

The Board of County Commissioners met in regular session on June 27, 2005. Those present for the session were Don Batchelder, Chairman; Tom Hollenbeck, Vice-Chairman; Heidi Albritton, 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 Commissioner Batchelder called this session to order:

A. 9:30 General Business:

1. Request for approval of warrants:
2. Request for approval of Minutes for June 6, 13, and 20, 2005 Board of County Commissioner Meetings:

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve warrants and Minutes for June 6, 13 and 20, 2005 as presented. Commissioner Albritton had a question on a warrant for the Samson Fund that Ms. Hunt clarified. Ms. Hunt asked to amend the Minutes for June 6, 2005 to explain that she was absent from that meeting due to attending a CCI conference. The motion was amended to reflect this change. There was no further discussion. Motion passed unanimously.

3. Consideration of Seed Money for the Friends of the Ouray County Fairgrounds 501(c)(3):

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve seed money for the Friends of the Ouray County Fairgrounds 501(c)(3) as presented. A discussion followed as to the amount of seed money needed. Commissioner Batchelder was hesitant to approve and asked to table further discussion until after the 2:30 item to discuss the details with Shelli Banks. Item was tabled as requested.

4. Public Trustee Report:

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to accept the Public Trustee Report as presented. There was no discussion. Motion passed unanimously.

5. Consideration of Letters to Congressman John Salazar, Senator Wayne Allard, and Senator Ken Salazar urging them to support and become cosponsors of the Medicare Ambulance Payment Reform and Rural Equity Act (H.R. 2014):

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve the Chair's signature on letters of support to Congressman John Salazar, Senator Wayne Allard, and Senator Ken Salazar as presented. There was no discussion. Motion passed unanimously.

6. Authorization to create a \$500 auto/vehicle fee, which would become part of the billing services currently provided by Business Options:

M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Hollenbeck to authorize a \$500 auto/vehicle fee as presented. There was no discussion. Motion passed unanimously.

7. Request for authorization to increase Administrative Assistant's work hours:

M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Hollenbeck to approve the increase in the Administrative Assistant's work hours as presented. Discussion. Commissioner Batchelder asked to schedule a work session with other department heads to discuss what additional personnel they will be asking for in the next year. Commissioner Albritton and Commissioner Hollenbeck wanted to forego the work session and take action now. Commissioner Batchelder agreed to abide by the decision of the majority. Motion passed.

B. 9:30 Commissioner/Administrative Reports:
Tabled until later in the day.

C. 10:00 Land Use Item:

1. **Owner's Name: Horizon Ranch Ltd., Partnership**
Agent: Mark Hansen for Commnet Wireless, LLC
Purpose: Request for approval of Special Use Permit to operate a Wireless cell site within the Ouray Area of Influence

Greg Moberg, County Planner, and Doug Canright, Planner/Project Manager, were present.

Mr. Canright presented the request and staff's recommendation.

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve **Resolution 2005-039** as presented. There was no discussion. Motion passed unanimously.

2. **Applicant:** **Hans Schenk and Lisa L. Schenk Family Trust**
 Applicant's Agent: **Mesa Surveying**
 Purpose: **Request to amend the final plat for the previously approved**
 Log Hill Village Unit 1 Planned Unit Development (PUD)

Doug Canright, Planner/Project Manager, discussed the request and staff's recommendation.

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve **Resolution 2005-040** for final plat. There was no discussion. Motion passed unanimously. (*See Agenda Item D for amended motion.*)

B. 10:00 Commissioner/Administrative Reports:

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

Connie Hunt, County Administrator, discussed the following:

- 1) Discussed agenda process for Tri-County meetings.
- 2) Board of Equalization scheduled for July 7 at 1:30. She and the Board discussed possible future dates to set aside for potential appeals in July and August.
- 3) As result of discussions at the Tri-County meeting on the issue of oil and gas, she prepared a letter inviting Representative Rose and Senator Isgar to attend the next Tri-County Meeting. She requested the Chair's signature and would then forward the letters to San Miguel County and Montrose County for their signatures.

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve the Chair's signature on the aforementioned letters to be ratified at the next Board meeting if there are no further changes. There was no discussion. Motion passed unanimously.

- 4) Emergency Fire Fund is increasing for the next year and we have two payment options for one year or two years. Consensus was to budget the full amount for next year.
- 5) Morgan concrete issue. Commissioner Batchelder asked to schedule it on the July 11, 2005 agenda as an executive session.

Commissioner Hollenbeck discussed the following:

- 1) Yankee Boy group information that he will prepare for presentation to the Board at a later date.

Commissioner Albritton discussed the following:

- 1) Habitat for Humanity in San Miguel County would like the opportunity to speak to the Ouray County Board of County Commissioners to request an opportunity to speak at housing discussion meetings.
- 2) Request from CSU Extension to fund a full-time position for 4-H. The Commissioners asked Ms. Hunt to respond noting that Ouray County recognizes the need for the position for the survival of the program and would be interested in exploring it but without details of allocation of expenses, they are not comfortable approving it now.
- 3) Oil and gas fund. ROCC and WIC will hold an Oil and Gas 101 presentation on July 19, 2005 at the Ouray County 4-H Event Center. Commissioner Albritton noted a potential conflict with a Board of Equalization date.

Commissioner Batchelder discussed the following:

- 1) Appointment of Bill Ferguson to the Interbasin Compact, HB 05-1177. Mr. Ferguson accepted the appointment. To follow protocol, the County and municipalities need to make the appointment. He asked for a motion appointing Mr. Ferguson to the position subject to approval by the municipalities.

M/S/P—Motion was made by Commissioner Batchelder and seconded by Commissioner Hollenbeck to appoint Bill Ferguson to the Interbasin Compact subject to approval by the municipalities. There was no discussion. Motion passed unanimously.

- 2) Attended a meeting in Delta on housing. The discussion centered on down payment assistance and rehab. The group decided to utilize an existing housing authority or, possibly, Region 10 and will approach the Montrose County housing authority board, the Delta civic housing authority board and Region 10.
- 3) Confirmed a meeting in Silverton.

Greg Moberg, County Planner, discussed the following:

- 1) The Planning Commission has scheduled workshops on oil and gas issues for July 6 and July 20 at 7 p.m. at the Ouray County 4-H Event Center. This will be followed by a joint public hearing on August 8.
- 2) A letter from the Forest Service regarding a property exchange with the County involving several mining claims.

10:25 Commissioner Batchelder recessed and reconvened at 10:30:

D. 10:30 The Board of County Commissioners convened as the Board of Zoning Adjustment for the following item:

Public Hearing:

1. Applicant: Hans Schenk and Lisa L. Schenk Family Trust
Applicant's Agent: Mesa Surveying
Purpose: Variance to required building setbacks

Commissioner Batchelder opened the public hearing and asked the Land Use Department staff to summarize the issue.

Doug Canright, Planner/Project Manager, explained that this is the second half of the process that the Board approved earlier in the day. By moving the property line for the boundary adjustment, this meant that the structure was in violation of the required setback. The staff recommended a 20' setback on the south to make the structure compliant.

There was no public comment.

Commissioner Batchelder closed the public hearing and entertained the following motion.

M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Hollenbeck to approve **Resolution 2005-040** as presented. This was approved erroneously under Agenda Item C-2. There was no further discussion. Motion passed unanimously.

M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Hollenbeck to amend the previous motion of Agenda Item C-2 to approve the amendment to the final plat. There was no discussion. Motion passed unanimously.

10:35 The Board of County Commissioners reconvened, took a brief recess, and reconvened at 11:00:

E. 11:00 Fred McKnight, Log Hill Mesa Fire Protection District:

1. Discussion regarding HB 05-1032:

Fred McKnight addressed the Board and presented House Bill 05-1032 into evidence (Exhibit E-1). He explained that HB 05-1032 would allow governmental entities such as the Log Hill Mesa Fire Protection District to own land dedicated to governmental purpose, to subdivide and sell all or any portion of the land for residential purposes after a public hearing and defined by the County where the PUD is located. He addressed the Board to request a public hearing. This act was preceded by a court case where the Colorado Appellate Court held that final arbitration lies with the Board of County Commissioners.

Mr. McKnight continued and related that the fire station at the south end of the mesa, Station #2, is a 2-car garage. Most of the growth on Log Hill has taken place at the south end of the mesa. He described the lack of amenities at Station #2 that included no water supply, hence there are no toilet facilities or shower facilities. In the event that a fire worker is contaminated, he or she would have to go to a home to shower and clean up. This also means that there is no way to clean the trucks and equipment. They now have to go to Montrose, which puts the truck out of service for two to three hours. Truck maintenance in the wintertime means that the doors have to be open. He feels like volunteer firefighters should not have to work under these conditions.

The greatest fire danger now is at the south end of the mesa, according to Mr. McKnight. Currently, there is no place to house a new truck that holds 3,000 gallons of water. A new facility at Station #2 would cut off thirty minutes of response time. He explained that Ouray County EMS has promised the fire district an ambulance but one of the stipulations is to have a place to house it.

Mr. McKnight discussed growth on Log Hill Mesa noting that most of the growth is at the south end of the mesa where the facility is the poorest. The fire district expects in the next few years to serve over 1,000 single-family residences. There is also a need for a new public safety facility. While the proposed new station will house fire trucks, it will also house an ambulance and a radio communications system for dispatch capabilities. There will be toilets for the first time, as well as showers, four new bays, training facilities, an office command post to use as an emergency satellite office for the Sheriff's Office, and a public meeting facility for residents of Log Hill Mesa.

A location was discussed and Mr. McKnight asked the Commissioners to set a public meeting.

A discussion followed regarding stipulations on the funds raised.

Commissioner Batchelder noted that, according to the bill, this would not have to go before the Planning Commission.

Mr. Moberg asked if HB 05-1032 would supersede code or density.

Commissioner Batchelder, in order to have all of the information, asked staff to develop a list of questions as to what this Act will supersede, have it reviewed by the County Attorney, forward it to the attorney for the Log Hill Mesa Fire District for review, and then present this at a public hearing. He cautioned that this should move forward in a timely manner because of potential health issues.

Bob Neal, a member of the Park Board of Loghill Village, asked Mr. McKnight to consider moving the access to the proposed Station #2, stating that the Park and Recreation Board had planned to put in a small parking area.

Mr. McKnight explained why the proposed access was chosen but allowed that the fire district could consider moving it.

Scott Williams, who lives on Ponderosa, said that he supported the concept but was concerned that it might jeopardize enforcement of the Loghill Village covenants. He asked if the lots as subdivided would still be subject to architectural review covenants.

Mr. McKnight agreed that the station would be in compliance with the local CC&Rs.

Commissioner Batchelder noted that this could be discussed at the public hearing.

There were no further comments or questions.

2. Discussion regarding Horsefly Fire Association:

Fred McKnight related that the Horsefly Fire Association had requested an access road and that he has a commitment from DOLA (Department of Local Affairs) that if the County can secure the easements, he will write the grant and put a limited access road across Horsefly South next spring.

Larry Behrendts was tasked by the Board with obtaining the easements. He discussed the route and explained that the landowners will agree to an access road as long as it is not a County road.

A discussion followed as to the logistics of getting fire equipment into some of the more remote places in the county.

Gayle Wojciechowski addressed several concerns.

Alan Staehle, former Commissioner and currently doing emergency planning for the Sheriff's Office, advised that this is a part of Ouray County where wildfire is a high probability and it is very important to take these considerations seriously.

Once easements are secured, Larry Behrendts and the Log Hill Fire District will meet with the Commissioners to see how to proceed. Commissioner Batchelder suggested scheduling a meeting in the evening in Ridgway and asking the Land Use staff to develop a map for the meeting.

11:45 Commissioner Batchelder recessed this regular session for lunch and reconvened at 1:15:

1:15 Executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice from the County Attorney:

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to move into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice. Motion carried.

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.

Pat Crossley, County Attorney

Don Batchelder, Chair

The County Attorney requested that the following be present for the Executive Session: Commissioner Batchelder; Commissioner Hollenbeck; Commissioner Albritton; Connie Hunt, County Administrator; Sherry Peck, Human Resources Representative; and Matt Carrington, Undersheriff.

1:45 The Board of County Commissioners came out of executive session and reconvened into regular session:

F. 1:45 ~~Cornerstone Metropolitan District Nos. 1 & 2—Minor Modification of Consolidated Service Plan for internal boundary adjustments and inclusion of Humphries parcel:~~
Cancelled.

G. 1:45 Discussion concerning sale of County Mining Claims:

Commissioner Batchelder spoke of sixteen mining claims in obscure places in the county that have no value to the county, all in Canyon Creek, and noted that Bob Risch had suggested selling the claims to the Forest Service. The decisions to make would be whether to sell the properties, and if the profits would go towards the efforts expressed by the trails group.

Commissioner Albritton asked to have more discussion on how the money would be distributed if the claims were sold.

A meeting will be set up with Mr. Risch, the trail group, the Forest Service and Pat Willits.

2:20 Commissioner Batchelder recessed and reconvened at 2:30:

H. 2:30 Discussion regarding the "Friends of the Ouray County Fairground" [Friends] 501(c)(3):

Those present were John Kuijvenhoven, Dick Bjurstrom, Bill Collier, Kate Hamilton and Randall Fischer.

Commissioner Albritton explained that the potential board members asked to meet with the Commissioners to obtain a better understanding of the function of the Friends and the vision the Board of County Commissioners has for the fairgrounds.

John Kuijvenhoven asked what the Commissioners expect from the Friends and what support they will need.

Dick Bjurstrom asked about the allocation of the funds that would be raised, how big the group would be, what their charge would be, and an indication of the problems they would likely encounter.

Kate Hamilton asked about the goals. She felt that it would be valuable for this group to have input on setting priorities on how the money would be spent.

Bill Collier talked about grant writing and the funding of grant writing.

Commissioner Batchelder summed up the questions. He presented a brief background noting that the Commissioners, previously, have taken the position that the fairgrounds needs to be a self-supporting entity. This position resulted from discussions that the County should not go beyond that level because it is not a statutorily required component. Because of limited funds and by State statute, County government has responsibilities and the fairgrounds is not one of them. He continued to discuss priorities detailed in a proposed master plan and envisions that the Friends would make decisions on acquiring capital items and proceed with the acquisition.

Questions followed and Commissioner Albritton addressed them. The focus would be not only the grant writing but also community support and fundraising. The goal would be to make the facility something the community would see as an asset. She explained that the facility is deeply rooted in the ranching history/cowboy aspect of this community and would like to focus more on that element. The County needs to make improvements but she is not interested in making this a facility for everyone for everything. They have been going in too many directions and need to have one main focus.

Mr. Kuijvenhoven stated that, in his view, the Board of County Commissioners was internally conflicted and lacked enthusiasm, noting that if the Commissioners were excited about the facility they would fund it. He encouraged the Commissioners to show their support and enthusiasm publicly.

A discussion followed regarding direction from the Board of County Commissioners, County funding, and the master plan. Commissioner Batchelder asked the group to look at the master plan and make recommendations to the Board of County Commissioners. There were questions about timeframes and suggestions for acquiring grants to pay for grant writers before organizing the Friends.

Commissioner Batchelder recapped that the primary task would be to look at the grandstands proposal and find a way to fund the unfunded portion, and to review the master plan and provide input to the Commissioners.

Commissioner Albritton will meet again with the group on July 8, 2005 at 9 a.m. at the Bakery in Ridgway.

Commissioner Batchelder revisited item A-3 that was tabled earlier in the day.

M/S/P—Motion was made by Commissioner Hollenbeck and seconded by Commissioner Albritton to approve the request for seed money for the Friends of the Ouray County Fairgrounds 501(c)(3) in the amount of \$5,000, half of the amount requested. Discussion. Ms. Banks discussed opening a bank account and Commissioner Batchelder and Commissioner Albritton will be the authorized signers on the account. Motion passed unanimously. It was the consensus of the Board to open the account with \$500.

3:50 Commissioner Batchelder adjourned this regular session:

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

BOARD OF OURAY COUNTY COMMISSIONERS

ATTEST:

Michelle Nauer, County Clerk and Recorder

Don Batchelder, Chair

Tom Hollenbeck, Vice Chair

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

Heidi Albritton, Member