

The Board of County Commissioners met in special session on September 7, 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 Public Hearing:**

*(continued from August 30, 2004)*

1. Regarding the Organization of Cornerstone Metropolitan District Nos. 1 and 2 (the District), County of Ouray, State of Colorado:

Those present are listed in Exhibit A.

Chairman Hollenbeck reconvened the public hearing continued from August 30, 2004.

Gary White, Attorney for the Applicant, updated the Board of the events that occurred since the August 30, 2004 public hearing. He met with and discussed the changes to the Service Plan addressed August 30, 2004 with Chris Fellows, consultant to Ouray County. He presented the revised version to the Commissioners for their approval (Applicant Exhibit A-1).

Chris Fellows admitted that he was sympathetic to the Applicant's plight to move forward in order to have an election in November. He stated that the Applicant was very responsive to items in the memo he sent last week and that if the Board wanted to proceed, the document could accomplish that, with one change. He suggested adding language that if the Intergovernmental Agreement (IGA) was not acceptable to the Board, the District would dissolve. He asked the Board for a brief recess to allow the modifications to be made to the document.

Alan Staehle asked if there was a mechanism incorporated into the Service Plan to provide for unforeseen maintenance or utilities. Mr. White gave a brief explanation. Mr. Staehle then encouraged the Commissioners to move forward in the process.

Commissioner Batchelder addressed some concerns he had with specific language in the document. One of the concerns questioned what would happen if Ouray County approved the Service Plan and Montrose County denied it. Mr. White and Mr. Fellows addressed the concerns and a discussion followed.

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to recess to allow the attorneys time to finalize the language in the Service Plan. Motion passed unanimously.

**10:00 Chairman Hollenbeck declared a brief recess and reconvened at 10:30:**

Commissioner Hollenbeck entered into evidence a letter dated September 7, 2004 from Heidi Comstock (Public Exhibit A-1) requesting the addition of language under the Disclosures section of the Service Plan regarding water rights. Pat Crossley, County Attorney, said that nothing needed to be done with regard to her comment.

Another request was made for a brief recess to allow time to finalize the resolution.

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to recess to allow sufficient time to finalize the resolution. Motion passed unanimously.

**10:40 Commissioner Hollenbeck declared a brief recess and reconvened at 11:10:**

Pat Crossley, County Attorney, presented the revised resolution, Resolution No. 2004-043, for review.

Commissioner Batchelder asked the County Attorney if in her opinion this resolution gives the County the authority it needs, to which she replied in the affirmative. He then asked the Attorney for the Applicant if in his opinion this resolution gives the authority necessary to proceed with the election, to which he replied in the affirmative.

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to approve Resolution 2004-043 as presented. Motion passed unanimously.

Commissioner Batchelder asked about the changes to the Service Plan and a discussion followed. There was concern that a specific condition regarding standards of the American Water Works Association might conflict with Tri-County Water standards, especially with regards to sewer. Greg Moberg, County Planner, will check into the matter.

**11:50 Commissioner Hollenbeck closed the public hearing and entertained the following motion:**

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to recess this session until 5:30. Motion passed unanimously.

*\*Numbered exhibits are maintained separately in the County Administrator's office.*

BOARD OF OURAY COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
Michelle Nauer, County Clerk and Recorder

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Tom Hollenbeck, Chairman

\_\_\_\_\_  
Don Batchelder, Vice Chairman

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

\_\_\_\_\_  
William Ferguson, Member