

The Board of County Commissioners met in regular session on March 3, 2020. Those present for the session were, Don Batchelder, Chair; John E. Peters, Commissioner Member; Connie Hunt, County Administrator; Carol Viner, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board. Ben Tisdell, Vice-Chair, was present via phone for portions of the meeting.

- **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.*

There were no "Call to the Public" items.

**F. 11:05 General Business:**

**1. Request for approval of warrants:**

Commissioner Peters clarified a payment made to the Emergency Fire Fund.

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

**2. Request for approval and authorization of Chair's signature on Amendment No. 2 to Intergovernmental Agreement between the Town of Ridgway and Ouray County regarding the Urban Growth Management Area (UGMA):**

Commissioner Batchelder explained that the Board had considered the application during the December 10, 2019 regular meeting, and discovered that the application needed to be reviewed by the Ridgway Joint Area Planning Board. He said that the Board had approved the application, contingent upon review by the Joint Area Planning Board. He said that the request was to ratify approval and authorize Chair's signature on the IGA.

*M/S/P – Motion was made by Commissioner Peters and seconded by Commissioner Batchelder to ratify approval and authorize Chair's signature on Amendment No. 2 to Intergovernmental Agreement between the Town of Ridgway and Ouray County regarding the Urban Growth Management Area (UGMA). The motion carried.*

**3. Request for approval to advertise for a Contract Building Inspector position:**

*M/S/P – Motion was made by Commissioner Peters and seconded by Commissioner Batchelder to approve advertisement for a Contract Building Inspector position. The motion carried.*

**4. CCI legislative Updates:**

Commissioner Peters stated that no action was needed on the item.

**5. Discussion and possible action regarding BLM Resource Management Plan (RMP) Appeal:**

Hollenbeck read an email from Commissioner Tisdell indicating that Gunnison County would be taking the lead in addressing the appeal denials received from the BLM. He said that a coordinating call had been scheduled for later that day between Gunnison, San Miguel and Ouray Counties. He suggested that the Board wait to determine action until after the call. The Board agreed.

**G. 9:06 Commissioner/Administrative Reports:**

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

- 1) **Tri County Water / Dallas Creek Water Draft EIS** – The Board agreed to discuss the EIS at a later date.
- 2) **Home Rule Informational Work Session** – Hunt reported that an informational session had been scheduled regarding becoming a Home Rule county on May 13, 2020. Representatives from Colorado Counties Inc., (CCI) would be leading the presentation. Government officials from Pitkin County would also be invited to attend.
- 3) **City / Town / County Housing Meeting** – Hunt said that the meeting had been rescheduled from January. The joint meeting had been scheduled for March 25, 2020 at 5:30PM.
- 4) **Courthouse Restoration Project Updates** – Hunt said that she had been working on window treatments and rugs for the building. She said that some extra funds were included in the 2020 budget and that the expense wouldn't be taken from the Courthouse contingency funds for construction.

**Commissioner Peters** discussed the following:

- 1) **Tri-County Water Water and Land Committee** – Commissioner Peters reported that Viner had secured the domain name [www.ouraycountywater.com](http://www.ouraycountywater.com).

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

- 1) **Dallas Park Cemetery** – The Board agreed to authorize advertisement for the vacant position and directed that letter thanking the outgoing board member be drafted for the Board's consideration at a future meeting.

Commissioner Batchelder discussed the following:

- 1) **Idarado Houses** – Commissioner Batchelder asked if the Board would be willing to authorize staff to work with Trust for Land Restoration (TLR) representatives to develop the Forest Service Special Use Permit. The Board agreed to authorize staff to work with representatives and gave preliminary authorization for the County to be the applicant.

**B. 9:14 Road and Bridge Reports:**

*Chad Rilling, Road and Bridge Foreman, was present.*

**1. Road and Bridge Report:**

Rilling discussed ongoing projects including County Road 17 and 23 pothole repairs.

Commissioner Batchelder said that he had received a report of excessive truck traffic on County Road 23 to the Dalwhinnie Property. He had checked the area a few times and did not see any road damage, but asked Road and Bridge to take note of any damage caused by construction traffic.

Hunt said that staff was working to schedule a road project prioritization work session in March or April.

**2. Request for approval and authorization of Chair's signature on Addendum to the Road Agreement dated October 10, 2017 between Ouray County and Ouray Silver Mines, Inc.:**

Commissioner Batchelder wanted to ensure the communication structure was clear. After a discussion, the Board agreed to amend the third whereas statement to clarify that any issues concerning the agreement or needed addendums be directed to the County Administrator, while technical discussions be directed to Road and Bridge.

*M/S/P – Motion was made by Commissioner Peters and seconded by Commissioner Batchelder to approve and authorize the County Administrator's and the Chair's signature on Addendum to the Road Maintenance Agreement dated October 10, 2017 between Ouray County and Ouray Silver Mines, Inc., as amended. The motion carried unanimously.*

**9:28 Break:**

**C. 9:31 Monty Guiles, Peyton-Savage, LLC (Owner's Representative, Courthouse Project):**

**1. Courthouse Restoration / New Construction Project Update:**

Guiles reported that the project was on track and anticipated that offices could begin moving back around the end of March, as the temporary certificate of occupancy was expected mid-March. Guiles said that budget was also on track, and that retainage was still relatively healthy. Guiles said that Hunt was working with the architect and design team to order window coverings, shelving, carpet runners and floor mats.

**2. Request for approval and authorization of Chair's signature on Prime Contract Change Order #3:**

*M/S/P – Motion was made by Commissioner Peters and seconded by Commissioner Batchelder to approve and authorize Chair's signature on Prime Contract Change Order #3. The motion carried unanimously.*

**9:42 Break:**

**D. 10:00 San Miguel Power Association (SMPA):**

**1. Presentation regarding Red Mountain Power Line:**

*Brad Zavorski, SMPA CEO and General Manager, Alex Shelley, SMPA Communications Executive, Jeremy Fox, SMPA Project Supervisor, were present.*

Fox explained that the project was a rebuild of an existing transmission line over Red Mountain Pass to the existing Burro Bridge substation. Fox explained that the project was necessary in order to provide safe and reliable power to the region.

Zavorski said that rebuild would provide redundant power, as well as providing for a path for broadband services. Zavorski presented issues experienced during the past several years that endangered electrical services to Ouray County and surrounding areas.

George Ordovich, ESC Engineering, explained the design scheme for the project, noting that the line had outlived its useful life. He explained that the existing poles would be replaced with taller poles that would allow for greater safety measures and the addition of an overhead fiber line. Ordovich said that a portion of the line would be placed underground along the Ruby Walls section, which had been fraught with rockslides. He said that the line would be placed in the northbound lane of the highway, which would likely require some intermittent closures of the road. Ordovich recognized that the power poles would be taller than what was currently present; however, the number of structures would be reduced from 220 to

176. Ordovich said that he was working with Colorado Department of Transportation (CDOT) for permitting and closure plans.

Mark Iuppenlatz, Ouray resident, inquired if there was a general idea for when the road closures were expected. He requested that SMPA provide advance notice due to impacts on business on Red Mountain Pass. He said that giving guests advance notice allowed for the best opportunity for planning and managing expectations. Zaporski agreed. He said that the schedule was subject to discussions with CDOT; he anticipated that the closures would be in fall of 2021. Zaporski added that stakeholders be heavily involved in the communication plan.

Kathy Croll, ERO Resources, presented the NEPA planning process. She explained that she was working closely with the United States Forest Service (USFS) would be distributing scoping letters in the next few weeks.

Shelley explained the public information efforts and welcomed the County's suggestions for greater outreach. Iuppenlatz suggested having a specific website for the project in conjunction with CDOT's web portal. Shelley agreed and said that his team was working to develop a single webpage for information.

**E. 10:45 Andy Mueller, Colorado River Water Conservation District:**

**1. Colorado River Water District (CRD) Update:**

*Andy Mueller, CRD General Manager, and Marti Whitmore, Ouray County CRD Board of Directors representative, were present.*

Mueller updated the Board on CRD projects and activities. Mueller noted that the CRD was reviewing the possibility of including a de-brucing initiative on an upcoming ballot, in addition to exploring a mill levy increase. The Board agreed that the initiatives were needed.

**H. 11:30 Ouray County Public Health Fiber Project Item(s):**

- 1. Request for approval and authorization of Chair's signature on Change Order #1 to the Construction Agreement:**
- 2. Discussion and possible action concerning Change Order # 2 to increase fiber strands from 96 to 144:**

*Jeff Bockes, County IT Manager, was present. Doug Seacat, and Chase Krogsrud, Deeply Digital, were also present.*

Commissioner Batchelder explained that Change Order #1 proposed an additional \$100,911.36 for the purchase and installation of additional conduit partially installed by Deeply Digital. He asked if the cost increase could be covered by grant revenue. Hunt said that it was not included in the original contract, and therefore it would not be covered by grants.

Commissioner Batchelder asked if the additional conduit allowed for the transition to last mile services. He said that absent the installation of the additional conduit, the Broadband project would not have a last mile component. Seacat attested that Commissioner Batchelder's statement was correct.

Commissioner Batchelder said that he was aware there would be unanticipated costs to the County for the project; however, the project was a significant benefit to the County. He did not have any issues with Change Order #1.

Commissioner Peters wished to discuss proposed Changer Order #2 concerning the number of fiber strands. He said that increasing the fiber strands from 96 to 144 was another additional cost not included in the original contract, or funded by the grants.

Krogsrud said that the ultimate goal was to bring reliable fiber to Ouray County. He said that the additional conduit was discussed by the various representatives from Montrose County, Ouray County and Region 10; however, it was never put into writing. It was Krogsrud's opinion that it would be a significant cost savings for the County to allow the additional conduit to remain, and to allow Deeply Digital to continue to place the conduit for the duration of the project. He said that the conduit was necessary for access to the fiber lines. He said that requisite permits and permissions could be obtained quickly.

Hunt explained that the issue stemmed from the failure of Deeply Digital to include the additional conduit in the original request for proposal submittal, noting that the County was required to adhere to fair and competitive bid procedures.

A discussion was had regarding how Deeply Digital installed the fiber line, and how it the build interacted with last mile and last foot services.

Commissioner Peters asked how the unbudgeted costs would be funded. Commissioner Batchelder said that the only option would be to utilize reserve funding.

Commissioner Batchelder asked Bockes if he had a recommendation regarding the fiber strands. Bockes said that the 96-count strand number was arbitrary. He qualified that it would be cheaper to install the fiber line with 144 strands as opposed to having to come back to run the line again. Bockes asked if Deeply Digital had a preference on the number of strands. Seacat said that a 96 strand line was becoming harder to find. He said that a 144 count strand was the largest strand of fiber capable of fitting in the middle mile conduit. Seacat said that he could order and receive the 144 strand line in April; he anticipated that it would be much later for the 96 strand. Seacat was also concerned about the route connection in the City of Montrose. He said that the Board needed to consider that the fiber strand the

County would be connecting to a 144 count strand. Additionally, he said that the Board needed to determine a route into the City of Montrose, as it may have a cost implication.

The Board elected to convene into work session to talk more generally about the Ouray County Public Health Fiber Project and routes.

**12:55 Work Session:**

**1:51 Regular Session:**

The Board returned to regular session and agreed to continue the regular meeting to March 4, 2020 at 9:00AM to consider action on the two change orders.

**1:51 Recess:**

**9:05 March 4, 2020 Continuation:**

*Jeff Bockes, County IT Manager, was present. Doug Seacat, and Chase Krogsrud, Deeply Digital, were also present.*

Bockes explained that he and Commissioner Tisdel discussed the project with Region 10 representative and gained a clearer perspective of the various grants and phases, and which would fund what portions of the fiber line.

Commissioner Peters confirmed that the anticipated cost to connect to the carrier neutral location (CNL) in Montrose was \$140,000. Hunt said that the anticipated cost had been budgeted in the contract with Deeply Digital. Commission Batchelder asked if the budgeted \$140,000 was adequate to cover the proposed 144 strand. Seacat said that he had originally estimated \$140,000 based on the assumption that there would be some cost share savings. He said that there were some route options to consider as well, which could result in additional savings.

Commissioner Batchelder said that there was an undetermined factor between Ouray County and Region 10 regarding the operation and lease of the fiber for last foot purposes. Hunt agreed and said that a meeting would be set up between the two parties.

A discussion was had about the reporting structure within the County. The Board reinforced that the main point of contact was Hunt.

Hunt said that the County was awaiting grant funds from USAC in order to pay Deeply Digital. The Board discussed payment scheme.

The Board agreed that the preference for the route into the City of Montrose was the most secure option, with the least potential for digging, conflict or other unforeseen circumstance.

Regarding the Board agreed that the best option was to upgrade the fiber strand to a 144 count strand. Commissioner Batchelder detailed that there were several things that were still undetermined, including additional partners that may be willing to share some costs; however, the increased demand for high-speed internet and the potential economic advantages outweighed the uncertainties.

*M/S/P – Motion was made by Commissioner Peters and seconded by Commissioner Tisdel to approve the Change Order to change the fiber count from 96 fiber strand to a 144 fiber strand cable in the amount of \$72,101.50. The motion carried unanimously.*

After the motion carried, Commissioner Batchelder suggested that the Board consider authorizing staff to begin negotiations with Deeply Digital to come up with different routing options. The Board agreed.

**10:15 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

