

The Board of County Commissioners met in regular session on December 22, 2008. Those present for the session were K. Keith Meinert, Chair; Don Batchelder, Vice-Chair; Heidi M. Albritton, Member; Mary Deganhart, County Attorney; and Connie Hunt, County Administrator. Linda Munson-Haley, Clerk of the Board, was absent. (*Minutes for this meeting were recorded by Connie Hunt and transcribed by Linda Munson-Haley by reviewing the audio files.*)

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

**A. 9:00 Call to the Public:**

*The “Call to the Public” agenda item is a time when the public may bring forth items of interest or concern. No formal action may be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.*

With no one present for the Call to the Public, the Commissioners proceeded to Agenda Item B.

**B. 9:00 Request for approval and authorization of Chair’s signature on the 2009 Certification of Levies and Revenue:**

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Batchelder to approve and authorize the Chair’s signature on the 2009 Certification of Levies and Revenue as presented. Discussion. Commissioner Batchelder had a question about the general operating levy for Ridgway School that Connie Hunt answered. A correction was noted on the certification signature page that Connie Hunt would correct before signature. With no further discussion, the motion passed unanimously.

**C. 9:02 General Business:**

**1. Request for approval of warrants:**

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to approve warrants as presented. There was no discussion. Motion passed unanimously.

**2. Request for approval of December 8, and 15, 2008 minutes: [Withdrawn]**

**3. Weed Department Items:**

- a. Request for approval and authorization of Chair’s signature on Pre-Grant Application Form for a grant application with the Natural Resources Conservation Service for EQUIP dollars to aid with the control and management of Meadow Knapweed to assist landowners within Ouray County:
- b. Request for approval and authorization of Chair’s signature on Letter of Support of the Above Referenced grant application:

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to approve and authorize the Chair’s signature on the Pre-Grant Application Form for a grant application with the Natural Resources Conservation Service for EQUIP dollars and on a letter of support for the grant application as presented. Discussion. Commissioner Meinert had a few clarifications. With no further discussion, the motion passed unanimously.

**4. Request for adoption of Resolution 2008-074 declaring certain county equipment (printer) as surplus property and authorizing its disposal pursuant to Section 2 (C) of the Ouray County Disposal of Surplus Property Policy, which reads, “the property is damaged, worn out or otherwise inoperable and the cost of repairing the same is unwise or impractical”:**

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to adopt **Resolution 2008-074** declaring a printer as surplus property and authorizing its disposal pursuant to the Surplus Property Policy as presented. There was no discussion. Motion passed unanimously.

**5. Request for approval and authorization of Chair’s signature on Letter to Colorado Counties, Inc. (CCI) relating to the Federal Stimulus Package recommendations (ratification):**

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Batchelder to approve and ratify the Chair’s signature on a letter to Colorado Counties Inc. (CCI) relating to the Federal Stimulus Package recommendations as presented. There was no discussion. Motion passed unanimously.

**6. Request for approval and Chair’s signature on the following Liquor License Applications:**

- a. **Flowers Cabin Tavern Liquor License Renewal:**
- b. **Cornerstone Food and Beverage Services, LLC Optional Premises License Renewal:**

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to approve and authorize the Chair’s signature on a Tavern Liquor License Renewal for Flowers Cabin and an Optional Premises License Renewal for Cornerstone Food and Beverage Services, LLC as presented. There was no discussion. Motion passed unanimously.

## 7. Request for award of Affordable Housing Proposal:

Commissioner Batchelder reported that the Housing Authority Board reviewed four proposals, eliminated two immediately because they were overbudget, and interviewed two. The Housing Authority Board recommended that Rees Consulting be awarded the contract. He continued to explain the reasons why Rees was chosen.

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to award the project to Rees Consulting based upon the best value to the County and subject to a contract being entered into. There was no discussion. Motion passed unanimously.

### G. 9:11 Administrative / Commissioner Reports:

**Mary Deganhart**, County Attorney, discussed the following:

- 1) **Update on Camp Bird Appeal** She was granted an extension until February 4, 2009 to file the brief.

**Connie Hunt**, County Administrator, discussed the following:

- 1) **Thank you postcard** She presented a sample of a thank you card to the County citizen boards and committees for the Commissioners' approval. The Board approved the design.
- 2) **Sales tax notification** Awaiting labels from the State's tax accounting office for all of the vendors in the county. It will be sent in the form of a postcard.

**Commissioner Albritton** discussed the following:

- 1) **CCI Conference** She will not be able to attend.

**Commissioner Batchelder** had nothing to discuss:

**Commissioner Meinert** discussed the following:

- 1) **Public Health Improvement Act** The Commissioners had received a letter from CCI on the Health and Human Services Public Health Improvement Act and he asked the Board how to proceed. Commissioner Batchelder suggested distributing it to the different department heads for their recommendations. Commissioner Albritton remembered that there would be an upcoming work session with Public Health and this could be discussed then. Commissioner Batchelder suggested that the Commissioners ask Cheryl Roberts, Public Health Director, to review it and make recommendations, and ask CCI what actions the counties should take.
- 2) **Trails Meeting report** The Trails group had discussed funding needs. The County would not learn until March if the grant was approved. The consensus was that there was enough to do in the interim in reviewing maps and trails and that the PAG Coordinator's involvement over the next few months did not need to be as much as in the past. Commissioner Batchelder suggested a mechanism for additional funds to pay her by authorizing the expenditure of \$1,000 to \$2,000 of PILT monies in the interim. Connie Hunt suggested asking the partners to contribute, also. Commissioner Batchelder suggested the County put up \$1,500. A discussion followed on engaging the other partners. Connie Hunt suggested that the County should step up to set the course and remind everyone through the MOU of the purpose and what had been agreed to. Mary Deganhart felt that should be the role of the Coordinator. It was the consensus of the Board that Ms. Hunt indicate to the PAG Coordinator and PAG partners that the County would put up \$1,500 and the remainder of the costs until March should be picked up by the other partners.

**Ron Mabry**, Weed Manager, discussed the following:

- 1) **EQUIP grant for oxeye daisy** Ron Mabry informed the Board that besides the EQUIP grant that the Board approved earlier in the meeting, he would have another EQUIP grant that he would need to have approved for oxeye daisy.

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to authorize Ron Mabry to proceed with the grant application. There was no discussion. Motion passed unanimously. This would be brought back to the Commissioners on January 5, 2009 for signature.

**Commissioner Meinert** continued his discussion:

- 2) **Trails Meeting report** *continued* A map should reflect the difference between roads and trails. A lengthy discussion followed on maps and disclaimers.

**10:00 Commissioner Meinert recessed and reconvened at 10:15:**

### D. 10:15 Discussion of Possible Land Use Code Revisions to Sections 25 and 3:

Commissioner Batchelder explained that he had asked to put this on the agenda. One of the jobs of the Commissioners was to cause a Master Plan to be drafted and to ensure that the goals of the Master Plan be implemented. There were a number of goals of the Master Plan that had not been met. Of primary concern to him was the goal of preserving the viability of agriculture. With the exception of the Right-to-Farm Ordinance that was passed

during his tenure on the Board, there had been nothing specifically accomplished in that regard. This was an attempt to rectify that. Generally, his proposal was to change zoning in the Valley Zone from a current density of 1:35 to a density of 1:70 unless an applicant went through the Development Agreement. If the provisions were met in the Development Agreement then the density would become 1:26. The provisions would require the creation of one parcel that was 80% of a viable agricultural parcel tied to the water on that parcel. It was very important to address this issue and the ranching community should be involved. He did not see any "takings" from the ranching community. His proposal would preserve ag lands and ensure that there was water on them.

Commissioner Meinert noted two threshold questions: 1) Whether all of the Commissioners agreed that preservation of ag property was something they needed to be concerned about, and 2) preservation of water rights in Ouray County. Commissioner Batchelder pointed out that preservation of ag property should not necessarily be a concern to the Commissioners because it was one goal of the Master Plan.

Commissioner Albritton suggested scheduling a work session and inviting the ranching community for input as the next step in the process.

The Commissioners were in agreement that something needed to be done on both of the topics. Commissioner Meinert suggested a work session to consider not only the proposal before them today, but to start at the beginning to determine the issues, problems and objectives, and how to accomplish them. One that came to his mind was the transfer of development rights.

Commissioner Batchelder admitted to a degree of frustration as this was the fourth time that he had broached this subject at the Commissioner level. Part of his frustration was a result of the tendency for elected officials and committees to take all of the problems of the world to find a solution and wrap a bow around it. He advised that they would only be able to address pieces of a problem at one time. The other part of his frustration was that the Commissioners had not done anything. With the current economic situation he felt that some ranch lands were now at risk and the longer the Commissioners took to address this issue, the greater the possibility of losing them. Another piece to be aware of was that there was currently money available that Ouray County was applying for to buy development rights on ag lands to preserve them. The County could risk losing that money the longer the Commissioners took to deliberate. Rather than buying development rights on lands, the Black Canyon Trust was happy to pay for the cost of landowners going through the process of preserving the properties and at the same time not diminishing the assets of ranches. He agreed that it was extremely important to work with the ranching community on this proposal.

It was the consensus of the Board to have a work session. Commissioner Meinert suggested putting an item on the agenda for January 5 to prioritize Land Use proposals and determine the way forward. Commissioners Albritton and Batchelder agreed.

Sheelagh Williams supported the Commissioners' desire to prioritize projects.

Tom McKenney supported Commissioner Batchelder' proposal. He suggested including the municipalities in future discussions as they had indicated that they were interested in accepting more growth in order for the County to protect the county lands.

Linda Ingo suggested that it would be nice to consider the ranchers' schedules when setting up work sessions. She also agreed about the importance of prioritization and sticking to the schedule.

#### **E. 10:45 Public Hearing:**

**Purpose: To review a request by Ouray County to amend Section 6 of the Ouray County Land Use Code. Possible action may be taken by the Board concerning Section 6.**

Commissioner Meinert opened the public hearing and noted that the Commissioners had received a final copy of the changes to Section 6.

Commissioner Albritton explained that the Commissioners had, during the course of discussions, separated out philosophical issues and focused on procedure and process for a better working document.

Commissioner Meinert opened the hearing to public comment.

Jim Kennedy expressed appreciation to the Commissioners and Staff for all of their hard work.

There was discussion regarding public comment on the more substantive changes to Section 6 and how to proceed.

Commissioner Meinert closed the public comment portion of the hearing.

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to adopt Section 6 as presented effective the first of the year. Discussion. Mary Deganhart will prepare a resolution adopting the changes to Section 6. A roll call vote was taken on the motion with the following results.

Commissioner Meinert voted in the affirmative  
Commissioner Batchelder voted in the affirmative  
Commissioner Albritton voted in the affirmative

Motion passed unanimously.

Commissioner Batchelder noted that it would be very important for future Boards to gain the greatest degree of efficiency as possible in addressing the Code and Code changes. Absent that, they risked getting into the situation the current Board was in of huge frustration because nothing got changed. Obviously, a great degree of cleanup and change was needed now. One way to create efficiency would be to make a very clear distinction between a housekeeping change and a philosophical change and separate them out for approvals. A discussion followed.

Commissioner Meinert closed the public hearing.

**11:12 Commissioner Meinert recessed and reconvened at 11:22:**

**F. 11:22 The Board of County Commissioners convened as the Board of Social Services concerning the following items:**

**1. Request for approval of the following reports and authorization of Chair's signature on certification page:**

- a. Earned Revenue and Expenditures, October 2008:
- b. Check register for the month of November 2008:
- c. Expenditures through Electronic Benefit Transfers, November 2008:
- d. County Allocation / MOE Report, October 2008:
- e. Balance Sheet, October 2008:

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Batchelder to approve and authorize the Chair's signature on the certification page for the above noted reports as presented. There was no discussion. Motion passed unanimously.

**2. Review of Caseload Report for November 2008:**

Allan Gerstle, Director of Social Services, discussed Agenda Item F.4.b. below noting that the downturn in the economy had definitely impacted his office. Many of the families they were working with were not eligible for their programs; however one member of the family had lost a job and they were having trouble living in Ouray County.

**3. Request for approval and authorization of Chair's signature on the following items:**

- a. **Child Support Enforcement Purchase of Services Agreement with Montrose County for Child Support Enforcement for calendar year 2009:**
- b. **Contract between the Board of County Commissioners, Ouray County Department of Social Services, and the Ouray County Attorney for the provision of 2009 Legal Services:**
- c. **CDHS Certification of Compliance – County Merit System, Year 2009:**

**M/S/P**—Motion was made by Commissioner Batchelder and seconded by Commissioner Albritton to approve the Child Support Enforcement Purchase of Services Agreement with Montrose County for Child Support Enforcement for calendar year 2009; a Contract between the Board of County Commissioners, Ouray County Department of Social Services, and the Ouray County Attorney for the provision of 2009 Legal Services; and a CDHS Certification of Compliance – County Merit System, Year 2009 as presented. There was no discussion. Motion passed unanimously.

**4. Discussion Items:**

**a. TANF Transfers:**

Mr. Gerstle reviewed the particulars of the TANF reserves noting that he used TANF reserves to go first to Bright Futures, a nonprofit organization that the State used to do childcare functions in the state, that would then be distributed to licensed childcare facilities in Ouray County for startup expenses. A discussion followed whereby Mr. Gerstle further clarified the TANF monies and how they could be spent. He added that he would work on a contract with Bright Futures to bring to the Board. Connie Hunt asked Mr. Gerstle to provide a memo in the future for certain expenditures.

**b. Economic Impact on Office:**

*[See Agenda Item F-2 above for discussion.]*

**c. Citizen Review Panel:**

Mr. Gerstle reviewed that a notice had been placed in the *Ouray Plaindealer* asking for applications from citizens interested in serving on a Citizen Review Panel but when there was no response the Commissioners had tasked him with speaking to the adjoining counties about a regional panel. He spoke to the San Miguel County Commissioners who would be interested in a joint panel with Ouray County but not with Montrose County. They offered to work hard to recruit panel members. He suggested that Ouray County Commissioners also try to recruit members.

**d. Future Work Session discussing Social Services:**

The San Miguel County Commissioners suggested a joint work session with Ouray County Commissioners and invite representatives from Bright Futures and Mental Health. Mr. Gerstle asked Connie Hunt to work with San Miguel County to set a date. She suggested including the two County Administrators and a financial person from each County. Commissioner Meinert asked to wait until February to schedule the work session.

**11:58 Commissioner Meinert adjourned the meeting:**

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
OURAY, COLORADO

ATTEST:

\_\_\_\_\_  
K. Keith Meinert, Chair

\_\_\_\_\_  
Don Batchelder, Vice Chair

\_\_\_\_\_  
Michelle Nauer, County Clerk and Recorder  
By: Linda Munson-Haley, Clerk of the Board

\_\_\_\_\_  
Heidi M. Albritton, Member