

The Board of County Commissioners met in regular session on December 17, 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.**

**A. 9:08 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.*

No one was present for this item and the Commissioners moved on to General Business.

**B. 9:08 General Business:**

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

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

**2. Request for approval of December 7, 2009 minutes:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve the minutes for December 7, 2009. Discussion. Commissioner Padgett and Mary Deganhart had corrections to the minutes. Commissioner Meinert amended the motion to include the corrections. Commissioner Padgett seconded the amended motion. With no further discussion, the motion passed unanimously.*

**3. Request for adoption of Resolution 2009-057 declaring certain County personal property as surplus property to be disposed of in accordance with the Surplus Property Policy and as set forth in the resolution:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to adopt **Resolution 2009-057** declaring certain County personal property as surplus property to be disposed of in accordance with the Surplus Property Policy and as set forth in the resolution as presented. There was no discussion. Motion passed unanimously.*

**4. Request for approval and Chair’s signature on the Colona Country Store’s Retail Liquor Store License and 3.2% Beer License Renewals:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve and authorize the Chair’s signature on the Colona Country Store’s Retail Liquor License and 3.2% Beer License Renewals as presented. There was no discussion. Motion passed unanimously.*

**C. 9:21 Request for approval and authorization of Chair’s signature on the 2010 Certification of Levies and Revenue:**

The Commissioners had some discussion about comparisons with San Miguel County and a discussion about the Regional Service Authority.

Commissioner Meinert reiterated his request to send an invitation to all County boards, even the cemetery boards and the school districts, to meet with the Commissioners to discuss their boards or organizations, and how they were working and if there were any needs that the County could help them with.

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve and authorize the Chair’s signature on the 2010 Certification of Levies and Revenue as presented. There was no discussion. Motion passed unanimously.*

**D. 9:30 Reorganization of the Board Items for 2010:**

**1. Designation of the Ouray *Plaindealer* as the legal newspaper for Ouray County for 2010:**

There was some discussion about whether the legal notices could be published in *The Watch*. According to the County Attorney there was nothing in the statutes that prevented the County from publishing the legals in *The Watch* if *The Watch* was interested in publishing the legals.

*M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Meinert to table a decision and direct Staff to formulate a request for bids for publication of the County’s legals, and put it out to bid. Discussion. Staff would check with *The Watch* to see if they were interested in publishing the legals. With no further discussion, the motion passed unanimously.*

Commissioner Padgett asked Deganhart to get clarification on the definition of “printing.”

**2. Designation of exterior bulletin board located on the County Courthouse as the official posting place for all public notices, agendas, etc., for 2010:**

*M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Meinert to designate the exterior bulletin board located on the County Courthouse as the official posting place for all public notices, agendas, etc. for 2010. Discussion. Commissioner Meinert asked if the Town of Ridgway was still posting a courtesy notice on the bulletin board there. It was noted that the agendas were emailed to Pam Kraft who had agreed to post them but there had been no follow up to assure that the notices were being posted. Pam Kraft would be contacted and asked to continue posting the notices. With no further discussion, the motion passed unanimously.*

**3. Appointment of Chair for 2010:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to appoint Lynn Padgett as Chair for 2010. There was no discussion. Motion passed unanimously.*

**4. Authorization for Chair to make and second motions:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to authorize the Chair to make and second motions. There was no discussion. Motion passed unanimously.*

**5. Appointment of Vice-Chair for 2010:**

*M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Padgett to appoint Keith Meinert as Vice-Chair for 2010. There was no discussion. Motion passed unanimously.*

**6. Authorization for Vice-Chair to sign warrants and other official Board of County Commissioner approved documents in the absence of the Chair:**

*M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Albritton to authorize the Vice-Chair to sign warrants and other official Board of County Commissioner approved documents in the absence of the Chair. There was no discussion. Motion passed unanimously.*

**7. Appointment of Connie Hunt as Budget Officer pursuant to C.R.S. 29-1-104:**

*M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Meinert to appoint Connie Hunt as Budget Officer pursuant to C.R.S. 29-1-104. There was no discussion. Motion passed unanimously.*

**8. Appointment of Chris Miller as Road Supervisor pursuant to 43-2-111 C.R.S.:**

*M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Meinert to appoint Chris Miller as Road Supervisor pursuant to C.R.S. 43-2-111. Discussion. The Commissioners discussed the appointment and how well it had been going. With no further discussion, the motion passed unanimously.*

**D. 10:15 Administrative / Commissioner Reports:**

Mary Deganhart, County Attorney, discussed the following:

- 1) **Dispatch agreements update** She had received an email from the communications manager with Montrose County who had not received the agreements and who made some cryptic comments regarding termination of the agreements between Montrose and Ouray Counties. Deganhart did not respond. Commissioner Meinert suggested working through the County Administrator. Deganhart wanted to prepare a new contract next spring for their review and approval. Commissioner Albritton suggested talking to other counties that contracted with the dispatch services to solicit their suggestions for crafting a more lucid document.
- 2) **Pleasant Valley Vista Subdivision** The subdivision sent her a letter about a dispute with a neighboring subdivision, Lazy Dog. She wanted to respond that the County did not want to get involved; that it was between the two subdivisions. Commissioner Meinert asked about the County's legal responsibility in enforcing decisions the County made pertaining to its blessing of the covenants for PUDs and plat notes on approved plats. Deganhart replied, none, but that on a case-by-case basis there may be an instance of County involvement. Commissioner Meinert explained that this was not just one dispute issue and that the Commissioners should set out a standard in writing to be sent to everyone. For this instance, he suggested that the Commissioners instruct the County Attorney to respond to the letter and leave it to her discretion on how to word that response. There was some discussion and Deganhart suggested that she reply to the letter saying that the Commissioners were looking at the issue and would respond after the first of the year. Commissioner Albritton agreed to putting out a hard-line policy that the County would not get involved in neighbor disputes. Commissioner Meinert added that it was the Commissioners' responsibility as a Board to look at the legal documents in front of them and that Deganhart would need to respond as to the County's legal responsibility regardless of the history and prior representations. Commissioner Padgett understood Commissioner Meinert's concerns but wanted the Board to appear responsive to looking into the matter but nothing beyond that. The Commissioners should provide customer service to the citizens but not jeopardize the County's position.

**Commissioner Padgett** discussed the following:

- 1) **Proclamation** She asked for a proclamation to proclaim gratitude to the Board’s Clerk for the work she had done during the year.

*M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Meinert to proclaim December 31 as Board Clerk Appreciation Day. There was no discussion. Motion passed unanimously.*

**Commissioner Meinert** had nothing to discuss:

**Commissioner Albritton** discussed the following:

- 1) **Discussion with John Peters** She had a discussion with Peters regarding road width conflicts with the Land Use Staff on Coral Bell and Peters was scheduled to speak to the Board on January 4. A discussion followed.

**Commissioner Padgett** discussed the following continued:

- 2) **Panoramic Heights** She wanted to follow up with Christensen on the EPA cleanup of Panoramic Heights and have the EPA update the Board. Commissioner Meinert noted that the EPA had finished the project in the development and the last task was a cap on the tailings pile. He said they would be coming back next year to monitor the drainage and performance. Hunt will ask for a staff report and possibly have Christensen come before the Board.

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

**Commissioner Albritton** continued:

- 2) **Vacation** She would be gone from Saturday through New Years Day.

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

- 1) **Regional Transit MOU** She had communication with Montrose County who did not want to sign the MOU now but wanted to look at a different way to do it. Montrose County wanted to schedule another meeting on December 22 and she advised them that she would not be able to attend. A discussion followed. Hunt will alert Montrose County that no one from Ouray County would be able to attend the meeting.
- 2) **Signatures** She needed the Chair’s signature on a revised rental agreement for Road and Bridge for a new contract term for a grader and a different vehicle with a different VIN number; and on an extension of agreements with the U.S. Forest Service for Imogene Pass, \$10,000 for work necessary to keep drainage functional, and Owl Creek / Cimarron for reimbursement of \$4,000 worth of work there for correction of safety problems. If the County did not sign today it would risk losing the funding on the projects.

**Commissioner Meinert** discussed the following, continued:

- 1) **Brown Mountain concerns** He had been approached by a citizen suggesting that the work that the County had done to correct the problems on Brown Mountain should be reimbursed by the Forest Service. Commissioner Meinert told him about Schedule As, etc. and that there was no specific reimbursement for the time that Miller had spent correcting the water bars. The citizen claimed that it was in the public’s interest to sue the Forest Service for reimbursement. Commissioner Meinert advised him that the Commissioners pick their battles and that was not one they would want to fight. A discussion followed on Schedule As. It was pointed out that some of those roads are not on the HUTF Report and the Forest Service did not reimburse the County because the Forest Service thought that those roads were on the HUTF and the County was already getting monies for them.

**10:58 The Commissioners 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