

The Board of County Commissioners met in regular session on February 2, 2016. Those present for the session were Lynn Padgett, Chair; Ben Tisdell, Vice-Chair; Don Batchelder, Member; Connie Hunt, County Administrator; Marti Whitmore, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board. Commissioner Tisdell acted as Chair for the meeting.

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

A. 9:01 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.

County Snow Day and County Courthouse Generator

Will Clapsadl, Facilities Manager, and Glenn Boyd, Emergency Manager, were present.

Clapsadl reported to the Board regarding the recently declared emergency snow day. He said that there had been a power outage on the east side of the City of Ouray; the power outage lasted until mid-morning. Hunt said that the Courthouse generator did not provide sufficient energy for operation of the Courthouse, and had several other operational issues. Commissioner Tisdell said that replacing the generator should be a priority. Hunt said that staff had applied for a federal grant provided by the Multi-Hazard Mitigation Department of the Department of the Emergency Management in order to help offset the expense. Commissioner Tisdell asked if it would be sensible for the County to simply purchase another generator. Boyd said that it would be difficult to afford the expense of a generator without the help of a grant. Clapsadl said that a generator that provided electricity to the Assessor's annex would be ideal.

Commissioner Tisdell thought that it was time to review the County's emergency snow closure policies in the Personnel Manual. He asked if there was any way to accelerate the federal grant process. Boyd didn't think there way, but agreed to ask.

B. 9:18 Glenn Boyd, Emergency Manager:

1. Bi-Annual Report:

Glenn Boyd, County Emergency Manager, was present.

Boyd highlighted that 2016 would be a different year for the EMPG grant cycle, as the base requirements would be expanded.

Commissioner Tisdell asked about the portion of Boyd's report that discussed the effort to designate the City of Ouray as "The Most Prepared Community in America." Boyd explained that it was a Red Cross initiative that he was working with the local Red Cross representative. He thought it was a win-win for the County to be involved. He said that it was best to build good relationships with the various municipalities and organizations in the County. Commissioner Batchelder commended Boyd on his work.

Commissioner Tisdell asked Boyd to check-in and report on the status of the Horsefly Mesa Fire Department. Commissioner Tisdell said that he knew there was some disorganization with the department. Boyd reported that the department was currently nonexistent. Commissioner Batchelder said that Horsefly Mesa was in the Montrose Fire Protection District, and that the Horsefly Mesa volunteer fire department was formed as a result of concerned residents that were wary of long response times from Montrose County. Commissioner Tisdell wanted to hear more on the subject. Commissioner Padgett suggested that Ouray County host a work session on the topic in order to bring the pertinent players together for a discussion.

C. 9:35 Petition of Abatement / Refund of Taxes:

Petitioner Name: Mt. Hayden Rebekah Lodge #54

Location: East 50' of Lots 1 & 2, Block 10, City of Ouray

Request: Request for approval of correction to the tax roll

Susie Mayfield, County Assessor, was present.

Mayfield explained that it was an Assessor initiated correction. As a result of a reporting error, the organization's exempt qualification had been suspended. A representative from the Lodge had appealed the decision and the request was granted in December 2015.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve the abatement request as recommended by the County Assessor Mt. Hayden Rebekah Lodge #54. The motion carried with no discussion.

D. 9:39 General Business:

1. Request for approval and authorization of Chair's signature on Colorado Parks and Wildlife Impact Assistance and Grant Application (Assessor):

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Chair's signature on Colorado Parks and Wildlife Impact Assistance and Grant Application.

Commissioner Padgett said that she would encourage the State to reevaluate their formulas. She thought they were much too low.

With no further direction, the motion carried unanimously.

2. Request for approval of warrants:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve the warrants as presented. The motion carried with no discussion.

3. Request for approval of the following minutes:

a. May 27, 2015 Public Hearing Minutes:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve the May 27, 2015 Public Hearing Minutes. The motion carried with no discussion.

b. January 26, 2016 minutes:

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Padgett to approve the January 26, 2016 minutes. The motion carried with no discussion.

4. Request for approval and authorization of Chair's signature on Letter of Support for Colona Grange Grant Application:

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Tisdell to approve and authorize Chair's signature on Letter of Support for Colona Grange Grant Application. The motion carried with no discussion.

5. Request for approval and authorization of Connie Administrator's signature on Lease Agreement between Ouray County and Clearnetworx, Inc., concerning space for equipment on existing tower: (Ratification)

Commissioner Padgett didn't think the County was procuring the market rate for the lease. The Board decided to ask Land Use and IT staff to explain the justification and the background of the lease later in the meeting.

6. Consideration of request for waiver of fees for specific annual and special one-time events at the Ouray County 4-H Event Center:

Susan Long, Fairgrounds Manager, was present.

Commissioner Padgett thought that the requests were fair. She thought it was particularly apt for the Board to grant them, as they highlighted and complimented some of the Board's priorities.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve the request to waive fees for specific annual and special one-time events at the Ouray County 4-H Event Center. The motion carried unanimously.

7. Request for reappointment of Glenn Boyd to the WRETAC: (Ratification)

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to ratify approval of reappointment of Glenn Boyd to the WRETAC Board of Directors. The motion carried with no discussion.

8. Request for adoption of Resolution 2016-006 ratifying the action taken by the Board of County Commissioners on January 26, 2016, approving the housekeeping revisions to the Ouray County Land Use Code:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to adoption Resolution 2016-006 ratifying the action taken by the Board of County Commissioners on January 26, 2016 approving housekeeping revisions to the Ouray County Land Use Code. The motion carried unanimously with no discussion.

9. Request for approval and authorization of Commissioner's signature on the Highway Users Tax Fund (HUTF) Report:

Commissioner Padgett quickly reviewed the additions. She asked the justification for adding Coral Bell Drive. Commissioner Batchelder explained that it was not an interior subdivision road, but was an access road to the subdivision. Commissioner Batchelder said there were several portions of roadway that were added for the same reason.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve an authorize Commissioners signatures on the Highway Users Tax Fund (HUTF) Report. The motion carried unanimously.

10. Request for authorization to utilize funding for legal assistance and preliminary engineering services for CR-1:

Hunt explained that the request originated from a meeting with the PID group. She explained that the \$5,000 for legal assistance was already budgeted in the 2016 budget. Commissioner Batchelder stated that he assumed that if the Board decided to take action on the request that two different caps would be set up without further action needed by the Board.

Commissioner Padgett requested an executive session to discuss the nuances of the request. She wanted to receive advice from Hunt.

10:19 The Board of County Commissioners convened into Executive Session pursuant to 24-6-402(4)(e), for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations; and instructing negotiators related to the agenda item.

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to enter into an executive session pursuant to CRS 24-6-402(4)(e) for the purpose of receiving the County Administrator's advice pertaining to the agenda item. The motion carried unanimously with no discussion.

10:19 The Board of County Commissioners convened into Executive Session:

10:27 The Board of County Commissioners exited Executive Session:

Commissioner Tidel stated that that Board had just exited an executive session as stated in the motion. No formal action was taken in the executive session.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve staff's recommendation to utilize funding for legal assistance and preliminary engineering services for County Road 1. The motion carried with no discussion.

5. Request for approval and authorization of Connie Administrator's signature on Lease Agreement between Ouray County and Clearnetworkx, Inc., concerning space for equipment on existing tower: (Ratification), Continued:

Jeff Bockes, IT Manager, and Mark Castrodale, Planning Director, were present.

Commissioner Tidel asked how the addition to the tower would fit into the regional broadband plans, and if the rate was competitive. Bockes said that he could not comment on the rate, as he was not asked to provide input on that aspect. Castrodale said that he had conversations with Clearnetworkx and they provided rates on three other locations for a similar implementation. He said that the rate was in-line with the other locations. He said it was important to note that the equipment being installed was not cellular, but instead was solely for Wi-Fi.

Commissioner Padgett directed staff to create a market rate analysis to negotiate if the amount was hugely out of line with similar arrangements. Commissioner Tidel agreed. He pointed out that the lease term was essentially for twenty five years. Whitmore added that the lease amount would increase 3% annually, and that the termination language allowed the County to terminate the arrangement at the end of the five year term.

Commissioner Tidel further requested that staff obtain the number of customers the equipment would be reaching.

The Board agreed to reconsider the lease agreement on a subsequent meeting agenda.

E. 10:48 The Board of County Commissioners convened into an Executive Session pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions related to a response letter to the Rockbiter Corporation/USFS proposed Land Exchange in the Canyon Creek area:

1. Request for approval and authorization of Chair's signature on response letter to the Rockbiter Corporation / USFS proposed Land Exchange in the Canyon Creek area:

Mike Hockersmith, legal representation for Rockbiter, was present.

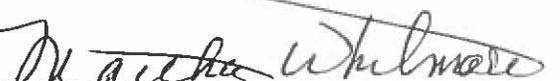
M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to enter into an Executive Session pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions related to a response letter to the Rockbiter Corporation/USFS proposed Land Exchange in the Canyon Creek area.

A roll call vote was taken on the motion with the following results:

*Commissioner Padgett voted in the affirmative.
Commissioner Tidel voted in the affirmative.
Commissioner Batchelder voted in the affirmative.*

There was no discussion. Motion passed unanimously.

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.


Martha Whitmore, County Attorney


Lynn M. Padgett, Chair

10:48 The Board of County Commissioners entered into Executive Session:

11:12 The Board of County Commissioners exited Executive Session:

Commissioner Tisdel stated that the Board had just exited an executive session as stated in the motion. No formal action was taken.

Commissioner Batchelder provided direction to staff regarding drafting the letter. He requested that the letter include the retention of the County Road 60 foot right of way , and the desire the USFS not transfer public land from the right-of-way; maintain public access to Canyon Creek; and not increasing the number of non-conforming parcels.

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to draft a comment letter as directed; staff would subsequently provide the draft letter to the Board and approve or supply changes. The motion carried with no discussion.

F. 11:23 Commissioner/Administrative Reports:

Marti Whitmore, County Attorney, discussed the following:

- 1) **Water Congress Update** – Whitmore said that the focus of the discussion centered on how to finance the State Water Plan. She added that severance taxes were way down; as a result, funding for projects was diminished considerably.

Connie Hunt, County Administrator, discussed the following:

- 1) **2015 Year End Projects-** Hunt said that she was finalizing 2015 year end projects, including wrapping up the 2016 budget submittals, and other financial projects.

Commissioner Padgett discussed the following:

- 1) **OHV Bill** - Commissioner Padgett said that she had just returned from testifying in support of the OHV Bill, now titled House Bill 1030. She was a bit disappointed with the redraft and the strike-below that was added. She reported that the bill had passed out of the committee and anticipated that the bill would quickly pass through the financial committee. She added that the bill would simplify OHV regulations for many different counties; not just the four western counties that spearheaded the initiative.
- 2) **CCI, Inc.** - Commissioner Padgett reported that there had been significant and degraded changes to the leadership structure on the organization. She recommended that the County still pay dues for 2016; however, Commissioner Padgett would be exploring starting another organization for 2017.
- 3) **Pavilion Drive at Top of the Pines** - Commissioner Padgett said that she was happy to see that Road and Bridge operators had proactively plowed Pavilion Drive for the Ridgway Elementary School Snow Science Day.

Commissioner Tisdel discussed the following:

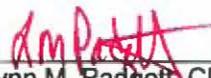
- 1) **County Road 10 and 12** - Commissioner Tisdel said that he had received phone calls regarding adverse conditions at the intersection of County Road 10 and 12. Commissioner Batchelder said that it was an access road and not a County Road. Commissioner Padgett thought it might be pertinent for Whitmore to make a friendly call to the BLM stating that it was not the County who plowed the road.
- 2) **Trust for Land Association** - Commissioner Tisdel reported that the Ouray County Historical Society (OCHS) would be holding a meeting regarding the two mining parcels. Commissioner Tisdel said that OCHS would be discussing entering into a management agreement with the County if the County owned the two parcels.

Commissioner Batchelder had nothing to report.

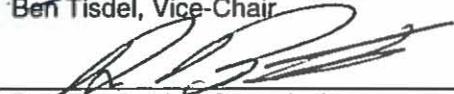
11:59 The Board adjourned the regular meeting:

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:


Lynn M. Padgett, Chair


Ben Tisdel, Vice-Chair


Don Batchelder, Commissioner


Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board
