

The Board of County Commissioners met in regular session on August 23, 2004. Those present for the session were Tom Hollenbeck, Chairman; Don Batchelder, Vice-Chairman; Bill Ferguson, Member; Connie I. Hunt, County Administrator, and Linda Munson-Haley, Deputy Clerk of the Board.

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

9:30 Chairman Hollenbeck called this session to order:

A. 9:30 General Business:

1. Request for approval of warrants:
2. Request for approval of August 9, 2004 minutes:

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve warrants and the August 9, 2004 Minutes as presented. Motion passed unanimously.

3. Public Trustee's Report for July 2004:

M/S/P—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to approve the Public Trustee's Report for July 2004 as presented. Motion passed unanimously.

4. Financial Reports through July 2004:

Commissioners Batchelder and Ferguson had questions on the Financial Reports. Commissioner Ferguson discussed some bookkeeping issues and fund transfers regarding changes in the county attorney's support staff. A discussion followed as to how to rectify this in the budget. The Board agreed to discuss the issue with Pat Crossley, County Attorney, during the workshop later in the day.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to accept the Financial Reports through July 2004 as presented. Motion passed unanimously.

5. Request for approval of Energy Impact Grant for Courthouse (*ratification*):

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to ratify the Energy Impact Grant for the Courthouse as presented. Motion passed unanimously.

6. Request for approval of Intergovernmental Agreement between the Ouray County Clerk and Recorder and Ouray County concerning the administration of the Coordinated General Election for the proposed County ballot question.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the Intergovernmental Agreement between the Ouray County Clerk and Recorder and the Ouray County Board of County Commissioners concerning the administration of the Coordinated General Election for the proposed County ballot question. Motion passed unanimously.

7. Request for approval and certification of ballot language for the proposed EMS ballot question for the November 2004 ballot:

Commissioner Batchelder had a question concerning the language of the ballot amendment and a correction was made. He expressed further concerns with the language and requested that the discussion and action be tabled in order to consult with others.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to table discussion and action on approval and certification of the EMS ballot question language for the November 2004 ballot. Motion passed unanimously.

8. Consideration of Agreement(s) and Letters to Engineers concerning the Elk Meadows Estates Water Master Plan:

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the Agreement and to authorize the Chair's signature on the letters to engineers concerning the Elk Meadows Estates Water Master Plan. Motion passed unanimously.

Commissioner Batchelder stated for the record that the Board has been making an effort to have the County aid homeowners' associations in just such a capacity. He commended Elk Meadows for all of the work they put in, which resulted in very little work for the County, and acknowledged that this is a good example of how well the mutual process can work.

9. Consideration of proposed Lease Agreement for Ouray County Emergency Services Repeater:

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the Lease Agreement for the Ouray County Emergency Services Repeater as presented. Motion passed unanimously.

10. Request for adoption of **Resolution #2004-034** regarding Loghill Village LID:

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to adopt Resolution 2004-034. Discussion. Ed VonDelden, representative for Loghill Village, requested a brief recess to allow Dickson Pratt to review the resolution in Paul Sunderland's absence.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to take a brief recess. Motion passed unanimously.

9:55 Chairman Hollenbeck declared a brief recess and reconvened at 10:05:

Mr. Pratt pointed out an obsolete figure in Section 2.g. The resolution will be modified to include the correct figure. With no further discussion, the original motion adopting Resolution 2004-034 passed unanimously.

Mr. VonDelden spoke to concerns about scheduling and timetables. Commissioner Batchelder allayed Mr. VonDelden's concerns by assuring him that due to the immediacy of the work to be done, Bob Wolford, County Road Superintendent, will start on the project this fall.

Mr. VonDelden also expressed concerns over conflicts with work being done by Kinder Morgan and stated that he had sent a letter to Kinder Morgan explaining Loghill Village's dilemma and requesting that Kinder Morgan speed up the cleanup work.

To Mr. VonDelden's questions regarding the ballot question process, Commissioner Batchelder and Connie Hunt, County Administrator, explained that the ballot question language must be approved by the Board of County Commissioners and certified to the County Clerk. Commissioner Batchelder cautioned that Board approval of this process and the Local Improvement District (LID) only constitutes approval of the *process* to give residents in the district an opportunity to make their own decisions and does not in any way constitute endorsement by the Board of County Commissioners of the LID, itself.

B. 10:15 The Board of County Commissioners will convene as the Board of Adjustment for the following Public Hearings – Variance Requests:

1. Applicants: Phillips Howell, LLC
Location: 220 acres on Miller Mesa abutting County Road 5 and County Road 23
Purpose: Request for a variance to the road standards and adoption of **Resolution #2004-035**

Greg Moberg, County Planner, and Doug Canright, County Building Inspector, were present.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the variance to the road standards and to adopt Resolution 2004-035. Discussion. Commissioner Ferguson asked for more clarity regarding grading requirements. A discussion followed regarding road standards and density. Commissioner Batchelder restated the motion to approve Resolution 2004-035 with the conditions presented and three further conditions: 1) this variance waives the paving requirement; 2) that the grade limitation not exceed fifteen percent (15%); and 3) that the variance only applies for 1:35 density and any increase in density shall render this variance null and void. Commissioner Ferguson seconded the restated motion. With no further discussion, the motion passed unanimously.

2. Applicants: Stephen and Linda Miskowitz
Location: Park Estates, Lot 25
Purpose: Request for a variance to the driveway standards and adoption of **Resolution #2004-036**

Greg Moberg, County Planner, and Doug Canright, County Building Inspector, were present.

Commissioner Ferguson questioned the proposed location over possibly more favorable locations on the property with regard to setback and visual impact problems. Commissioner Batchelder said that this variance would not preclude the enforcement of other County regulations, i.e. building permit and visual impact. Doug Canright, County Building Inspector, explained the reasons for the site location.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the variance to driveway standards and to adopt Resolution 2004-036 as presented. Motion passed unanimously.

10:25 Chairman Hollenbeck declared a brief recess and reconvened at 10:35:

C. 10:35 Public Hearing – Land Use Code Amendments:

1. Consideration of proposed amendments to Section 23.5 – Impact Fees for Roads, Ouray County Land Use Code, and adoption of **Resolution #2004-037**:

Chairman Hollenbeck opened the public hearing for public comment. With no public comment, he closed the public hearing and entertained the following motion.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the amendments to Section 23.5 of the Ouray County Land Use Code and to adopt Resolution 2004-037 as presented. Discussion. Commissioner Batchelder discussed transfer of funds and Commissioner Ferguson talked about clarifying language with respect to construction and improvement. Motion passed unanimously.

10:40 Chairman Hollenbeck reconvened as the Board of County Commissioners to consider the following items:

D. Land Use Item:

1. Fisher Canyon South PUD Extension Request:

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve the Fisher Canyon South PUD Final Plat Filing Extension (Resolution 2004-040) as presented. Motion passed unanimously.

E. 10:42 The Board of County Commissioners will convene as the Board of Equalization to consider approval of the Abstract of Assessment as a result of County Board of Equalization Hearings:

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to accept the Ouray 2004 Abstract of Assessment as presented. Motion passed unanimously.

10:43 Chairman Hollenbeck reconvened as the Board of County Commissioners to consider the following items:

F. Commissioners/Administrative Reports:

Connie Hunt, County Administrator, discussed the following:

- 1) The ambulance was sold for \$4,500. Will prepare resolution.
- 2) Letter from Dr. Richard and Sheron Steele regarding the Loghill Village paving project. Commissioner Batchelder will reply to the letter.
- 3) Joint meeting with City of Ouray to discuss IGA scheduled for September 7, 2004 at 5:30 p.m. at the City Council Chambers.
- 4) Ouray County Planning Commission wants to meet with the Board of County Commissioners on September 8, 2004 at 7 p.m. at the Land Use office.
- 5) Did calculation on mil levy and is working on budget.
- 6) Compiled a breakout of the fairgrounds utility issues along with Ron Durham and Shelli Banks. Will schedule worksession to go over the information and the master plan.

Commissioner Batchelder discussed the following:

- 1) He and Bob Wolford, County Road Superintendent, spent last Thursday assessing the condition of the roads in Fairway Pines with representatives from Kinder Morgan, Downey Excavation and Mesa Engineering (the company responsible for patching the roads) to compile a comprehensive list of the completion cleanup work to be done. He and Mr. Wolford will be inspecting the roads on Log Hill this Thursday to get a comprehensive list of those locations. Mr. Wolford explained that he had given Kinder Morgan lists in the past and not all of the work had been done. Once all concerned parties understand the extent of the work to be done and have a list, the County will assess a fee for any required future inspections and notifications made by the County if the work is not completed satisfactorily.
- 2) Need to schedule a meeting with CATPAW this fall to identify sections of roads that have been adopted by citizens for weed control, whether the program has been successful, and to readjust as needed. In particular, County Road 24, which was adopted by citizens, has an infestation of thistle that is out of control and will require treatment by the County to get it under control.
- 3) Heap Leach Cyanide letters. Suggested setting a meeting date that would be noticed in the newspaper to respond to the letters en masse. Commissioners Ferguson and Hollenbeck were in agreement and Connie Hunt, County Administrator, was directed to follow through with the arrangements.

Commissioner Ferguson discussed the following:

- 1) Yankee Boy potluck meeting at noon tomorrow, August 24, 2004.

Commissioner Hollenbeck, discussed the following:

- 1) Advised that the Colorado Mining Association requested to have a representative present at any meetings concerning the cyanide issue. Commissioner Batchelder agreed that the mining association should be represented, and anyone else who could shed any light on the issue should be invited to participate.
- 2) Reported on the last Fairgrounds Advisory Committee meeting.
- 3) The last Region 10 meeting was cancelled. He asked if it had been rescheduled and Ms. Hunt said that it had not.

Linda Munson-Haley, Clerk of the Board, had nothing to discuss:

11:08 Chairman Hollenbeck adjourned this regular session and convened into a workshop at 1:30:

G. 1:30 The Board of County Commissioners may meet in a workshop with County Staff Regarding county issues:

BOARD OF OURAY COUNTY COMMISSIONERS

ATTEST:

Michelle Nauer, County Clerk and Recorder

Tom Hollenbeck, Chairman

Don Batchelder, Vice Chairman

By: _____
Linda Munson-Haley,
Deputy Clerk of the Board

William Ferguson, Member