



The Board of County Commissioners met in regular session on May 19, 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. The meeting was conducted virtually pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

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.

Ouray Via Ferrata

Mark Iuppenlatz, Ouray resident and Friends of Ouray Via Ferrata member, said that the recently constructed Via Ferrata had been given authorization to open. He said that he had worked with the Public Health Director to develop COVID-19 protocols. He said that the Via Ferrata would officially open to the public on Memorial Day weekend.

Iuppenlatz said that the Board had previously discussed that a portion of the Bipolar Spire had collapsed. He said that on April 14, 2020 the Ouray Hydroelectric Plant had performed a routine opening of the sluice gates to flush out sediments. As there was still some ice on the river at the time, a large ice dam was forced down the river and impacted the Bipolar Spire resulting in the upper portion of the rock formation to break.

KOA Campground Code Enforcement Concerns

Mark Castrodale, County Planning Director, informed the Board that the Land Use Department had received several complaints regarding unauthorized construction and expansion at the Campground. He reminded the Board that the Campground was classified as a legal non-conforming use and could not be expanded without a variance. He said that as several complaints had been received, it made sense for staff to follow up, despite the complaints being anonymous. The Board agreed to direct staff to follow up with an investigation of the reports.

Broadband Project

Jeff Bockes, County IT Manager, said that funding for Phase 2 of the Ouray County Public Health Project Agency Broadband Project had been approved. He said the contract with the Department of Local Affairs (DOLA) needed to be finalized in order to solidify the next phase of the project. Commissioner Tisdell said that partnering with San Miguel Power Association (SMPA) made project possible.

C. 9:12 General Business:

1. **Request for award of the following Requests for Proposals (RFP's) and authorization of Chair's signature on Agreements pending County Attorney review:**

- a. **Gravel Crushing RFP:**

- b. **Class 6 and Chip Seal Aggregate RFP:**

Bill "Frowny" Frownfelter, Interim Road and Bridge Superintendent, was present.

Frownfelter presented the request.

Commissioner Batchelder confirmed that the request was for three separate items: gravel crushing, class 6 and chip seal aggregate, and ¾ inch road base material and hauling.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to award the Gravel Crushing Proposal to Rocky Mountain Aggregate for 10,000 tons minimum for crushing and creating gravel surfacing material at \$4.48 per ton for a total of \$44,800; Class 6 and Chip Seal Aggregate to Rocky Mountain Aggregate for 400 tons of ¾ inch chips at \$11.50 per ton, 340 tons of 3/8 inch chips at \$15.00 per ton and for hauling 740 tons of chip at \$3.95 per ton for a total contract of \$12,623.00.

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

Commissioner Batchelder voted in the affirmative.

Commissioner Tisdell voted in the affirmative.

Commissioner Peters voted in the affirmative.

There was no discussion. Motion passed unanimously.

2. **High Country Snow Removal Update by Interim Road and Bridge Superintendent:**

Frownfelter said that crews were finishing up snow removal on Red Mountain Town and Corkscrew. He said that Engineer and Imogene were still closed.

Commissioner Tisdel reported that surrounding counties and land management agencies had worked collaboratively to develop signage informing backcountry users that emergency services may be slow to respond or unavailable due to the COVID-19 pandemic. He said that it was advisable for Ouray County to join in on the order to lessen costs. The Board agreed to authorize staff to move forward with the purchase and installation.

Lance FitzGerald, Ouray County Sheriff, provided an update on Owl Creek Pass. He said that the United States Forest Service (USFS) managed the road and that the gate remained closed to allow for the completion of a construction project.

B. 9:40 Six Basins Project Inc., Representatives:

- 1. Discussion of upcoming project for summer 2020:**
- 2. Update on Restroom, signage and YBCA merger:**

Brandy Ross, Ryan Hein, and Craig Hinkson, Six Basins Project, were present.

Hinkson provided an update regarding the Torpedo Mining Claim public bathroom. He expected the restroom to be completed in the next few weeks and invited the Board to the ribbon cutting ceremony in June.

Hinkson said that Six Basins Project had absorbed the Yankee Boy Conservation Association (YBCA) and would be taking over administration of the dumpster at Angel Creek and all brochure publications.

The Board agreed to direct staff to develop a simple memorandum of understanding (MOU) to memorialize the contributions of each group, and outline future projects and responsibilities.

Ross began a presentation encouraging the Board to establish consistent signage for County Roads 361, 26 and 26A. She outlined several sites for speed limit signs, parking signs, and other signs that detailed the rules of the road. Hunt said that the Model Traffic Code needed to be reviewed to ensure compliance with the County's adopted policies.

The Board agreed to authorize staff to work with Six Basins Project to ensure compliance with adopted-County policies, and for implementation of the signs.

C. 10:30 General Business:

3. 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.

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.

4. Request for adoption of Proclamation 2020-001 declaring May 2020 as Mental Health Month:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Proclamation 2020-001 declaring May 2020 as Mental Health Month.

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.

5. Request for adoption of the following resolutions:

- a. Resolution 2020-016 approving a Final Plat Amendment of Fairway Pines Estates, Village 6A, Lots V612 and V613 (Cimarron View II): (This application was approved by the Board during the May 5, 2020 meeting.)**
- b. Resolution 2020-017 approving a Final Plat Amendment of Fairway Pines Estates, Village 6A, Lot V611 (High Pines Villas): (This application was approved by the Board during the May 5, 2020 meeting.)**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-016 approving a Final Plat Amendment of Fairway Pines Estates, Village 6A, Lots V612 and V613 (Cimarron View II); and Resolution 2020-017 approving a Final Plat Amendment of Fairway Pines Estates, Village 6A, Lot V611 (High Pines Villas).

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.

6. Request for approval and authorization of Chair's signature on Addendum to Intergovernmental Agreement for Noxious Weed Program Management between Ouray and San Miguel Counties extending the transitional management time by two months and on the Fiscal Impact Form:

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Addendum to Intergovernmental Agreement for Noxious Weed Program Management between Ouray and San Miguel Counties extending the transitional management time by two months and on the Fiscal Impact Form.*

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.

7. Request for reappointment of members to the Cedar Hill Cemetery Board, Ouray County Fair Board, Planning Commission, Visual Impact Review Committee, and Weed Board:

Hollenbeck presented an additional letter of interest from Ashley Briggs for appointment to the Fair Board.

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to reappoint Michelle Nauer to the Cedar Hill Cemetery Board for a term to expire on April 1, 2026; Kendra Jenkins and Jack Flowers to the Fair Board for terms to expire on May 1, 2023; Vince Snowbarger and Kate Boehnke to the Planning Commission for terms to expire on March 31, 2023; John Baskfield to the Visual Impact Review Committee for a term to expire on January 24, 2023; Mary Menz, Dickson Pratt, and Porter McConnell to the Weed Board for terms to expire on March 31, 2023; and appoint Aime Collins and Ashlee Briggs to the Fair Board for terms to expire on May 1, 2022.*

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.

The Board authorized Hollenbeck to advertise for the remaining vacant positions.

8. Discussion of Stage 1 Fire Restrictions and request for adoption of Resolution 2020-018 Authorizing the Sheriff to implement and lift Stage 1 Fire Restrictions within the Unincorporated Areas of Ouray County as he deems necessary to protect the County from wildfire danger, subject to notification to the Board by and through the County Administrator and by approval of the Board:

M/S/P – *Motion was made by Commissioner Peters and seconded by Commissioner Tisdel to adopt Resolution 2020-018 Authorizing the Sheriff to implement and lift Stage 1 Fire Restrictions within the Unincorporated Areas of Ouray County as he deems necessary to protect the County from wildfire danger, subject to notification to the Board by and through the County Administrator and by approval of the Board:*

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.

The Board agreed that the Resolution would expire on October 31, 2020.

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

Tanner Kingery, County Public Health Director, and Glenn Boyd, County Emergency Manager, were present.

1. Request for approval and authorization of signatures from the Board of Health on a letter addressed to Jill Hunsaker Ryan, Executive Director with the Colorado Department of Public Health and Environment (CDPHE) concerning a Variance Request for Restaurants and possibly ten-mile recreational limit:

Kingery explained that the application was drafted using the approved variance request from Mesa County, with some modifications.

Commissioner Tisdel was concerned about the provision limiting the number of customers to 30% of fire capacity for the space. He said that some establishments in Ouray County may not have a set fire

capacity. Commissioner Batchelder suggested changing the guidance to state “*Limit the number of clients to 30% of your fire code or building code capacity, or so that there is at least six feet between adjacent groups, whichever is more.*” After a discussion, the Board agreed to the amendment.

Commissioner Peters requested that all acronyms be defined in the document. The Board agreed.

Commissioner Peters asked about the 70 person capacity at Montrose Memorial Hospital (MMH). Kingery explained the need to monitor the number of COVID-19 patients housed at hospital facilities that served Ouray County. He said that it was important to monitor to ensure that the systems not become overloaded.

The Board agreed to minor typographical modifications and clarifications.

The Board discussed the face covering provision for patrons. The Board agreed to direct Kingery to verify how the requirement was worded in the Mesa County Variance Application.

Commissioner Batchelder asked for public comment.

John Clark, Town of Ridgway Mayor, agreed with the clarification regarding fire code; he said that Ridgway did not have fire code capacities for businesses.

Dave Beckhardt, County resident, said that, generally, if another county had a badly written rule, the County should not be following it. He suggested that the language for bullet point 4 be amended to state: “Customers shall wear face coverings while within the restaurant, except when seated at a table.” Beckhardt further recommended that the last bullet point encouraging the public to wear cloth face coverings to enter the business be removed. Beckhardt suggested that the bullet point requiring physical distancing of tables in dining areas be clarified, and requested that the bullets be reorganized to flow better. Beckhardt encouraged the Board to not limit the number of customers to 30% of fire capacity; he said that it was functionally irrelevant as it was more important for restaurants to design seating that allowed for maximum separation between tables.

Tammee Tuttle, True Grit Café owner, said that her restaurant in Ridgway did not have a set fire code capacity. She asked how the plan would evolve to allow businesses to be fully open. She asked the Board to consider the potential for allowing expanded outdoor dining. She recognized that the requirement to wear face coverings was difficult for some people that viewed it as an impact to their civil liberties. Viner said that the Ouray City Council was considering an ordinance to permit business to temporarily extend their outdoor premises. Viner added that the State had streamlined the process to expand areas served by liquor licenses. Clark said he would bring Viner’s report back to the Ridgway Town Council for discussion. Regarding Tuttle’s civil liberties comment, Clark said that requiring face coverings was not a civil liberties issue; it protected health and saved lives.

Bette Maurer, City of Ouray resident, said that Mesa County was requiring customers to wear face coverings when entering and exiting the restaurant only. She encouraged the Board to provide as much calcification as possible to make the regulations easily understandable.

Beckhardt encouraged the Board to consider the language that he proposed regarding face coverings. He said that if he was at an establishment and someone was not required to wear a face cover, it would impact his decision to return. He asked the Board to consider the economic impacts.

Commissioner Tisdell suggested the language: “*Customers shall wear face coverings in order to enter the establishment and until they reach their designated table.*” The Board agreed.

There was no other public comment.

The Board agreed to strike the last bullet point as it was redundant.

Commissioner Batchelder said that Boyd had recommended that the County not pursue a variance from the 10 mile rule as it would impact County residents, in addition to being nearly impossible to enforce. The Board agreed to amend the fourth bullet point in the “Recreation” guidance to state “*Camping should be limited to one group of no more than 10 people per campsite.*” The Board further agreed to strike the bullet point pertaining to group camping.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters, to approve and authorize signatures from the Board of Health on a letter addressed to Jill Hunsaker Ryan, Executive Director with the Colorado Department of Public Health and Environment (CDPHE) concerning a Variance Request for Restaurants and Recreation, as amended.

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

Commissioner Batchelder voted in the affirmative.

Commissioner Tisdell voted in the affirmative.

Commissioner Peters voted in the affirmative.

There was no discussion. Motion passed unanimously.

D. 12:04 Commissioner/Administrative Reports:

Carol Viner, County Attorney, discussed the following:

- 1) **Zoom Meetings** – Viner discussed proper procedure during virtual meetings. She cautioned the Board from violating the Open Meetings Law. The Board had a discussion with Viner regarding speaking on behalf of the Board and speaking as individual Commissioners.

Commissioner Peters discussed the following:

- 1) **Top of the Pines, Inc (TOP) Events** – Commissioner Peters requested that Kingery provide guidance to the TOP Board regarding events at the property. The Board agreed. Hunt said that the Ouray County 4-H Event Center was facing similar challenges and had experienced several cancellations.

Commissioner Tisdel discussed the following:

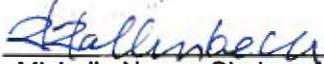
- 1) **General Updates** – Commissioner Tisdel discussed changes to the West Region Wildfire Council (WRWC) Chipping Program, impacts on the residential assessment rate, and CARES Act funding.

Commissioner Batchelder discussed the following:

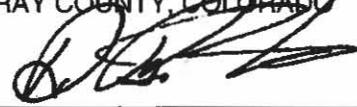
- 1) **Sales Tax Revenues** – Commissioner Batchelder explained his methodology for tracking sales tax revenue to determine the potential impact of COVID-19 on the County's budget.

1:07 The Board of County Commissioners adjourned the regular session.

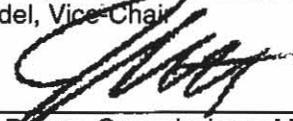



Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO


Don Batchelder, Chair


Ben Tisdel, Vice-Chair


John E. Peters, Commissioner Member