

The Board of County Commissioners met in regular session on April 14, 2020. Those present for the session were, Don Batchelder, Chair; Ben Tisdel, 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. The meeting was conducted virtually pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

**A. 9:01 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.*

**Upper Uncompahgre Stream Management Phase 2 Plan**

Scott Williams, Uncompahgre Watershed Partnership (UWP) Board member, said that the Board had established the Steering Committee for Stream Management and Planning in 2017. The purpose of the Committee was to collaborate in water planning to ensure adequate water supply was available to all users. He said that UWP participated in the process and even contributed matching grant funds to develop the plan. He said that UWP was surprised to have learned that Wright Water Engineers (WWE) had completed the draft report and was now expecting comments by April 15. Williams stated that the County had not distributed the report to members of the Steering Committee for review or comment. Williams said that it was important for the draft to be made available to the Committee for review in order to ensure balanced representation of the various stakeholders. Furthermore, Williams said that WWE and County staff had been instructed not to communicate with one of UWP's representatives regarding the plan due to the affiliation of the representative in a separate Water Court case.

Williams cited the grant application statement of work stated the Plan would be circulated to stakeholders for review and comment. Williams said that the final draft of the Plan needed to be circulated for review, and a final meeting of stakeholders held in order to incorporate comments.

Viner said that the draft could not be discussed in a public forum due to the County being involved in a lawsuit.

Commissioner Batchelder suggested that an executive session be held during a future meeting. He requested that Marti Whitmore and Pete Foster be included on the session. The Board agreed.

Williams asked if the deadline for comments could be extended. Viner was instructed to follow up with Foster for a week or two week extension. Hollenbeck was directed to distribute the draft Plan to the Steering Committee.

**COVID-19 Closures and Re-Opening Plans**

Cat Lichtenbelt, Log Hill resident, if the Board had given any thought to how to move forward with re-opening the County.

He said that the Board had not yet had a discussion on the matter, and that it needed to be done in conjunction with Unified Command (UC), noting that it was a very complex issue. He invited the Board to give their individual thoughts on the matter.

Commissioner Tisdel said that the County was five weeks into the declared emergency. There were many plans and recommendations from across the nation; however, he said that the best document he had reviewed was from the American Enterprise Institute. He said that the document had been shared with UC. He said that the document identified specific points that would allow for phased reopening. Commissioner Tisdel said that the state needed to be able to test all people with symptoms and conduct monitoring and contact tracing; he did not think that it was safe to reopen all businesses at this time. Commissioner Batchelder said that there were too many variables and unknowns for a complete reopening of the County. Commissioner Peters agreed.

Roger Sagal, Ridgway resident, asked about the County's capacity for testing. Commissioner Tisdel said that there were a variety of tests; to his knowledge, the state did not have the capability to adequately test those with active symptoms.

Tanner Kingery, County Public Health Director, said that Ouray County was considered a low risk county, as it did not have a nursing home or hospital. He said that local providers and the Public Health Agency were working with Montrose Memorial Hospital to test symptomatic people; however, widespread testing was not available. Commissioner Batchelder asked if Kingery had any indication on when widespread testing may be available. Kingery did not have an estimate. He was aware the state was working to build capacity for testing.

**B. 9:30 Road and Bridge Reports:**

**1. Road and Bridge Report:**

Hunt said that she was anticipating replies from two recruitment firms regarding the Road and Bridge Superintendent position. Commissioner Tisdel recommended that the Interim Road and Bridge Superintendent participate on the interview panel. The Board agreed. Hunt said that a special meeting may need to be scheduled in order to get direction for the position replacement.



Commissioner Peters asked if the County Road 1 guard rail replacement was a priority. The Board agreed to delete that priority for the year.

**C. 9:37 The Board of County Commissioners convened as the Board of Health to consider the following items:**

*Tanner Kingery, County Public Health Director was present.*

**1. Public Health Quarterly Update:**

Kingery presented the quarterly update.

The Board thanked Kingery for his work as Public Health Director, and for his efforts during the COVID-19 response.

The Board agreed to direct Kingery and other applicable staff to work together to monitor the need for a fire ban, if needed.

**2. Request for approval and authorization of Chair's signature on Agreement between WCPHP and Ouray County and on its Fiscal Impact Form:**

Commissioner Peters questioned if the work plan was still achievable, given efforts needed for the COVID-19 response. Kingery said that WCPHP would discuss the work plan at the next quarterly meeting, and change the work plan, if needed.

**M/S/P** – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Agreement between WCPHP and Ouray County and on the Fiscal Impact Form.*

*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.*

**3. Request for approval and authorization of Chair's signature on the Letter Agreement with the Rocky Mountain Health Foundation and on its Fiscal Impact Form:**

**M/S/P** – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on the Letter Agreement with the Rocky Mountain Health Foundation and on the Fiscal Impact Form.*

*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.*

Commissioner Tisdel requested that Unified Command begin planning for the expiration of the Public Health Orders relating to businesses and lodging. He said that advance notice would allow the business community to plan.

**D. 9:47 Commissioner / Administrative Reports:**

**Connie Hunt, County Administrator**, discussed the following:

- 1) **Xerox Lease Agreements** – The Board agreed to authorize staff to move forward with the lease of two new Xerox machines. The lease agreement would be considered on a future meeting agenda.
- 2) **COVID-19 Response Topics** – Hunt said that the County was incurring some costs related to the response. She suggested that the Emergency Management Fund be used to pay for those expenses. The Board agreed. Hunt said that a local radio station was requesting a Commissioner participate in a radio show to discuss the County's response to the outbreak. Commissioner Tisdel volunteered to participate.

**Commissioner Tisdel** discussed the following:

1. **Regional County Response** – Commissioner Tisdel said that a group of individual Commissioners had convened to discuss response and strategies to the COVID-19 pandemic.

**H. 10:11 General Business:**

**1. Request for approval of warrants:**

Commissioner Batchelder asked that staff look into how the water from the Hieland Ditch was being used. He recalled that the water had traditionally been used to sprinkle the berm at the Colona Gravel Pit. If it was no longer needed, the water could be leased to another user on the ditch to recoup the annual fee. The Board agreed.

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the warrants as presented.

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.

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

- a. **March 3, 2020 Minutes:**
- b. **March 16, 2020 Special Meeting Minutes:**
- c. **March 17, 2020 Minutes:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the March 3, 2020 Minutes, March 16, 2020 Special Meeting Minutes, and March 17, 2020 Minutes as presented.

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.

**3. Discussion and decision regarding CCAT membership:**

The Board agreed to discuss the topic at a future meeting agenda when more information could be presented.

**4. CCI Legislative Updates:**

Commissioner Tisdel said that budgets were going to be severely impacted by increased unemployment and lower sales tax revenue.

- 5. Request for adoption of Resolution 2020-014 approving a Boundary Adjustment relating to two parcels of land located in Sections 11 and 14, Township 46 North, Range 9 West, New Mexico Principal Meridian, as applied for by Roger Berry, Mary Berry, Kevin Davis, and Sarah Berry: (This application was approved by the Board during the March 24, 2020 meeting.)**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-014 approving a Boundary Adjustment relating to two parcels of land located in Sections 11 and 14, Township 46 North, Range 9 West, New Mexico Principal Meridian, as applied for by Rodger Berry, Mary Berry, Kevin Davis, and Sarah Berry.

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.

**6. Request for award of moving company to assist with the relocation back into the Ouray County Courthouse Complex:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to award moving company to assist with the relocation back into the Ouray County Courthouse Complex to Thomas Moving Services, LLC.

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.

**7. Request for approval to utilize Conservation Trust Fund dollars for the Courthouse landscaping and park areas:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve utilization of Conservation Trust Fund dollars for the Courthouse landscaping and park areas.

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.*

**9. Request for approval and authorization of Chair's signature on CivicPlus Quotation Acceptance to use this special web-page for a 90-day trial period:**

Hunt explained that the purpose of the trial was to experiment with the platform for COVID-19 related information, in addition to other outreach materials.

**M/S/P** – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on CivicPlus Quotation Acceptance to use this special web-page for a 90-day trial period.*

*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.*

**E. 10:30 Monty Guiles, Peyton-Savage, LLC (Owner's Representative, Courthouse Project):**

**1. Courthouse Restoration / New Construction Project Update:**

*Will Clapsadl, County Facilities Manager and Monty Guiles, Owner's Representative, were present.*

Guiles reported that \$200,000 worth of work remained to complete the project. He said that Clapsadl would be attending a walk-through to do an initial punch list of the exterior of the building.

Hunt said that the certificate of substantial completion would be on an upcoming meeting agenda.

**10:45 Break:**

**F. 11:00 Yankee Boy Conservation Association (YCBA) Annual Update:**

Bob Olivier, YCBA, was present to give the final end of season report for YCBA. He explained that YCBA would be dissolved and incorporated into the Six Basins Project. He thanked the Board for the support and assured that the two brochures developed by YCBA would continue to be published and circulated. He said that the dumpster at Angel Creek would continue, with the County's support, in addition to the emergency phone and campground host.

The Board thanked Olivier for his work. Olivier said that he would be working with the United States Forest Service (USFS) in order to adhere to restrictions regarding camping.

**G. 11:08 Parcel Line / Boundary Adjustment:**

**Application:** Parcel Line / Boundary Adjustment pursuant to Section 22 of the Land Use Code

**Applicant:** Cristy Cole

**Location:** R001220 and R003219, both addressed as 5276 County Road 23

*Mark Castrodale, County Planning Director, was present. Cristy Cole, Applicant, was also present.*

Castrodale presented the request. He said that the purpose of the application was to relocate the smaller parcel to the southwest portion of the property. He said that the application met all requirements in the Land Use Code and would reduce the non-conformity of the first parcel. Additionally, Cole was willing to dedicate County Road 23 right-of-way. Castrodale said that staff was recommending that the Board approval of the application with four conditions, noting that he was proposing that Condition 5 in the staff report be removed.

Commissioner Tisdel asked why staff was recommending striking Condition 5. Castrodale said that it was a placeholder inserted into the application early on in the process. Cole intended to dedicate the right-of-way so it was no longer necessary. Commissioner Tisdel inquired about the width of the dedicated right-of-way. Castrodale said that the surveyor was going to utilize existing survey information for the existing subdivisions in the area. After a brief discussion, the Board agreed to retain Condition 5 as amended to state that the right-of-way should be 60-feet total.

Cole said that she needed to verify the location of the existing garage and fence lines to ensure the right-of-way would not impact the structures. The Board agreed that some language be added to the condition acknowledging the preexisting building and fence lines that may be encroaching within the setback requirements.

**M/S/P** – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the Parcel Line / Boundary Adjustment as applied for by Cristy Cole for R001220 and R003219 with the five conditions as proposed by staff with the amendment to condition five to clarify the right-of-way and existing structures.*

*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.*

**H. 11:30 General Business:**

**8. Discussion and possible action regarding a request from Unified Command to potentially defer snow plowing or opening of high alpine roads due to the COVID-19 emergency:**

*Tanner Kingery, County Public Health Director, and Glenn Boyd, County Emergency Manager, were present.*

Commissioner Batchelder said that the Board had received a number of emails claiming that the Board had already made a decisions based on budgetary constraints. He said that this claim was incorrect: the Board had not yet discussed the topic. He said that the request and recommendation from Unified Command was more cautionary to avoid creating a situation where a number of tourists visit the County prior to Ouray County being in a position to reopen.

Boyd clarified that the request from Unified Command was not for the County to not plow the roads; he said that if there was an accident, it would require a multi-agency coordination to respond which had the potential to significantly diminish the County's personal protective equipment (PPE) supply, as well as to endanger first responders. He said that allowing a few additional weeks before plowing the roads would allow a bit more protection.

Commissioner Tisdel asked if surrounding counties were having similar discussions. Boyd said that he was aware of conversations occurring in other counties, but no decisions had been made on the matter. Commissioner Tisdel said that he had spoken with commissioner members from Hinsdale, Gunnison, San Juan and San Miguel Counties; all had similar concerns to Ouray County regarding opening the roads.

Commissioner Peters asked when County crews typically began plowing. Frownfelter said that crews typically began plowing in May.

Commissioner Batchelder said that historically, plowing began in May with the goal of having all roads open by July 4<sup>th</sup>. He thought that it may be possible to delay the decision without affecting when all the roads would be open. He said that the Board needed to consider that if the prohibition on short-term lodging was still in place, the majority of visitors would primarily be from Western Slope residents. Additionally, if the restaurants and lodging facilities remained closed or restricted to to-go orders only, allowing for an early opening of the roads may not have a significant benefit on local businesses.

Commissioner Tisdel said that he had performed an analysis on where tourists came from as reported by the Visitor's Center log book. He said that while a large number came from Colorado, a significant portion also visited from Texas and Arizona. He said that his concern was for an influx of visitors from areas with more severe virus outbreaks. Commissioner Tisdel said that delaying the plowing made sense.

Frownfelter said that the Road Foreman felt confident that the roads could be opened by July 4<sup>th</sup>, even if plowing was delayed until June. Frownfelter noted that weather was also a consideration.

Commissioner Tisdel said that some of the roads had physical gates and barriers, while others did not. He said that a partially opened road was just as dangerous as an unopened road.

Commissioner Batchelder asked Boyd if Unified Command had any conversations with state and local officials regarding trigger points for when the economy could reopen. Boyd said that Unified Command had participated in a number of conversations regarding the matter. He said that further discussion was needed to determine what those specific markers were. Commissioner Tisdel said that he had been paying attention to the statewide conversations on the topic; he noted that the epidemiological data did not figure in summertime visitors or part-time residents. He said that the state was not focusing on the southwestern region and the unique situations that existed.

In light of the information received, Commissioner Batchelder suggested that the topic be revisited in May. He was hopeful that more information would be available regarding Governor Polis' Stay-At-Home Order and recommendations on reopening.

Commissioner Batchelder asked for public comment.

Brandy Ross, Switzerland of America Jeep Rental, suggested fully opening some of the roads, but gating them until the Orders were lifted or amended. She said that businesses were going to suffer greatly if Ouray County did not have any open trails to open when the Orders were lifted. She requested that the County fully plow some roads on the normal timeline and barricade them to allow for quick opening.

Jeff Linberg, Colorado West Jeep Rental, agreed with Ross. He said that having a few trails open was the best option, as it allowed for people to disperse and not all be stuck on the only open trail.

Lora Slawitschka, Ouray Chalet, reminded the Board to consider the public health orders in place. She said that there was currently a prohibition on short-term lodging. Opening trails would increase visitors, but would not impact the hotels that were ordered to be closed until April 30<sup>th</sup>.

Ken Garrard, tour driver, said that there was a need for more rationality in the discussion. He agreed with the safety concerns, but cautioned against making decisions based on fear.

Amber Perkins, Ouray RV Park and Cabins, said that many of her customers were jeepers and ATVers. She agreed with the proposal presented by Ross to open the roads, then barricade them until the orders were lifted. Additionally, Perkins said that opening the roads would give a signal to visitors that it was okay to book. She was fearful that if the County waited to make decision visitors would book elsewhere.

Andy Carrie, Highland Axe Company, said that the roads would have to be barricaded if opened. He said that people would still try to go around the barricades. He added that it would be incredibly difficult to get visitors back if they went elsewhere.

Ryan Hein, Twin Peaks Hotel, agreed with the previous speakers. He said that spring was considered a shoulder season for Ouray but May and June were typically busier months. He agreed with the idea to plow some roads and barricade until the public health orders were lifted.

Julie Duckles, Timber Ridge Lodge, supported the previous comments. She said that it was important for the County to show that businesses were planning for reopening.

Commissioner Tisdel said that the request from Unified Command was based on the premise of preserving human life and the need to keep Ouray County first responders available to serve. He had been frustrated when seeing the many emails to the Board regarding plowing had cited a rumor that the County would not be plowing the roads due to budget constraints. He said that was not the case. He was seriously concerned about the potential for infection of Ouray County residents by tourists. He did not think that the Board would be prepared to make a decision on the request for another two weeks. Commissioner Tisdel added that any decision made needed to be done in conjunction with surrounding counties.

The Board agreed to discuss the matter during the May 5, 2020 regular meeting.

**12:24 The Board of County Commissioners adjourned the regular session.**



Attest:

*Michelle Nauer*

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

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

*Don Batchelder*

Don Batchelder, Chair

*Ben Tisdel*

Ben Tisdel, Vice-Chair

*John E. Peters*

John E. Peters, Commissioner Member