



Michelle Nauer, Clerk & Recorder

Ouray County, CO

06-17-2020 09:01 AM Recording Fee \$0.00

The Board of County Commissioners met in regular session on April 28, 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. The meeting was conducted virtually pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

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.

D. 9:01 General Business:

1. Request for approval of warrants:

Hunt presented additional warrants for the Clerk's Motor Vehicle monthly transfers.

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

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

- Commissioner Batchelder voted in the affirmative.*
- Commissioner Tisdell voted in the affirmative.*
- Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

2. Request for approval and authorization of electronic submission of 2020 / 2021 Courthouse Security Grant and on its Pre-Grant Form:

Commissioner Tisdell requested that the next cycle include a request for personal protective equipment (PPE) for the Courthouse Security Officer.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize electronic submission of 2020/2021 Courthouse Security Grant and on its Pre-Grant Form.

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

- Commissioner Batchelder voted in the affirmative.*
- Commissioner Tisdell voted in the affirmative.*
- Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

The Board agreed to authorize Commissioner Peters to approve the application electronically.

3. Discussion and decision regarding CCAT membership:

Commissioner Tisdell requested that this be placed on an agenda during 2021 budget considerations.

4. Request for adoption of Resolution 2020-015 Approving a Parcel Line / Boundary Adjustment of Two Existing Legal Parcels located at of land located in Section 21, Township 45, Range 8, Lot V & S 1/2 SE 1/4, less 5.9 ac, and Section 28, Township 45 Range 8 N 1/2 NE 1/4 S 1/2 NE 1/4, Lot XI & Lot XII, New Mexico Principal Meridian also known as the Ranch at Kettle Creek, LLC: (This application was approved by the Board during the April 14, 2020 meeting.)

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to adopt Resolution 2020-015 Approving a Parcel Line / Boundary Adjustment of Two Existing Legal Parcels located in Section 21, Township 45, Range 8, Lot V & S 1/2 SE 1/4, less 5.8 ac, and Section 28, Township 45, Range 8 N 1/2 NE 1/4 S 1/2 NE 1/4, Lot XI & Lot XII, New Mexico Principal Meridian also known as the Ranch at Kettle Creek, LLC.

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

- Commissioner Batchelder voted in the affirmative.*
- Commissioner Tisdell voted in the affirmative.*
- Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

5. Request for approval and authorization of Chair's signature on Certificate of Substantial Completion for the Ouray County Courthouse Restoration and New Construction Project:

Hunt explained that the project was 99% complete. She said that authorization of Chair's signature on the document would enable her to request the remaining grant funds from the Department of Local Affairs and the Underfunded Courthouse Commission. Hunt said that the contractor had been working to complete the final punch list of items.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize of Chair's signature on Certificate of Substantial Completion for the Ouray County Courthouse Restoration and New Construction 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.

6. Request for approval and authorization of 2020 Budgetary Transfers as appropriated in the 2020 Budget:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize the 2020 Budgetary Transfers as appropriated in the 2020 Budget.

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. Review and acceptance of Public Trustee Report – March 2020:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to accept the Public Trustee Report – March 2020.

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.

8. Request for award of the following Requests for Proposals:

- ~~a. 6x6 AWD Motor Grader:~~
- ~~b. Compact Excavator:~~

9. Approval and authorization of Chair's signature on the Final Plat Amendment of Idlewild Estates, Subdivision No. 3, Lot Number 45 & 46, as approved by Resolution 2020-006:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on the Final Plat Amendment of Idlewild Estates, Subdivision No. 3, Lot Number 45 & 46, as approved by Resolution 2020-006.

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.

~~**10. Discussion and possible action concerning Via Ferrata Recreational Access Agreement between Ouray County and City of Ouray:**~~

Viner explained that the item had been removed from the agenda as there was no conflict between Easement Agreement and the City of Ouray Operating Agreement.

11. Request for approval and authorization of Chair's signature on Letter of Termination of Civil Space Lite Promotion Package:

Hunt explained that the County had an agreement for a trial period of the service, but found that it would not be useful.

M/S/P – Motion was made by Commissioner Peters and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Letter of Termination of Civil Space Lite Promotion Package.

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.

12. Request for approval and authorization of Chair's signature on Western Regional Emergency Medical and Trauma Advisory Council (WRETAC) Regional Systems Development Grant Application and on the Pre-Grant Form:

Hunt said that the Emergency Medical Services (EMS) department was requesting \$15,000 for the purchase of equipment.

Commissioner Batchelder requested that Hunt check in with EMS ensure they had adequate PPE.

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Western Regional Emergency Medical and Trauma Advisory Council (WRETAC) Regional Systems Development Grant Application and on the Pre-Grant 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.

13. Request for approval and authorization of County Administrator's and Chair's signature on Professional Services Agreement with Thomas Moving Services LLC to assist with Courthouse furniture relocation: (Ratification)

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to ratify approval and authorization of the County Administrator's and Chair's Signature on Professional Services Agreement with Thomas Moving Services LLC to assist with Courthouse furniture relocation.*

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.

Hunt explained that Thomas Moving Services was unavailable to assist with the Courthouse move until May 19th. She said that the other company that had responded to the bid was able to help on the specified dates. Thomas Moving Services would be retained if needed.

14. Request for award of second moving company and request for approval and authorization of County Administrator's and Chair's signature on Professional Services Agreement with Telluride Helpers LLC to assist with Courthouse furniture relocation:

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to award second moving company and approve and authorize County Administrator's and Chair's signature on Professional Services Agreement with Telluride Helpers LLC to assist with Courthouse furniture relocation.*

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.

B. 9:27 The Board of County Commissioners convened as the Board of Social Services to consider the following items:

Carol Friedrich, Social Services Director, was present.

- 1. Request for approval of the following reports and authorization of the Chair's signature on certification page:**
 - a. Balance Sheet, January and February 2020:**
 - b. Earned Revenue and Expenditures, January and February 2020:**
 - c. Expenditures through Electronic Benefit Transfers, February and March 2020:**
 - d. Check Register for the Months of February and March 2020:**
 - e. County Allocation / MOE Report, JAN-20 and FEB-20:**
 - f. Expenditures through Electronic Benefit Transfers:**

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the Balance Sheet, January and February 2020; Earned Revenue and Expenditures, January and February 2020; Expenditures through Electronic Benefit Transfers, February and March 2020; Check Register for the Months of February and March 2020; County Allocation / MOE Report,*

JAN-20 and FEB-20; Expenditures through Electronic Benefit Transfers, and authorize the Chair's signature on the certification page.

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. Caseload Report YTD:

Friedrich highlighted an increase in the Medicaid caseload. She expected the increase to continue through April and May.

3. Request for approval and authorization of Chair's signature on a Purchase of Service Agreement between Voyager Youth Program and Ouray County Board of County Commissioners for Child Care Scholarships to families participating in the Child Welfare program and on the Fiscal Impact Form:

Friedrich explained that the arrangement was similar to previous years; however, it was unclear how the Voyager Youth Program would serve area youth in light of Public Health Orders. She said that in the event that Voyager could provide services, Social Services would provide financial assistance for scholarships.

The Board agreed to add "*and state emergency orders*" to section 11 of the agreement.

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on a Purchase of Service Agreement between Voyager Youth Program and Ouray County Board of County Commissioners for Child Care Scholarships to families participating in the Child Welfare program and on the Fiscal Impact Form, as amended.*

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.

Friedrich explained how Social Services employees continued to offer services to residents. She said that there had been an increase in Medicaid and food assistance applications. She said that she was monitoring State budget cuts. She expected that most of the new programs slated for implementation in Fiscal Year 2021 would be delayed or rolled back. As Ouray County Social Services staff was already very small she did not anticipate any cuts to staffing.

E. 9:40 Commissioner/Administrative Reports:

Connie Hunt, County Administrator, discussed the following:

- 1) Senator Gardner Town Hall Meeting** – Hunt said that Senator Gardner would be hosting a Town Hall Meeting via zoom to discuss challenges faced by Colorado counties as a result of the COVID-19 pandemic.

Carol Viner, County Attorney, discussed the following:

- 1) Assignments and Virtual Meetings** – Viner read a lengthy list of her current assignments. She reminded the Board that citizens should not be contacting her directly; her assignments should come by and through the County Administrator. Viner stated that she wanted the Board to have a discussion regarding how to move back to in-person meetings. She said that virtual meetings were unsustainable and reminded the Board that governments were exempt from the limitation on gatherings. Viner said that virtual meetings made it difficult to ensure due process. The Board agreed to discuss the matter during the May 5, 2020 meeting.

Connie Hunt, discussed the following, continued:

- 2) Special Joint Policy Group Work Session Agenda** – Hunt had disturbed a draft agenda for the Board's review.

Commissioner Peters discussed the following:

- 1) 10-Mile Radius Limitation in Safer-At-Home Order** – Commissioner Peters said that the limitation was confusing. Commissioner Tisdel agreed and said that it was mainly inserted in the Governor's Order due to concerns from Clear Creek County. After a short discussion, the Board agreed to direct Hunt to approach Unified Command with a request for a waiver.

C. 10:05 Trust For Land Restoration (TLR):

- 1. Review and authorization to submit Colorado Department of Public Health and Environment (CDPHE) Brownfields Assessment application and United States**

Forest Service (USFS) Special Use Permit and Risk Assessment for the Idarado Houses:

Pat Willits, Trust for Land Restoration Executive Director, was present.

Willits gave a project overview and requested that the Board authorize submittal of the application.

The Board thanked Willits for his time and dedication to the project.

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Commissioner's signatures on the Cover Letter and Chair's signature on the Colorado Department of Public Health and Environment Brownfields Assessment application and United States Forest Service Special Use Permit and Risk Assessment for the Idarado Houses.*

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. 10:15 Commissioner/Administrative Reports, continued:

Commissioner Tisdel discussed the following:

- 1) **CARES Act** – Commissioner Tisdel said that 59 counties had been excluded from the first allocation of funds intended to help Colorado fight the virus. He said that he had reviewed a draft letter to the State encouraging them to allocate funds per capita of each county. The Board agreed to authorize Commissioner Tisdel to sign the letter.

Commissioner Batchelder discussed the following:

- 1) **Bible Camp Road** – Commissioner Batchelder reported that he had received several calls regarding an incident on Bible Camp Road. Commissioners Peters and Tisdel indicated they had received calls as well. Commissioner Batchelder requested that Viner be prepared to make a statement regarding public roads that may not be County roads, if needed.

F. 10:32 The Board of County Commissioners convened into an executive session pursuant C.R.S. § 24-6-402(4)(b) for a conference with the County attorney for the purpose of receiving legal advice on specific legal questions regarding process for Upper Uncompahgre Cooperative Stream Management Plan and the District Court Water Division 4, Water Law Case Number 2019CW3098:

Upon conclusion of the executive session the Board will convene into regular session to discuss the process of finalizing the Uncompahgre Water Supply Protection and Enhancement Plan:

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) for a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions regarding process for Upper Uncompahgre Cooperative Stream Management Plan and the District Court Water Division 4, Water Law Case Number 2019CW3098.*

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

Commissioner Batchelder voted in the affirmative.

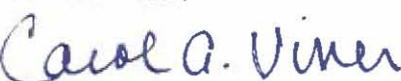
Commissioner Tisdel voted in the affirmative.

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

10:40 The Board of County Commissioners entered into executive session:

11:32 The Board of County Commissioners exited executive session:

Viner stated that Marti Whitmore, Carol Viner, Connie Hunt, Pete Foster, Commissioner Batchelder, Commissioner Tisdel, and Commissioner Peters had participated in the executive session. Nothing beyond the scope of topic announced in the motion was discussed in the executive session.

Commissioner Batchelder stated that the Steering Committee for Stream Management and Planning would review the final draft of the Plan during the May 21, 2020 meeting.

11:35 The Board of County Commissioners adjourned the regular session.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:



A handwritten signature in blue ink, appearing to read "Hallenbecker", is written over a horizontal line.

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

A handwritten signature in black ink, appearing to read "D. Batchelder", is written over a horizontal line.

Don Batchelder, Chair

A handwritten signature in black ink, appearing to read "Ben Tisdell", is written over a horizontal line.

Ben Tisdell, Vice-Chair

A handwritten signature in black ink, appearing to read "John E. Peters", is written over a horizontal line.

John E. Peters, Commissioner Member