: 10/16/2015
2. Approval of Minutes: NONE
3. SHERIFF’S OFFICE, approval and authorization of the Chairman’s signature on an Agreement for the Montrose Regional Dispatch Center to provide emergency and non-emergency dispatch services to the Nucla-Naturita Fire Protection District on a full-time basis, twenty-four (24) hours per day, seven (7) days per week, for the term of this Agreement, effective 08/28/2015, as reviewed by Counsel in support of Strategic Plan Priority #3 Provide for Public Safety.
4. SHERIFF’S OFFICE, approval and authorization for the Chairman’s signature on the Victim Services Program Grant in the amount of $10,000.00, effective 11/02/2015, as reviewed by Counsel in support of Strategic Plan Priority #3 Provide for Public Safety and Priority #4 Effective and Responsive Government.
5. HEALTH AND HUMAN SERVICES, authorization for the Chairman’s signature on a Purchase of Service Agreement between CASA of the Seventh Judicial District, Inc. and Montrose County Health and Human Services to provide the Chaffee Foster Care Program, effective 10/01/2015 through 09/30/2016, as reviewed by Counsel; this represented a budgeted reimbursed expense of $12,057.00 in support of Strategic Plan Priority #3 Provide for Public Safety and Priority #4 Effective and Responsive Government.
6. HEALTH AND HUMAN SERVICES, authorization for the Chairman’s signature on the Purchase of Service Agreement with Don Colcord, R.Ph. for Consultant Pharmacist for the Family Planning Program, effective
11/01/2015 through 10/31/2016, as reviewed by Counsel; this represented a reimbursed expense in the amount of $100.00 per quarterly visit, not to exceed $400.00 for the contract period in support of Strategic Plan Priority #3 Provide for Public Safety.

7. HEALTH AND HUMAN SERVICES, authorization for the Chairman’s signature on the County’s Medicaid Incentive Agreement Amendment No. 1 to Original Agreement Routing Number 2015CMIP085, to provide incentives for ongoing eligibility work for the 2015-2016 contract period, as reviewed by Counsel; this represented potential revenue up to $56,831.11 and supports Strategic Plan Priority #3 Provide for Public Safety.

8. HEALTH AND HUMAN SERVICES, authorization for the Chairman’s signature on a Service Agreement between MedPro and Montrose County Health and Human Services to provide medical waste disposal services, effective 11/02/2015 through 10/31/2018, as reviewed by Counsel; this represented a budgeted expense of up to $1,000.00 and supports Strategic Plan Priority #3 Provide for Public Safety and Priority #4 Effective and Responsive Government.

9. HEALTH AND HUMAN SERVICES, authorization for the Chairman’s signature on the Colorado Department of Human Services Colorado Works Program Memorandum of Understanding explaining the duties and responsibilities in implementing the Colorado Works Program and Child Care Program, effective 07/01/2015 through 07/01/2016, as reviewed by Counsel; this represented a budgeted reimbursed expense in support of Strategic Plan Priority #3 Provide for Public Safety and Strategic Plan Priority #4 Effective and Responsive Government.

10. COUNTY CORONER, authorization for the Chairman’s signature on an Intergovernmental Agreement for Colorado County Coroners and Medical Examiners Mutual Aid Assistance, effective 09/11/2015, as reviewed by Counsel, this represented no budgetary impact and supports Strategic Plan Priority #3 Provide for Public Safety.

Regarding Item C5, Roger Brown, a Montrose County resident, inquired why the effective date was backdated to October 1, 2015. Terry Watkins from the HHS Department explained that the contract had been delayed due to the logistics of transmitting the agreement between HHS and CASA.

COMMISSIONER DAVIES MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COMMISSIONER HENDERSON SECONDED. MOTION CARRIED UNANIMOUSLY.

D. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS:

THE BOARD OF COUNTY COMMISSIONERS CONVENED AS THE MONTROSE COUNTY LOCAL LIQUOR LICENSING AUTHORITY:
1. **COUNTY CLERK AND RECORDER, Tressa Guynes**, consideration and authorization for the Chairman’s signature on a letter to Don Morris / A-1 Smoke Shop concerning his withdrawal of his Retail Liquor Store Application from CDOR-Liquor Enforcement Division review and consequences thereof at Montrose County, effective 11/02/2015, as reviewed by Counsel; this represented a budgeted expense of $37.50 refund of first year license fee and supports Strategic Plan Priority #4 Effective and Responsive Government.

   Clerk and Recorder Tressa Guynes reported that in May 2015, the BOCC approved the Retail Liquor Store application for Don Morris/A-1 Smoke Shop; once approved the application was submitted to the State of Colorado. Subsequently, Don Morris withdrew his application to the State and although he had not withdrawn the application from the County, he qualified for a refund of $37.50. At Commissioner Davis’ inquiry, Clerk and Recorder Guynes affirmed that Mr. Morris was required to submit a letter requesting the refund. The County Attorney had approved wording of the letter. The item before the Board for approval was to approve a letter notifying Mr. Morris that the request must be submitted in writing.

   **COMMISSIONER HENDERSON MOVED TO AUTHORIZE THE CHAIRMAN’S SIGNATURE ON A LETTER TO DON MORRIS / A-1 SMOKE SHOP CONCERNING HIS WITHDRAWAL OF HIS RETAIL LIQUOR STORE APPLICATION FROM CDOR-LIQUOR ENFORCEMENT DIVISION REVIEW AND CONSEQUENCES THEREOF AT MONTROSE COUNTY, EFFECTIVE 11/02/2015, AS REVIEWED BY COUNSEL; THIS REPRESENTS A BUDGETED EXPENSE OF $37.50 REFUND OF FIRST YEAR LICENSE FEE AND SUPPORTS STRATEGIC PLAN PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER DAVIS SECONDED. MOTION CARRIED UNANIMOUSLY.**

   THE BOARD OF COUNTY COMMISSIONERS RECONVENED INTO REGULAR SESSION.

2. **MONTROSE REGIONAL AIRPORT, Lloyd Arnold**, consideration and authorization for the Chairman’s signature on Addendum No. 1 to Hangar Ground Lease with Sky Blue Hangars, LLP, effective 10/19/15, as reviewed by Counsel. This agreement represented budgeted annual revenue in the amount of $1,975.24 and supports Strategic Plan Priority #1 Managed Growth and Economic Development.

   Director of Aviation Lloyd Arnold reported that the hangar ground lease was previously approved by the BOCC (on September 21, 2015); subsequently however, it was discovered that an easement was not provided in one of the surveys, which meant the lot description was decreased. The decrease was reflected in the annual revenue of $1,975.24.

   County Attorney Teresa Williams explained that the first “Whereas” paragraph in the contract contained the inaccurate date of October 5, 2015 and that the date should be amended to September 21, 2015. She requested that the Commissioners make note of that change in their motion for approval of the item by stating “as amended”.

   **This document was approved on_______**.
Roger Brown, a Montrose County resident, asked to know the reduced square footage of the hangar. He also noted that the copy of the hangar lease document provided on the County’s website for public review was too small to read. Director of Aviation Arnold reported that the square footage of the hangar was 10,396. This square footage amount was listed in the lease agreement. He also affirmed that a larger copy of the document (from Del Mont Consultants) could be provided to Mr. Brown.

COMMISSIONER DAVIS MOVED TO AUTHORIZE THE CHAIRMAN’S SIGNATURE ON ADDENDUM NO. 1 TO HANGAR GROUND LEASE WITH SKY BLUE HANGARS, LLP, EFFECTIVE 09/21/15, WITH THE AMENDMENT OF THE DATE ON THE FIRST “WHEREAS” CHANGING THE DATE FROM 10/19/15 TO 09/21/15, AS REVIEWED BY COUNSEL. THIS AGREEMENT REPRESENTS BUDGETED ANNUAL REVENUE IN THE AMOUNT OF $1,975.24 AND SUPPORTS STRATEGIC PLAN PRIORITY #1 MANAGED GROWTH AND ECONOMIC DEVELOPMENT. COMMISSIONER HENDERSON SECONDED. MOTION CARRIED UNANIMOUSLY.

E. UNFINISHED BUSINESS: NONE

F. PLANNING & DEVELOPMENT:

1. OLD BUSINESS – PUBLIC HEARING - E81 Road Vacation (This item was reviewed and discussed after item F2.)
   Proposal: To vacate a portion of E81 Road located on Larry and Lorell Cotten’s property.

At 9:31am, Commissioner White opened the public hearing.

PLANNING AND DEVELOPMENT STAFF REPORT

PROJECT DESCRIPTION:
This item was continued from the October 5, 2015 meeting to allow staff to provide legal notice to neighboring property owners.

E81 Road is located in the Crawford Area and runs in a westerly direction from State Highway 92. The Road provides access to private property used mainly for ranching purposes and to BLM lands.
ANALYSIS:
The proposed vacation of the roadway would start approximately 3700 feet west of Highway 92, at the boundary of the Cotten property. The only portion of the roadway to be vacated is located on property owned by Larry and Lorell Cotten.

The Cottens wrote letters to the Board of County Commissioners regarding this roadway and their desire to restrict public access. In the past gates were placed over the roadway to limit public access.

Letters and comments were received from neighboring property owners and other residents.

It was the understanding of the Planning and Development Department that other property owners in the area use E81 Road to access their private property.

Possible Motion

Denial:

I move to deny the vacation of E81 Road, located on Montrose County Parcel 3715-182-00-001 (Larry and Lorell Cotten property), based on the following findings of fact:

a) Vacation the road would eliminate access to Public Lands.
b) Vacation of the road may leave an adjoining property without a means of access.

In addition, the Board of County Commissioners directs the County Attorney to take appropriate action to have the gate removed within 24 hours.

Discussion

Planning & Development Director Steve White reported that all legal notices were sent to neighboring property owners. He also clarified that the request to vacate this road was made by the Board of County Commissioners; they directed staff to schedule a public hearing to discuss the issue. He clarified that if a member of the public wished for a road to be vacated, the process would require that an application be filed and a fee paid through the Planning & Development Department.
Commissioner White noted that Dan Loncar, a former County employee, acted as the County’s road historian and County Engineer Dean Cooper had continued his work by conducting extensive research on the matter. Several documents had been submitted that represented both sides of the issues: whether vacation of the road was warranted or whether the road needed to remain open and barriers removed to allow public access to public lands.

At that time, Commissioner White invited comment from the public.

Larry Cotten, owner of the property in question, read the following statement.

Just a little history before I get started with my testimony. I am the 4th generation Cotten to live and, or own property in the immediate vicinity of the Gould Reservoir.

Our Testimony
About 115 years ago in 1900 my Great-grandfather J. W. Cotten and my Grandfather Roy Cotten were the first men hired to work on the Gould Reservoir dam. My Great-grandmother Juritta Cotten was hired as the head cook and worked for several summers cooking for the crew working on the dam and canal. Grandpa Roy Cotten was the first ditch rider on the project. About 85 years ago my Grandfather Roy homesteaded about 320 acres of land just south of the Gould and subsequently sold that property to my Dad and Mom. About that same time John Lynch homesteaded much of the land that we now own and where the road in question lies. About 70 years ago my father Orlo Cotten was hired to work for Fruitland Irrigation Co., owners of the water in the Gould Reservoir. We moved into the ditch house where E-81 road comes off of Highway 92 and we owned the property where the road is that the County calls E-81 segment 200. I was 3 years old at that time.

This information is to show that my history lessons were passed down to me by my Granddad and my Dad, who were actually there, and from personal knowledge.

Mr. Cotten noted that E-81 segment 200 was east of Spillway Gulch.
Sometime in the 1930’s, the land we now own was owned by a rancher named Chester Blake and it was fenced and had closed gates that entered his property. In 1960 this property was acquired by Byron LeValley and shortly thereafter Byron built a new road that goes to the dam by a more direct line, whereas the old road followed the edge of the reservoir in a winding manor. In 1961 or ’62 Byron leased his land to Otis and Dale Porter, neighbors to the south. At that time the gates entering the property were locked and I believe they have been closed all the time and locked most of the time since then. The only traffic through there since has been either permissive or illegal.

The BLM property that lies west and south of our property is accessed by the BLM road that comes in from the west off of the Black Canyon Road at Grizzly Gulch and traverses entirely on BLM land and never crosses any private land. We have talked to both Theresa Pfifer and Jim Ferguson at the BLM office and they both told us that the Black Canyon road is the BLM access into that area west of our property and they do not claim any road through our property as BLM access. Also a note found in Brian Wilson’s file with the heading Larry Cotten, states “Teresa Pfifer @ BLM says no BLM access on their land. Access from west.”

In 2005 we entered into a contract with LeValley ranches to trade our land on the east side of the Spillway Gulch for their adjoining land on the west side of the Spillway Gulch. Security Title of Montrose issued a title insurance policy when the property was acquired by us and it made no mention of any easement for the road nor any public access thru the property. There is no evidence in the record of a deed in the chain of title that contains a dedication, reservation, or exception for a public road across the property. Not long after that trade we discovered that Brian Wilson was showing that portion of the road on our property as a county road and called it E-81 segment 100.

Segment 100 has never been drained; rain runs to the bottom of the draws and across the road causing large mud holes that become almost impassable. Based on personal conversations with Brian Wilson, segment 100 from the Spillway Gulch (bridge) to the dam is not and has never been on the county road maintenance system. The implications, by Montrose Road Research working group, that the maintenance records may pertain to segment 100 are completely false.
The soil in our area is adobe and when it is wet from rain or snow melt it becomes soft and slick and is easily rutted and torn up. Because the county does not and has never performed any maintenance on this segment it falls to us to repair road damage.

We have learned by observation that many members of the general public throw out bottles, cans, wrappers, etc. and that again, will fall to us to clean up. We also have observed the lack of respect for the ROW and many have no qualms about driving off road if it suits their need or desire. We are not unlike any other property owner in that we have a strong desire to know who is coming and going on our property as we have a secluded cabin that we built with our money, not the public’s, and like all other property owners feel the need to keep it secure.

We are not denying the public the enjoyment of the 80 acre parcel of BLM land, as there is no fishing, no hunting, no hiking trails, no place to unload ATV’s or to ride them, no boat ramp, no public facilities of any kind. It is surrounded by private land and only consists of slightly over 10 acres of dry land. This parcel of BLM ground can be accessed from E80 road that exits Highway 92 on the north side of Gould Reservoir, (Cedar Point).

Mr. Cotten presented the map shown below to the Commissioners. He claimed that a portion of BLM\textsuperscript{x} property extended across the Gould Reservoir; E80 Road on the north side of the reservoir traveled from Hwy 92 into BLM property. Very little of the property on the south side of the reservoir could be considered as dry land. He also claimed that E80 Road (located north of the Gould Reservoir) came from Cedar Point and was the road used by those constructing the dam.
Commissioner White asserted that information had been given to him that indicated a road had been moved and he inquired which road this would be. Mr. Cotten explained that when he was a child, the road at the bridge traveled north along the fence line, over the ridge and followed close to the edge of the reservoir around the perimeter of the reservoir. When Byron LeValley purchased the property in 1960, he moved the road to his property up the ridge, which shortened the road a great deal. Commissioner White inquired if the road at that time was a county or public access road. Mr. Cotten asserted his belief that it was never a county or public access road and that from the beginning, property owners (cattle ranchers) fenced the area. Since 1960, the Porter’s had leased the property and locked gates had secured the area. Mr. Cotten claimed that for the past fifty years, the gates were usually shut and locked.¹

The information contained in the Montrose road group paper contains many innuendos, half-truths and false statements that cannot be substantiated by county records or facts from any source. The number of cars traveling E81 that they cite is laughable at best and we don’t feel the need to address this ludicrous information. The one box showing 414 cars over a 102 day period, slightly over 4 cars per day is more believable to us. Keep in mind this has to be E81 road segment 200. The suggestion that the county spent large sums of money building the bridge, installing cattle guards and doing other maintenance is a blatant attempt to create fact where none exists. “Show me the records.”

We do not believe that vacating E81 road segment 100 is in anyway setting a precedent for the closure of public roads as they should be done on a case by case basis and not subject to any prior actions.

We concur with the Board of County Commissioners that vacating E81 road west of the Spillway Gulch, across our property is probably the least controversial means to put the dispute between the BOCC and the Cottens to rest.

Finally we remain committed to permitting access onto or through our property to our neighbors who have business interests on or through our property, whether they be land owners, cattle ranchers including BLM permit holders, cattlemen who need to drive their cattle through our property, Fruitland Irrigation company ditch workers, including dam inspectors, water commissioners, and ditch riders.

A quick check on any map showing BLM land shows many small BLM parcels scattered throughout and within private land. Hardly any of these small parcels have public access to them.

¹ Note: For a more detailed description (via video) of the area Mr. Cotten was describing, go to the following link: http://montrosecounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=637&meta_id=42089. A map was used for visual edification.
Mr. Cotten added that the few acres of BLM property south of the Gould Reservoir should not be a factor when the Commissioners were deciding whether to vacate the road.

Mr. Cotten explained that because Gould Reservoir has a spillway, there had been a great deal of confusion between the two spillways. The Spillway Gulch that spills from the Highline Canal above and fills the Gould Reservoir had always been called the Spillway Gulch; this was how it was referred to on deeds and other documents. Spillway Gulch was located east of the Cotten’s property at the same location as the bridge. It was his opinion that problems had arisen in the past due to the confusion between the Gould Reservoir spillway and Spillway Gulch. The location of the Spillway Gulch Bridge was where E81 Segment 100 begins.

Photo #1

The photo above shows the bottom of the reservoir (circa 1902) before it was filled with water. A sawmill was located there at that time and was where Mr. Cotten’s grandmother cooked for dam construction workers. The section in the photo traveling down the canyon that looks like a road was a canal that carried water to Fruitland.
Mesa. At Commissioner White’s inquiry, Mr. Cotten confirmed the photo below was the area of the Spillway Gulch Bridge.

Photo #2

Hydraulics was used to wash dirt and rocks from the hillside in order to construct the dam.
Mr. Cotten explained that before they traded property with the LeValley’s, the Cotten’s owned a forty-acre portion of property (E81 Road Segment 100) and the portion of BLM land next to it was not fenced separately and was one of many BLM parcels scattered throughout the area that had no access. There was no hunting or fishing possible on that portion of land. At Commissioner White’s inquiry, Mr. Cotten asserted that he was not aware of any signs posted on that portion of land by the BLM prohibiting hunting and fishing. Mr. Cotten noted that Gould Reservoir did not contain fish; it was filled with water each spring and then drained in August or September each year. During the fall months, the reservoir would be filled again with water. There was no boating on the reservoir. Because there was no fishing or boating on the reservoir, Mr. Cotten asserted that denying public access to the road would not deny the public of any enjoyment of the reservoir; therefore, vacation of the road would not create a problem. At that time, Laurel Cotten clarified that E80 Road provided access to that BLM property from Hwy 92. Mr. Cotten noted that BLM did not need multiple points of access.

Commissioner Davis inquired where the sawmill (shown in Photo #1 above) was located. Mr. Cotten clarified the sawmill was located where the dam was now located. The sawmill was privately owned; Gould Reservoir was built by the Gould brothers and was utilized for private purposes. Stockholders now owned Gould Reservoir. The sawmill produced lumber to build the flume to carry water to Fruitland Mesa. Commissioner Davis inquired whether a locked gate was located on the road when he traded the property with the LeValleys. Mr. Cotten claimed that a locked gate was located there. Mrs. Cotten asserted that all of the supplies and workforce to build the dam came from Delta, Hotchkiss, and Crawford via E80 Road and Hwy 92. Mr. Cotten maintained that according to the law, a closed gate was equivalent to a locked gate. Commissioner White explained that research by County staff revealed that the Bureau of Reclamation was responsible for expanding the project; the gate at that time was located further to the west from where it was now located. County road crews would turn around their equipment on the other side of the bridge (on E81 Road) to travel the opposite direction. Mr. Cotten responded that was incorrect information and that the gate had been stationed at the bridge since he was five years old. Mrs. Cotten explained that the Bureau of Reclamation originally owned the eighty acres; ownership of the property eventually went to the BLM. Mr. Cotten claimed there had been no expansion of the project.

At that time, Planning & Development Director Steve White suggested that the Board hear from County Engineer Dean Cooper, who had evidence that the road was County owned. Commissioner White agreed.

County Engineer Cooper clarified that the Board must decide whether to vacate segment 100 of E81 Road; that segment began at the bridge and traveled west to the dam. The County believed the entire length of segments 100 and 200 of E81 Road were County roads. County Engineer Cooper outlined how E81 Road came into existence, which was evidence for the County’s claim the road was under County jurisdiction.
1. That property did not “go into patent” or did not transfer from federal ownership into private ownership until 1934.

2. The dam was built in 1910. A road was constructed across the public domain to build the dam. Since that time, the road had not ceased to exist; therefore, by default it was a public road.

3. In 1957, the Montrose Board of County Commissioners petitioned the State of Colorado to add the road to its list of maintained roads (to obtain HUTF funding); the road was added to the County’s list of maintained roads and had remained there until 1992. It was uncertain when segment 100 was removed from the County’s maintenance list; however, removal from County maintenance did not mean the County relinquished its right to the road.

At Commissioner White’s inquiry, County Engineer Cooper clarified that segment 200 was currently being maintained by the County. He also explained that traffic counts by the Road Group were performed at the intersection with Hwy 92; however, that was not the section of road that was under consideration for vacation.

Mrs. Cotten asserted her belief that County Engineer Cooper had suggested that E81 Road was created to build the dam. County Engineer Cooper countered that the reason the road was built was irrelevant. Mrs. Cotten explained that E80 Road came from Hwy 92 and was used to build the dam. Mr. Cotten added there was no record to show that the road was built across public domain until it became privately owned. He noted however, that this was a dispute between the County and the Cottens and it did not apply to the issue (vacation of the road) before the Board.

Commissioner White inquired whether E81 Road (segment 100) and the road that was its predecessor was built before the property was privately owned. Mr. Cotten responded by claiming there was no reason for it to be built because a road (E80 Road) was used that traveled along the north of the Gould Reservoir was passable in the 1940’s. Currently, it was washed out with large boulders blocking traffic. It did not connect to E81 Road (segment 100) because E81 Road was not there. Commissioner White pointed out that the dam was completed in 1910; however, according to Mr. Cotten’s testimony, the land was not privately owned until the 1920’s. Mr. Cotten affirmed this was correct but that E80 Road was utilized until that time. County Engineer Cooper pointed out that this fact could not be proven and he reiterated that in 1957, the Montrose BOCC added the road to its list of publicly maintained roads. Mr. Cotten countered that it was his opinion that Montrose County confused Spillway Gulch and the spillway and therefore, drew the line to the of the Gould Reservoir as well as Spillway Gulch.

(See map below – the magenta colored roadway is section for vacation.)
At that time, County Engineer Cooper read the highlighted segment of a letter dated April 15, 1957 (see below) from the Montrose County Commissioners to the Department of Highways.
Mr. A. E. Livingston
Planning and Research Engineer
Department of Highways
Denver, Colorado

Dear Mr. Livingston:

We are mailing you, under separate cover, the corrected maps for Montrose County.

No. 79 S., one and one half (1\(\frac{1}{2}\)) miles, joining State Highway No. 101 at Mesa Creek to Mesa County line.

No. 50 S., five and one quarter (5\(\frac{1}{4}\)) miles, joining County Primary No. 70 in East Parado to unite with 76 S. on Ponagran Mesa.

No. 81 S., seven miles joining State Highway No. 141 and extending to No. 77 S. in Long Park.

No. 52 S. crossing the Northwest corner of Montrose County, beginning at the Delta County line and extending 2\(\frac{1}{2}\) miles to the Mesa County line, (their county road number unknown).

No. 87 S. One and one half (1\(\frac{1}{2}\)) miles, beginning at State R. High No. 92 and running to the outlet of Coal Reservoir.

We have marked in red all the oil roads laid since 1933. Your maps seem to leave these out. They are located on County Primary 4 and 10 (three miles); Primary 8, (Nucla, north, three miles).

No. 51 P. Montrose City limits, north two miles.
No. 56 P. Montrose City limits, east one and one-half miles.
County Engineer Cooper noted that at the time of the 1957 letter, the road was referred to 83S and he quoted from the letter as follows: “No. 83S One and a half (1 1/2) miles beginning at State Hwy 92 and running to the outlet of Gould Reservoir.”

Mrs. Cotten argued that the map that accompanied the letter showed the road (1.5 miles) traveled from Hwy 92 to the gate on Cotten property. County Engineer Cooper countered that the road was 0.7 miles in length. Mrs. Cotten maintained that the road (segment 200) indicated on the map was 1.5 miles in length. At Commissioner White’s inquiry, Mrs. Cotten reported the road was now shorter in length because it had been straightened since the creation of the (1951) map. Mr. Cotten reiterated that discussion regarding this issue was not relevant. At County Engineer Cooper’s inquiry, it was confirmed that the Cottens purchased the property in 2005. He pointed out that the 1992 map of that area (that was brought forward from 1962) showed the road from Hwy 92 to the dam to be 1.5 miles in length. Mrs. Cotten reiterated her disagreement and noted the map drawing was not accurate. At her inquiry, County Engineer Cooper confirmed that a copy of the map that accompanied the 1957 Montrose BOCC letter was available. County Engineer Cooper pointed out that the road must have been very curvy. Commissioner White noted the road had been straightened.

At that time, the BOCC convened for a short break and reconvened at 10:35am.

Mike Shamba, a Montrose County resident, and Chairman of the Montrose County Road Research Work Group, presented to the BOCC a packet with information, County records, and maps regarding this matter that the Road Research Group had compiled. Also in the packet was a copy of a petition with approximately 250 signatures opposing the vacation of a segment of E81 Road. Mr. Shamba then pointed out that although Mr. Cotten’s testimony was compelling, he did not offer proof of his claims. Mr. Shamba emphasized that it was the intent of the Road Research Work Group to sort out whether the road was County owned.

Betty Oglesby, a Delta County resident, and member of the Road Research Work Group, read the following letter she had written to the Commissioners dated November 1, 2015.

“Dear Commissioners,

It has been brought to my attention that Larry and Laurel Cotten are requesting the Montrose Board of County Commissioners to vacate E81 Road south of Crawford, Colorado. The Cottens acquired property adjoining E81

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Note: Copies of the maps mentioned during this discussion of this item are available online by going to the November 2, 2015 Agenda located in the BOCC Agendas tab at www.montrosecounty.net.
Road on February 16, 2005 from LeValley Ranches. I personally know that this road has been used by the locals to access BLM for hunting, tourism, and cutting firewood for years. This road was constructed prior to the construction of the Gould Reservoir. E81 Road is a RS2477\(^3\) road being continuously used for over 65 years. E81 Road and the intersecting roads traveling south to BLM are on a 1957 USGS\(^4\) map\(^4\) being presented to you today showing its existence for years. E81 Road is on that 1957 map. Although RS2477 was repealed in 1976 by the Federal Land Policy and Management Act, which is FLPMA\(^5\), a valid existing rights established by public use prior to 1976 were specifically accepted. Acceptance by the public results from the use for those for whom it was necessary or convenient. Maintenance is not required and use is a requisite element and it may be only used by one person. E81 Road without a doubt is a publicly accepted RS2477 right-of-way; even a footpath in Colorado will result in a RS2477 right-of-way. The legal suit is Simon vs. Petit in 1984 and in this instance over 75 years of horses, livestock, grazing, foot travelers, and vehicles created a highway.

After careful research and obtaining maintenance records from the Montrose County, I see that Montrose County has spent $57,075.32 on maintenance and road improvements to E81 since the Cottens acquired the property adjacent to E81 Road. This is a considerable amount of taxpayer money spent on E81 Road. Recently, the Cottens have installed a locked gate across E81 Road blocking public access to public lands. Closing this road would be a huge economic impact to Montrose County and adjoining Delta County, as it was used previously by the livestock, grazers, hunters, woodcutters and tourists. Although an alternate route is being suggested by the Cottens, this route is not acceptable to the people as it is approximately 15 miles around and could affect the health, safety, and welfare of those using the public lands.

Records obtained from Montrose County in past years show a high traffic count on E81 Road. On June 27, 2011, as many as 48 cars traveled this road per day. On May 12, 2011, the Cottens issued an access easement and gate of convenience agreement with Susan Ayer. This in itself is illegal, as the Cottens do not own E81 Road. The people of Montrose County and the State of Colorado own E81 Road and the intersecting roads traveling south to public lands. For CRS 43-2-201.1\(^6\), the penalty of closure of public highways extending to public lands states, ‘Any person who intentionally blocks, obstructs, or closes any public highway as described in Section 43-2-201 that extends to public lands commits a Class 1 misdemeanor.’

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\(^3\) RS2477: Revised Statute 2477 is a US statute enacted by Congress in 1866 concerning roads on public lands. For more information regarding RS2477 go to the following link: [https://en.wikipedia.org/wiki/Revised_statute_2477](https://en.wikipedia.org/wiki/Revised_statute_2477).

\(^4\) This map was provided with the information submitted by Mike Shamba and the Road Research Work Group.


\(^6\) To view CRS 43-2-201 in its entirety, go to [http://www.legis.state.co.us/HotTopics/Colorado/](http://www.legis.state.co.us/HotTopics/Colorado/).
At this time, I am requesting the Montrose Board of County Commissioners to deny vacating E81 Road or any intersecting roads traveling south, which accesses BLM managed public lands. I also request the Montrose Board of County Commissioners to demand the locked gate blocking E81 Road be removed. E81 Road and the intersecting roads traveling south access public land managed by BLM and should not be taken from the rolls of Montrose County road inventory whether it is maintained or not.”

Ms. Oglesby explained that she moved to Crawford in 1992. Her husband was a Crawford native and lived on property owned by George Tracy located 1.5 miles north of the Gould Reservoir; the Oglesbys lived there for many years. While living there in the 1990’s, Ms. Oglesby recalled going to the LeValleys property and although a gate was there, it was never locked. Ms. Oglesby reported that Barbara Hulet (who was unable to attend the BOCC meeting) spoke with Robby LeValley who stated, “That is a RS2477 road and cannot be blocked with a lock and cannot be vacated.” Ms. Oglesby noted that E81 Road (as it currently existed) was located on the 1957 map. Two roads traveled from the spillway to BLM land that was not part of this discussion.

Ms. Oglesby pointed to the map below and indicated that both roads (indicated in black on the map) traveled to BLM land (see section 13 – bottom left side of the map); those roads were included in the 1957 USGS quad map and are RS2477 roads.
Commissioner White inquired whether the Road Working Group looked at the recorded deeds to identify whether the road had been delineated as County roads or whether a plat was attached. Ms. Oglesby expressed her belief that information was not included in the deed. Commissioner Davis noted that the question before the Board was whether E81 Road was a County road and whether the County should vacate the road. He inquired how the road being a RS2477 road applied in this situation. Ms. Oglesby explained that per RS2477 statutes, if the road was established before FLPMA in 1976, the road belonged to the County where it existed, which meant that E81 Road was a County road and should not be vacated. Commissioner White clarified that the County claimed the road was county-owned. Because the Cottens believed the road was not county-owned,
the Commissioners requested that this public hearing be held to determine whether it was a County road and whether it should be vacated. The Cottens had not made the request to vacate the road. Commissioner White noted that the dam was constructed in 1910. Mr. Cotten had testified that at one time a road traveled further north and that later it was moved before the area was homesteaded in the 1920’s or 1930’s. If the road existed before the land was homesteaded, the road was without doubt a County road.

County Engineer Cooper pointed out that this subject was off the topic; and he clarified that RS2477 and FLPMA had no bearing on this issue because it applied only to federal lands. The County’s claim to the road was based upon County records, not a RS2477 claim; the County could not make a claim per RS2477 because the property was privately owned. Commissioner White noted that the road crossed BLM property. County Engineer Cooper reported the two roads that Ms. Oglesby had indicated traveled south to BLM land were not County roads and were not up for discussion.

County Engineer Cooper emphasized that the reason the evidence was given to the Commissioners establishing the road was a County road was to assure the Commissioners they had the authority to vacate the road. He clarified the road was not owned by the County, it had a surface right (an easement) and did not have the right-of-way in fee simple. This did not diminish the County’s authority to control the right-of-way and make it available for public use. Ms. Oglesby reiterated that the 1957 map showed the road as it exists today; the two roads traveling south to BLM land were also County roads. Commissioner White affirmed he understood Ms. Oglesby's point and that perhaps those two roads needed to be addressed in the future.

Roger Brown, a Montrose County resident, expressed opposition to the abandonment of public property. He then inquired where the Cotten cabin was located on the map (shown below). County Engineer Cooper indicated the cabin was located off E81 Road segment 100.
At Mr. Brown’s inquiry, County Engineer Cooper explained that the land beneath the water in Gould Reservoir was owned by several entities including the BLM. The water right has authority over whoever owns the land beneath. The Cottens own the land where the dam was located (the west portion of the reservoir); Fruitland Mesa Irrigation Company does not own the property in fee simple but has access through an easement. Other homes existed at various locations along the road up to the gate. County Engineer Cooper asserted his belief there were no other homes on E81 Road segment 100 in addition to the Cotten cabin. Mr. Brown noted that Ms. Oglesby’s comments seemed to be highly credible and corroborated with County Engineer Cooper’s testimony and he asked the Commissioners not to vacate the road.

County Engineer Cooper emphasized that he was indifferent to the outcome of this item.

Kathy Svenson, a Delta County resident, expressed confusion regarding the two roads that traveled south to BLM land at the bottom left portion of the map (see the map on page 644). She also had a question regarding a road in the area of Spillway Gulch that flows into the reservoir. Commissioner White informed Ms. Svenson that this subject needed to be addressed at another time.

Marvin Palmer, a Montrose County employee, explained that he plowed snow for Montrose County during the winter in the Maher area since 2005. He reported that he plowed E81 Road during the winter. In the past, he was able to cross the bridge and cattle guard with the plow and sander and turn the equipment around. He expressed frustration that since the gate was locked on E81 Road, it was very difficult to turn his equipment around. He was forced to make a separate trip with the blade because one time when making the turnaround, had damaged a property owners fence. Commissioner Davis inquired whether there was a gate there in 2005. Mr. Palmer responded there was no gate there in 2005, but that a gate was installed in 2006; however, the gate was not locked. He was not certain regarding what year the Cottens had begun locking the gate. Mr. Cotten interjected that the gate was there before that time and that it was locked. Commissioner Davis pointed out that Mr. Palmer had been plowing the road to give Mr. Cotten’s sister access to the highway and that he was knowledgeable about the situation.

Corey Bloom, a Montrose County resident, pointed out there was a great deal of emotion expressed during the meeting; he noted however, that the question before the Board was whether to vacate E81 Road. The other question before the Board was whether the road was a County road; this question had been addressed by proof of County records; therefore, this issue should not be debated. The only decision the Commissioners needed to make was whether the road should be vacated. Commissioner Henderson thanked Mr. Bloom for informing the Commissioners of their duties.
Roger Bentley, a Delta County resident, made the following suggestions.

1. The use of a cattle guard versus a gate needed to be looked into. Because a gate can be locked against public access, the solution to the issue might be to replace the gate with a cattle guard.
2. If a cattle guard had originally been at the location, it would have needed continual maintenance; if no cattle guard was there, it was possible it had been removed and replaced by a gate. This possibility needed to be looked into.
3. The question as to whether Spillway Gulch had been constructed and maintained by the County needed to be answered because it assists the public access BLM land and the reservoir.
4. A decision regarding this matter should be tabled until these questions could be answered.

At Commissioner White’s inquiry, Mr. Cotten responded that the gate was located at the bridge; however, a cattle guard was located approximately 50 yards beyond the spillway. Planning & Development Director White concurred. Mr. Bentley explained that this area had historically been for grazing; some of the ranchers that utilize the area for grazing also have access (via permit) to the BLM for grazing. If the private property were fenced to prevent those ranchers from encroaching onto the Cotten property, the property owner should maintain the fence. If that were to happen, a cattle guard and an unlocked gate would be acceptable to the ranchers accessing BLM land.

Mr. Cotten reported that Colorado statute CRS 37-86-102⁷ guaranteed water users “the right to access their ditch and associated structures from the point of diversion to the point of delivery. In addition, CRS 37-92-502⁸ guarantees “the division of water resources or their duly appointed employees or representative’s access to waterways under their control”. This meant that those ranchers had access to the dam. He discounted the claim that 48 vehicles traveled the road each day. He pointed out that the study (see graph below) that showed how many vehicles traveled the road was performed over a 102-day period was misleading; this meant an average of 5.3 vehicles traveled the road per day. Commissioner White noted the study counted those living in the area that would leave their homes and return the same day.

⁷ CRS 37-86-102 can be viewed in its entirety at the following link: http://www.lexisnexis.com/hottopics/colorado/
⁸ CRS 37-92-502 can be viewed in its entirety at the following link: http://www.lexisnexis.com/hottopics/colorado/
DATE: November 2, 2015

Gould Reservoir Road

Location (UTM Zone 13 NAD83) 275365.47 E  4275202.01 N
Survey Duration  8/20/2004  11/30/2004
Period of record (in days)  102
Total vehicle counts  414
Average speed  22.8 mph

Site is on Montrose City RD E 81 and provides access to private lands and to the Poison Spring Ridge area whose federal lands are managed by the BLM. The majority of use in this area is recreational.
Commissioner Davis noted that the Cottens lived in Monte Vista, Colorado and at his inquiry, Mr. Cotten explained that the cabin was built in 2014 and they spent approximately 30-40 days there during this last summer. Before the cabin was built, they would spend approximately 21 days per year there during summer months and hunting season.

Mr. Bloom pointed out that the Cottens had testified the property was not used for hunting, fishing, or other recreational sports. Commissioner White clarified the property they were speaking of was BLM land.

At 11:20am, Commissioner White closed the public hearing.

Commissioner Davis explained that when the Commissioners make decisions regarding County business, they must rely (in most situations) on information provided by County staff. This was not the only situation where entities (the Federal government, BLM, private citizens) were attempting to claim County roads. It was his belief that Mr. Cotten’s presentation was accurate. It was also his belief Marvin Palmer’s statement regarding his use of the road while plowing was accurate. The evidence presented to the Commissioners was that the road was a County road; therefore, he would make a decision based on that evidence. He would not make the decision without serious consideration because no matter what the decision was, it would have impact on the Cottens and the County.

Commissioner White reiteratfed that the Commissioners called for this public hearing. He then summarized the following items that had been presented to the Commissioners.

1. The Cottens claimed (by written and verbal testimony) that the road was private and had never been a County road.
2. The County Planning & Development Department and Engineer presented written documentation dating back to 1957 correspondence from the Montrose County Commissioners stating the road would be part of the County’s road maintenance program.
3. Maps from the Department of the Interior Geological Survey had been presented showing evidence the road was there.

Commissioner White pointed out that the Cottens had not presented empirical evidence showing that the easement ran with the land when it was originally constructed close to the shoreline and then moved (shortened). No written documentation had been submitted showing the road was privately owned. If the dam was completed in 1910 and homesteading did not take place after that date, it was logical the road was used for public purposes. Because evidence produced by the County showed the road was a County road, and there had
been no contradicting evidence provided by the Cottens, Commissioner White asserted that he could not support vacating the road.

Commissioner Henderson confirmed his belief that E81 Road was a County road.

COMMISSIONER HENDERSON MOVED TO DENY THE VACATION OF A PORTION OF E81 ROAD LOCATED ON MONTROSE COUNTY PARCEL 3715-182-00-001 (LARRY AND LORELL COTTEN PROPERTY) BASED ON THE TWO (2) FINDINGS OF FACT:

A) VACATION THE ROAD WOULD ELIMINATE ACCESS TO PUBLIC LANDS.
B) VACATION OF THE ROAD MAY LEAVE AN ADJOINING PROPERTY WITHOUT A MEANS OF ACCESS.

IN ADDITION, THE BOARD OF COUNTY COMMISSIONERS DIRECTS THE COUNTY ATTORNEY TO TAKE APPROPRIATE ACTION TO HAVE THE GATE REMOVED WITHIN 24 HOURS. COMMISSIONER DAVIS SECONDED. MOTION CARRIED UNANIMOUSLY.

At that time, the meeting was adjourned.

2. NEW BUSINESS - Miami Road Minor Subdivision (MI-15-0031)
Location: 14686 6000 Road
Zoning: General Agricultural
Proposal: To divide a 29 acre parcel into three (3) lots
Owner: Darrell Holman
Applicant: Mesa Surveying
Projected Land Use: Agricultural/Rural Residential
Exhibits: Vicinity Map, 11” x 17” Final Plat

PLANNING AND DEVELOPMENT STAFF REPORT

PROJECT DESCRIPTION:
This was an application for a Minor Subdivision. The Applicant proposed to divide a 29-acre parcel into three lots. The property has road frontage on Miami and 6000 Roads. Potable water will be provided by Chipeta Water and Waste Water disposal by OWTSviii. Lot 1 consists of 6.8 acres with an existing home; Lot 2 consists of 15.2 acres. Lot 3 consists of 5.5 acres and are being used for agricultural purposes.
ANALYSIS:
The Land Use Element of the Montrose County Master Plan designates this area for “Agricultural/Rural Residential” uses. These are defined as; “areas designated for agricultural uses and single family residential development. The suggested minimum density for this district is one primary dwelling unit per three (3) acres. The proposed subdivision is consistent with the County Master Plan. As proposed, this subdivision is consistent with the land use designation of the Montrose County Master Plan.

A Site Characteristics Study has been submitted by a Colorado Registered Engineer, which provides data that indicates the lots are viable and will meet the Montrose County Health Resolution pertaining to OWTS.

Road right-of-way will be dedicated to the County for Miami and 6000 Roads.

RECOMMENDATION:
The Planning Commission recommended approval of this Minor Subdivision based on the following findings of fact:

a) The proposed Minor Subdivision will comply with the requirements of the Montrose County Subdivision Regulations.

b) The proposed Minor Subdivision is consistent with the development standards of the General Agricultural Zoning District.

c) The proposed Minor Subdivision is consistent with the land use designation of the Montrose County Master Plan.

Discussion

Applicant Bill Wiley of Mesa Surveying informed the Board he was available for questions from the Board. The BOCC had no questions.

COMMISSIONER HENDERSON MOVED TO APPROVE THE MIAMI ROAD MINOR SUBDIVISION BASED ON THE THREE (3) FINDINGS OF FACTS. COMMISSIONER DAVIS SECONDED. MOTION CARRIED UNANIMOUSLY.
3. NEW BUSINESS - Spring Creek Meadows Subdivision-Preliminary Plan (MA-15-0024)

Location: Kansas Road
Zoning: General Agricultural
Proposal: To divide 192.985 acres into sixty-three (63) lots
Owner: Kansas Road Partners, LLC
Applicant: Del-Mont Consultants, Inc.
Projected Land Use: Agricultural/Rural Residential
Exhibits: Vicinity Map, 11” x 17” Preliminary Plan

PLANNING AND DEVELOPMENT STAFF REPORT

PROJECT DESCRIPTION:
The Board of County Commissioners originally approved the Preliminary Plan for this subdivision on February 6, 2006. The Preliminary Plan was for 83 lots. The Board subsequently approved filing #1 for 20 of the lots on April 16, 2007. No additional filings or extensions were applied for and the preliminary plan expired. In order to proceed with additional filings, the Applicant has now applied for a new preliminary plan. This Preliminary Plan matches the originally approved plan.

This was a Preliminary Plan application for a Major Subdivision. The Applicant proposed to divide 192 acres into 63 lots. The lots range from 1.5 to 5.0 acres in size. All of the lots will have direct access to a county road. Potable water will be provided by Tri-County Water District. Individual OWTS will provide wastewater service.

ANALYSIS:
The Land Use Element of the Montrose County Master Plan designates this area for “Agricultural/Rural Residential” uses. These are defined as areas designated for agricultural uses and single family residential development. The suggested minimum density for this district is one primary dwelling unit per three acres. As proposed, this subdivision is consistent with the land use designation of the Montrose County Master Plan.

The development of the subdivision will be completed in 4 phases. A geotechnical report was submitted which indicates that the lots will meet the County Board of Health (OWTS) regulations.

The County Engineer has requested that a condition be added to address future traffic issues and possible improvements.
Tri-County Water District requested that the road right-of-way on Kokopelli Drive and 6040 Road be increased from 50 feet to 60 feet. They indicated that 50 feet was inadequate to allow installation and maintenance without possible damage to the road surface. The applicant did not wish to increase the width of the right-of-way and requested the right-of-way to remain at 50 feet; this meets the Montrose County Standard.

RECOMMENDATION:
The Planning Commission recommended approval of this Preliminary Plan based on the following findings of fact and Condition:

a) The proposed Preliminary Plan will comply with the requirements of the Montrose County Subdivision Regulations.
b) The proposed Subdivision is consistent with the development standards of the General Agricultural Zoning District.
c) The proposed Subdivision is consistent with the land use designation of the Montrose County Master Plan.

Condition for approval

1. Prior to submitting an application for a final plat associated with Phase 4 as depicted on the phasing plan, the applicant shall submit a traffic study of the Kansas/LaSalle Road intersection. The study will need to capture the actual traffic patterns, counts, turn movement, etc. The study shall take place after the recordation of the Final Plat for Phase 3. If auxiliary turn lanes are warranted, these improvements must be completed by and at the expense of the applicant prior to approval of the Final Plat for Phase 4.

Discussion

Planning & Development Director Steve White reported that the road in question was a local road, not a major roadway; the fifty foot right-of-way was adequate. This issue met County regulations and was discussed with the Planning Commission; therefore, the Planning Commission recommended approval.

Nick Barrett of Del Mont Consultants confirmed that the width of the roads were adequate for installing water lines. Phase 1 of the project (that had been approved and previously built) had fifty-foot rights-of-way; Tri County had installed water lines there. The width of the road was paved with two-foot shoulders, which was
adequate to allow installation of water lines. The proposal before the Board was almost identical to the original proposal. The Applicant agreed to the Condition for Approval; during the first phase of the project, the portion of Kansas Road to LaSalle Road was improved, which was all that was required at that time. If additional improvements were necessary, the Applicant would consider it.

Commissioner Davis inquired whether a gravel pit was located east of the property across Kansas Road. Mr. Barrett asserted his belief an old gravel pit was located there.

COMMISSIONER DAVIS MOVED TO APPROVE THE SPRING CREEK MEADOWS SUBDIVISION-PRELIMINARY PLAN BASED ON THE THREE (3) FINDINGS OF FACT AND ONE (1) CONDITION FOR APPROVAL. COMMISSIONER HENDERSON SECONDED. MOTION CARRIED UNANIMOUSLY.

4. ENGINEERING - Consideration and authorization for the Chairman’s signature on a Private Winter Maintenance Agreement for Eldred Ranch, Colorado, as reviewed by Counsel, effective upon the first plowable snow of the 2015-2016 season and expiring April 15, 2016. This item represented no budgetary impact and supports Priority #4 Effective and Responsive Government.
   Exhibits: Private Winter Maintenance Agreement, Private Winter Maintenance Assessment, Vicinity Map, Certificate of Liability Insurance, Surety Bond

PLANNING AND DEVELOPMENT STAFF REPORT

ANALYSIS:
Applicant followed procedures as laid out in the Montrose County snow plowing regulations, Resolution 14-2010.

RECOMMENDATION:
Staff recommended approval Eldred Ranch’s Private Winter Maintenance Agreement.

Discussion

At Commissioner Davis’ inquiry, County Engineer Dean Cooper explained that annual Private Winter Maintenance Agreements were required by State code.
COMMISSIONER HENDERSON MOVED TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON A PRIVATE WINTER MAINTENANCE AGREEMENT FOR ELDRED RANCH, COLORADO, AS REVIEWED BY COUNSEL, EFFECTIVE UPON THE FIRST PLOWABLE SNOW OF THE 2015-2016 SEASON AND EXPIRING APRIL 15, 2016. THIS ITEM REPRESENTS NO BUDGETARY IMPACT AND SUPPORTS PRIORITY #4 EFFECTIVE AND RESPONSIVE GOVERNMENT. COMMISSIONER DAVIS SECONDED. MOTION CARRIED UNANIMOUSLY.

5. ENGINEERING - Consideration and authorization for the Chairman’s signature on a Private Winter Maintenance Agreement for Sid Howell, as reviewed by Counsel, effective upon the first plowable snow of the 2015-2016 season and expiring April 15, 2016. This item represented no budgetary impact and supports Priority #4 Effective and Responsive Government.

Exhibits: Private Winter Maintenance Agreement, Private Winter Maintenance Assessment, Vicinity Map, Certificate of Liability Insurance, Surety Bond

PLANNING AND DEVELOPMENT STAFF REPORT

ANALYSIS:
Applicant followed procedures as laid out in the Montrose County snow plowing regulations, Resolution 14-2010.

RECOMMENDATION:
Staff recommended approval of Sid Howell’s Private Winter Maintenance Agreement.
At that time, the Board returned to Item F1 for discussion.

G. EXECUTIVE SESSION: NONE
With no further business coming before the Board, the Board of County Commissioners adjourned at 11:28am.

BOARD OF MONTROSE COUNTY COMMISSIONERS

ATTEST:

__________________________________________        David S. White, Chairman

Tressa W. Guynes, Clerk & Recorder

Glen Davis, Vice Chairman

By: _______________________________________        Ronald D. Henderson, Commissioner

Marie Simons, Deputy Clerk to the Board

Acronym Guide

1. HHS: Health and Human Services
2. CASA: Court Appointed Special Advocates (for children)
3. BOCC: Board of County Commissioners
4. BLM: Bureau of Land Management
5. HUTF: Highway Users Tax Fund
6. USGS: United States Geological Survey
7. FLPMA: Federal Land Policy and Management Act
8. OWTS: Onsite Wastewater Treatment Systems