



The Board of County Commissioners met in regular session on August 4, 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. 9:01 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.*

**Larson Brothers Mine**

Pat Willits, Trust for Land Restoration (TLR), was present to inform the Board of a situation at the mine opening near the Larson Brothers Mine. The mine opening was not located on County-owned property, but was adjacent to a parcel of land that was owned by the County. Willits said that two metal gates protecting the mine opening were broken and needed to be replaced. TLR had notified the United States Forest Service (USFS) of the issue. Willits said that the Division of Reclamation, Mining and Safety (DRMS) was planning to hang a new gate and the existing snowshed structure may need to be removed. Commissioner Tisdell agreed that it was the right action for the USFS to take to replace the gate as it could be dangerous. The Board agreed to authorize staff to work with the USFS and allow work on the County property, if necessary.

**Environmental Protection Agency (EPA) Camp Bird Mine Tailings Remediation Project**

Martin McComb, EPA, said that the project would be completed at the end of the summer. He applauded the contractors and stakeholders for their commitment to the project. He said that the plans for the future included ongoing maintenance and clean up on other piles by the property owner. He said that some work related to the project would continue into the fall in order to encourage the vegetation on the tailings piles. Monitoring of the piles would continue in the future.

**B. 9:23 The Board of County Commissioners convened as the Board of Health concerning the following item:**

*Tanner Kingery County Planning Director, and Carol Friedrich, County Social Services Director, were present.*

- 1. Request for approval and authorization of the Chair's signature on Agreement for Rental of Rooms Needed for Non-Congregate, Non-Medical Shelter between Ouray Chalet and the Ouray County Board of Health:**

Friedrich explained that the agreement would allow the Public Health department to house COVID-19 positive individuals who may not be able to safely quarantine in their homes. She said that the cost of the program would be reimbursed through FEMA.

Commissioner Peters asked for clarification regarding how the quarantine would work, particularly if the lodging establishment was continuing to rent rooms to the public. Friedrich explained that the occupant would enter into an agreement that explained that the person was not allowed to leave the room; food and other supplies would be delivered. If the occupant failed to quarantine, they would be asked to leave and responsible for the room charges.

Hunt attested that the County's procurement policy had been followed.

**MIS/P** – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Chair's signature on Agreement for Rental of Rooms Needed for Non-Congregate, Non-Medical Shelter between Ouray Chalet and the Ouray County Board of Health.

*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. Ratification of approval and authorization of Public Health Director's signature Letter to Jill Hunsaker Ryan, Executive Director with the Colorado Department of Public Health and Environment requesting clarification and amendment to the variance concerning swimming pools and hot springs capacities:**

Commissioner Tisdell inquired about the capacity limit for the indoor pool at Orvis Hot Springs. Kingery did not know the specific capacity of each pool at the facility. Commissioner Batchelder said that if the Variance request was granted, Kingery would be responsible for working with each facility to determine capacity limits.

**MIS/P** – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Public Health Director's signature on Letter to Jill Hunsaker Ryan, Executive

Director with the Colorado Department of Public Health and Environment requesting to clarify and amendment to the variance concerning swimming pools and hot springs capacities.

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. 9:39 Road and Bridge Reports:**

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

**1. Road and Bridge Report:**

Frownfelter provided an update regarding the chip seal work on County Road 1, road repairs on Engineer Pass, and other upcoming work.

**2. Discussion/Direction and possible action concerning Improvement Agreement between Ouray County and Patricia Mathews concerning a cost share for the installation of a driveway culvert in the CR 22 right-of-way:**

Patricia Mathews, property owner, was present.

Frownfelter explained that the situation near Mathews' driveway was very complicated and often resulted in the road and driveway becoming flooded or washed out during rain events.

Commissioner Tisdel said that the concept of the agreement was for the County and the property owner to cost share the work and to develop a sustainable solution that would mitigate the drainage issues. The Board agreed to amend the language in the document to contemplate the County's purchase of a new culvert of an appropriate diameter and length, and gave authorization to the County Engineer to determine what was best for the repair and to determine what the cost share would be.

**MIS/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize Chair's signature on Improvement Agreement between Ouray County and Patricia Mathews concerning a cost share for the installation of a driveway culvert in the County Road 22 right-of-way, as amended.

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. Review and authorization for County Administrator to work with a financial institution or company for lease purchase financing of heavy equipment:**

**MIS/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize the County Administrator to work with a financial institution or company for lease purchase financing of heavy equipment.

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.

**D. 10:20 Public Hearing – Special Use Permit:**

**1. Review a recommendation from Staff and Planning Commission regarding an application submitted by Charles Van Alsborg, authorized agent for Angela Oberg, for approval of a Special Use Permit to operate a convenience store and liquor store in the existing commercial building located at 36926 Highway 550 in Colona (aka Colona Store):**

Mark Castrodale, County Planning Director, was present.

Commissioner Batchelder opened the public hearing and explained the procedures.

Castrodale provided a history of the property. He said that the Colona Store was constructed in 1950, prior to the establishment of County zoning and land use regulations. In 1982, a special use permit was granted establishing the lot as a Commercial PUD for the purpose of selling merchandise, fuel, and liquor. The permit was issued indefinitely. Castrodale said that the property owner had recently applied for and received a zoning designation change from the Valley Zone to the Colona Zone. He said that the conditions of the zoning change required that the original Special Use Permit issued in 1982 be rescinded; any future commercial use of the structure would require a new Special Use Permit approval.

Castrodale explained that as a part of the rezoning approval, Colorado Department of Transportation (CDOT) had requested that the northern access point be closed. The applicant had agreed to the request and it had been included as a condition, if approved.

Castrodale said that the application had been reviewed by the Planning Commission and voted unanimously to forward the application to the Board with the recommendation of approval with the inclusion of six conditions.

Commissioner Tisdell asked if any details were known about proposed signage. He specifically wanted to know about the potential for an existing sign to be illuminated, which was not permitted by current Land Use Code regulations. Castrodale was not sure about any plans for signs.

Mike Van Alsbury, representing the applicant, said that the intention was to reopen the existing store and gas station. He assured the Board that any existing signage would be brought into compliance.

Commissioner Batchelder opened the hearing for public comment.

Scott Bridgman, County Road 22 resident, supported the application, saying that it would be a welcome addition to the area.

Craig Jackman, Colona resident, agreed with Bridgman. He agreed that the signage needed to be in compliance with current Land Use Codes.

Brian Hoops, Buckhorn Road resident, was concerned about headlights affecting his residence. Commissioner Batchelder encouraged Hoops to work directly with the applicant to mitigate the concern. Van Alsbury said that the applicant had planned to install some fencing along the area where Hoops was concerned.

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

Commissioner Batchelder said that the building had not been used as a store for over six months, therefore, according to the Land Use Code; any existing signage would have to comply with current Land Use Code. Castrodale agreed. The Board agreed to add an additional condition to state: *"All signs related to the subject use shall be in full compliance with the Ouray County Land Use Code, Section 8 – Outdoor Sign Regulations."*

**M/S/P** – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve an application submitted by Charles Van Alsbury, Authorized Agent for Angela Oberg, for a Special Use Permit to operate a convenience store and liquor store in the existing commercial building located at 36926 Highway 550 in Colona (aka Colona Store) with the six conditions recommended by Planning Commission and staff, and an additional condition regarding compliance with the Ouray County Land Use Code Sign Regulations.

*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.*

**10:40 The Board took a short break:**

**E. 10:46 The Board of County Commissioners convened as the Local Licensing Authority to consider the following item: (This item was continued from July 28, 2020)**

**Request: Request for approval of a Retail Marijuana Store**  
**Applicant: JaxCove, LLC (Landowner) Kind Colona, LLC, dba The Kind Castle**  
**Location: 55 Hotchkiss Avenue, Colona, CO**

*Bryan Sampson, County Associate Planner, was present.*

Sampson explained that the applicant had requested a continuation in order to allow the development of additional leases with the property owner.

**M/S/P** – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to continue consideration of approval of a Retail Marijuana Store to August 25, 2020 at 1:30 PM.

*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.*

**F. 10:51 General Business:**

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

**M/S/P** – Motion was made by Commissioner Tisdell 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 and authorization of Chair's signature on Tax Sale Internet Auction Services Agreement and on its 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 Tax Sale Internet Auction Services Agreement 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.

**~~3. Review and authorization for County Administrator to work with a financial institution or company for lease purchase financing of heavy equipment: (moved under Road and Bridge Reports C-3, above)~~**

**4. CCI Legislative Updates:**

Commissioner Tisdel reported that Club 20 and CCI were planning to conduct a review of the 2020 ballot initiatives.

**5. Request for approval of the July 2, 2020 Emergency Special Meeting Minutes:**

Commissioner Peters requested amendments. The Board agreed to review the minutes during a future meeting.

**6. Request for adoption of the following resolutions:**

- a. **Resolution 2020-024** approving a variance to allow the construction of an accessory dwelling more than 300 feet from the primary dwelling located at 7322 County Road 1, as applied for by Patrick and Kimberly Brighton: *(This application as approved by the Board during the June 30, 2020 Meeting.)*

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-024 approving a variance to allow the construction an accessory dwelling more than 300 feet from the primary dwelling located at 7322 County Road 1, as applied for Patrick and Kimberly Brighton.

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.

- b. **Resolution 2020-025** approving a variance to allow the construction of a carport within the 10 foot setback of the Alpine Zone, located at 402 County Road 14, as applied for by Lance Snyder: *(This application was approved by the Board during the June 30, 2020 Meeting.)*

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to adopt Resolution 2020-025 approving a variance to allow the construction of a carport within the 10 foot setback of the Alpine Zone, located at 402 County Road 14, as applied for by Lance Snyder.

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 ratification of removal of Stage 1 Fire Restrictions in the unincorporated Ouray County as recommended by the County Sheriff pursuant to Resolution 2020-018:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to ratify approval of removal of Stage 1 Fire Restrictions in the unincorporated Ouray County as recommended by the Ouray County Sheriff pursuant to Resolution 2020-018.

*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.*

**8. Discussion and possible action concerning the following fiber / broadband project items:**

*Jeff Bockes, County IT Manager, and Doug Seacat, Deeply Digital, were present.*

**a. Change Order increasing fiber strands from 96 to 144:**

Commissioner Batchelder asked if the Board approved of increasing the fiber strands from 96 to 144 from Ridgway to Ouray. The Board agreed to direct staff to prepare a change order to increase the fiber count to 144.

**b. Alternate Fiber Route through Ridgway:**

Seacat explained that the proposal would change the original route through Ridgway, resulting in the need for Deeply Digital to build additional conduit on an alternate path down Lena Street. Seacat said that the new route would result in physical separation from existing fibers, in addition to other benefits.

The Board agreed to the direction proposed by Seacat.

**c. Potential Use of Clearnetworkx conduit if desired:**

Bockes explained that the County could elect to share conduit space with Deeply Digital/Clearnetworkx for segments of Phase 2. He said that it would result in approximately \$38,000 worth of savings; however, it would result in the sharing conduit that could limit future expansion, and result in possible interruptions while work was done in the shared conduit. It was not Bockes' recommendation for the Board to agree to the shared conduit.

**M/S/P** – *Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve and authorize Chair's signature on a Change Order to increase the fibers strands from 96 to 144 in the amount of \$53,325 and to approve the alternate route through Ridgway as presented in the amount of \$61,006.*

*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.*

**H. 11:56 Commissioner/Administrative Reports:**

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

- 1) **Clerk and Recorder** – Hunt said that the department currently had two staff members on family and medical leave and that another employee was needed ahead of the general election. The Board agreed to ratify approval of the recruitment of a deputy Clerk and Recorder on a future meeting agenda.

**Commissioner Tisdell** discussed the following:

- 1) **Gunnison Valley Transportation Planning Region (GVTPR)** – Commissioner Tisdell reported that the Colorado Department of Transportation (CDOT) was shifting how money was saved for projects. He said that CDOT was no longer able to save for future year projects. He said that the Billy Creek project may be affected. He said that the shoulder and resurfacing project between Ouray and Ridgway was still planned for construction in 2022.

**G. 12:03 The Board of County Commissioners convened into an Executive Session pursuant to C.R.S. 24-6-402(4)(b) and (e) for a conference with the County Attorney to receive legal advice and to determine positions relative to negotiations regarding Ouray District Court, Case 2019CV30000:**

**M/S/P** – *Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to convene into an Executive Session pursuant to C.R.S. 24-6-402(4)(b) and (e) for a conference with the County Attorney to receive legal advice and to determine positions relative to negotiations regarding Ouray District Court, Case 2019CV30000.*

*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.*

12:04 The Board of County Commissioners entered into executive session:

1:35 The Board of County Commissioners existed executive session:

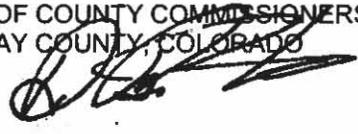
Commissioner Batchelder said that the Board just convened an executive session in which legal advice was received on the topic stated in the motion. No decisions were made and no actions were taken.

1:40 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 Tisdal, Vice Chair



John E. Peters, Commissioner Member