

The Board of County Commissioners met in regular session on June 30, 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 and in person pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

A. 9:02 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.

Jack's Place Road Request

Vicki Lane, Jack's Place resident, requested a cost-share program for crack sealing on Jack's Place. She said that the road was a non-maintained County Road and suggested that the project coincide with the County crews crack sealing County Road 1. The Board agreed to direct the request to the Interim Road and Bridge Superintendent.

B. 9:06 The Board of County Commissioners convened as the Board of Social Services to consider the following items:

Carol Friedrich, County Social Services Director, was present.

- 1. Request for approval of the following reports and authorization of the Chair's signature on certification page:**
 - a. Balance Sheet, April 2020:**
 - b. Earned Revenue and Expenditures, April 2020:**
 - c. Expenditures through Electronic Benefit Transfers, April 2020:**
 - d. Check Register, May 2020:**
 - e. County Allocation / MOE Report, APR-2020:**

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve the Balance Sheet, April 2020; Earned Revenue and Expenditures, April 2020; Expenditures through Electronic Benefit Transfers, April 2020; Check Register, May 2020; County Allocation / MOE Report, APR-2020, and authorized the Chair's signature on the certification page.

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. Caseload Report:

The Board discussed increases in program utilization, specifically in Medicaid and SNAP. Friedrich said that she was working to cross-train staff members to manage the increase in program.

- 3. Request for approval and authorization on Chair's signature on the following items and associated Fiscal Impact Forms:**
 - a. Collaborative Management Program (CMP) Memorandum of Understanding:**
 - b. Purchase of Service Agreement Regional Core Services Substance Abuse and Additional Family Services with the Center for Mental Health:**
 - c. Purchase of Service Agreement Regional Core Services for Mental Health Services with The Center for Mental Health:**
 - d. Agreement for Service for School-Based Behavioral Services with The Center for Mental Health:**
 - e. Purchase of Service Agreement with Court Appointed Special Advocates (CASA) of the 7th Judicial District for Supervised Visitation Services:**
 - f. Purchase of Service Agreement with Drug Testing Telluride for Substance Abuse Treatment and Monitoring Services:**
 - g. Contract for Alternate Legal Services with Herb McHarg, Meridian Law Group, P.C.:**

The Board agreed to minor amendments.

Commissioner Peters asked if there were statistics pertaining to community mental health during the COVID-19 pandemic. Friedrich said that it was something that she tracked for Core Services, and the

County Emergency Manager had convened a Mental Health Subcommittee to address unmet needs. Friedrich was encouraged by The Center for Mental Health teletherapy expansion.

Commissioner Peters inquired about the type of drug that was most frequently used by County residents. Friedrich replied that alcohol was the biggest issue.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize the Chair's signature on the Collaborative Management Program (CMP) Memorandum of Understanding; Purchase of Service Agreement Regional Core Services Substance Abuse and Additional Family Services with The Center for Mental Health; Purchase of Service Agreement Regional Core Services for Mental Health Services with The Center for Mental Health; Agreement for Service for School-Based Behavioral Services with The Center for Mental Health; Purchase of Service Agreement with Court Appointed Special Advocates (CASA) of the 7th Judicial District for Supervised Visitation Services; Purchase of Service Agreement with Drug Testing Telluride for Substance Abuse Treatment and Monitoring Services; Contract for Alternate Legal Services with Herb McHarg, Meridian Law Group, P.C., and on the associated Fiscal Impact Forms.

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.

C. 9:27 The Board of County Commissioners convened as the Board of Health to consider the following items:

1. Request for approval and authorization of Chair's signature on Collaborative Management Program (CMP) Memorandum of Understanding 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 Collaborative Management Program (CMP) Memorandum of Understanding 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.

F. 9:29 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.

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.

2. Request for approval of the May 19, 2020 Minutes:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the May 19, 2020 Minutes 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.

3. Request for award of Chip Seal Emulsion proposal:

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

Frownfelter said that he was hoping to begin chip sealing on July 20th. He said that logistics regarding traffic control and delays would be worked out with San Miguel and Montrose Counties.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to award proposal for Chip Seal Emulsion to Cobitco utilizing Bid Price B in the amount of \$2.51 per gallon for 29,000 gallons for a total contract price of \$72,790.00.

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.

4. Request for approval and authorization of Chair's signature on Second Addendum to Construction Agreement with Deeply Digital for Phase 2 Fiber Project and the Fiscal Impact Form:

Jeff Bockes, County IT Manager, was present. Doug Seacat, Deeply Digital, was also present.

Viner explained that the as-builds that were requested for Phase 1 were still under construction. It was her understanding that the contractor was close to completing them. She said that Seacat needed to provide a date for when they expected Phase 1 to be completed. Viner said that she found the project to be substantially complete.

Seacat said that there was no way to test the network until it made it to the carrier neutral location (CNL) in Ridgway, which would be completed in Phase 2. Viner said that it needed to be memorialized so all parties could be on the same page.

Viner recommended that additional language be added to Phase 2 of the agreement to solidify the coordination between the stakeholders, and to define completion. The Board agreed to the amendments.

M/S/P – *Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Chair's signature on Second Addendum to Construction Agreement with Deeply Digital for Phase 2 Fiber Project, as amended 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 Tisdell voted in the affirmative.
Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

D. 10:02 Ouray County Public Health Agency Fiber / Broadband Project Update:

1. Doug Seacat, Deeply Digital:

Seacat reported that 100% of the construction between Log Hill and the Montrose Recreation Center had been completed. Seacat discussed some issues with pulling fiber.

Seacat discussed challenges associated with working with other utility companies that were engaged in projects on Log Hill Mesa, particularly in the Escarpment. He said that it was important to work with them where feasible, but noted the limited space in the shoulder on the Escarpment. The Board agreed that the open trench policy was supported, but that the completion of the fiber project took precedence.

Bockes said that Phase 2 of the project may require some coordination with the United States Forest Service as the project would traverse past public lands on County Road 17. The Board directed Bockes to keep the County Administrator informed and to schedule a work session for discussion if issues or impacts to schedule were anticipated.

E. 10:29 The Board of County Commissioners convened as the Board of Adjustment to consider the following items:

Bryan Sampson, Associate Planner, was present.

- 1. 10:29 Application: Request for approval of a variance from Section 2, Accessory Dwelling Unit, Subsection B of the Ouray County Land Use Code to construct an accessory dwelling unit (ADU) approximately 1,730 feet from the primary dwelling unit.**

Applicant: Patrick and Kimberly Brighton

Location: 7322 County Road 1

Commissioner Batchelder opened the public hearing and explained the procedures.

Sampson explained the request. He said that the applicants were seeking to construct an accessory dwelling unit (ADU) 1,730 feet from the primary dwelling unit. Pursuant to Section 2 of the Land Use Code, ADUs must be within 300 feet for the primary dwelling unit. He explained that the applicants cited visual impacts, financial implications from extending the utilities, forest regeneration and protection of rural character as justifications for the variance. Sampson said that if the application was approved, Staff recommended that the variance expire three years from the date of approval, unless the ADU was constructed.

The Board had no clarification questions for staff.

Commissioner Batchelder invited the applicants to make a presentation.

Patrick Brighton, explained that the property was 55 acres located on County Road 1. He said that if the ADU was to be constructed closer to the primary dwelling unit, it would result in a visual impact issue for neighboring properties. He said that the utilities would have to be taken down the lengthy driveway, in addition to disturbing land that was currently being regenerated.

Commissioner Tisdel said that the purpose of the ADU was for the applicant's family. Brighton confirmed this was correct. He said that it was not the intent to utilize the unit for short-term rental purposes.

Commissioner Batchelder asked about the hardship claim that the utilities would have to be brought down the driveway. He asked about the utilities currently used by the primary dwelling unit. Brighton said that the primary dwelling unit was off grid, therefore there were no utilities to the primary unit. Commissioner Tisdel confirmed that the ADU would have water and electric. Brighton said that it would.

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

Commissioner Batchelder said that the Board needed to find specific hardships pursuant to Section 12.5(A)(4).

Commissioner Tisdel noted that the ADU provision was relatively new to the Land Use Code. He recalled that the purpose of locating the ADU within 300 feet of the primary unit was so the occupancy could be monitored by the owners of the property, particularly if the ADU was to be used as a short term rental. He requested that an additional condition be added to state that *"The ADU not be used as a short term rental unless specifically authorized by the Board."* The Board agreed to the additional condition.

Commissioner Batchelder noted that the applicants cited additional points that included revegetation of clear cut areas, in addition to visual impacts.

Brighton agreed to the additional condition.

Commissioner Batchelder said that the Board found that the applicants had submitted sufficient evidence that a hardship would be experienced if required to locate the ADU within 300 feet of the primary dwelling unit due to revegetation efforts, visual impacts, and financial implications related to utilities.

M/S/P – *Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve a variance from Section 2, Accessory Dwelling Unit, Subsection B of the Ouray County Land Use Code to construct an accessory dwelling unit (ADU) approximately 1,730 feet from the primary dwelling unit, as applied for by Patrick and Kimberly Brighton at 7322 County Road 1, with the condition proposed by Staff and additional condition agreed to by 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.

Commissioner Batchelder closed the public hearing.

2. 10:54 Application: Request for approval of a variance from Section 3.8(A)(5)(b) of the Ouray County Land Use for construction of a carport inside the 10 foot setback of the Alpine Zone.

Applicant: Lance B. Snyder and Olivia Snyder Revocable Trust

Location: 402 County Road 14

Commissioner Batchelder opened the public hearing and explained the procedures.

Sampson explained the request. He said that the applicants were requesting a reduction in the side/rear property line setback from ten feet to zero feet, for the purpose of constructing a carport on the eastern side of the parcel. Sampson said that the applicant's justifications included the exceptionally small size of the property; exceptionally steep nature of the property; the triangular shape of the property, and shallow building area.

The Board had no clarification questions for staff.

Commissioner Batchelder invited the applicant to make a presentation.

Lance Snyder, applicant, said that he had obtained permission from his neighbor for construction of the carport. He said that the structure would not be visible from the adjoining property or from the County Road. Snyder explained that the purpose of the carport was to protect his parking area from rocks that frequently fell from the steep slope above.

Commissioner Peters asked if the brown area on the site map was a concrete driveway. Snyder said that it was. He said that the paved driveway abutted the rock wall. He said that the shape of the carport would be determined by the terrain.

Commissioner Peters confirmed that there was currently a rockfall hazard taking place. He said that the carport structure would help to protect assets from rocks. Snyder affirmed Commissioner Peters' statement was correct.

Commissioner Batchelder opened the hearing for public comment and noted that the adjacent property owner had submitted a letter supporting the application. An additional letter had been received from Alan Staehle supporting the project, so long as there were no impacts to the County Road right of way. Hearing no other public comment, Commissioner Batchelder closed the public comment portion of the hearing.

Commissioner Tisdel found that the parcel was indeed exceptionally steep, small and odd shaped; additionally, it was necessary to construct something immediately adjacent to the property line in order to protect vehicles or other items from rockfall hazard.

Commissioner Batchelder added that the adjoining property owner supported the application as the parcel as very steep and likely unbuildable; the construction of a carport in the location proposed would likely have no impact.

The Board agreed to the findings and the mitigating factor.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve a variance from Section 3.8(A)(5)(b) of the Ouray County Land Use for construction of a carport inside the 10 foot setback of the Alpine Zone as applied for by Lance B. Snyder and Olivia Snyder Revocable Trust located at 402 County Road 14 with the three conditions proposed by staff.

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.

Commissioner Batchelder closed the public hearing.

11:10 Break:

F. 11:16 General Business, continued:

3. Request for adoption of Resolution 2020-021 designating the Ridgway Town Hall / Fire Station as a Historic County Landmark:

Don Paulson, Ouray County Historical Society, and Patrick O'Leary, property owner, were present.

Commissioner Peters questioned if the proposed development of the property would affect the historical status. Paulson said that he reviewed the structure for historic purposes. Commissioner Peters said that he wanted the integrity of the historic aspects to remain. Paulson said that the County's historic designation did not prevent the property owner from changing the building. He was aware that O'Leary was interested in seeking State Historic Funds to help rehabilitate and renovate the property.

O'Leary explained that it was his intent to develop the property for approximately 30,000 square feet of mixed use space, including work force housing and commercial space that retained the historical building.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-021 designating the Ridgway Town Hall / Fire Station as a Historical County Landmark.

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 adoption of Resolution 2020-022 amending Resolution 2020-020 Setting Forth a Plan for a Safe Reopening of Public Facilities to make a correction to Exhibit A of ("Safe Reopening Plan"), item 2, bullet 5:

Hunt said that the amendments corrected an error in the previous iteration of the resolution.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-022 amending Resolution 2020-020 Setting Forth a Plan for a Safe Reopening of Public Facilities to make a correction to Exhibit A of ("Safe Reopening Plan"), item 2, bullet 5.

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. Discussion and possible action regarding potential fire restrictions:

Lance FitzGerald, County Sheriff, was present.

Commissioner Tisdel relayed communications he had with surrounding counties and land managers. He recommended that the County consider entering into Stage 1 fire restrictions.

FitzGerald agreed that it should be a regional effort. He agreed with Commissioner Tisdel that the northern section of the County was very dry.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to enter into Stage 1 Fire Restrictions, effective July 2, 2020.

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.

G. 11:49 Michelle Garrett, Management of America:

1. Cost Allocation Presentation:

Michelle Garrett, Management of America, was present.

Garrett presented the report. The Board authorized Hunt to certify the report and submit it to the state.

H. 12:00 Commissioner/Administrative Reports:

1. Update on Colorado Fire Commission:

Commissioner Tisdel explained that the Commission had been convened to review the State's wildfire preparation and response. Commissioner Tisdel served on the Commission. He said that the Commission had worked on the report and recommendations for the past ten months and that the Board had the opportunity to review prior to the submittal of the documentation. He said that the funding subcommittee was recommending some changes, particularly in the area of cost avoidance and how the Emergency Fire Fund worked.

Commissioner Peters said that the document was very informative. He believed that mitigation was the best way to prevent future fires. He encouraged the County and public land managers to support mitigation programs.

Carol Viner, County Attorney, discussed the following:

- 1) **Law Enforcement Integrity Act** – Viner reported that the state legislature had passed the Act and that body cameras for law enforcement officers would be required beginning in 2023. Additionally, the amount of governmental immunity officers had would be reduced.

Connie Hunt, County Attorney, discussed the following:

- 1) **CARES Act Funding Letter** – The Board agreed to authorize Chair's signature on the submittal letter opting into the CARES Act funding program. The letter would be included on a future meeting agenda for ratification.
- 2) **County Facilities Reopening** – Hunt said that County offices were gearing up to reopen to the public on July 1st.
- 3) **County Administrator Evaluation** – The Board authorized Hunt to utilize Commissioner's signature stamps to finalize the evaluation.

Lance FitzGerald, County Sheriff, discussed the following:

- 1) **Update** - FitzGerald provided an update regarding Sheriff Office activities over the weekend.

Commissioner Batchelder discussed the following:

- 1) **Colona Election Dropbox** – Commissioner Batchelder reported that the Board had received a request for the installation of an elections dropbox in Colona. The Board agreed to direct Hunt to work with the Clerk and Recorder to determine if that was possible.

12:27 The Board adjourned the regular session.



Attest:

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

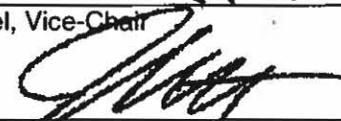
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Don Batchelder, Chair



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John E. Peters, Commissioner Member