

The Board of County Commissioners met in regular session on February 16, 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. 9:04 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.

Patricia Matthews, County Road 22 resident, thanked the Board for scheduling meetings in Colona.

B. 9:59 Road and Bridge Reports:

1. Road and Bridge Report:

Chris Miller, Road and Bridge Supervisor, was present.

Miller reported that the favorable weather was enabling crews to get a jump start on spring projects. Commissioner Tisdell asked Miller if there was a quick fix for the mud situation at the intersection of County Roads 10 and 12. Miller said that the water under the surface of the road created a severe mud bog situation. He said that crews were able to lay some gravel and temporarily fix the problem, but that poor drainage would need to be fixed during the summer. Commissioner Padgett said that the high percentage of clay on that section of road contributed to the problem as well.

Miller said that County Road 2 typically was closed in the winter per the Division of Wildlife (DOW) for wildlife migration. He said that with the recent warm temperatures, vehicles were attempting to access areas close to the gate and were causing damage to the road. He asked if the temporary barricade could be moved 200-400 feet to mitigate further damage to the County Road. The Board agreed.

Miller continued to say that Chimney Peak Ranch had recently donated a nearly-new v-plow to the County. He said that some minor modifications would need to be made for County equipment to be able to use the plow. Commissioner Padgett asked if the plow would be useful to the department. Miller said that it would be hugely beneficial. He said that it was valued at \$11,000. He recommended that the County accept the donation, and if it was deemed not useful to the County, it could be sold. The Board agreed.

C. 9:06 The Board convened as the Board of Social Services to consider the following items:

- 1. Request for approval of the following reports and authorization of the Chair's signature on certification page:**
 - a. County YTD Expenditures, November & December 2015:**
 - b. Expenditures through Electronic Benefit Transfers, Dec. 2015 & Jan. 2016:**
 - c. Check Register, Dec. 2015 & Jan. 2016**
 - d. County Allocation / MOE Report, DEC-15**

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve the reports and presented and authorize Chair's signature on the certification page. The motion carried with no discussion.

D 9:08 The Board convened as the Board of Health to consider the following item:

- 1. Request for approval and authorization of Chair's signature on Modification to Exhibit A of the Core Public Health Services Contract with Colorado Department of Public Health and Environment (CDPHE) and on its Fiscal Impact Form:**

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve and authorize Chair's signature on Modification to Exhibit A of the Core Public Health Services Contract with Colorado Department of Public Health Environment (CDPHE) and on its Fiscal Impact Form. The motion carried with no discussion.

E. 910 General Business:

- ~~1. Request for approval of warrants:~~
- 2. Request for approval and authorization of County Administrator's signature on Lease Agreement between Ouray County and Clearnetworx, Inc., concerning space for equipment on existing tower:**

Commissioner Padgett was reassured that the lease rate clearly was within the market rate. Commissioner Tisdell was concerned about the potential for Clearnetworx subleasing space on the tower. Whitmore said that the contract agreement only considered the space needed for the antenna, as Clearnetworx would be leasing space from the County. Commissioner Batchelder added that the space to be leased was only 26 inches.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize the County Administrator's signature on Lease Agreement between Ouray County and Clearnetworx, Inc. concerning space for equipment on an existing tower. The motion carried unanimously.

The Board asked Hunt to reach out to a previously interested party that may have been interested in leasing space on the County-owned tower.

3. Request for approval and authorization of Chair's signature on 2016 Ouray County Wildfire Annual Operating Plan and on its Fiscal Impact Form:

Commissioner Tisdel asked if it was appropriate to have Horsefly Mesa Fire Department's contact information listed if the entity no longer was operational. Commissioner Padgett was also concerned that the contact listed no longer resided in the County. Hunt would follow up with the County Sheriff to ensure proper contact information.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to approve and authorize Chair's signature on 2016 Ouray County Wildfire Annual Operating Plan and on its Fiscal Impact Form. The motion carried with the understanding that Staff would follow up to obtain correct contact information for the Horsefly Mesa Fire Department.

4. Request for approval and authorization of Chair's signature on Animal Shelter Services Agreement with Second Chance Humane Society (SCHS) and on its Fiscal Impact Form:

Commissioner Padgett said that the Board needed to discuss what the not-to-exceed amount. She said that she had previously met with SCHS's executive director who revealed that a large number of individuals that dropped off lost animals preferred to not say where they lived, as they majority of them lived in San Miguel County. Commissioner Padgett thought that this left open the opportunity for a potential overcharge to Ouray County. Commissioner Padgett wanted to add something into the contract that Ouray County would only reimburse for documented occurrences in the unincorporated areas of Ouray County. The Board agreed.

Commissioner Tisdel was concerned about paragraph seven; he thought it needed to be clearer that the County would not be responsible for fees outside of the five day period. Commissioner Tisdel said that the real question would be the cost cap. He said that he had seen the requested amount from 2015, and what the other municipalities felt about contributions.

Commissioner Padgett said that the Town of Telluride had their own animal control officer and impoundment facility in Telluride, but the majority of animals recovered in San Miguel County were brought to SCHS. Commissioner Padgett said that San Miguel County was contributing a donation of \$3,000 and she was unsure if the Town of Ridgway was planning on contributing.

Hunt said the Ouray County's contribution went from \$1,500, to \$4,000 to \$6,000 in previous years. This year SCHS submitted an invoice to the County for \$16,000.

Commissioner Padgett said that SCHS's executive director had explained that the \$16,000 amount included a contingency. Commissioner Padgett said that Ouray County didn't need that and that the cost had increased exponentially. Commissioner Padgett said there was a need to balance the competing priorities.

Responding to a question regarding contributions from Commissioner Tisdel, Hunt said that San Miguel County, the Town of Ridgway and the City of Ouray would not be entering into formal agreements with SCHS, but planned to contribute funds as a donation. Hunt recommended the Board limit the County's contribution to \$6,000 to \$8,000.

Commissioner Padgett liked the idea of including the detailed quarterly report, but requested that some information be added. She wanted to form to specific where in the County the animal was recovered; she urged that simply stating "SCHS" as the recovery location was not sufficient evidence for the County.

Commissioner Batchelder agreed with Hunt's recommendation of a contribution of \$8,000.

Commissioner Padgett reiterated her call for additional detailed information in Exhibit A. She said the requested contribution amount of \$16,000 required detailed information to ensure that the County was not being double billed.

Commissioner Padgett further requested that the form include a column for if the animal was spayed or neutered. She said that the Board had previously signed a letter of support for SCHS to pursue grant funding for the procedure and wanted to make sure SCHS was not charging the County for something that was grant funded. Additionally, Commissioner Padgett asked that the agreement be consistent in the hold dates.

The Board requested that the various revisions be made to the agreement and to Exhibit A and placed on a subsequent meeting agenda.

Commissioner Tisdel agreed that a not-to-exceed amount of \$8,000 was advisable.

5. Request for approval and authorization of Chair's signature on a Letter of Support recommending Commissioner Tisdel for the Emergency Fire Fund (EFF) Committee:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Chair's signature on Letter of Support recommending Commissioner Tisdel for the Emergency Fire Fund (EFF) Committee, as amended. The motion carried.

6. Consideration of contribution not to exceed \$1,000 for use by Top of the Pines (TOP) to hire a facilitator to develop a use plan for the property:

Commissioner Padgett introduced the request and said that the Board retreat was scheduled for May 7th. She said the intentions of the request was to help the TOP Board develop a strategic plan and to help the TOP Board be a little less demanding on County's staff time.

Commissioner Batchelder said that the TOP Board and the County had a management agreement and that when the BOCC got involved; it had the potential to complicate things.

Whitmore said that she had agreed to go to the March 14th TOP Board meeting to explain the management agreement with the new TOP Board members.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to contribute \$1,000 for use by Top of the Pines to hire a facilitator to develop a use plan for the property. The motion carried with no discussion.

7. Request for approval and authorization of Chair's signature on Pre-Grant Form for EMTS Provider Grant:

Kim Mitchell, Chief Paramedic, was present.

Mitchell explained the Pre-Grant form. Hunt said it was possible, depending on the grant cycle and when the contract was received, that a budget amendment may be needed.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Pre-Grant Form for EMTS Provider Grant. The motion carried unanimously.

10:34 The Board took a short break and returned at 10:44:

8. Request for approval and authorization of Chair's signature on Letter of Agreement for legal services with Paul Sunderland for CR-1: (An executive session concerning contract negotiations and / or for the purpose of receiving legal advice pursuant to CRS 24-6-402 (4) e and b may be required.)

Paul Sunderland, Attorney, was present via phone.

Dick Krutzen, Citizen Action Committee (CAC) member, asked if \$5,000 would be adequate. Sunderland responded that it would be sufficient, as the CAC committee had done a majority of the work already. Hunt explained that the legal fees had been appropriated in the 2016 budget, but the engineering costs were not; however, the Board had previously agreed to fund the expense.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Letter of Agreement for legal services with Paul Sunderland for County Road 1. The motion carried with no discussion.

9. Request for approval and authorization of Chair's signature on Memorandum of Understanding (MOU) between the Citizen's Action Committee for CR-1 and the Board of County Commissioners of Ouray County: (An executive session concerning contract negotiations and / or for the purpose of receiving legal advice pursuant to CRS 24-6-402 (4) e and b may be required.)

Sunderland explained the purpose of the MOU; he said it laid out the responsibilities of the parties involved in the project.

Kruetzen provided a brief synopsis of the CAC: he said that the ultimate goal was to improve County Road 1 by chip sealing. Pete Whiskeman, CAC member, added that funds would be set aside in order to provide continuing maintenance on the improved section of County Road 1.

Paul Lambert, County Road 1 resident, asked what research the CAC had done. Whiskeman said that the committee had discussed the topic with various companies, the County Engineer, and the County's Road and Bridge Supervisor. He estimated the project would cost \$3 million. He added that it was a good time to pursue the project, as gas prices were low and interest rates were down.

John Moss, County Road 1 resident, asked about a ballot initiative nine years prior regarding chip sealing County Road 1. Commissioner Batchelder provided the history, and explained that there had been two questions, and that both had failed.

Sunderland offered a brief background of PIDs and LIDs in the County for other paving efforts. He said the projects in Eagle Hill Ranch and the Log Hill Village area were slightly different as the HOA's financed all of the preliminary work leading to the ballot question. He said that this project was unique, as it was a County owned and maintained asset, and was funding considerable up-front costs associated with the project.

Craig Jackman, Colona resident, asked if the cost savings had been calculated if the road was paved. Commissioner Batchelder explained that it was unrealistic to see savings, as resources would be shifted to other roadways. Commissioner Tisdel agreed; he said that the County was putting lots of gravel and

maintenance hours on County Road 1. With an improved roadway on County Road 1, resources would be freed up for other County Roads.

Commissioner Padgett asked if there had been MOUs for the previous PIDs/LIDs. Commissioner Batchelder said that there had not been MOUs. Commissioner Padgett asked if the MOU was even necessary. The County had already agreed to the Letter of Agreement with Sunderland, and the County Engineer was already on retainer. Sunderland said that it wasn't necessary to have the MOU, as these agreements were already in place.

Commissioner Batchelder said that the MOU delineated the responsibilities of each of the parties involved, which was important. He said that the responsibilities could be reflected in the meeting minutes and that the MOU was not necessary.

The County's responsibilities included:

- a) make available to the committee all information in the County's possession regarding CR 1 and prior efforts to pave it including all information relating to the County's prior grant submissions regarding CR-1;
- b) retain Paul Sunderland to provide guidance to the Committee and to the County regarding the PID;
- c) pay up to \$5,000 toward Sunderland's legal fees in providing such guidance;
- d) retain Russell Planning and Engineering to assist the Committee in formulating preliminary plans and cost estimates for the Project;
- e) pay up to \$12,000 toward the cost of such engineering assistance;
- f) authorize the County Administrator, the County Road Supervisor, and County elected officials or their designees to provide the Committee such assistance as they, in their discretion, determine may be performed without adversely affecting the performance of other required duties.

The Committee's responsibilities included:

- a) diligently pursue the formation of a PID, including but not limited to defining the scope of the proposed PID, identifying all electors and other entitled to notice regarding the PID, preparing the petition and all related documentation to form and fund the PID (including any required notice, ballot issues, any bond or security for costs, and the like);
- b) work with Russell Engineering to prepare preliminary engineering scoping and bid documents and cost estimates for the Project as needed;
- c) conduct public meetings regarding the formation of the PID and the nature, extent and cost of the Project for the purpose of ensuring that the public has the information needed to evaluate the costs and benefits of the Project.

The Board agreed that no action was necessary and that the roles and responsibilities were clearly defined and understood.

10. Review of Deadlines and Activities concerning CR-1:

The Board reviewed the document.

F. 11:55 Commissioner/Administrative Reports:

Marti Whitmore, County Attorney, had nothing to discuss.

Connie Hunt, County Administrator, discussed the following:

- 1) **Tri-Agency Dinner** – The annual dinner would be held on February 22 at the Elk's Lodge in Ouray at 6PM.
- 2) **Camp Connie** – Hunt invited the Board to the quarterly direct reports meeting on February 18th at 9AM at the Ouray County 4-H Event Center.
- 3) **Letter of Support for Ridgway Fire Protection District (RFPD) Grant Submission** – Hunt requested the Chair's signature on a letter of support for the RFPD Grant application for the EMPT Provider Grant. The Board agreed, and would include the letter on the subsequent meeting agenda for ratification.

Commissioner Padgett discussed the following:

- 1) **OHV Bill Update** - Commissioner Padgett reported that the bill had passed the House, and would be moving on to the Senate.
- 2) **Use of Cinders on County Roads** - Commissioner Padgett said that she had received some emails from a resident interested in dialoguing about the use of cinders on County Roads, as well as Section 8 of the Land Use Code. She had invited the resident to future BOCC work sessions and Planning Commission meetings.
- 3) **PILT Formulas** - Commissioner Padgett reported that she had been asked to join a discussion regarding potentially redesigning PILT formulas.

Commissioner Tisdell discussed the following:

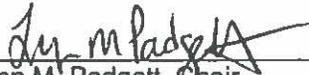
- 1) **Wildfire Work Group** - Commissioner Tisdel said that the group had been trying to set a meeting date.

Commissioner Batchelder discussed the following:

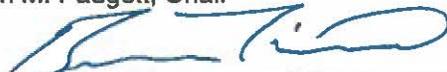
- 1) **County Roads** - Commissioner Batchelder said that a work session needed to be scheduled regarding public access on County Roads. Hollenbeck said that the work session was scheduled for April.

12:07 The Commissioners adjourned the meeting.

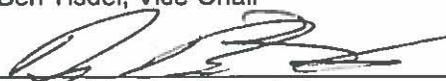
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Lynn M. Padgett, Chair



Ben Tisdel, Vice-Chair



Don Batchelder, Commissioner

Attest:



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