

The Board of County Commissioners met in regular session on May 10, 2016. Those present for the session were Ben Tisdell, Vice-Chair; Don Batchelder, Member; Connie Hunt, County Administrator; Marti Whitmore, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board. Lynn Padgett, Chair, was not present but provided email comments for some of the agenda items; the email has been attached as *Exhibit A*.

- **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.

Road and Bridge Updates

Commissioner Padgett had provided an email with updates and concerns [*Exhibit A*] regarding several road and bridge projects, including the status of County Roads 3, 3A, and 23. The Road and Bridge Supervisor would provide an update at the next regular meeting. Commissioner Padgett also requested that the Board be updated on the progress of the crack sealing project in the Log Hill. Commissioner Tisdell said that the placement of a culvert on County Road 22 was delayed due to weather.

Commissioner Tisdell asked about the progress of the County Road 361 project. Hunt said that a trackhoe had fallen off of the side of the road and it required the contractor to get special equipment to retrieve it; in addition, weather had delayed the project.

D. 9:10 General Business:

1. Request for appointment of a member (1) to the Cedar Hill Cemetery Board:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to appoint Margaret Henderson to the Cedar Hill Cemetery Board for a term to expire June 1, 2022. The motion carried with no discussion.

2. 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. The motion carried with no discussion.

3. Request for approval of the following minutes:

a. April 19, 2016 minutes:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve the April 19, 2016 minutes. The motion carried with no discussion.

b. April 20, 2016 Special Meeting minutes:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to approve the April 20, 2016 Special Meeting minutes. The motion carried with no discussion.

4. Request for adoption of Resolution 2016-021 appointing members to the Fairway Pines Sanitation District:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to adopt Resolution 2016-021 appointing members to the Fairway Pines Sanitation District. The motion carried.

5. Request for approval and authorization of Chair's signature on letter to Tammy Randall-Parker, United States Forest Service Ouray District Ranger: (ratification)

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to ratify approval and authorization of the Chair's signature on letter to Tammy Randall-Parker, United States Forest Service Ouray District Ranger. The motion carried with no discussion.

6. Request for approval and authorization of Chair's signature on Modification of Grant or Agreement for the Alpine Ranger Program 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 of Grant or Agreement for the Alpine Ranger Program and on its Fiscal Impact Form. The motion carried with no discussion.

7. Request for adoption of Resolution 2016-022 approving a variance to allow the construction of a single family dwelling within the 50' setback of the Valley Zone: (This application was approved by the Board at the May 3, 2016 meeting)

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to adopt Resolution 2016-022 approving a variance to allow the construction of a single family dwelling with the 50' setback of the Valley Zone. The motion carried with no discussion.

8. Request for adoption of Resolution 2016-023 approving a variance to allow the construction of a single family dwelling on Lot 1, Filing 1 of the Dallas Meadows Subdivision that breaks the skyline: *(This application was approved by the Board at the May 3, 2016 meeting)*

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to adopt Resolution 2016-023 approving a variance to allow the construction of a single family dwelling on Lot 1, Filing 1 of the Dallas Meadows Subdivision that breaks the skyline. The motion carried with no discussion.

9. Request for adoption of Resolution 2016-024 approving an application to Modify the Premises of the Marijuana Cultivation Facility located at 626 Sage Road: *(This application was approved by the Board at the May 3, 2016 meeting)*

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to adopt Resolution 2016-024 approving an application to Modify the Premises of the Marijuana Cultivation Facility located at 626 Sage Road. The motion carried with no discussion.

10. Request for award of Roofing Proposal for the Sheriff's and Land Use Offices:

Hunt said that the repairs were unbudgeted repairs. She said the repairs were necessary on the Sheriff's office in order to maintain the integrity of the roof, and in order to install a snow fence that kept the ADA access clear in the winter. She said that the Board could use fund balance to pay for the repairs, or wait to see how the revenues came in; alternatively the amount of the governmental lease purchase could be increased to cover the costs. Commissioner Batchelder said that it was his preference to use operating funds, rather than borrowing. The Board decided to wait to consider the item until the Facilities Manager could answer questions regarding specifications.

B. 9:28 EMS Medical Director Bi-annual Meeting with the Board:

Kim Mitchell, Chief Paramedic, and Dr. Andrew Yeowell, Medical Director, were present.

Mitchell said that EMS was getting staffing in order for the summer season. She said the WRETAC organization would be changing in order to better serve the individual entities. Historically, the entities received \$15,000 from the state to improve trauma services in the region; each county had historically given the money to the WRETAC to further develop trauma services and other regional projects. The committee had created a study group in order to look at how the money was distributed. The new procedures would require the county or EMS entity to apply for their \$15,000 from the WRETAC. Yeowell agreed that the WRETAC had not been very transparent about demonstrating what they were doing with their funds. He thought the new way would benefit all entities and the region. Yeowell said that the change in how the funding was distributed was not going to affect regional trauma response.

Mitchell said that Ridgway Fire Department was moving ahead with their scaled-down construction project. She said that the group was being very accommodating to EMS's needs and was open to leasing space to EMS.

Yeowell said that the Mock Incident went very well. Montrose and Delta Counties were interested in working with Ouray County in order to put on their own mock incident.

C. 9:45 Meeting with School Superintendents, County Administrator and Board to Determine Secure Rural Schools (SRS) Distribution pursuant to C.R.S. § 30-29-101(b)(I):

Scott Pankow, Ouray Schools Superintendent and Steve Smith, Ridgway Schools Superintendent were present.

After a brief discussion, the group agreed to maintain the 75% disbursement to the schools, and 25% to Road and Bridge. A resolution would be included on the next meeting agenda codifying such.

9:59 The Board took a break:

D. 10:21 General Business, continued:

10. Request for award of Roofing Proposal for the Sheriff's and Land Use Offices:

Will Clapsadl, Facilities Manager, was present.

Clapsadl addressed the Board's questions regarding specifications. Clapsadl said that the repairs would be implemented as soon as possible.

Commissioner Padgett and Commissioner Tisdell were concerned about the discrepancy in price between the three bids. Clapsadl said that one of the bids was excessively high, but the other two were similar.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdell to award the Roofing Proposal for the Sheriff's and Land Use Offices to Frasier Home Improvement. Motion carried.

11. Consideration of increasing the principal amount of the governmental lease purchase to cover the Roofing Projects:

Commissioner Batchelder reiterated his earlier request to have the project cost taken out of operating funds and reserves, if needed. He was not inclined to finance the project. Commissioner Tisdell agreed.

H. 10:35 Commissioner / Administrative Reports:

Marti Whitmore, County Attorney, discussed the following:

- 1) **Wright Water Study** – Whitmore said that the study was progressing well. She said that in order to save on project expenses the team had been asked to use resources from other agencies, including the Gunnison Basin Implementation Plan. While using some data from the Plan, Wright Water engineers discovered the consultants did not use any of the existing minimum stream flows in the Upper Uncompahgre River, resulting in a false positive regarding how much water was available. The consultants from the project went back and redid their model, which delayed the timeline on the County's water study. She said it was in the County's best interest to have a quality report, as opposed to a report that met an artificial deadline. She said the Wright Water engineers were working to get the project back on track, but that the deadline had been slightly delayed.

Connie Hunt, County Administrator, discussed the following:

- 1) **Fairgrounds Landscaping Project** – Hunt presented an agreement for the purchase of plants from Camelot Plants in Montrose. The Board agreed to ratify the agreement at the next meeting.
- 2) **Top of the Pines (TOP) Water Pump** – Hunt said that the County's Weed Manager had obtained an estimate from Valley Pump to fix the water pump. The cost was estimated to be around \$1,970. Hunt said that the fix could be paid out of the General Fund. The Board authorized her to move forward.

Commissioner Tisdel discussed the following:

- 1) **BLM 2.0 Planning Process Comments Letter** - Commissioner Tisdel asked that Pitkin County's letter be used as a draft for the County's comments. Commissioner Batchelder thought that Gunnison County's comments were useful as well.

E. 10:47 The Board of County Commissioners convened as the Board of Health concerning the following item:

1. **Request for approval and authorization of Chair's signature on Task Order Amendment #1 for the State Tobacco Education and Prevention Program, and on its Fiscal Impact Form:**

Elisabeth Lawaczek, Public Health Director, was present.

Lawaczek explained that Delta County would provide mentoring services for the program; Delta County had also been awarded funds for the program, and that the two counties had similar work plans. Lawaczek said that she and her staff were comfortable with the deliverables.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Task Order Amendment #1 for the State Tobacco Education and Prevention Program, and on its Fiscal Impact Form. The motion carried.

F. 11:01 The Board of County Commissioners convened as the Local Licensing Authority to consider the following item:

1. **Applicant: Shining Mountain, LLC**
Request: License Renewal: Shining Mountain, LLC
Location: 5636 County Road 23

Mark Castrodale, Planning Director; Tim and Shelia Manzagol, Shining Mountain LLC, were present.

Castrodale explained that the current license had expired in April 2016, but had been extended time due to the time it took to process the request. Castrodale said that the property sold to Coal Creek Hydro, LLC in November 2015, but Shining Mountain would remain the license holder after retracting their request to transfer the license to an entity called SM Ridgway Partners.

Castrodale described that there currently had been no marijuana cultivation on the property to date. It was his understanding that the applicants were awaiting cost estimates for a greenhouse. The renewal application was not proposing changes to the original application as approved in 2015. The applicants were seeking partners and might be exploring a future transfer of license. Castrodale added that the State had already approved the license renewal for 2016-2017.

Castrodale said that staff was recommending approval of the license renewal with twenty-two conditions; he was recommending that the Board strike condition 4: "Applicant shall provide the Land Use Department with a copy of the State license, or other approval issued by the State, within 7-days of issuance" as the applicants had already done so.

Commissioner Tisdel recommended that condition 8 be amended to state: "Coal Creek Hydro, LLC and/or Shining Mountain, LLC..." The Board agreed.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve a Marijuana License Renewal for Shining Mountain, LLC with 22 conditions as amended by the Board. The motion carried.

H. 11:28 Commissioner / Administrative Reports, Continued:

Commissioner Tisdel discussed the following, continued:

- 2) **County Road 22 Culvert** - Commissioner Tisdel said that Road and Bridge crews would be placing the culvert within the week, depending on weather.
- 3) **Tree Mitigation Projects** - Commissioner Tisdel said that a new logging project on County Road 361 began that week. He said that the contractor was able to fell a large number of trees and process them onsite. He said the process was more expensive and that the grant project was able to use all of its allocated spending. The project was slated to be completed in June.
- 4) **County Road PID** - Commissioner Tisdel said that he attended a public meeting held in Colona regarding the PID project. He said there were many comments from the public that wanted County Road 22 and 22A improved, not County Road 1.

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

- 1) **Road Committee Appointments** – Hollenbeck reported that one member of the Road Committee was willing to continue to serve through the end of the year. The other expiring member declined to serve another term.

Connie Hunt, County Administrator, discussed the following, continued:

- 3) **Gerard and Turk Mining Claims and Management Plans** – Hunt said that she and Whitmore had met with the Ouray County Historical Society (OCHS) representatives regarding the Gerard Management Plan. The purpose of the meeting was to discuss if OCHS would be willing to take over management of the claim, like they had with the Turk Claim. OCHS declined to be the manager of the Gerard Claim; however, they were willing to take on management of other properties. Whitmore said that the language in the quit claim deed for the Gerard Claim was concerning to OCHS.

11:50 Lunch

G. 12:58 Scott Tipton, General Update

Brian Meinhart, Regional Director and Brian McCain, District Director for Congressman Tipton were present.

Meinhart and McCain discussed RS 2477 and the conflict between Ouray County and the United States Forest Service (USFS) over County Road 361. Whitmore explained that the USFS was willing to concede ownership to the County, but only if the County undertook a lawsuit against the agency. The discussion also included the Garfield County's HR 4313; the Board explained that the County conceptually supported the idea, but was wary of some of the impacts of the survey requirement.

Meinhart said that Good Samaritan legislation was a high priority for Congressman Tipton. He said that they felt confident that the current rendition of the draft had a strong chance of approval.

Commissioner Tisdel said that the Board supported the revival and expansion of the Sneffels Wilderness area.

Commissioner Batchelder brought up the importance for opportunities, funding, and studies for increased water storage in the smaller counties. He said that Ouray County did not have many senior water right owners, and that put the County in a precarious position if there was a shortage.

Commissioner Batchelder also encouraged Congressman Tipton's staff to begin looking into federal level regulations regarding marijuana. He mentioned specifically testing and banking regulations. Commissioner Tisdel agreed, and added that the federal testing standards put an undue hardship on local cultivators. Meinhart said that the banking issue had come up before, but there had been few attempts to address it.

McCain asked the Board if they had seen any increase in heroin use in the County, as it had been increasing nationwide. The Board asked McCain to reach out to the County's Social Services and Public Health department with any available resources.

Commissioner Tisdel updated McCain and Meinhart on the County's regional broadband grant application.

1:54 The Board adjourned the meeting:

Attest:



Michelle Natter
 Michelle Natter, 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