

The Board of County Commissioners met in regular session on July 25, 2005. Those present for the session were Don Batchelder, Chair; Heidi Albritton, Vice Chair; Kristi Westfall, 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:

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to

2. Request for approval of Minutes for July 7, 8, 11, and 18, 2005 Board of County Commissioner/Board of Equalization Meetings:

Linda Munson-Haley, Deputy Clerk of the Board, explained that only the Minutes for July 7, 2005 and July 8, 2005 were available for approval. The Minutes for July 11, 2005 and July 18, 2005 will be available at the August 1, 2005 Board of County Commissioners meeting.

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to approve the Minutes for July 7, 2005 and July 8, 2005 as presented. There was no discussion. Motion passed unanimously.

3. Request for approval of Engineering Agreement with Del-Mont Consultants, Inc. concerning the Loghill Village Paving Project:

Commissioner Batchelder clarified the reasons why the agreement had not been signed sooner.

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to approve the Engineering Agreement with Del-Mont Consultants, Inc. for the Loghill Village Paving Project as presented. There was no discussion. Motion passed unanimously.

4. Request for approval of appointments to the Tri-River Area Advisory Committee (Ginny Harrington and Melinda Heinold):

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to approve the appointments of Ginny Harrington and Melinda Heinold to the Tri-River Area Advisory Committee. There was no discussion. Motion passed unanimously.

5. Designation of Commissioner as the CCI Legislative Committee Member:

By consensus, the Board designated Commissioner Albritton as the CCI Legislative Committee Member.

6. Request for approval (ratification) of the following items:
  - a. Support letter for Ouray County Performing Arts Guild
  - b. Support letter for eRecording Grant and Grant application

**M/S/P**—Motion was made by Commissioner Westfall and seconded by Commissioner Albritton to ratify the support letter for the Ouray County Performing Arts Guild and the support letter for the eRecording Grant and the grant application as presented. There was no discussion. Motion passed unanimously.

Ms. Nauer elaborated on her and Michael Elden's trip to the Front Range to apply for the eRecording Grant explaining that ERAP (Electronic Recording Advisory Panel) with the Secretary of State was impressed by the fact that Ouray County had written its own grant. She noted that Delta County and Ouray County were the first two in the State to approach the panel without having pre-selected a vendor and was pleased that the application had been granted despite this. She and Mr. Elden then attended a demonstration in Glenwood Springs put on by Aptitude Solutions out of Florida and was very impressed with their product. She is still looking at other vendors, but Aptitude Solutions has the best product she has seen by far.

7. Review and Acceptance of Public Trustee Report:

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to accept the Public Trustee's Report for June 2005 as presented. There was no discussion. Motion passed unanimously.

8. Request for approval of Geotechnical Services Proposal with Lambert and Associates for the Loghill Village Paving Project:

Commissioner Batchelder explained that as the Loghill Village paving project moves forward the testing is generally confined to density testing to make sure that the gravel and pavement is compacted

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to approve the Geotechnical Services Proposal with Lambert and Associates for the Loghill Village Paving Project as presented. There was no discussion. Motion passed unanimously.

9. Consideration of imposition of a fire ban in Ouray County:

Sheriff Mattivi was present to discuss a fire ban for Ouray County. He informed the Board that on Friday there were two lightning strike fires that were put out rather quickly. He suggested a partial ban for Ouray County to include the Loghill Protection District and the area under the control of the Horsefly Fire Association to include open burns, trash cans, trash, fireworks, etc. He exempted contained fire rings. Because of recent rains, he requested the ban for one week. Clarification was made that only the Sheriff or Undersheriff can request a fire ban.

**M/S/P**—Motion was made by Commissioner Westfall and seconded by Commissioner Albritton to approve Resolution 2005-044 for one week to expire at the end of the day on August 1, 2005. There was no discussion. Motion passed unanimously.

**B. 9:30 Commissioner/Administrative Reports:**

Commissioner Albritton discussed the following:

- 1) Discussed Oil and Gas 101 meeting. Commissioner Westfall related that she was impressed with the meeting.
- 2) Fairgrounds issues
  - a. Vandalism. The gate for the pen for the steers was damaged and she discussed having it repaired in time for the County Fair.
  - b. Security lighting.
  - c. Removal of the "ears" on the parking lot.
- 3) Will attend an Eagle software presentation for the Assessor's software on July 27. All three Commissioners were invited to attend.
- 4) Will attend a Region 10 Revolving Loan Fund meeting on Thursday

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

Connie Hunt, County Administrator, discussed the following:

- 1) Budget packets were distributed.
- 2) DOLA reimbursement request went out for second payment
- 3) The first item scheduled for the Board of Equalization hearing for tomorrow was cancelled.
- 4) Michael wanted to know if the Commissioners wanted to use their email accounts to get passwords for them.
- 5) Trash dumpster at the Fairgrounds. She asked to revisit the decision made at the last Commissioners meeting regarding a request from the Ranching History Museum to have their deposit returned. She recommended that the policy be revised explaining that groups who only contribute a minimal amount of refuse should not have to pay a \$500 dumping fee. By consensus of the Board, the Commissioners asked Ms. Hunt to proceed with arriving at a fair fee schedule, to have the construction dumpster relocated to Land Use, and to research a smaller dumpster for the Fairgrounds.

Commissioner Westfall had nothing to discuss:

Commissioner Batchelder discussed the following:

- 1) He will forward a letter from the DOW (Division of Wildlife) regarding oil and gas issues to the Planning Commission.
- 2) As a result of the demography meeting last week, there have been discussions about sending a letter to the State office requesting that they adjust their data for Ouray County because of questions of accuracy of the census. Poor figures affect funding from the State.

**C. 10:10 Larry and Barbara Gallagher:**

1. Road issue on North Ponderosa:

Greg Moberg, County Planner, and Chris Miller and Rich Williams from Road and Bridge were present.

Larry and Barbara Gallagher introduced themselves, acknowledged that members of the audience included neighbors and interested parties, and distributed an information packet to the Commissioners (Exhibit C-1). Mr. Gallagher began by noting that the first item of contention, a substandard road base on Ponderosa Drive (North) had been solved. The second item of contention was the amount of construction traffic going in and out of Fairway Pines on a road that is a utility access road. He detailed a history of the traffic and his prior attempts to alleviate it.

Commissioner Batchelder explained that Fairway Pines had been concerned about the heavy truck traffic on the paved roadway and had requested to use this utility road.

Mr. Gallagher objected, noting that one residential area should not have the right to send their construction traffic, pollution and noise through another residential area.

Mr. Moberg discussed the gravel pit and that no more gravel will be taken from it as a condition to approval of the final plat for the Estates. He also explained that Doug Canright had been reviewing easements and that the roadway in question can be used by anyone for anything.

Commissioner Batchelder added that the roads in Fairway Pines are the responsibility of the homeowners' association.

Commissioner Westfall ascertained that Mr. Willey's property is adjacent to this road and that he has the right to use it.

Mr. Gallagher argued that Mr. Willey does not have the right to take their neighborhood and turn into an industrial corridor. He acknowledged that part of the problem was that the road was sandstone but the Road and Bridge Department had fixed that. Mr. Gallagher summarized that there are many trucks besides just special trucks accessing the northern tract.

Commissioner Batchelder discussed what could be done about taking care of the dust. Once a solution is arrived at, Mr. Gallagher will be informed. Another potential tack could be to talk with the property owners. He advised the Gallaghers to contact Road and Bridge.

**10:40 Commissioner Batchelder took a brief recess and reconvened at 10:50:**

**D. 10:50 Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of Receiving legal advice:**

**M/S/P**—Motion was made by Commissioner Westfall 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:

Those present were Commissioners Batchelder, Albritton and Westfall; Pat Crossley, County Attorney; Greg Moberg, County Planner; Connie Hunt, County Administrator; and Linda Munson-Haley

**11:10 The Board of County Commissioners came out of executive session and reconvened into regular session:**

**E. 11:10 Friends of the Ouray County Fairground 501 (c)(3) Discussion:**

Bill Collier, Dick Bjurstrom, Kate Hamilton, Randal Fischer and John Kuijvenhoven were present to discuss their views on the purview of the Friends of the Ouray County Fairground (FOF).

Dick Bjurstrom explained that the group had met and he detailed some of the suggestions that were a result of that meeting and the steps that need to be taken to make this a successful endeavor. User groups should be approached to determine their views on what should be done to the Fairgrounds. The FOF should report back to the Board of County Commissioners on a regular basis. The master plan should be consistent with their fundraising efforts. A public process should be set up that everyone could buy into. Once these things were done, the FOF could go forward to pursue national grant monies. The Friends would like to keep local sponsorship. An important are for improvement would be communications between the Fairgrounds and the user groups. He said that the Friends are enthusiastic about the challenge and asked that the Commissioners review their steps favorably.

Mr. Bjurstrom detailed that the first step would be the funding of the GOCO grant, which could include a listening tour, and revisions to the master plan later. He spoke to the lack of vision in the master plan for the Fairgrounds and the Ouray County 4-H Event Center, and the need to lay out a systematic and well thought-out program.

To Commissioner questions regarding start-up capital, Mr. Bjurtstrom estimated that, initially, FOF would need \$5-6,000 per month for a grant writer that the group anticipates would be paid back at some point.

Mr. Fischer clarified that the Commissioners should look at this initial outlay as a short-term loan to prime the pump. This would be a vote of confidence from the Board of County Commissioners.

Mr. Kuijvenhoven added that their intent is to raise grassroots money to start their own locally funded revenue stream to use in the early stages to repay the County. The repayment monies would not come from grants.

Mr. Bjurstrom urged that the GOCO grant is a pressing and timely issue and that they need to prioritize the fundraising effort towards this grant. Securing this grant would lend more credibility in the community in their fundraising efforts.

Mr. Bjurstrom continued by explaining that the FOF would like to have a coordinated meeting with all of the multiple entities involved in the Fairgrounds to establish in the beginning the various responsibilities and to try to solve all of the issues ahead of time. They would need to establish lines of communication and lines of responsibility.

A discussion followed as to where the seed money would come from.

Mr. Kuijvenhoven discussed the need to make sure roles are properly defined. The Friends would be the fundraising group. Staff would be spending money under the Commissioners' direction, not theirs. FOF would provide input to the grant writers and help wherever they could.

There was more discussion regarding the seed money, how the money would be distributed and how it would be paid back.

Mr. Kuijvenhoven added a cautionary note. He said that it is reasonable to assume that the \$25,000 will be lost and there will not be a fairgrounds in the future. The Commissioners should be willing to leave the fort and push west knowing that they may not come back. Those assembled today are enthusiastic and are willing to give it a try. The intent is to pay the money back. He added that if they are on the cusp of a million dollar grant why should the Board be worried.

Mr. Bjurstrom interjected that the FOF would insist on a performance review on a monthly basis explaining that the Friends need to have confidence in the Commissioners and the Commissioners must have confidence in them.

Commissioner Batchelder asked if a reasonable timeframe for payback would be five years, fully understanding that this may not come back.

The Fairgrounds Advisory Council (FAC) meeting on August 8, 2005 at 6:30 p.m. would be a good opportunity to introduce the group.

The FOF will report back to the Commissioners on the 4<sup>th</sup> Monday of every month at 11 a.m.

Commissioner Albritton clarified that, because of earlier discussions of the master plan, the Commissioners are not tasking the FOF with rewriting the master plan, they are just asking for input. She asked that one member of the FOF meet with one member of other each of the other entities in the next month or two.

Connie Hunt will put together a matrix sheet for each entity's review, which would also serve as a good reference sheet.

Commissioner Batchelder asked if the five people present were willing to serve on the Friends of the Fairground Board of Directors and they all replied in the affirmative.

Mr. Bjurstrom pointed out that the bylaws provide for a seven-member board of directors and that they would be aware of recruiting the other two during their fundraising efforts.

Resolutions for the appointment of the board and the "revolving" loan will be presented at the August 1, 2005 Board of County Commissioners meeting at 11 a.m.

Finally, Mr. Bjurstrom addressed the use of County office space for the FOF. Commissioner Batchelder asked Ms. Hunt to arrange for space at the Ouray County 4-H Event Center.

**12:15 Commissioner Batchelder recessed for lunch and reconvened at 1:30:**

**F. 1:35 Randy McBride:**

1. Data Integration Grant Update:

Randy McBride with the SouthWest Data Center made a presentation to the Board in accordance with his grant. He discussed the progress of the project and possible outside funding.

Connie Hunt asked Mr. McBride if he would be able to wrap up the grant this year and he said that he would but added that wrapping up the grant would be just the beginning, not the end. The next step would be for users to start taking ownership and build the project into a regional resource center.

**2:50 Commissioner Batchelder took a brief recess and reconvened at 2:55:**

**G. 2:55 Ken Lipton:**

1. Discussion concerning a draft protest to the BLM regarding the August 11<sup>th</sup> sale of oil and gas leases:

Ken Lipton of the Ridgway-Ouray Community Council (ROCC) addressed the Board and thanked the Commissioners for their support of the forum on oil and gas that was recently held in Ridgway. He has prepared a draft of an official protest to the BLM regarding the August 11, 2005 sale of oil and gas leases (Exhibit G-1) the goal being that the BLM would place a moratorium on the sale until the issues are addressed. If the BLM denies the protest, ROCC will appeal to the Department of the Interior and, if there is no satisfaction at that level, then there could be legal considerations.

He spoke extensively from the protest letter (*see Exhibit G-1*) and concluded that the BLM remove the Ouray County lands from the upcoming lease sale.

Mr. Lipton indicated that there are two ways the Board of County Commissioners could be effective. One way would be for the County to become a signatory to the document. A second way would be to endorse the main issues to accompany the protest. He explained that while the environment is a large part of this protest, it is really about the socioeconomic impact to the County.

Howard Green explained that the County has a unique opportunity to create regulations that are realistic and that do not create controversy.

Steve Slade added that the protest is simply asking for one agency of the government to follow the rules laid down by the government.

Mr. Lipton added that it is his understanding that this document should not subject the County to suits or retaliation of any sort. This is not in opposition but asking for a moratorium until proper mitigation and impact studies can be done, and asking that the agency be held accountable.

Commissioner Batchelder asked to put this on the agenda for August 1, 2005 to either co-sign or to issue a formal endorsement. Commissioner Westfall indicated that she was hesitant to put her signature on something where she has not heard both sides. Commissioner Albritton said that she was comfortable doing a letter of support.

**3:40 Commissioner/Administrative Reports, continued:**

Commissioner Albritton discussed an additional item:

5. Received a phone call from Victoria Hearst on a festival she is putting on at the Fairgrounds expressing concern because she was told that the grandstands were condemned. Commissioner Batchelder instructed Connie Hunt to instruct Greg Moberg to have someone from the Land Use Department write a letter detailing the sequence of events leading up to this misunderstanding and explaining that the grandstands are not condemned, and that issues raised by the insurance company have been addressed.

Connie Hunt, County Administrator, discussed an additional item:

6. A request from Tri-River asking if either September 21 or September 29 would work for a budget meeting. Commissioners Albritton and Batchelder said that either day would work for them.
7. Talked to Ken Charles about a future grant.

**3:55 Commissioner Batchelder adjourned the regular session:**

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
OURAY, COLORADO

ATTEST:

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Don Batchelder, Chair

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Michelle Nauer, County Clerk and Recorder

\_\_\_\_\_  
Heidi Albritton, Vice Chair

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

\_\_\_\_\_  
Kristi Westfall, Member