

The Board of County Commissioners met in regular session on April 12, 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. 5:01 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.

There were no Call to the Public items.

B. 5:02 PM Request for adoption of Proclamation 2016-02 proclaiming April 12-18, 2016 as Ouray County Public Health Week:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to adopt Proclamation 2016-02 proclaiming April 12-18, 2016 as Ouray County Public Health Week. The motion carried unanimously with some discussion.

C. 5:07 PM The Board of County Commissioners convened as the Board of Health concerning the following items:

1. Public Health Quarterly Update:

Elisabeth Lawaczek, Public Health Director, was present.

Commissioner Tisdell asked if Public Health Agencies needed to start planning for a potential Zika Virus outbreak. Lawaczek explained that Colorado did not have the type of mosquitos that carried the Zika Virus; the only danger posed to Coloradans would be if individual traveled to areas where the mosquitos were present or via sexually transmitted disease. She said that the infrastructure needed with the West Nile Virus would not be necessary with the Zika Virus.

Lawaczek said that she was working with the Health Educator and EPR Coordinator in order to spend down funds associated with the Tobacco Grant. She said that her staff would be in a good place financial and workload-wise when funding for the recently-award mental health grant would be available.

Commissioner Padgett said that she did not receive the notification regarding an upcoming sluicing event by the Ouray Hydroplant. Lawaczek said that Commissioner Tisdell, Hunt and the County Sheriff were included on the email. Commissioner Tisdell forwarded the email to Commissioner Padgett.

2. Request for approval and authorization of Chair's signature on Pre-Grant Form for a "Communities that Care" Grant application for the prevention of Youth Substance Abuse:

Lawaczek distributed an amended scope of work and budget. Hunt affirmed that the contract would be reviewed by the Board. Lawaczek said that the Public Health Agency and the Board had identified mental health and substance abuse prevention programs as a need in Ouray County and was fully intending on pursuing the grant. She said that the funds had become available and the program model was very specific, and required that the program partner be utilized. She explained that Voyager Youth Program was poised to implement the programs.

Commissioner Tisdell supported the concept, but was concerned about the involvement of the Voyager Youth Program. He said that he was aware that Voyager had a strong presence and was delivering high quality programming to Ridgway School District; however, he had heard that similar programs and presence were lacking in Ouray Schools. Lawaczek said that she would bring up his concerns with Voyager's Executive Director. She added that Voyager was the best program partner in the County to deliver the substance abuse prevention programs to schools.

Whitmore asked if the program required a legislative authority to pass before the funds became available. Lawaczek said that funding was dependent upon the passage of a bill by the Colorado legislature. She said that there was a possibility that the funds granted would be less than the \$95,000 requested. Whitmore said that she was wary of spending too much time reviewing contracts and agreements when there was no guarantee of funding. Lawaczek agreed and pointed out that contract review would take place after the funding was secured.

Commissioner Batchelder said that the Board fully understood the challenges posed by the State; however, the Board was only considering authorizing some time for a reasonable cause.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve and authorize Chair's signature on Pre-Grant Form for a "Communities that Care" Grant application for the prevention of Youth Substance Abuse." The motion carried unanimously.

After the motion carried, Commissioner Batchelder asked the County Attorney to be mindful of his concern that the County may be liable for the performance of a subcontractor. He asked that Whitmore include precautions in the contract to protect against this possibility.

D. 5:45 PM General Business:

1. Request for approval of warrants:

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

2. Request for approval of the following minutes:

a. March 8, 2016 minutes:

Commissioner Batchelder recommended two minor corrections.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the March 8, 2016 minutes as amended. The motion carried unanimously.

b. March 15, 2016 minutes:

c. July 15, 2015 Public Hearing minutes:

d. August 5, 2015 Public Hearing minutes:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the March 15, 2016, July 15, 2015, and August 5, 2015 minutes as presented. The motion carried with no discussion.

3. Request for appointment/reappointment of the following Boards and Committees:

a. Cedar Hill Cemetery Board (2 members)

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to reappoint Michelle Nauer to the Cedar Hill Cemetery Board for a term to expire on April 12, 2020 and reappoint Laurie Bunten for a term to expire on January 1, 2017. The motion carried unanimously with no discussion.

b. Planning Commission (2 members)

Commissioner Batchelder recommended that the Board schedule interviews with the interested candidates. The Board agreed to schedule interviews for April 20, 2016 at 9:00AM at Land Use.

c. Road Committee (up to 3 members)

Commissioner Padgett recommended including the advertisement on the agenda distribution. The Board agreed.

4. Request for approval and authorization of Letter of Support for a Wright Opera House Grant: (Ratification)

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to ratify approval and authorization of Chair's signature on Letter of Support for a Wright Opera House Grant. The motion carried unanimously with no discussion.

5. Request for approval and authorization of Chair's signature on the following Intergovernmental Agreements (IGA's) regarding Fuel Pumps administration:

a. Colorado Department of Transportation,

b. Ridgway School District,

c. Log Hill Fire District,

d. Ridgway Fire District, and

e. Town of Ridgway:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on the Intergovernmental Agreements (IGAs) regarding Fuel Pumps administration with the Colorado Department of Education, Ridgway School District, Log Hill Fire District, Ridgway Fire District, and the Town of Ridgway. The motion carried unanimously with no discussion.

After the motion carried, Commissioner Padgett requested that Staff reach out to CDOT to discuss potential partnerships regarding the state's unfunded mandate to upgrade the fuel tanks and systems. The Board agreed.

6. Request for approval and authorization of Chair's signature on Position Replacement Form for the custodial position:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to approve and authorize Chairs signature on Position Replacement Form for the custodial position.

7. Request for approval and authorization of Chair's signature on Change Order #3 modifying the scope of work for the CR-361 project while not adjust the contract sum:

Travis Mooney, Russell Planning and Engineering, was present.

Hunt explained that the Ruby Trust Mine and Ouray Silver Mines were donating more aggregate material. She explained that the increase in material would allow crews to do more work, without increasing the budget.

M/S/P – Motion was made by Commissioner Batchelder to approve and authorize Chair's signature on Change Order #3 modifying the scope of work for the County Road 361 project while not adjusting the contract sum.

Commissioner Padgett asked if the contractor was continuing to test the material periodically in order to ensure it was similar and not going to cause any unintended consequences. Mooney said that it was the case. Commissioner Padgett also wanted to make sure no concrete would be used in the Hilfiker walls. Mooney confirmed that only fill material would be placed in the walls.

Commissioner Tisdel asked about the existing wall and the rock shelf presented in a photo in the Board's packet. Mooney clarified that it was originally included in the project scope to stabilize and replace some sections of the wall. Hunt explained that the United States Forest Service (USFS) had recently requested that an archeological review be completed on the wall before work began. The USFS was contending that Section 106 of the National Historic Preservation Act applied to the wall, but the County contended that it did not; regardless, the County was still willing to have an archeological review completed before work began on the wall.

Mooney said that minimal closures would be necessary, and that the majority of the work would be done while the gate at Senator Gulch was closed. He anticipated that there would be few impacts to traffic.

Commissioner Tisdel seconded the motion. After a discussion, the motion carried unanimously.

8. Request for approval to proceed with ordering a Sheriff's vehicle via participation with Arapahoe County's procurement process:

Hunt explained that Arapahoe County had followed their procurement policy when soliciting bids, and that the expense was budgeted for in the 2016 budget.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve moving forward with acquiring of a Sheriff's vehicle as presented. The motion carried with no discussion.

9. Request for approval to waive the use fee for the Ouray County 4-H Event Center for a CR-1 public meeting:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to waive the use fee for the Ouray County 4-H Event Center for a County Road 1 Public Meeting.

10. Request for adoption of Resolution 2016-015 approving a Marijuana Cultivation License for Colorado Cultivators, LLC: (this application was approved by the Board at the March 15th meeting)

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to adoption Resolution 2016-015 approving a Marijuana Cultivation Licenses for Colorado Cultivators, LLC. The motion carried with no discussion.

11. Request for approval and authorization of Chair's signature on Position Replacement Form for Fairgrounds Assistant Position including minor changes to Fairgrounds positions:

Susan Long, Fairgrounds Manager, was present.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to approve and authorize Chair's signature on Position Replacement Form for Fairgrounds Assistant Position including minor changes to Fairgrounds Positions. The motion carried unanimously.

E. 6:15 PM Commissioner/Administrative Reports:

Commissioner Tisdel discussed the following:

- 1) SBEADMR Project in Ouray County** - Commissioner Tisdel explained that San Miguel County had registered an open protest regarding a dropped area of land from the SBEADMR project. He distributed a draft letter of support to San Miguel County requesting that they advocate on Ouray County's behalf for the area to be included in the project scope. Commissioner Padgett asked why it was important for this particular parcel to be included in the project scope. Commissioner Tisdel replied that it had areas of high beetle kill and other tree mortality concerns. He added that there was a good chance that it could be treated under the Good Neighbor Authority. Commissioner Tisdel said that San Miguel County was happy to advocate on Ouray County's behalf if the Board requested it.

Commissioner Batchelder asked which county the parcel was in; Commissioner Tisdel replied that it was in Ouray County, and it was one of the only places where the SBEADMR project could be applied in Ouray County as there were commercial timber opportunities present. He said that there was a private land owner that was willing to consider contributing under a good neighbor authority. Commissioner Padgett was still struggling with why this particular parcel was different from the other areas in the County that were determined to not be suitable for the project. She was wary of asking another county to advocate for Ouray County in this circumstance. She needed to determine where exactly the parcel was, in addition to other information, before she felt comfortable making a decision.

Commissioner Padgett pointed out that any project that claimed a good neighbor authority need to have public/private partnerships.

She was leery of using political capital to ask a favor of another county without understanding the scientific basis of why this particular parcel applied to the SBEADMR project. Commissioner Tisdell said that San Miguel County was requesting that, in return, Ouray County advocate for another area in their County that they were concerned about. Commissioner Tisdell iterated that there was a very short time for protests.

Commissioner Padgett remained unconvinced from the information that Commissioner Tisdell presented that the parcel should be included.

Commissioner Batchelder was concerned about several aspects: first, the original, extensive processes done by the USFS did not recommend this parcel for inclusion in the project. He was wary that it might create a potentially negative situation if the parcel was included without adequate time for objections by other stakeholders. Second, he was concerned about setting up a potential situation where one county would be making comments and advocating for another at a federal level. He did not think that it would be in Ouray County's best interest to have another county dictating what happened in Ouray County, particularly at a federal level.

Commissioner Tisdell said that the area had been extensively studied and originally identified as a potential treatment area, but was mysteriously dropped from the final recommendation.

Commissioner Batchelder added that if the area was included in the project, it would need a Special Use Permit for a commercial logging operation. He said that if the County advocated for the parcel's inclusion in the project, it was essentially setting forth a quasi-judicial request for Special Use Permit, and predetermining the application.

Whitmore said that the Board could not make a decision on Commissioner Tisdell's request, as it was not an agenda item. The Board could elect to indicate a direction, but it would need to be ratified at the next regular meeting.

Commissioner Padgett reiterated that there was not enough information for her to make a decision. She agreed with Commissioner Batchelder's concerns.

- 2) **Scheduled Hydroplant Release** - Commissioner Tisdell reported that the Ouray Hydroplant was scheduled to do a release at 7PM on Wednesday.

Commissioner Padgett discussed the following:

- 1) **HB 16183 Concerning Emergency 911 Services** - Commissioner Padgett said that Whitmore had emailed some information informing emergency 911 services and the potential for disruption in services as the result of regulation by the Public Utilities Commission (PUC). She asked if the Board was comfortable with her writing a letter advocating for better regulations of the PUC that did not impact services. Commissioner Batchelder and Commissioner Tisdell agreed that they were supportive of Commissioner Padgett writing a letter as an individual. She urged the other Board members to submit similar letters.

Connie Hunt, County Administrator, discussed the following:

- 1) **BOCC Work Session with Second Chance Humane Society** – Hunt asked the Board if they would be willing to schedule a work session with the Executive Director of Second Chance to discuss potential changes to the Animal Shelter Services Agreement. The Board agreed to schedule the work session.
- 2) **2016 Budget Brochure** – Hunt distributed draft copies of the 2016 Budget Brochure.

Marti Whitmore, County Attorney, discussed the following:

- 1) **Completed and Pending Legal Matters**

F. 6:52 PM PUBLIC MEETING:

1. **County Road 361 Summer Stakeholders and Update on CR 361 Improvements Project**

Mooney provided an update on the CR 361 Improvements Project, including anticipated work for the 2016 season. He explained that it was the contractor's hope to add new road material from the entrance to Ouray Silver Mines, to Mineral Farms, depending on available material and construction time.

Greg Ecuyer, Chalet Hayden resident, said that there was a serious problem on County Road 361 with potholes and washboard. He said that the road was improved by a recent grading, but overall it was in bad shape. Several other area residents were present and testified that the road had previously been in poor condition.

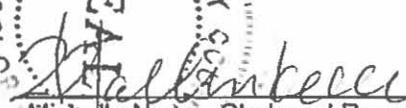
Commissioner Tisdell asked if the Senator Gulch gate could be opened early due to the mild spring the County was experiencing. Whitmore said that the Road and Bridge Supervisor had the discretion to open the gate early, if appropriate. Mooney recommended that the gate stay closed in order to allow the County's contractor to complete the project unhindered by traffic. Mooney added that, while the immediate danger of avalanches was low, large sheets of ice were actively falling on the road, posing safety hazards.

Bob Larson said that his main concern was continued safety and passage of the Ouray Silver Mines and Ruby Trust Mine employees. He said that as long as there were crews working past the gate, emergency services needed to be able to access the areas without interference from public.

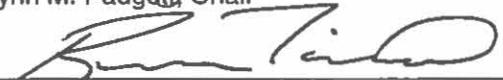
The Board agreed to authorize County staff to develop a press release regarding the County Road 361 Improvements Project for distribution to the County newspaper, Chamber and other interested parties.

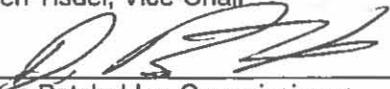
7:23 The Board adjourned the regular meeting.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:
The seal of Ouray County, Colorado, is circular with the words "OURAY COUNTY, COLORADO" around the perimeter and "SEAL" in the center.

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


Lynn M. Padgett, Chair


Ben Fisdell, Vice-Chair


Don Batchelder, Commissioner