The Board of County Commissioners met in Regular session at the County Administrative Office Board Room at 9:00 a.m. Those present: Glen Davis, Chairman; David White, Vice-Chairman; Ronald Henderson, Commissioner; Teresa Williams, County Attorney; Ken Norris, County Manager; Eloise Lentz, 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.

Montrose Resident Dennis Olmstead noted, at the November 21st meeting of the Board of County Commissioners, there appeared to be a lack of financial business or operational plans for the proposed Arena, and no indication by the Commissioners that these documents existed. At a previous Heide’s meeting, it was stated there was not a plan, but one would be developed when the DOLA (Department of Local Affairs) grant was received. Mr. Olmstead explained he had submitted a request for public records seeking detailed information on Arena business and financial plans. He also requested documentation of loan payments for the County by year, and how the citizens would benefit from the Arena.

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

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

1. Request for approval of General Fund and Special Fund Expenditures: 11/30/2016

C1 Payables 113016

2. Approval of Minutes: 09/28/2016, 10/03/2016, 10/19/2016, 11/02/2016
C2 Draft Minutes 092816
C2 Draft Minutes 100316
C2 Draft Minutes 101916
C2 Draft Minutes 110216

3. MONTROSE COUNTY ATTORNEY, approval and authorization of the Chairman's signature on Exhibit IC-C, Categorical Exclusion for Projects/Activities Subject to 24 C.F.R. 58.5, for the Rental Property Rehabilitation Program in Montrose County in support of Strategic Plan Priority #4 Effective and Responsive Government.

This item was moved to D-1.

C3 County Attorney Rental Property Rehab Program

4. HEALTH AND HUMAN SERVICES, approval and authorization for the Chairman's signature on an Intergovernmental Agreement between the Ouray County Department of Social Services and Montrose County Social Services to provide child support enforcement services in the revenue amount of $4,800.00, effective 01/01/2017 through 12/31/2017, as reviewed by Counsel in support of Strategic Plan Priority #3 Provide for Public Safety and Priority #4 Effective and Responsive Government.

C4 HHS Ouray County Dept of Soc Serv IGA

5. MONTROSE REGIONAL AIRPORT, approval and authorization for the Chairman's signature on the Off-Airport Ground Transportation Agreement with Crested Butte Shuttle Company d/b/a Dolly's Mountain Shuttle in the revenue amount of $1,398.38 and effective 12/05/2016, as reviewed by Counsel in support of Strategic Plan Priority #1 Managed Growth and Economic Development.

This item was moved to D-2.
Montrose Resident Roger Brown requested more details on Consent Agenda C-3 and C-5 and requested they C-5 be moved to General Business and Administrative items D-1 and D-2.

COMMISSIONER WHITE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED; NOTING ITEMS C-3 AND C-5 WILL BECOME ITEMS D-1 AND D-2 FOR THE PURPOSE OF FURTHER DISCUSSION. COMMISSIONER HENDERSON SECONDED. MOTION PASSED UNANIMOUSLY.

D. GENERAL BUSINESS & ADMINISTRATIVE ITEMS: NONE

   1. MONTROSE COUNTY ATTORNEY, approval and authorization of the Chairman's signature on Exhibit IC-C, Categorical Exclusion for Projects/Activities Subject to 24 C.F.R. 58.5, for the Rental Property Rehabilitation Program in Montrose County in support of Strategic Plan Priority #4 Effective and Responsive Government.

   Montrose Resident Roger Brown noted D-1 was unclear and boxes were left blank. Montrose County Attorney Teresa Williams clarified the portions left blank were intentional and not applicable, so would not be checked. This was an Exhibit of the Community Block Grant that went to the Delta Housing Authority, who functioned as a housing rehabilitation program involving low interest loans, given to people that met certain criteria and wanted to make improvements to their homes. According to Federal law, the jurisdiction where the project was located, had to sign off to comply with Environmental Regulations regarding any project located within the County. County Attorney Williams indicated the County did not sign the grant, but approved this Exhibit to allow County residents to participate and the money would be spent in Montrose County as the Housing Authority worked in several different counties.

   Commissioner Henderson noted there had been a lot of controversy in the past regarding this issue, related to how the money was expended. There had been some misuse of funds and needed to be reviewed and tightened up, and he intended to vote against it.

   Commissioner Davis noted this procedure was done in other instances, where money was transferred to other Counties. Commissioner White further clarified this enabled the Housing Authority to receive grant money to give to property owners in Montrose County, for energy efficiency projects. Delta County was the pass through for this grant program, as they administered the money. The grant came to the region, with no impact on the County other than consent to allow them to be the agency to receive the money. This was generally what the CBDG (Community Development Block Grant) entailed and the Housing Authority official had spoken to the Commissioners explaining the program, and the decision was never done blindly.
COMMISSIONER WHITE MOVED TO APPROVE THIS ITEM ADMINISTRATIVELY TO BE A PART OF THE PROGRAM. COMMISSIONER DAVIS SECONDED. COMMISSIONER HENDERSON VOTED NAY. MOTION PASSED TWO TO ONE.

2. MONTROSE REGIONAL AIRPORT, approval and authorization for the Chairman's signature on the Off-Airport Ground Transportation Agreement with Crested Butte Shuttle Company d/b/a Dolly's Mountain Shuttle in the revenue amount of $1,398.38 and effective 12/05/2016, as reviewed by Counsel in support of Strategic Plan Priority #1 Managed Growth and Economic Development.

Montrose Resident Roger Brown pointed out Crested Butte Shuttle Company should have LLC after their name and was not stated as such in the contract. On the cover sheet there were numerous boxes that were blank. He also questioned if this company was a livery or a luxury limo service? This contract was effective for three years but the PUC (Public Utilities Commission) operated on an annual basis. The physical address was inaccurate and did not match the one given by Director Arnold.

Montrose County Airport Director Lloyd Arnold noted the physical address on the contract was correct and a Post Office box was given for correspondence. The 3 year contract was chosen, but the PUC would be reviewed yearly. One vehicle was involved with this transaction, so it would be inefficient to bring it before the Board yearly. This company was ‘off airport’ so they paid 10% of gross and the $735 for the van per year.

Mr. Brown noted State records indicated the company was Crested Butte Shuttle Company LLC, (Limited Liability Corporation) but was not stated so on the County documentation. Mr. Brown pointed out there were 4 drivers notated that needed documentation of medical exams and complete background checks, per PUC requirements.

Commissioner Davis noted this company was a private corporation, and under state law, they had to have their drivers certified. Should there be an incident; the liability fell on the corporation, not on the County. The corporation was just given a permit to operate by the County.

C5 Airport Dolly's Mountain Shuttle Agree
COMMISSIONER WHITE MOVED THE BOARD APPROVE AND AUTHORIZE THE CHAIRMAN’S SIGNATURE ON THE Off-AIRPORT GROUND TRANSPORTATION AGREEMENT WITH CRESTED BUTTE SHUTTLE COMPANY D/B/A DOLLY’S MOUNTAIN SHUTTLE WITH AN ANTICIPATED REVENUE AMOUNT OF $1,398.38 AND EFFECTIVE 12/05/2016 AND HAS REVIEWED BY COUNSEL AND IS IN SUPPORT OF STRATEGIC PLAN PRIORITY #1 MANAGED GROWTH AND ECONOMIC DEVELOPMENT. COMMISSIONER HENDERSON SECONDED. Commissioner Henderson noted the procedure should be reviewed. MOTION PASSED UNANIMOUSLY.

E. PLANNING & DEVELOPMENT:

1. OTHER BUSINESS-Bruck Minor Subdivision (MI-16-0036) Location: 59987 Maple Grove Road; Zoning: General Agricultural; Proposal: To divide a 3 acre lot from a 39.346 acre parcel; Owner: James Bruck; Applicant: Mesa Surveying

E1 P&D Bruck Minor Staff Report
E1 Bruck Minor Plat
E1 Bruck Minor Vicinity

Planning and Development

Project Description:
This is an application for a Minor Subdivision. The Applicant proposes to divide a 3 acre parcel from a 39 acre parcel. The property has road frontage on Maple Grove. Potable water will be provided by Tri-County Water and Waste Water disposal OWTS. The proposed 3 acre lot has existing homes with the remaining 35 acres under cultivation.

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.

In June, 2016 the Board of Adjustment approved a variance to allow three homes on a property less than three acres.
Recommendation:
The Planning Commission recommends approval of this Minor Subdivision based on the following findings of fact:
The proposed Minor Subdivision will comply with the requirements of the Montrose County Subdivision Regulations.
The proposed Minor Subdivision is consistent with the development standards of the General Agricultural Zoning District.
The proposed Minor Subdivision is consistent with the land use designation of the Montrose County Master Plan.

Planning and Development Director Steve White clarified the owner wanted to separate the houses from the farm field with homes existing there currently. The septic system, etc had been reviewed by staff to confirm everything would be on the site where the homes were located. The Board would be receiving a dedication of roadway on the south side which was Maple Grove Road and the east side was 6000 Road.

Commissioner Davis questioned if those roads would be brought up to County standards? Director White said they would not be, as it was a minor subdivision. Maple Grove Road was already in place and 6000 Road was just a dirt road with a ditch. In a minor subdivision, roads were not a part of the improvements, just dedication requirements.

COMMISSIONER HENDERSON MOVED TO APPROVE THE BRUCK MINOR SUBDIVISION MI-16-0036 LOCATED AT 59987 MAPLE GROVE ROAD, ZONED GENERAL AGRICULTURAL, PROPOSAL TO DIVIDE 3 ACRE LOTS FROM A 39.346 ACRE PARCEL; OWNER JAMES BRUCK. COMMISSIONER WHITE SECONDED. MOTION PASSED UNANIMOUSLY.

2. OTHER BUSINESS-L.D. Garrett Minor Subdivision (MI-15-0017) Location: 54006 Flight Lane; Zoning: General Agricultural; Proposal: To divide three (3) lots from a 80.17 acre parcel; Owner: Lawrence David Garrett; Applicant: Fred Ballard

E2 P&D L.D. Garrett Minor Staff Report
E2 P&D L.D. Garrett Minor Plat
E2 P&D L.D. Garrett Minor Vicinity
Planning and Development

Project Description:
This is an application for a Minor Subdivision. The Applicant proposes to divide a 80 acre parcel into three lots. The property has road frontage on Flight Lane. Potable water will be provided by Tri-County Water and Waste Water disposal by OWTS. Lot 1 consists of 1.84 acres with an existing home; Lot 2 and Lot 3 are vacant and are approximately 1.85 in size.

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 based on the overall ownership. 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 that will be less than 3 acres are viable and will meet the Montrose County Health Resolution pertaining to OWTS.

Recommendation:
The Planning Commission recommends approval of this Minor Subdivision based on the following findings of fact:

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

Planning and Development Director Steve White noted this property was northwest of Olathe, with future dedication required if there was an extension of Flight Lane, but was not proposed at this time. There would be an easement giving access to the 3 lots. Each lot was almost two acres and were documented as viable lots. The Road Cap dam was located to the southwest, with no issues of flooding.
COMMISSIONER WHITE MOVED THE BOARD APPROVE THE L.D. GARRETT MINOR SUBDIVISION BASED ON THE FINDINGS OF FACT LISTED IN THE REPORT ATTACHED TO THE AGENDA TO DIVIDE THREE LOTS FROM AN 80.17 ACRE PARCEL. COMMISSIONER HENDERSON SECONDED. MOTION PASSED UNANIMOUSLY.

F. EXECUTIVE SESSION: NONE

With no further business coming before the Board, the Board of County Commissioners adjourned.

ATTEST:

Tressa Guynes, Clerk & Recorder

By: ____________________________________________
   Eloise Lentz, Clerk to the Board

BOARD OF MONTROSE COUNTY COMMISSIONERS

Glen Davis, Chairman

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David S. White, Vice Chairman

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Ronald D. Henderson, Commissioner