

The Board of County Commissioners met in regular session on February 9, 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.

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

A. 5:02 PM 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.

Treasurer Update

Jeanne Casolari, County Treasurer and Public Trustee, was present.

Casolari informed the Board that the Treasurer's office was now accepting credit card payments.

Casolari continued to say that her office had been approached by a private investor interested in purchasing a County held tax lien on a Cornerstone property. The County had held the lien since the 2012 tax year. The taxes were over \$10,000, and Casolari needed the Board's permission to assign the lien. The Board decided to include it on a subsequent meeting agenda for consideration by the Board.

B. 5:11 PM Nicole Gans, Tri-County Health Network:

1. **Request for adoption of Proclamation 2016-01 proclaiming February 2016 as National Heart Health Month:**

Nicole Gans, Tri-County Health Community Health Worker, was present.

Gans provided the Board with and update of the various projects and offerings of the Tri-County Health Network (TCH). Gans said that TCH was offering free screenings for patients to understand their risk for heart disease. Commissioner Padgett suggested that the County Courthouse be used as a potential location for screenings.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to adopt Proclamation 2016-01 proclaiming February 2016 as National Heart Month. The motion carried unanimously with no discussion.

C. 5:19 PM General Business:

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

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve the warrants as presented in the Commissioner's packet, as well as the warrants sent via email the day prior. The motion carried unanimously.

2. **Request for approval of the following minutes:**

- a. **February 2, 2016 minutes:**

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell as amended. The motion carried with no further discussion.

3. **Review and examination by the Board of County Commissioners of the Semi-Annual Report of the Ouray County Treasurer (July 1, 2015 – December 31, 2015):**

Jeanne Casolari, Ouray County Treasurer and Public Trustee, was present.

The Commissioners asked several clarification questions.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve Chair's signature on the Treasurer's Semi Annual Report, certifying that the Board had reviewed the report. The motion carried unanimously.

D. 5:28 PM Commissioner/Administrative Reports:

Marti Whitmore, County Attorney, had nothing to report.

Connie Hunt, County Administrator, had nothing to report.

Commissioner Padgett discussed the following:

- 1) **Legislative Update** - Commissioner Padgett reported that the OHV Bill had just passed the floor of the House, and would be advanced to the Senate. Commissioner Padgett said that repeal of Senate Bill 152 (Broadband) was taking some hits. She said that it was critical for the State to be opted out of SB 152; however, she had been hearing reports that it was being turned into a pro-special interest issue, which might jeopardize DOLA's Broadband grant offering. She urged the Board to encourage Club 20 to not support the current Senate-version of the bill.
- 2) **Top of the Pines (TOP) Update** - Commissioner Padgett relayed that she had been unable to attend the TOP Board meeting; however, she was provided a synopsis via email. She reported that the TOP Board was pursuing holding a retreat facilitated by a neutral professional to develop

a strategic plan and to better understand the Management Plan. Commissioner Padgett said that the TOP Board was requesting the Commissioners consider a one-time donation of \$1,000 in order to help offset the facilitator's fees. Commissioner Tisdel thought it was worthwhile. Commissioner Batchelder requested that it be placed on the next meeting agenda for consideration.

Commissioner Tisdel discussed the following:

- 1) **Emergency Fire Fund (EFF) Committee Representative** - Commissioner Tisdel said that the EFF Committee was soliciting for Commissioner members. He said that he intended to seek appointment, and mentioned the need for a Western Slope perspective on the Board. He asked if the Board would be willing to consider a letter of support for his nomination on the next meeting agenda. The Board agreed.

Commissioner Batchelder discussed the following:

- 1) **Road Conditions in Log Hill Village** - Commissioner Batchelder reported that he had received a number of calls regarding the conditions of the roads in Log Hill Village. He explained that the road conditions were a direct result of the extreme winter conditions experienced in Ouray County. He reported that the residents weren't particularly upset, but wanted the Board to be aware of the situation.

Hannah Hollenbeck, Deputy Clerk of the Board, discussed the following:

- 1) **Boards and Committees** – Hollenbeck informed the Board that representatives serving on the Weed Board, the Dallas Park Cemetery Board, the Right-to-Farm Agricultural Review Committee, and the Visual Impact Review Committee had upcoming expirations. The Board authorized Hollenbeck to advertise for members.

5:57 PM The Commissioners took a break:

E. 6:36 PM PUBLIC MEETING: Mountain Road Listening Session

Commissioner Padgett explained that the meeting was designed to be a listening session for the Board. She said the Board was interested in the public's input regarding mountain roads, specifically regarding winter uses, parking, uses, and cooperation.

Clint Fletcher, representing Ouray Silver Mines (OSM) began his presentation. He provided an update to the Board regarding the activities undertaken by OSM in the past year. Fletcher explained that Fairplay Minerals had agreed to evaluate the Revenue Mine for Lascaux Resource Capital (LRC), and had just completed a strategic planning phase. LRC had further agreed to fund the next steps through a prefeasibility study. Fletcher detailed what was planned for the next year. By June 2016, it was estimated that the prefeasibility study would be completed, leading to production development, mill refurbishment, expanded water treatment facilities, Phase II drilling and a formal ramp up to approximately 160 employees by February 2017. Fletcher explained that he had been involved with the Revenue Mine ever since it was opened by Star Mines, including while it was owned by Fortune Minerals. He felt that partnering with Fairplay Minerals gave Ouray Silver Mines the best chance for a successful operation.

Brian Briggs, CEO of Fairplay Minerals, stated that he expected the Mine to be in full production by 2017. He explained that the value of the Mine was huge, as it held significant deposits of silver and gold. He said that Fairplay Minerals was expecting to invest over \$19 million into the operation. Briggs stated that it was very important for the community to welcome the production and that Ouray Silver Mines similarly interact with the community with respectfulness. Briggs estimated the worth of the Mine to be close to \$1 billion.

Briggs continued to say that OSM maintained the road from the gate to the mine, at the cost to OSM at approximately \$150,000-\$210,000. He said that if the gate was to open to winter recreationalists, OSM would need to understand how it would impact the Mine's operation, as well as the public. He explained that the avalanche chutes were bombed, when necessary, by Helitrax, and that, per company policy, OSM employees were not allowed on the road until avalanche mitigation was completed. Briggs relayed that OSM staged staff members at the gate pre-dawn to inform recreationalists that avalanche mitigation would be done that day. He postulated that if the road was open to the public in the winter, it would be difficult to ensure that everyone was out of the area.

Briggs moved on to address parking at the gate, located at Senator Gulch. He said that there was obviously a problem with parking; he postulated that additional signage might be helpful. Briggs said that OSM employees needed access to the power pole, and congested parking sometimes made that impossible. He said that OSM paid for the power pole, and placed an informative sign on the pole, but there were still issues.

Briggs said that OSM had a "chain-up" policy for all OSM vehicles going past the gate. He said that if the gate was open to the public that proper equipment (i.e. chains) be required. Briggs explained that cinders were only placed on the road in specific circumstances on specific portions of the road. He referenced a recent emergency regarding a fallen climber that the ambulance was able to drive right to the scene without issue. Briggs reemphasized that if the road was open to the public, it needed to be done in a safe manner, for all users.

Bette Maurer, City of Ouray Council Member, asked if OSM used black cinders as traction control. She added that closing the gate took a way a large recreation area.

Commissioner Padgett clarified that OSM had a winter maintenance agreement with the County that did not allow any deicing material to be placed by OSM, so it was something that the County needed to address. The Board had not had a formal conversation on the topic yet. Commissioner Padgett understood that OSM would be requesting the ability to use cinders on specific areas above the gate. Commissioner Padgett added that the County used cinders on County Roads for traction control, but did not use fly ash.

Averill Doering, Red Mountain Club (RMC) and Guide Garage, Co-Owner began a presentation about the challenges to accessing backcountry terrain off of County Road 361. She explained that RMC's overall goal was to improve safe, sustainable winter travel along County Road 361 in order to preserve access for recreation. She said that RMC saw recreation as something that could drive long term, sustainable economic growth in the area. She offered that while her presentation was specific to County Road 361, there were correlations with other County Roads, like County Road 5.

Doering explained that County Road 361 was access point to Mount Sneffels Wilderness and Uncompahgre National Forest areas. The road was unique in the sense that it was the access point into massive alpine areas, and was minutes from Main Street in Ouray. While the road was fully open to all users in the summer, the road was closed to public vehicles six months of the year. Per the County's winter maintenance agreement with Ouray Silver Mines and 42 MWT, only OSM vehicles and private land owners had access past the locked gate. Doering continued to say that, unlike other County Roads with no County-performed winter maintenance, County Road 361 was consistently plowed and avalanche mitigation was performed. As a result, recreationalists and commercial guides were unable to access terrain in a safe and timely manner, contributing to less sustainable use, and less economic activity.

Doering recognized that there were multiple users on the roadway, mentioning specifically Ouray Silver Mines (OSM). As of July 2015, there were six employees at OSM, and the owner of the mine had defaulted on its loans, putting the mine on a care and maintenance plan. She said that there had been two iterations of the same plan with the same mine, and the result was not encouraging. Doering said that, to her knowledge, the operation had not generated any revenue for the County as a result of production.

Doering continued to detail the various user groups that were parking at the gate and hiking in to access backcountry terrain. She said that recreation provided a consistent, sustainable economic base and the groups needed to work together to ensure equitable outcomes.

Doering said that it took three hours to hike in to access the terrain, and two hours to hike out; Doering explained that problem with the long trek into the various basins eliminated what could be done in a day, and further eliminated what commercial guide services could sell. The round trip walk could be five hours, walking on a steep, winding, narrow road, with mine traffic. It was not equitable to think that walking for five hours provided more protections than an eleven minute car ride.

Doering urged the Board to remove the roadblocks to recreation in the backcountry on County Road 361. She said that the current rendition of the Winter Maintenance Agreement with OSM deterred winter recreation, which had significant impacts on the community.

Doering proposed several solutions: first, she said the road could remain closed and no public vehicles were allowed past the gate. Second, she said the road could be completely opened to all vehicles, but she did not think that was an equitable solution for OSM. Third, the road could be completely closed to all traffic and no winter maintenance would be allowed. Fourth, partial plowing, like what was done on County Road 5, to keep snow on a portion of the road, could be negotiated. Fifth, adjacent lanes, or a widened roadway could be created. Doering said that the geography of the area would make this option very difficult. Sixth: alternative routes could be created so the different user groups could be segmented to reduce conflict. Seventh, a shuttle service could be created to take recreationalists to the alpine trailhead. Doering said that RMC was currently looking into this option. Finally, Doering said that some recreationalists simply obtained the code to the gate. She strongly discouraged this method, as it exposed OSM to liability.

Mary Cockle, former Ouray County resident, stated that she wanted to see the road remain closed in the wintertime; she recalled several serious avalanches.

Carl Cockle, former Ouray County resident, urged the Board to think about emergency response if the gate was opened. He thought having more people on the road would make emergency response much more difficult.

Patrick Ormond, Ouray resident and certified mountain guide, said that he had great interactions with OSM employees on County Road 361; he thought the lines of communication were open and good. He was curious to know if OSM's power pole could be moved to the other side of the gate to make more room for recreational parking, and to guarantee that OSM had access to the pole. He said that there was a time this winter, when plows were taking up unnecessary amount of room and that the Ouray County Sheriff's deputies had been ticketing cars that were forced to park along the road; Ormond didn't think this action sent the right message. He reiterated that expanded parking would be greatly appreciated and would help the current uses.

Kelly Ryan, San Juan Huts, addressed County Roads 5, 7, and 9. Ryan stated that the huts system was slated to host over 1,000 skiers this season alone. She said that Ouray County was a uniquely active community. Ryan said that Ouray County's recreational culture had tangible value that brought a sustainable economy. She read several statistics that reported 6.1 million jobs were directly related to recreation in Colorado in 2012. Ryan stated that the County Roads were recreational resources and she urged the Commissioners to maintain the roads in a recreationalist-friendly manner. She thought it was important for the County to understand the value of a snow covered road.

John Trujillo, Ouray resident, said that he had been traveling County Road 361 since the 1970s, and that there had never been this kind of conflict over the road. He recalled a time when no avalanche mitigation was conducted and many accidents occurred. He said that OSM had taken on the burden and liability of the road and that OSM could not take on the liability for every recreational user. Trujillo also disagreed with Doering's claim that the majority of the land in the basins was public land. He said that 70-80% of the land was privately owned. Trujillo added that he had previously served on the Planning Commission and the Ouray County Land Use Code and Master Plan stated that the County was proud of its mining heritage; he said the documents said nothing about recreation.

Daniel Zokaites asked if it was possible to open the gate at Senator Gulch on County Road 361 sooner. He said that it was consistently dry in March and April, and OSM could close the gate when needed.

Joe Ryan, San Juan Huts, agreed that County Road 361 was a very treacherous road. He said that he had seen several ice climbers park in order to obstruct the gate, and that it made him really angry. He didn't think that opening the gate on County Road 361 was the best idea, and that recreationalists could probably afford to walk a little more. He agreed with Doering's idea of a shuttle, but agreed that County Road 361 should remain closed in the winter.

Dan LaPoint, County Road 5 resident, said that he was present because he was concerned that County Road 5 would be closed; he said he was reassured by the conversation that the County was not intending to permanently close any roads. He wanted to make sure he would have access to his property. LaPoint explained that he accessed his property by snow cat in the winter.

Karen Johnson, OSM Safety Manager, said that she had been recently hired by OSM, and agreed that it would be safer if the road was closed in the winter.

Brandy Ross, owner of Switzerland of America Jeep Rentals, said that her company exclusively operated in the summer, but agreed that County Road 361 had challenges in winter as well as summer. She thought the only way to maintain safety on the road would be to create a registered user base. She stated that the majority of the people the Board had heard from were professionals. Ross was in favor of a creating a shuttle service, as well as any improvements that would minimize traffic and create accountability.

Jeff Bockes, Ouray County resident, agreed with Ross's comments. He thought there was a need for transportation that was done in coordination with the avalanche mitigation, as well as maintenance on the road. He counteracted Trujillo's claim that the majority of the land was accessed by County Road 361 was private land. He said that it was majority public land.

Tammy Randall-Parker, Ouray District Ranger for the United States Forest Service (USFS), said that she was present because she wanted to hear from the public regarding the impacts to County Road 361. Randall-Parker stated that it was a public road, as it was owned by the USFS. She said she was inclined to hold additional public meetings to discuss concerns the public may have with safety and multiple uses. Randall-Parker thought there were ways that multiple uses could be managed in order to serve all sectors. She shared many of the concerns regarding safety.

Barry McClenanan, County Road 361 resident, was concerned about the section of County Road 361 near the Ice Park. He thought it was very unsafe and climbers didn't always realize they were on a road, and neglected to recognize oncoming vehicles. He thought it was incredibly difficult to be safe when it was icy. At a minimum, he suggested the County post a sign stating that it was a road and look into constructing a walkway.

Sean Hart, Ouray resident, addressed Trujillo's comments regarding the historical aspect of mining in Ouray County. He urged the Commissioners to look at the issue with equity, instead of history. He thought the road could be opened as appropriate with avalanche cycles. He disagreed with the ratio that everyone one mining job created ten support jobs. He thought OSM needed prove what they were doing for the community. He urged the County to stop treating the recreation community with prejudice.

Todd Schroedel was present on behalf of his real estate clients. He thought that if the Board closed roads, they would be changing how properties were used. He said that his clients purchased properties under specific guidelines, and when those guidelines were changed, it discouraged property owners from investing in Ouray County.

Kevin Koprek, Ouray resident, agreed with some of Kelly Ryan's statements, particularly in regards to the valuation of recreation to the state. He felt like the Mine had the ability to throw out values in order to influence the community. He urged the Board to seek out accurate information on both sides.

Matt Wade, owner of Peak Mountain Guides, expressed support for a solution that involved compromise, and was in favor of multiple uses. He said it would be helpful if the gate could be open earlier, as it was earlier suggested. He wondered if there was an opportunity for compromise to open the gate when avalanche danger was low.

Mickey Tiner, owner of the Ruby Trust Mine (42 MWT), wanted the community to know that Ruby Trust Mine was going to be around for a long time. He expected the Mine to operate seven days a week with fifteen employees. He thought that County Road 361 was extremely dangerous, and the issue would be exacerbated when more users were on the road. Tiner said that he wanted to serve as an economy booster to the community, while maintaining safety. Tiner said it was currently difficult to get his personal vehicle through the gate due to congested parking; he thought it would be nearly impossible to get a dump truck or a semi-truck past the gate if the parking issue went unresolved.

Bob Larson, Ouray resident, explained that he managed the Revenue Mine property in the 1980s and that there were very few users on the road at the time; however things had changed. Larson remained a proponent for multiple uses. He supported the idea of a shuttle. Larson reminded the Board that there

was a point when the County maintained the road from the City of Ouray to the Revenue Mine. He agreed that there was a need for additional parking; he urged the groups to work together to solve the issues.

Bob Thomas, representing a client who lived on County Road 5, thought the Board needed to consider the normal path of growth. He encouraged the Board to create a separate trail for recreational access in the road right-of-way. He disagreed that the Board wasn't denying access to some areas where winter maintenance agreements were present. He thought that the closure or regulation of county roads needed to be reasonable and tied to a legitimate governmental purpose. Thomas said that he found a statute that stated that skiers should not use primary county roads. He said that the Board needed to look at all fiscal impacts from all users.

Craig Morrison, County Road 5 resident, said that he thought it was fine to not do maintenance on some roads where there were no residences; however he said that there were simply too many residences along County Road 5 to not maintain the road in the winter time. He presented several photos of how the road was plowed during the 2015-2016 season. He said that the plow width was eight feet wide, and a portion of the road was left unplowed in accordance with the winter maintenance agreement with the County. Morrison noted that it was interesting that most skiers did not ski on the unplowed portion of the road, but instead, skied in the tracks made by his truck. Morrison said that to only have two complaints in two months with over 600 users was pretty impressive.

Morrison said that he had discussed winter maintenance with other counties; he said that San Miguel County and Gunnison County allowed non-county maintenance with a county permit. He added that Boulder and Pitkin Counties allowed non-county maintenance on county roads without a permit.

Morrison recommended that the County create a separate trail off the road in order to satiate all users. He further recommended that some of the major landowners in the area purchase a conservation easement and create a larger parking lot in order to preserve recreational access without impacting the road.

Joe Bayless, County Road 5 resident, explained that he had audited use of the parking lot, two times a day from December 14 through February 3 and estimated that 552 people visited the area in the 50 day period. Bayless said that he was very surprised that that many people had used the area. Bayless thought that Morrison had done a good job plowing the road in order to be considerate of the other uses.

Bayless also thought there was an undiscussed safety issue with various user groups using the narrow County Road. He said that promoting that kind of mixed use on County Road 5 was irresponsible for the County.

Michael Ward, representing his clients who lived along County Road 5, thanked the Board for having the meeting. Ward said that he had discussed the issue with a few land owners who were willing to donate time and effort, and possibly funds to make a track above the road for skier traffic. He thought that was the best solution. He urged the County to find a solution that would make everyone happy.

Joe Ryan addressed County Road 5. He said that the photos shown by Morrison were taken in a heavy snow year, and maintenance of the road in the winter was highly dependent on who was plowing the road. He recalled a storm when the snow was plowed to a depth of one inch.

Morrison retorted that the plowing had been done for the purpose of driving on the road, and not for skiers. The purpose of the winter maintenance agreement was to allow access by skiers and vehicles. He wanted to make clear that the road surface was not even and that sometimes resulted in differing plow depths. He said Ryan was completely inaccurate in his claim that the road had been plowed to a one inch depth.

8:45 PM The Board adjourned the regular meeting:

Attest:


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

BOARD OF COUNTY COMMISSIONERS
 OF OURAY COUNTY, COLORADO

[Signature]
 Lynn M. Padgett, Chair

[Signature]
 Ben Tisdell, Vice-Chair

[Signature]
 Don Batchelder, Commissioner