

The Board of County Commissioners met on July 30, 2009 in continuation of a regular session that began on July 27, 2009 and was continued to July 28, 2009. Those present for the session were Heidi M. Albritton, Chair; K. Keith Meinert, Vice-Chair; Lynn M. Padgett, Member; Mary Deganhart, County Attorney; Connie Hunt, County Administrator; and Linda Munson-Haley, Clerk of the Board.

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

**9:17 Commissioner Albritton reconvened the regular session:**

**K. 9:17 Commissioner / Administrative Reports:**

Mary Deganhart, County Attorney, discussed the following:

- 1) **Road Standards** In follow-up to comments made at the Town Hall Meeting on July 27, 2009, she noted that in a resolution from 1986 establishing the first road standards in Ouray County, the maximum sustained grade “shall be 8%”. The Commissioners at the time were Howard Williams, Dave Calhoun and Kenneth Williams.
- 2) **Camp Bird case** One of the most interesting pieces in the decision where Ouray County made case law was the RS 2477 piece where the language said that “any roads on the public domain before they are removed from the public domain are public roads.” There was never any really clear cut case law that said when a parcel would have been removed from the public domain. There was an issue in this case on the Glen Monarch claim where the Plaintiff argued that the date of removal was 1876, which was prior to the first minutes that Ouray County had where the Board took action that was in 1878. The Court of Appeals found that it was the date of the actual recording of the location certificate in 1880 that was the actual removal date. That made the case easier for Ouray County where it was able to sustain its claim on RS 2477 on all five claims. The case set precedent and would be good case law for other counties in the future. The Plaintiffs have 46 days from July 23, 2009 to file a writ of certiorari to the Supreme Court. The Supreme Court has to agree to take the case. When that deadline expires, there was nothing further that Camp Bird could do, and the County could discuss a reroute of the road there at that time. Commissioner Meinert suggested that it would be useful for Chris Miller to talk to Robert Stouffer, who could talk to Tom Rosemeyer about the reroute. He would like to see it happen before the end of the 46 days so that Miller could work it into his plans for next year.
- 3) **Joint meeting with Planning Commission** She asked what information Staff should prepare for the meeting on August 10. Commissioner Albritton wanted an agenda, and wanted to focus on process and the Planning Commissioner’s roles and interaction with Staff, the BOCC and the public. She wanted to lay out facts to use as a starting point for discussions. Commissioner Padgett wanted to start with the authorizing document presentation detailing the responsibilities of the Planning Commission. Commissioner Meinert wanted to go back to the basics, go back to the statutes. A discussion followed.

**9:46 Commissioner Albritton recessed the regular session until the afternoon:**

**12:23 Commissioner Albritton reconvened the regular session and adjourned:**

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
OURAY, COLORADO

ATTEST:

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Heidi M. Albritton, Chair

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K. Keith Meinert, Vice-Chair

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

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Lynn M. Padgett, Commission Member