

The Board of County Commissioners met in regular session on February 25, 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. 9:01 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.

Neighborhood Watch Update

Patricia Mathews, County Road 22 resident, was present to update the Board regarding the Neighborhood Watch Program. Mathews reported that a meeting had been held in January and that a meeting was planned for the spring. She thanked the Board for their support and noted that several additional members had joined the program.

The Board thanked Mathews for her work.

B. 9:04 The Board of County Commissioners convened as the Board of Social Services to consider the following items:

Carol Friedrich, County Social Services Director, was not present.

- 1. Request for approval of the following reports and authorization of the Chair’s signature on certification page:**
 - a. County YTD Expenditures, December 2019:**
 - b. Expenditures through Electronic Benefit Transfers, January 2020:**
 - c. Check Register, January 2020:**
 - d. County Allocation / MOE Report, DEC-19:**

Commissioner Tisdell observed that at this point in the budget year, the Board was able to see where spending was occurring giving a good picture of what was happening in the department. Hunt clarified that, while some programs were overspent, the department was still within their approved budget.

Commissioner Peters recalled that the Board had previously directed staff to set a meeting with Friedrich to review budgets and programs. Hunt said that staff was working to schedule the meeting.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve the County YTD Expenditures, December 2019; Expenditures through Electronic Benefit Transfers, January 2020; Check Register, January 2020; and County Allocation / MOE Report, DEC-19, and authorize Chair’s signature on the certification page. The motion carried unanimously.

2. Caseload Report:

Commissioner Tisdell noted that the Child Care utilization had increased to seven.

D. 9:08 Susie Mayfield, Ouray County Assessor:

- 1. Request for approval and authorization of Chair’s signature on Colorado Parks and Wildlife Impact Assistance and Grant Application:**

Susie Mayfield, County Assessor, was present.

Mayfield explained that the grant program captured some lost tax income as the areas were classified as public lands. She said that the revenues were calculated based on the agricultural valuation.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Chair’s signature on Colorado Parks and Wildlife Impact Assistance and Grant Application. The motion carried unanimously.

H. 9:10 General Business:

- 1. Request for approval of warrants:**

Commissioner Tisdell inquired about the payments to Wright Water Engineering. Viner explained that the expenses were related to the County’s water rights filing and associated engineering costs. Commissioner Tisdell recalled that some donations had been offered for the project. Viner said that Tri County Water donated \$500 and that the Ouray County Water Users Association would be discussing a possible donation at the March 3, 2020 meeting. Viner said that protests to the application had been filed and that the Board would need to assess the financial cost after the protest period ended on February 29, 2020.

Commissioner Peters asked for an explanation for the warrant to Walter Environmental for a site inspection, soil samples and a SCR report. Hunt said that she would need to consult with Road and Bridge to determine the purpose of the expense.

Commissioner Batchelder suggested that the Board consider approving the warrants with the condition that staff follows up with the warrant to Walter Environmental.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the warrants as presented, with the direction to the County Administrator to ensure that the warrant to Walter Environmental was anticipated. If it was not, direction was provided to withhold the check. The motion carried unanimously.

2. **Request for approval and authorization of Chair's signature on Sourcewell State and Local FMV Lease Agreement with Pitney Bowes for Lease of a postage meter and on the Fiscal Impact Form:**
3. **Request for approval and authorization of Chair's signature on Memorandum of Understanding (MOU) concerning Participation in the Colorado Emergency Fire Fund:**
4. **Request for approval and authorization of Chair's signature on Designation of Representative to County Health Pool form:**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Sourcewell State and Local FMV Lease Agreement with Pitney Bowes for Lease of postage meter and on the Fiscal Impact Form; on Memorandum of Understanding (MOU) concerning Participation in the Colorado Emergency Fire Fund; and Designation of Representative to County Health Pool form. The motion carried unanimously.

6. **Request for approval of the following minutes:**
 - a. **January 14, 2020 – redline:**
 - b. **January 28, 2020 – redline:**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the January 14, 2020 and January 28, 2020 minutes. The motion carried unanimously.

- c. **February 4, 2020:**

Commissioner Tisdel requested minor revisions.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the February 4, 2020 minutes, as amended. The motion carried unanimously.

- d. **February 11, 2020:**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the February 11, 2020 minutes. The motion carried unanimously.

7. **Request for adoption of Resolution 2020-006 approving a Final Plat Amendment of Idlewild Estates, Subdivision No. 3, Lot Number 45 and 46 as applied for by Trent and Keri Trimble: (This application was approved during the February 11, 2020 meeting.)**

Commissioner Tisdel requested that any reference to Fairway Pines be changed to Idlewild Estates, specifically pointing out an incorrect reference in a "whereas" statement. The Board agreed.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-006 approving a Final Plat Amendment of Idlewild Estates, Subdivision No. 3, Lot Number 45 and 46 as applied for by Trent and Keri Trimble, as amended. The motion carried unanimously.

8. **Request for approval and authorization of Chair's signature on the Victim Advocate(s) Intergovernmental Agreement (IGA) between Ouray County, Town of Ridgway and City of Ouray and on its Fiscal Impact Form:**

The Board requested that a report be given on the utilization metrics of the program.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on the Victim Advocate(s) Intergovernmental Agreement (IGA) between Ouray County, Town of Ridgway and City of Ouray and on the Fiscal Impact Form. The motion carried unanimously.

9. **Request for approval and authorization of Chair's signature on 2020 Initial Boundary Validation Program (BVP) Form for the 2020 Census:**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on 2020 Initial Boundary Validation Program (BVP) Form for the 2020 Census. The motion carried unanimously.

10. **Request for approval and authorization of Chair's signature on position replacement forms for Road and Bridge Equipment Operator positions and for a Mechanic position:**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on position replacement forms for Road and Bridge Equipment Operator positions and for a Mechanic position. The motion carried unanimously.

11. Discussion and possible action regarding utilization of a recruitment firm for the Road Superintendent recruit:

Hunt requested the Board provide direction regarding the possibility of utilizing a recruitment firm. Commissioner Tisdel said that the County had advertised, interviewed and made an offer to an individual, but that the offer had not been accepted. He agreed that it made sense to utilize a recruitment firm for a larger pool of candidates.

After a brief discussion, the Board authorized Hunt to perform research on the various recruitment firms and to come back to the Board for additional direction.

12. Request for approval and authorization of Chair's signature on Letter of Support for Colorado Opportunity Scholarship Initiative – County Matching Scholarships (COSI):

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Letter of Support for Colorado Opportunity Scholarship Initiative – County Matching Scholarships (COSI). The motion carried unanimously.

C. 9:33 Commissioner/Administrative Reports:

Connie Hunt, County Administrator, discussed the following:

- 1) **Public Information Session Regarding Home Rule** – The Board discussed scheduling a public information session regarding home rule. The session was scheduled for May 13, 2020 in the evening.

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

- 1) **Calendar Updates** – Hollenbeck reported that a City of Ouray, Town of Ridgway, and County hosted public meeting regarding the 2020 Census would be held on March 18, 2020 at 6pm. The Annual Colorado River District State of the River meeting would be held May 20, 2020.

Commissioner Peters discussed the following:

- 1) **Cybersecurity** – The Board agreed to direct IT staff and the County Clerk and Recorder to follow up with CCI regarding a cybersecurity survey.
- 2) **National Association of Counties (NACo)** – Commissioner Peters asked if there were any topics that needed to be discussed prior to the NACo Legislative Conference. Commissioner Tisdel explained that there were a number of proposed policy resolutions for many of the committees. He said that he served on the telecommunications and technology committee. He added that there was a draft resolution drafted by Colorado representatives on the Public Lands Committee that was generally supportable.
- 3) **Tri County Water and Land Committee** – Commissioner Peters requested that the County secure www.ouraycountywater.com in an effort to be consistent with other counties and Tri County Water's effort to streamline GIS and land records, specifically regarding water resources. Viner said that she would secure the domain.

Commissioner Tisdel discussed the following:

- 1) **Updates** – Commissioner Tisdel reported that he would be attending the NACo Legislative Conference from February 29-March 4, 2020. He said that there were several conflicts with scheduled Club 20 meetings and regular Board meetings. Commissioner Tisdel updated the Board on the Ouray Silver Mines tour, and upcoming meetings regarding the City of Ouray Community Plan update.

H. 9:52 General Business, continued:

1. Request for approval of warrants, continued:

Hunt reported that the warrant to Walter Environmental was for required soil samples and testing after a diesel fuel spill at the Ouray Road and Bridge Shop. She said that everything had been cleaned up according to protocol. The Board agreed that approval of the warrant was covered under the original motion.

9:54 Break:

E. 10:05 The Board of County Commissioners convened as the Board of Adjustment to consider the following item:

1. **Request for approval of a variance from Section 4.2(B) of the Land Use Code for the purpose of construction of two 1,962 square foot dorms or "pods" as applied for by Mountain Top Retreat, OFBC, Inc:**

Mark Castrodale, County Planning Director was present. Steve Johnson, representing Mountaintop Retreat OFBC, Inc, and Steven Reeve, Mountaintop Retreat, OFBC, Inc, were also present.

Commissioner Batchelder opened the public hearing. He explained that the request was for a variance from Section 4.2(B) of the Land Use Code. Commissioner Batchelder said that the packet included a request from the applicant to continue the hearing to allow additional time to gather the requisite documents.

Johnson requested that the Board consider continuing the hearing to later in March.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to continue the public hearing to March 24, 2020 at 11:00AM at the Ouray County Land Use / Road and Bridge Facility Conference Room. The motion carried unanimously.

10:10 Break:

F. 10:35 Public Hearing – Ouray County Building Code:

- 1. To consider amending the Ouray County Building Code to amend the existing International Building Code, 2018 Edition; the International Residential Code, 2018 Edition; the International Mechanical Code, 2019 Edition; the International Existing Building Code, 2018 Edition; the International Energy Conservation Code, 2018 Edition; and Re-Adoption of the Uniform Abatement of the Dangerous Buildings, 1997 Edition:**
- 2. Possible adoption of Resolution 2020-004 to alter and amend the existing International Building Code, 2018 Edition; the International Residential Code, 2018 Edition; the International Mechanical Code, 2019 Edition; the International Existing Building Code, 2018 Edition; the International Energy Conservation Code, 2018 Edition; and Re-Adoption of the Uniform Abatement of the Dangerous Buildings, 1997 Edition:**

Mark Castrodale, County Planning Director, was present.

Commissioner Batchelder opened the public hearing.

He said that, while hard copies of the building codes were not included in the packet or as exhibits to the resolution, the Board and staff had reviewed electronic copies.

Castrodale explained that the request was the result of several Board work sessions, in addition to months of work by the Building Inspector and a blue ribbon committee comprised of area builders, architects and engineers. He said that the resolution had been reviewed by the County Attorney and that the Building Inspector recommended approval as presented.

Commissioner Batchelder opened the hearing for public comment.

Craig Jackman, Colona resident, asked Castrodale to provide a brief overview of the changes. Castrodale said that the County was currently on the 2006 version of the Codes. Castrodale explained that the many other jurisdictions were in the process of adopting or had already adopted the 2018 version of the Codes. Jackman asked if the County had excluded any of the sections. Castrodale said that the recommended action was to adopt the six different Codes, as amended to fit Ouray County's needs. He explained that the resolution highlighted the customizations. Commissioner Tisdell said that the revision included certain provisions for the sprinkler requirements, in addition to adding a section regarding tiny homes. Jackman asked if there were different requirements for the micro-climates in the County. Commissioner Peters said that there were not, with the exception of snow loads at different elevations.

Commissioner Peters said that he had been concerned about the potential effects on the cost of construction and impacts on attainable housing; however, through the vetting of the blue ribbon committee, the cost of construction remained similar to what it was currently.

Hearing no other public comment, Commissioner Batchelder closed the public hearing portion of the hearing.

Commissioner Tisdell requested that a "whereas" statement be added to capture the work of the building inspector, the blue ribbon committee, and the various work sessions held by the Board. He said that it was an important piece of the process that needed to be captured in the resolution. The Board agreed.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to adopt Resolution 2020-004 to alter and amend the existing International Building Code, 2018 Edition; the International Residential Code, 2018 Edition; the International Mechanical Code, 2019 Edition; the International Existing Building Code, 2018 Edition; and International Energy Conservation Code, 2018 Edition; and Re-Adoption of the Uniform Abatement of the Dangerous Building, 1997 Edition, with the addition of a "whereas" statement regarding the process. The motion carried unanimously.

Commissioner Batchelder closed the public hearing.

G. 10:46 Public Hearing – 2019 Budget Amendment:

- 1. Request for adoption of Supplemental Appropriations Resolution 2020-005 amending the 2019 budget:**

Commissioner Batchelder opened the public hearing.

Hunt explained that the amendment addressed unanticipated revenues and expenditures.

Commissioner Batchelder opened the public hearing for public comment. Hearing none, Commissioner Batchelder closed the public comment portion of the hearing.

Commissioner Tisdel thanked Hunt for her attention to detail in the development and tracking of the budget. He noted that the Marijuana Excise Tax fund was growing, as were the sales tax revenues.

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt the Supplemental Appropriations Resolution 2020-005 amending the 2019 budget. The motion carried unanimously.*

Commissioner Batchelder closed the public hearing.

H. 10:53 General Business, continued:

5. Discussion and possible action concerning request from Dallas Park Cemetery and Cedar Hill Cemetery regarding consolidating of districts or creation of a countywide district:

Commissioner Batchelder explained that both cemetery districts were requesting that the County Attorney be directed to research options for consolidation of the two Districts, and options for inclusion of the Colona Cemetery. Commissioner Tisdel said that the process might not be as simple as it seemed and that there were a number of questions. He recommended that the Board consider if the effort to consolidate was worth it after the County Attorney presented preliminary research. He asked how the research fit in with the other County Attorney priorities.

Susie Mayfield, Cedar Hill Cemetery Sexton, recommended that each cemetery retain their individual identities, if consolidated. She said that there were some benefits to combining, but noted that each cemetery was distinct in what it took to maintain, size and sales. Mayfield added that she had heard that one of the caretakers at the Colona Cemetery was not in favor of being included in the County-wide district. Mayfield said that if the district boundaries were set County-wide, some property owners in Colona could experience a tax increase; however, resources could be dedicated to the maintenance of the Colona Cemetery. Mayfield said that it was struggle to operate the Cedar Hill Cemetery based on the small mill levy. She said that the District relied on donations and grants. Karin Jones, Dallas Park Cemetery Director, agreed with Mayfield. She said that the revenue from the mill levy was inadequate to address the projects that needed to be done.

Commissioner Tisdel said that a mill levy question could be added to the ballot at the same time the consolidation question was posed, but that it might need to be a separate question.

Rik Lane, Cedar Hill Cemetery Caretaker, commented that he could see the benefits of consolidating districts, particularly for the Colona Cemetery, but agreed the independence of each cemetery be retained.

Commissioner Batchelder stated that the Board could direct Viner to proceed with researching the options and the processes for each. He noted that it was important to ensure that if the consolidation effort failed, the status quo for each cemetery be retained. The Board agreed to the direction.

I. 11:12 The Board of County Commissioners convened into Executive Session pursuant to C.R.S. § 24-6-402(4)(b) 24-6-402(4)(e)(I) for a conference with the County Attorney for the purpose of receiving legal advice and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators; regarding CR 5 litigation and the Ouray County Public Health Fiber Project:

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)(b) 24-6-402(4)(e)(I) for a conference with the County Attorney for the purpose of receiving legal advice and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and / or instructing negotiators; regarding CR 5 litigation and the Ouray County Public Health Fiber Project.*

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 no discussion. Motion passed unanimously.

11:13 Break

11:22 The Board of County Commissioners convened into executive session:

2:07 The Board of County Commissioners exited executive session:

Commissioner Batchelder stated that the discussion was on the matter as announced in executive session; no actions were taken.

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

2:07 The Board of County Commissioners adjourned the regular session.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Don Batchelder, Chair

Ben Tisdell, Vice-Chair

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

John E. Peters, Commissioner Member