

The Board of County Commissioners met in a special session on April 26, 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.

9:03 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.

Town of Ridgway Law Enforcement Backup

Sheriff Dominic "Junior" Mattivi was present.

Sheriff Mattivi said that the Town of Ridgway Marshal's Department had requested that the County and Town enter into an agreement for off-duty Sheriff's deputies be used as backup for the Marshal's Department. Mattivi said that there would be no impact on services to the County. The Board was willing to authorize staff's time to begin negotiations for the contract.

A. 9:10 Second Chance Humane Society:

1. Review and Discussion of proposed changes by Second Chance Humane Society to the Animal Shelter Management and Service Agreement:

Kelly Goodin, Second Chance Humane Society Executive Director and Elizabeth Kirwin, Shelter Manager were present. Sheriff Dominic "Junior" Mattivi was also present.

Goodin had several requested revisions to the agreement.

Goodin requested that *"as such fees and charges may be set by the Board"* be removed from paragraph D. The Board agreed. Commissioner Padgett said that the goal was to not impact any of Second Chance's policies and procedures, but was attempting to state that the Board wanted to obtain clearer documentation and metrics on animals recovered in the unincorporated portions of Ouray County. Whitmore said that paragraph D attempted to summarize Resolution 2011-015 and that the revision was not a problem.

Hunt suggested that at some point in the future Resolutions 2011-015 and 2011-017 be revised in order to standardize what was set forth in the agreement. In addition, the Board agreed to add *"Resolution 2011-017"* to paragraph D.

Goodin moved on to address paragraph E-3. She asked that the language be amended to reflect the current procedures, and that any mention of "animal control officer" be removed. The Board agreed.

Kirwin and the Board discussed how the notification provision would be best implemented. After a discussion, it was agreed that the Humane Society would email both the County Administrator and the County Sheriff whenever an animal was impounded in the unincorporated areas of the County. The parties further agreed to institute a standardized animal identification code "(Stray-Date)" in order to track the number of days the animal was in the facility. The Board agreed to remove the spreadsheet attached to the agreement as "Exhibit A" as the content of the spreadsheet was now included in the agreement.

Hunt brought up that the invoice should be billed to the County, and not the Board. Whitmore made the correction.

M/S/P – *Motion was made by Commissioner Tisdell and seconded by Commissioner Batchelder to approve and authorize Chair's signature on the Animal Shelter Management Service Agreement with Second Chance Humane Society, as amended. The motion carried unanimously.*

9:57 The Board took a short break:

B. 10:04 General Business:

1. Request for approval of warrants:

Commissioner Tisdell explained that the registration fee warrant to CCI, Inc. would be cancelled as he had decided to attend the Mountain Connect conference instead.

M/S/P – *Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve the warrants as presented. The motion carried unanimously*

2. Request for approval of the following minutes:

a. October 8, 2015 Public Hearing minutes:

Commissioner Tisdell pointed out typos.

M/S/P – *Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve the October 8, 2015 Public Hearing minutes, as amended. The motion carried unanimously.*

b. October 28, 2015 Public Hearing minutes:

Commissioner Tisdell pointed out typos.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the October 28, 2015 Public Hearing minutes, as amended. The motion carried unanimously.

c. January 26, 2016 Public Hearing minutes:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the January 26, 2016 Public Hearing minutes as presented. The motion carried unanimously with no discussion.

d. April 12, 2016 minutes:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the April 12, 2016 minutes as presented. The motion carried unanimously with no discussion.

3. Request for award on Tandem Axle Semi-Tractor:

Chris Miller, Road and Bridge Supervisor, was present.

Commissioner Padgett explained that the three bids received were all similar in price. She asked how the recommendation of the Mack truck fell in with the Road and Bridge Audit recommendation to develop a standardized fleet.

Miller said that if cost was no object, he would prefer the Kenworth truck, but noted that all of the County's snowplows were Mack; in addition, Mack was the only company making a truck with four-wheel and six-wheel drive. Miller said that all of the County's tractors were Kenworth. He said that the Kenworth was the department's preference, as it had a tighter turning radius, but he was cautious to recommend it for purchase as it was \$10,000 more expensive.

Commissioner Padgett asked Hunt if the County's procurement policy would allow for award of the Kenworth. Hunt said that as the Kenworth would allow for greater efficiencies, it was the best value to the County and that it was permitted under the provisions of the procurement policy.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the purchase of the Kenworth Tandem Axle Semi-Tractor as recommended by staff. The motion carried unanimously.

Commissioner Padgett asked Miller for an update on the status of the repair work on a culvert on County Road 22. Miller said that the repairs were in progress. Miller said that he was having difficulties retaining flaggers and that his crew's priority was crack-sealing on County Road 24. Commissioner Padgett requested that include the Board and Hunt on an email back to the property owners in order to keep everyone in the loop.

Commissioner Padgett mentioned that the Board had received an email inquiring when crack-sealing would be done on Pinecrest and Ponderosa on Log Hill Mesa. Miller said that it was his priority to conclude crack-sealing on County Road 24, then do small build up projects in anticipation of mag-chloride applications in May. He added that Montrose County was still awaiting the County to finalize their end of the maintenance on Dave Wood Road. Miller said that if the Board wanted to make crack-sealing on Ponderosa and Pinecrest a priority, he would do so, but he had not anticipated crack-sealing that section of road until fall.

Commissioner Batchelder recommended that the Board defer to Miller's schedule.

Commissioner Padgett agreed, but thought that the Board and staff needed to transmit consistent messaging regarding promised projects. She asked that the Board send a letter to the resident that asked that Pinecrest and Ponderosa be crack-sealed in order to communication expectations and schedules. Miller said that he had every intention to crack-seal the sections of road next fall.

4. Request for approval and authorization of Chair's signature on letter of opposition to Senate Bill 16-183 regarding 9-1-1 services:

Commissioner Padgett provided an update about the bill's progress. She still recommended that the Board send it to pertinent representatives.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on letter of opposition to Senate Bill 16-183 regarding 9-1-1 services. The motion carried unanimously with no discussion.

5. Request for approval and authorization of Chair's signature on a clarification response letter to United States Forest Service regarding a Small Tracts Act Exchange in Canyon Creek:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on a clarification response letter to the United States Forest Service regarding a Small Tracts Act Exchange in Canyon Creek. The motion carried unanimously with no discussion.

Commissioner Padgett stated that she had received an email from the Ouray District Ranger Tammy Randall-Parker regarding a previously held meeting on County Road 361 that County representatives were specifically not invited to. Commissioner Tisdel was individually invited after happening to run into the Forest Supervisor during an unrelated event. Randall Parker's email indicated that the County had been invited and Commissioner Padgett wanted to correct the assumption. Hunt agreed that the event

was very disrespectful to the County; Hunt said that the County was very open and communicative to the USFS regarding County Road 361 and she felt that the efforts should be reciprocated.

The Board directed staff to draft a letter for consideration of Chair's signature.

6. Request for approval and authorization of Chair's signature on Agreement for Magnesium Chloride Delivery with GMCO Corporation:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Chair's signature on Agreement for Magnesium Chloride Delivery with GMCO Corporation. The motion carried unanimously with no discussion.

7. Discussion and consideration of Resolution 2016-018 Requesting the Planning Commission to Address High Alpine Development Regulations:

Jeff Bockes, County IT/GIS Manager, was present.

Whitmore suggested that the Board consider deleting places where the resolution stated "non-conforming lots" on the chance that lots could be combined to create conforming lots. Commissioner Batchelder didn't have an issue with changing the title, but wanted to make sure that the Board understood that there were areas in the County above 9,500 feet that were not limited to the south end of the County. He said that he was not in favor of developing an overlay district, as had been done in San Juan County; Commissioner Padgett had previously indicated that she would not be in favor of doing so either.

Commissioner Padgett thought that it would be simpler to limit the restrictions to high alpine residential development on presently non-conforming parcels. She further recommended globally changing any reference to "lot" to "presently non-conforming parcels." Commissioner Batchelder thought that it was a good recommendation, but asked about parcels that may be in old town sites.

Commissioner Tisdell clarified that the intent of the moratorium was to limit residential development on parcels above a certain elevation. The Board briefly discussed expanding the direction to the Planning Commission, but Commissioner Batchelder expressed his preference was to keep the language in the resolution correlated with the language in the moratorium. He cautioned the Board that they were dealing with an issue that could potentially be quite polarized and did not want the public to think that the Board expanded the terms of the moratorium without going through the proper channels.

Bockes said that everything above 9,500 feet in the south end of the County was a patented mining claim; with the exception of the Ironton town site, which was primarily owned by CDOT, the County or Idarado Mining Company.

The Board agreed to change any reference to "non-conforming lots" to "*Patented Mining Claims and Mill Sites*" along with other small formatting corrections.

12:08 The Board took a short break and reconvened at 12:21:

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Batchelder to adopt Resolution 2016-018 requesting the Planning Commission to Address High Alpine Development Regulations, as amended. The motion carried unanimously with some discussion.

C. 12:22 Commissioner / Administrative Reports:

Marti Whitmore, County Attorney, discussed the following:

- 1) **Colorado River Water District (CRWD) Update** – Whitmore said that CRWD would be having its annual budget meeting in Ridgway on September 15th. She reported that the projected \$30 million repair work to the Ritschard Dam at the Wolford Mountain Reservoir was not ultimately needed; as a result, more funds would be available for projects in subsequent budget years.
- 2) **Gold Belt Trail** – Whitmore said that she had sent a response letter to the property owner's legal representation.

Connie Hunt, County Administrator, discussed the following:

- 1) **EMS Scholarship** – Hunt said that the EMS department ultimately had decided to not apply for matching federal scholarship funds. The EMS department had been doing their own fundraising in order to offer a scholarship for local students. However, Gunnison County and Western State Colorado University (WSCU) had offered for Ouray County to participate with them. WSCU would be the fiscal agent, and the funds could be used for the 2016-2017 school year. Hunt would communicate back with WSCU representatives to settle some of the Board's questions.
- 2) **Senator Cory Gardner Visit** – Hunt said that senator Gardner had scheduled a meeting for May 7th at 7:30AM. The Board agreed to invite some representatives from the City of Ouray and Town of Ridgway. The Board directed staff to develop a packet of BOCC supported / opposed federal legislation prior to the meeting.

Commissioner Tisdell discussed the following:

- 1) **Region 10 Broadband Plan** – Commissioner Tisdell reported that Region 10 had recently asked if the County would be willing to take on ownership of a fiber line from the Town of Ridgway to Log Hill. After a discussion, the Board decided they needed more information before offering an opinion.

- 2) **Mountain Connect Conference** - Commissioner Tisdel said that he would be attending the Mountain Connect Conference instead of the CCI Summer Conference.
- 3) **Ouray County Marijuana Cultivation Facilities** - Commissioner Tisdel said that a local marijuana cultivation facility had sent a letter protesting the strict application of pesticide regulations. He reported that the letter had been received favorably by the marijuana enforcement agency, and that the quarantine on the facility may be lifted. Whitmore said that the State had adopted standards that were below the detection level, which contributed to the quarantine on the facility. Commissioner Padgett said that it needed to be determined if the State was requiring an unrealistic requirement on marijuana facilities.
- 4) **Forest Health** - Commissioner Tisdel said that a MCH application event was scheduled for trees in the City of Ouray. Volunteers were encouraged to attend.

Commissioner Padgett discussed the following:

- 1) **Western Colorado Landscape Meeting** - Commissioner Padgett said that the cross-agency group would be meeting in Montrose on May 19th.
- 2) **Ridgway Area Trails (RAT) Ribbon Cutting Ceremony** - Commissioner Padgett said that the Ribbon Cutting Ceremony and trail improvement event would be held on June 4th, beginning at 9AM.
- 3) **Uncompahgre River Samples** - Commissioner Padgett followed up on previous discussions regarding water samples she had taken after an Ouray Hydrodam sluicing event. She said that the Uncompahgre Watershed Partnership had grant funds available to pay for the testing of the samples; Commissioner Padgett said that the cost for the tests would be around \$600, and not \$300 as originally anticipated.
- 4) **Planning Commission** - Commissioner Padgett said that an alternate member of the Planning Commission was concerned about the member appointment process. The Board directed Hunt to draft a letter to the member, explaining the history of how appointments were done, and explaining that alternate members needed to apply in order to be considered for full membership.

Commissioner Batchelder had nothing to discuss.

1:30 M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to adjourn the regular session. The motion carried unanimously with no discussion.

Attest:



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

BOARD OF COUNTY COMMISSIONERS
 OF OURAY COUNTY, COLORADO

Lynn M. Padgett
 Lynn M. Padgett, Chair

Ben Tisdel
 Ben Tisdel, Vice-Chair

Don Batchelder
 Don Batchelder, Commissioner