



Michelle Nauer, Clerk & Recorder
Ouray County, CO

02-25-2020 02:03 PM Recording Fee \$0 00

The Board of County Commissioners met in regular session on January 14, 2020. Those present for the session were, Don Batchelder, Chair; Ben Tisdell, Vice-Chair; John E. Peters, Commissioner Member; Connie Hunt, County Administrator; Carol Viner, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

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

A. 9:00 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.

Introductions

Ron Mabry, County Weed Manager, introduced Julie Kolb as the newly hired Weed Manger. Kolb would replace Mabry upon his retirement.

Preston Neill, Town of Ridgway Manager, introduced himself. Neill said that he was looking forward to working with the County.

Jake Niece, Ridgway resident, introduced himself and stated that he was strongly considering running for Commissioner in 2020.

C. 9:04 The Board of County Commissioners convened as the Board of Health to consider the following items:

1. Public Health Quarterly Update:

Tanner Kingery, County Public Health Director, was present.

Kingery presented the quarterly report. He discussed increased hours for the WIC position; efforts to increase the age to purchase tobacco to 21; the flu clinic; immunization services; and retail food inspections.

B. 9:20 Road and Bridge Reports:

Bill Frownfelter, Interim Road Superintendent, and Chad Rilling, Road Foreman, were present.

1. Road and Bridge Report:

Frownfelter discussed ongoing projects and goals.

The Board discussed trees on County Road 17 that were threatening the integrity of the road. Rilling explained that the intent was to simply cut problem trees that were leaning over the river; the root of the tree would remain intact to preserve the road surface.

Frownfelter said that prioritization of 2020 projects would be done when a Road Superintendent was hired.

Frownfelter discussed the importance of completing work to stabilize the Weehawken Bridge before spring runoff. He said that there were possibilities for partnering with Ouray Silver Mines, but that a private contractor may need to be hired to complete the work, given the constraints on County crews.

Hunt said there was some funding in the 2020 budget that would allow for funding of some portions of the Road Plan. She reminded the Board that the funds for Road Plan improvements were designated in a separate fund.

Frownfelter said that the Board would need to make a decision regarding the County Road 14 retainage. He said that it was an ongoing issue. Commissioner Tisdell agreed that the road was in danger of disappearing if something was not done.

Commissioner Batchelder reminded Frownfelter and Rilling of the Board's direction regarding grading roads: he said that the goal was to achieve the greatest degree of crown possible and to keep the driving service narrow.

Rilling presented a memo to the Board regarding changes to the commercial driver's license (CDL) drug testing requirements. The Board authorized Hunt and Viner to review the changes and make necessary changes to the Personnel Policy, if needed.

2. Request for decision regarding Commissioner-member participation on Road Superintendent interview panel:

The Board agreed that Commissioner Tisdell would participate on the panel. The Board further agreed to provide their list of questions to Hunt to be compiled.

D. 9:47 The Board of County Commissioners convened as the Local Liquor Licensing Authority to review the following item:

1. Request for approval and authorization of Chair's signature on Retail Liquor or Fermented Malt Beverage License Renewal Application for Lake Cabin LLC dba Red Mountain Alpine Lodge:

Michelle Nauer, County Clerk and Recorder, was present. Andrea Iuppenlatz, Red Mountain Alpine Lodge, was also present.

Nauer said that there was a bit of delay in notification due to an address issue.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Retail Liquor or Fermented Malt Beverage License Renewal Application for Lake Cabin LLC dba Red Mountain Alpine Lodge. The motion carried unanimously.

E. 9:51 General Business:

1. Request for approval of warrants:

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

2. Request for adoption of Resolution 2020-001 authorizing the County Administrator to Approve and Sign Contracts, Agreements, and Other Documents for Calendar Year 2020:

The Board agreed to strike the 6th "whereas" statement as it was no longer applicable.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-001 authorizing the County Administrator to Approve and Sign Contracts, Agreements, and Other Documents for Calendar Year 2020, as amended. The motion carried unanimously.

3. Discussion and presentation on Combined Application for Conditional Water Rights (Surface), Alternate Diversion Point, Reservoir Use Enlargement and Conditional Appropriative Right of Exchange Filed December 30, 2019:

Viner said that the application had been filed on December 30, 2019. Viner explained that the application was the first step in increasing the water storage for Ouray County water users.

Viner said that the contract water engineer for the project needed to complete research on fisheries and historical use. She said that the Board would need to authorize additional funds for research, but that there were business owners and water users that were willing to donate funds for the project.

Commissioner Batchelder said that the County was the default fiscal agent and that it was in the County's best interest to continue to serve in that role.

Ken Lipton, Shavano Conservation District, asked how the County expected to be able to fund or build structures to divert the water. Viner said that the County would likely pursue grants. Viner reminded Lipton that the County needed to first seek the right to do something; once that was granted, a capital project plan could be initiated.

Lipton wanted to ensure that senior water right users downstream would be protected. Viner said that users were protected by law and their water rights would not change.

4. Request for approval and authorization of Chair's signature on Pre-Grant Application Form for Emergency Management Performance Grant (EMPG) for 2020:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Pre-Grant Application Form for Emergency Management Performance Grant (EMPG) for 2020. The motion carried unanimously.

5. Review and acceptance of and November 2019 and December 2019 Public Trustee Report:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to accept the November 2019 and December 2019 Public Trustee Report. The motion carried unanimously.

6. Request for approval and authorization of Chair's signature on Amendment No. 1 to Commercial Lease Agreement between Ouray County and Hotel Ouray for lease of Storage Space:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Amendment No. 1 to Commercial Lease Agreement between Ouray County and Hotel Ouray for lease of Storage Space. The motion carried unanimously.

7. Request for approval and authorization of Chair's signature on Amendment No. 1 to Commercial Lease Agreement between Ouray County and David J. McHenry Family Trust for lease of County and State Courts Office Space:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Amendment No. 1 to Commercial Lease Agreement between Ouray County and David J. McHenry Family Trust for lease of County and State Courts Office Space. The motion carried unanimously.

8. Request for approval of the October 22, 2019 minutes:

The Board pointed out minor typos.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the October 22, 2019 minutes, as slightly amended. The motion carried unanimously.

F. 10:17 Commissioner/Administrative Reports:

Commissioner Peters discussed the following:

- 1) **Top of the Pines, Inc. (TOP) Update** – Commissioner Peters reported on recent TOP Board meeting. He confirmed that the County's Weed Management Department took annual samples of the water system prior to the system being opened for the summer season. The Board requested that any requests come to the County Administrator to ensure it was not a resource demand. The Board further confirmed that as the facility was a County-owned asset, any building permit fees for work on the Pavilion would be waived. Hunt reminded the Board that the County would need to act as the fiscal agent for GOCO grants.
- 2) **Town / City / County Joint Work Session Regarding Ouray County Housing Advisory Committee (OCHAC)** – Commissioner Peters said that he would not be able to attend the session due to a conflict with the Tri-County Water Water and Land Committee meeting; similarly, Commissioner Tisdel also had a conflict. Commissioner Tisdel asked if the meeting could be rescheduled, given that the County had previously indicated that January 22nd would not work for their schedules. After a discussion, the Board ultimately decided to schedule a Special Work Session on January 22, 2020 at 8:30AM to discuss County-specific housing tasks and goals, and to keep the January 22, 2020 12:00PM work session as scheduled.

Commissioner Tisdel discussed the following:

- 1) **2020 Census** – The Board agreed to add the topic to the 2020 Work Session List for discussion, if needed.

G. 11:03 The Board of County Commissioners convened into an Executive Session pursuant to C.R.S. § 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the CR5 litigation:

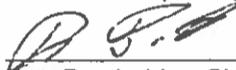
M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to convene into Executive Session pursuant to C.R.S. § 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the CR5 litigation.

A roll call vote was taken on the motion with the following results:

Commissioner Batchelder voted in the affirmative.
Commissioner Tisdel voted in the affirmative.
Commissioner Peters voted in the affirmative.

There was some discussion. Motion passed unanimously.

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.



Don Batchelder, Chair



Carol Viner, County Attorney

11:05 The Board of County Commissioners convened into executive session:

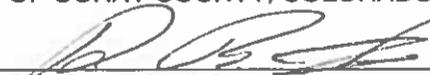
11:40 The Board of County Commissioners exited executive session:

Viner said that the Board had just exited executive session. No decisions were made and the discussion remained on the topic as stated in the motion.

11:42 The Board of County Commissioners adjourned the regular session.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:



Don Batchelder, Chair



Ben Tisdel, Vice-Chair



John E. Peters, Commissioner Member



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

