



The Board of County Commissioners met in regular session on February 11, 2020. Those present for the session were, Don Batchelder, Chair; Ben Tisdell, Vice-Chair; John E. Peters, Commissioner Member; Connie Hunt, County Administrator; Carol Viner, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

A. 9:00 Call to the Public:

The "Call to the Public" agenda item is a time when the public may bring forth items of interest or concern. No formal action may be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.

There were no Call to the Public items.

E. 9:01 General Business:

- 1. Request for approval and authorization of Chair's signature on the following expenditures:**

- a. Warrants and Warrant Register:**
- b. Wire Transfer Approval Form for Courthouse Lease Purchase Payment # 7:**

The Board clarified several warrants with Hunt.

The Board agreed to direct staff to purchase goods and supplies locally, to the degree possible.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Chair's signature on the Warrant and Warrant Register and on the Wire Transfer Approval Form for Courthouse Lease Purchase Payment #7. The motion carried unanimously.

- 2. Request for approval of the following minutes:**

- a. December 10, 2019 – redline:**

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve the December 10, 2019 minutes as presented. The motion carried unanimously.

- b. December 17, 2019:**

The Board agreed to minor revisions.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve the December 17, 2019 minutes, as amended. The motion carried unanimously.

- c. January 14, 2020:**

- d. January 28, 2020:**

The Board requested verifications and revisions to the January 14 and 28, 2020 minutes. The minutes would be considered on a future meeting agenda.

- 5. Request for approval and authorization of Commissioner's signatures on Highway Users Tax Fund (HUTF) Report:**

Commissioner Peters pointed out that Mountain Vista Court had been added to the map. Commissioner Batchelder said that the road had been accepted into the County Road system; but the County did not receive HUTF monies for maintenance of the road.

The Board directed Hunt to follow up with Jeff Bockes, County GIS Manager, to ensure that the map and the spreadsheet matched.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Commissioner's signatures on Highway Users Tax Fund (HUTF) Report. The motion carried unanimously.

- 6. Discussion and decision regarding CCAT membership:**

Commissioner Tisdell requested that the item be moved to a later meeting to allow adequate time to develop the needed materials. The Board agreed.

B. 9:28 Uncompahgre Watershed Partnership (UWP):

- 2. UWP Annual Report:**

Tanya Ishikawa, UWP Communications Director, presented an overview of projects and future goals.

- 1. Presentation of "The Uncompahgre River Watershed in Ouray County" Guide:**

Ishikawa distributed copies of the Guide. She presented the material and highlighted that the Guide included a statement regarding the color of the Uncompahgre River.

- 4. River Watch Program Update:**

Arlen Huggins, UWP Board member, gave an update on the River Watch Program in Ouray County. He detailed the training and testing resources available through the program and Colorado Parks and Wildlife (CPW).

Huggins presented data and information collected from the Uncompahgre River over the past 10 years.

3. Governor Basin and Atlas Mill Project Update:

Ashley Bembenek, UWP Technical Coordinator, explained the problem of the acidic tailings in the basin and gave an overview of the proposed solution to utilize existing rock in the basin to neutralize the acidic waste.

Commissioner Tisdel inquired to know if the ownership issues on the mining claims had been resolved. Bembenek said that the County had records that verified the ownership; additionally, a survey had been performed by Ouray Silver Mines that verified the information in the County records. She said that the Bluegrass Claim was privately owned, but that Ouray Silver Mines was working with the property owner for a land exchange. She said that discussions with the United States Forest Service were ongoing.

Bembenek continued to say that soil restoration would be done where feasible. She would work with County Road and Bridge crews as short road closures may be required.

Bembenek also provided a brief update on the Atlas Mill Project on behalf of Trout Unlimited. She explained that the results were varied, but that the project had been successful in utilizing a variety of amendments to restore and improve the water quality.

C. 10:30 Public Hearing – Final Plat Amendment:

Request: Request for approval of a Final Plat Amendment of Idlewild Estates, Lots 45 & 46 to combine two lots into one single parcel.

Applicant: Trent and Keri Trimble

Mark Castrodale, County Planning Director, was present.

Commissioner Batchelder opened the public hearing.

Castrodale explained that the applicants were seeking combine two lots into a single parcel. Castrodale said that it was the recommendation of Planning Commission and staff to approve the request as allowed pursuant to Section 6.12 of the Land Use Code, with seven conditions.

Commissioner Peters asked if condition 6 would be better included as a plat note. Castrodale said that it could be included, but that there was no active homeowners association (HOA).

Commissioner Tisdel referenced a letter from Brent Holm on behalf of the applicants that was included in the packet. He said that the letter cited the purpose for the request was to avoid paying taxes on the lots separately. Castrodale said it was not an issue from the prospective of the Land Use department and that the action was permitted by Code.

Commissioner Batchelder asked for public comment.

Brett Holm, representing Trent and Keri Trimble, stated that the applicants had purchased the second lot in order to construct a home that would straddle the existing property line. Commissioner Batchelder recognized that there was additional rationale for the request other than to avoid taxes.

Commissioner Batchelder closed the public comment portion of the hearing.

Commissioner Peters requested that condition 6 be slightly reworded to reference that the property may be affected by HOA covenants. The Board agreed.

Commissioner Tisdel noted that combining two lots into a single parcel had the effect of decreasing the density and future housing stock in the County. He said that, although it was a legal process allowed by the Land Use Code, the Board may want to discuss it in the future. .

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the request by Trent and Keri Trimble to approve a Final Plat Amendment of Idlewild Estates, Lots 45 & 46 to combine two lots into one single parcel, with the modification and inclusion of Condition 6 on the plat, with the seven conditions proposed by staff. The motion carried unanimously.

D. 10:40 Monty Guiles, Peyton-Savage, LLC (Owner's Representative, Courthouse Project):

1. Courthouse Restoration / New Construction Project Update:

Monty Guiles, Owners Representative, was present.

Guiles said that \$1.1 million remained to complete the project. \$50,000 of contingency funds remained between the Contractor and the County.

Hunt gave a brief update about the ribbon cutting ceremony, slated for June or July when the landscaping could be completed.

E. 11:00 General Business, continued:

3. Request for approval and authorization of Chair's signature on 2020 Ouray County Wildfire Annual Operating Plan between Ouray County Board of County Commissioners, Ouray County Sheriff, Colorado Division of Fire Prevention

and Control and Federal Land Management Agency, Uncompahgre, Gunnison National Forest:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on 2020 Ouray County Wildfire Annual Operating Plan between Ouray County Board of County Commissioners, Ouray County Sheriff, Colorado Division of Fire Prevention and Control and Federal Land Management Agency, Uncompahgre, Gunnison National Forest. The motion carried unanimously.

4. Request for approval and authorization of Chair's signature on Agreement for Cooperative Wildfire Protection between Ouray County Board of County Commissioners, Ouray County Sheriff and State of Colorado acting by and through the Department of Public Safety regarding Fire Prevention and Control:

Commissioner Tisdel noted that the document would serve as an attachment to the Wildfire Annual Operating Plan that was just approved. He noted that the County's notice information needed to be filled into the agreement.

Alan Staehle, County Road 14 resident, recommended that the County look into equipping water trucks with the capability to transport and place water in porta-ponds.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Agreement for Cooperative Wildfire Protection between Ouray County Board of County Commissioners, Ouray County Sheriff and State of Colorado acting by and through the Department of Public Safety regarding Fire Prevention and Control. The motion carried unanimously.

F. 11:07 Commissioner/Administrative Reports:

Commissioner Tisdel discussed the following:

- 1) **Colorado Counties, Inc. Steering Committee Meetings** – Commissioner Tisdel asked if there were any positions or updates the Board needed to discuss prior to the meeting. The Board agreed to add an item on the March 3, 2020 agenda to discuss.
- 2) **Updates** – Commissioner Tisdel reported that he had received an inquiry regarding planned work on County Road 906. The Board agreed to discuss it at the road prioritization and planning work session when a Road and Bridge Superintendent could be hired. Commissioner Tisdel asked if the Board would be in support of requesting Colorado Parks and Wildlife to host a meeting Ridgway regarding herd management updates. The Board agreed.
- 3) **Sales Tax Funds** – Commissioner Tisdel said that the sales tax revenues were coming in higher than projected. He asked if the Board was willing to discuss using the revenues to fund a Master Plan revision process. Commissioner Batchelder was hesitant; Hunt agreed that it would be advantageous to use grant funds, along with budgeted matching funds. The Board agreed to begin discussions regarding the Master Plan during a joint work session with Planning Commission.

Commissioner Batchelder discussed the following:

- 1) **Non-Commercial Camping Ordinance** – Commissioner Batchelder reported that he had met with Land Use Staff regarding revisions to Ordinance 2015-02 regarding non-commercial camping as directed during the last work session.
- 2) **Affordable Housing** – Commissioner Batchelder recommended that the Board outreach to the City and Town regarding their tasks and goals to ensure it was a viable concept. Hunt said that she was working with the Town and City to reschedule the postponed meeting. Commissioner Peters was hesitant to stop moving forward with options to address the housing crisis in Ouray County. He said that all options needed to be explored. Commissioner Tisdel agreed.

G. 11:20 The Board of County Commissioners convened into Executive Session pursuant to C.R.S. § 24-6-402(4)(b) and 24-6-402(4)(e)(I) for a conference with the County Attorney for the purpose of receiving legal advice and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators; regarding the Ouray County Public Health Fiber Project:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to convene into Executive Session pursuant to C.R.S. § 24-6-402(4)(b) and 24-6-402(4)(e)(I) for a conference with the County Attorney for the purpose of receiving legal advice and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators; regarding the Ouray County Public Health Fiber Project.

A roll call vote was taken on the motion with the following results:

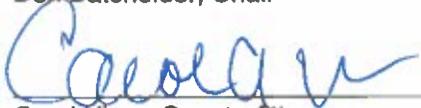
Commissioner Batchelder voted in the affirmative.
Commissioner Tisdel voted in the affirmative.
Commissioner Peters voted in the affirmative.

There was no discussion. Motion passed unanimously.

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.



Don Batchelder, Chair



Carol Viner, County Attorney

- 11:21 Prior to convening into executive session, the Board took a short break:
- 11:26 The Board of County Commissioners entered into executive session:
- 12:15 The Board of County Commissioners exited executive session:

Viner stated that the Board had just exited executive session; no decisions were made and no actions were taken.

- H. 12:53 The Board of County Commissioners made a site visit to the Ouray County Courthouse to review courtroom paint and to make a decision on the pilaster paint mockup:

The Board viewed the mockup and agreed to proceed with the painting scheme as originally identified by the consultants.

- 1:31 The Board of County Commissioners adjourned the regular session.

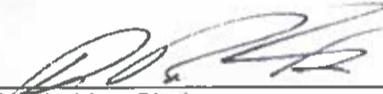
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

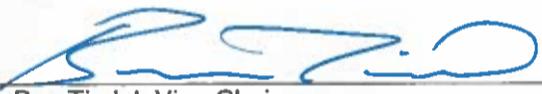




Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board



Don Batchelder, Chair



Ben Tisdell, Vice-Chair



John E. Peters, Commissioner Member