

The Board of County Commissioners met in regular session on December 27, 2004. Those present for the session were Tom Hollenbeck, Chairman; Don Batchelder, Vice-Chairman; Bill Ferguson, Commission Member; Connie I. Hunt, County Administrator; and Linda Munson-Haley, Deputy Clerk of the Board.

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

**10:00 Chairman Hollenbeck called this session to order:**

**A. 9:30 General Business:**

1. Request for approval of warrants:
2. Request for approval of December 13, and 22, 2004 Minutes:

**M/S/P**—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to approve warrants and Minutes for December 13, 2004 and December 22, 2004 as presented. Motion passed unanimously.

3. Request for approval of the following Employment Contracts:
  - a. A. Staehle – Emergency Service Planning
  - b. C. Patterson – Hourly R.N.
  - c. C. Dobbins – Fairgrounds Facilities Worker

**M/S/P**—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to approve the employment contracts for Alan Staehle, Charlotte Patterson and Chris Dobbins as presented. Motion passed unanimously.

4. Request for approval of Engineering Services Agreement with RG Consulting Engineers:

**M/S/P**—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to approve the Engineering Services Agreement with RG Consulting Engineers as presented. Motion passed unanimously.

5. Request for adoption of **Resolution # 2004-068** concerning payback plan for road and bridge LID work:

**M/S/P**—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to adopt Resolution 2004-068 regarding the Road and Bridge Payback Plan for Loghill Village Local Improvement District (LID) work as presented. Motion passed unanimously.

6. Request for reappointment of Rodney Fitzhugh and Dan McNeill to the Ridgway Joint Planning Board, and request for appointment of Brian Peters as an alternate:

**M/S/P**—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to reappoint Rodney Fitzhugh and Dan McNeill to the Ridgway Joint Planning Board and to appoint Brian Peters as an alternate. Motion passed unanimously.

7. Request for adoption of **Resolution #2004-062** concerning Fairway Pines Estates PUD Amendment approved on December 13, 2004:

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to ratify and adopt Resolution 2004-062 as presented. Motion passed unanimously.

8. Consideration of GOCO grant payment alternatives:

Doug Canright, Planner/Project Manager, was present and discussed three options for payment of the recently awarded Great Outdoors Colorado grant for the grandstand project at the fairgrounds. Of the three options, Mr. Canright recommended Option 2 that involves one partial payment during the grant term. He explained that this would allow the County to cover a payment that would possibly be required upon contracting with CBS Constructors, the manufacturer of the pre-engineered grandstand.

**M/S/P**—Motion was made by Commissioner Ferguson and seconded by Commissioner Batchelder to accept recommendation number two for one partial payment during the grant term. Motion passed unanimously.

9. Request for approval of letters to DOC regarding labor assistance for fairground grants projects:

Doug Canright, Planner/Project Manager, explained that he had spoken to the Department of Corrections (DOC) previously and that they would work with Bob Wolford, County Road Superintendent, regarding labor assistance. Therefore, letters would not be necessary.

**B. 9:50 Commissioners/Administrative Reports:**

Commissioner Ferguson discussed the following:

- 1) Bond renewal
- 2) A question on a previous check register item to Alan Staehle for Planning and Zoning. Connie Hunt will research the item and report back to him.
- 3) A meeting this afternoon with the City of Ouray on water issues

Commissioner Batchelder discussed the following:

- 1) A letter from CSU Extension regarding the 4-H Event Center
- 2) A letter from Mike Bazin to the Commissioners asking several questions relating to County issues. Commissioner Batchelder suggested preparing a response after consulting with the County Treasurer and County Attorney that would also be published in the newspaper.

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

Connie Hunt, County Administrator, discussed the following:

- 1) Acknowledged Commissioner Ferguson's service to the County with regards to his going off the Board

Commissioner Hollenbeck discussed the following:

- 1) The status of Ms. Rose's tire issue. Ms. Hunt advised him that the issue would be revisited at a regular session of the Board in January

**9:50 Chairman Hollenbeck declared a brief recess and reconvened at 10:00:**

**C. 10:00 Public Hearing:**

1. HRC – Montrose Development, L.P.:

Request: Consideration of Special Use Permit (SUP) to install a potable water transmission line and underground 3-phase electrical cable within the right-of-way along Government Springs Road from the Cornerstone Development to the Montrose County line and adoption of resolution

Those in attendance are listed in Exhibit C.

Chairman Hollenbeck opened the public hearing, related the ground rules for the hearing and asked for public input.

Brian Wallin gave a brief presentation of the project and suggested that work would begin soon at the highway and continue to the property, and then, as weather permits, up to a storage barn. Responding to a question, he noted that the pond would be lined.

Sue McIntosh described the project in more detail. Cornerstone Development is purchasing water from Tri-County Water. In order to accommodate delivery of water to the Cornerstone project it is necessary to do some significant infrastructure upgrades on the existing Tri-County system. From the master meter down to Miami Road, Cornerstone will be, at Cornerstone's expense, upgrading the Tri-County system. That system belongs to Tri-County Water and will remain owned by Tri-County Water. The Development will purchase water at the master meter. All of the infrastructure upstream from the master meter will be owned by Tri-County Water and everything from the master meter to the Cornerstone Development and all of the infrastructure within the Cornerstone Development will be owned by the Cornerstone Metropolitan District 1. The entire system was designed for the purpose of serving the Cornerstone community. As a result of discussions leading up to the special use permit application submittal Cornerstone had detailed discussions with Tri-County Water regarding the ability of residents living along the line, not part of the Cornerstone Development, to purchase water from the line, also. A commitment was made by Tri-County and Cornerstone as part of the Service Agreement to accept requests for water service along that line once the metro district is established and once the line has the capacity and sufficient amount of water. At that time, residents outside of the metropolitan district would negotiate with Tri-County Water for the purchase of water. Tri-County would then have to agree to send more water through the line to service those requests. She stressed that it would be a process.

Mr. Wallin discussed the topography of the region and problems with access and Dan Quigley with Buckhorn Geotech discussed limitations.

Ms. McIntosh addressed references to a one-mile limitation explaining that it does not prohibit anyone outside of one mile from requesting water service.

A discussion followed regarding the width of the road right-of-way, which is currently sixty feet. Ms. McIntosh quoted the Cornerstone Development Agreement that states that the project will participate with Montrose and Ouray counties to

mitigate traffic impacts on Government Springs Road and Dave Wood Road by monitoring traffic during construction. Cornerstone will upgrade and provide maintenance in accordance with actual traffic impacts.

Carlton Mason had questions concerning possible expansion of the right-of-way and if it will affect his property along Government Springs Road and the fact that Tri-County Water and Cornerstone are willing to accept requests for water but that it could be ten years before the line would have excess water to accommodate requests.

Ms. McIntosh explained that the pipeline has to be built, which will take some time. Tri-County Water has only committed to sell water that Cornerstone will use and she reiterated that in the Service Agreement both parties commit to consider requests. It will be up to Tri-County Water to provide extra water. Once a request is received Cornerstone will go to Tri-County Water to work out accessibility to others; however, the primary purpose of the water line is to serve Cornerstone.

Mr. Quigley added that extra capacity will be built into the line and that excess water should not be a problem. A discussion followed regarding capacity availability and Mr. Quigley explained that there would be enough room in the right-of-way for another line if necessary.

Commissioner Batchelder asked about the capacity of the line and Mr. Quigley explained that it would be 420 gal/min for a period of seven years at which time it would then drop. The average is about 160 gal/min. It is an 8' line to the master station then a 10' line to Cornerstone.

Joanne Fagan, a resident on Government Springs Road, expressed her disappointment with the wording in the Tri-County Water agreement. She explained that all of the residents are in the Tri-County Water district and she understood in initial consultations that Tri-County Water would provide extra capacity to accommodate the entire service area but as it turned out there is only enough capacity to accommodate Cornerstone. She felt that the line should be designed to be capable to serve people along the way. She encouraged the Ouray County Commissioners to facilitate a process to create a district that would serve the district outside of the metro district to acquire water and to add language to that end.

More discussion ensued regarding capacity the upshot being that even at peak capacity there would be enough water to accommodate other requests and, as Ms. McIntosh pointed out, in seven years the capacity required by Cornerstone would be much less allowing for even more requests. Commissioner Hollenbeck pointed out, however, that this decision would be up to Tri-County Water and not Ouray County.

Mr. Mason expressed his concern that whether the pipe can carry more volume or not is irrelevant if Tri-County Water will not pump more water.

A discussion followed regarding private versus public utilities.

Mr. Canright related that the County Attorney had provisions for a bond, etc. that need to be addressed and that she is not available today.

Ms. McIntosh offered that she had spoken with the County Attorney regarding bond conditions and felt that the liability and worker's compensation are appropriate. She suggested that the County take action approving the special use permit contingent on bond language, liability issues, etc.

With no further comment, Chairman 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 approve a Special Use Permit, based on testimony, for a ten-inch (10") potable water transmission line and underground 3-phase electrical cable within the County right-of-way along Government Springs Road from the Cornerstone Development to the Montrose County line with the following conditions:

1. The Road Superintendent approves the location of the pipeline in relationship to the right-of-way, preferably on the outer edge.
2. Any requests for water from this line by private residents shall not be unreasonably denied.
3. Approval of this Special Use Permit does not, nor is it intended to, confer any land use approvals beyond the actual placement of this pipeline and electric line.
4. Bonding performance and liability requirements shall be as recommended by the County Attorney.
5. Any relocation of the water line that would become necessary as a result of roadway realignment would be accomplished at the Applicant's expense.
6. Conduit may be placed into the ditches used as long as it does not create a greater encroachment on right-of-way than exists by approval of the water and power.

**11:25 Chairman Hollenbeck declared a brief recess and reconvened at 11:30:**

**D. 11:30 Public Hearing:**

1. Estates at Fairway Pines:

Request: Consideration of one-year extension of the Preliminary Approval of a 20-lot Planned Unit Development (PUD) known as the Estates at Fairway Pines located north of Fairway Pines Estates Filing No. 5A and Loghill Village Unit 2, Filing No. 1 and adoption of resolution

Chairman Hollenbeck opened the public hearing and asked for public comment.

John Overholser, attorney, discussed a recommendation for continuance to consult with the County Attorney made by Doug Canright, Planner/Project Manager, due to a conflict with an earlier filing of the Meadow Estates Mountain Cottages P.U.D. Mr. Overholser indicated that the conflict had been resolved. He suggested that the Board do a conditional approval for a one-year extension beginning now.

Mr. Canright conceded support of the extension request stating that it had been a long negotiation process and there is now a signed P.U.D. agreement and a signed recorded plat.

Mr. Kraft spoke on behalf of his son who owns a lot that overlooks Tract 9, one house on Lot 2 and one house on Lot 3. He expressed grave concern about the legality of development and subdividing. Mr. Canright and Mr. Overholser attempted to address his concerns, though not to his satisfaction.

With no further comment, Chairman 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 approve the extension to December 31, 2005 and adopt Resolution 2004-069 conditioned on County Staff, Land Use Staff and the County Attorney being satisfied with the resolution of the Meadow Estates Mountain Cottages P.U.D. Motion passed unanimously.

**E. 11:15 Land Use Item(s):**

- 1. Clarification of condition concerning Double D PUD:

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Ferguson to adopt **Resolution 2004-071** amending Resolution 1998-088. Motion passed unanimously.

**11:50 Chairman Hollenbeck adjourned this regular session:**

BOARD OF OURAY COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
Tom Hollenbeck, Chairman

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Michelle Nauer, County Clerk and Recorder

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

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

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