



The Board of County Commissioners met in regular session on January 5, 2022. Those present for the session were, Lynn M. Padgett, Chair; Jake Niece, Vice-Chair; Ben Tisdell, Commissioner Member; Connie Hunt, County Administrator; Leo Caselli, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

**A. 1:30PM The Board of County Commissioners convened as the Board of Health concerning the following:**

*Tanner Kingery, County Public Health Director, was present.*

**1. Public Health Director Update:**

Kingery reported a large increase in cases and decrease in regional hospital availability, largely due to the Omicron variant.

Kingery reported that the Public Health Department had tested 772 people in December; 282 tests had been conducted during the first week of January 2022, and he expected the demand to hold steady for the next several weeks.

**2. Request for approval and authorization of Chair's signature on the Medical Officer Agreement for Ouray County Public Health (OCPH) for 2022 and on its Fiscal Impact Form:**

Commissioner Padgett requested several amendments and asked that the Agreement considered at a future meeting. Commissioner Padgett requested that the agreement be similar to the Emergency Medical Services (EMS) Director agreement to require reports to the Board of Health, in addition to regular meetings with Hunt and Kingery.

Hunt recommended that the Board approve the agreement as presented; she would work with Kingery and the Medical Officer to determine a reporting schedule and develop an addendum for the Board's consideration.

Commissioner Niece pointed out two typos.

*M/S/P – Motion was made by Commissioner Niece and seconded by Commissioner Tisdell to approve and authorize Chair's signature on the Medical Officer Agreement for Ouray County Public Health (OCPH) for 2022 and on the Fiscal Impact Form, with the correction to the two typos as discussed. The motion carried unanimously.*

**B. 2:03PM General Business:**

**1. Request for approval and authorization of Chair's signature on Medical Director Agreement for Emergency Medical Services (EMS) for 2022 and on its Fiscal Impact Form:**

Commissioner Niece pointed out a typo in the term.

*M/S/P – Motion was made by Commissioner Niece and seconded by Commissioner Tisdell to approve and authorize Chair's signature on Medical Director Agreement for Emergency Medical Services (EMS) for 2022 and on its Fiscal Impact Form, as amended. The motion carried unanimously.*

**C. 2:03PM 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.*

**Hunt's 20<sup>th</sup> Anniversary**

Commissioner Tisdell recognized Hunt for her 20 years of service as the County Administrator.

**2:13-2:15 Break:**

**Domestic Sheep Grazing Allotments**

Linda Ingo, Ridgway resident, was present to update the Board regarding the Colorado Wool Growers Association comments pertaining to domestic sheep grazing and the Rocky Mountain Big Horn Sheep. Commissioner Padgett thanked Ingo for sending the letter to the Board, but clarified that the Wool Growers Association letter spoke to the state as whole, but that the comment letter that the Board recently approved was specific to the Rocky Mountain Big Horn Sheep Unit 21 in the American Flats areas in the southeastern part of Ouray County.

**Private Gun Range**

Brad Johnson, Ridgeview Lane resident, was present representing approximately 32 area residents to make the Board aware of a private shooting range that had been built on private property located near the intersections of County Roads 24 and 1. He said that he had first heard excessive gunfire on the property and discovered a group of people shooting an excessive amount of ammunition for over two hours on November 13, 2021. Johnson reported that a portion of the property had been graded to create a u-shape, behind which were other houses in the subdivision. Johnson said that he had reported the incident to the Ouray County Sheriff's office, but was informed that nothing could be done citing 2<sup>nd</sup> Amendment issues. Johnson said that the activity continued every weekend through November and December. He said that he was told by the Sheriff's office that there were no regulations that pertained to private shooting ranges. Johnson presented a map depicting the property, and identified seven homes within ¼ mile, fifteen homes within a ½ mile, and 32 homes within a mile of the property. Johnson said that the noise had a significant impact on the wildlife population that lived in the valley. Johnson read from the Ouray County Master Plan and highlighted the purpose to balance development and residents' quality of life. He also noted that the County had a host of regulations that endeavored to protect the County's beauty, including Land Use Code regulations, and Ordinances.

Johnson requested the Board to take his concerns seriously and schedule time to discuss the following topics/questions:

- 1) Can the property owners guarantee the safety of their neighbors when using the shooting range;
- 2) Impact of the shooting range on wildlife;
- 3) Impact of the shooting range on the neighbor's quality of life and property values;
- 4) If the Board cannot enact or enforce regulations regarding shooting ranges, what precedence will be set for future activities like this?
- 5) Is there a need for additional shooting ranges or gun clubs? Johnson said there was currently a County Gun Club.

Commissioner Tisdell said that there were other areas in the County where private shooting activities were an issue, including on County Road 14.

Caselli said that the County Ordinance 1992-01 governed noise on public and private properties and gave the enforcement authority to the County Sheriff. He said that he could discuss enforcement with the Sheriff. He recognized that there were constitutionality issues.

The Board directed that the topic be added to the work session list, pending completion of legal research by Caselli, and consultation with the County Sheriff. Commissioner Tisdell added that there was some state legislation submitted by Gilpin County that may deal with the issue as well.

David Beckhardt, County Road 22A, asked if Land Use Staff had any role in administering Ordinance 1992-01. He said that the activity described by Johnson appeared to be in violation of Ordinance 1992-01.

**D. 2:45PM Road and Bridge Report:**

**1. Road and Bridge Report:**

*Ty Barger, County Road and Bridge Superintendent, was present.*

Barger presented the report. The Board agreed to schedule a work session to review the right-of-way encroachment permit.

**E. 2:55PM Ouray Silver Mines, Inc. (OSMI):**

**1. Ouray Silver Mines, Inc. Revenue-Virginus Mine – Hard Rock Reclamation Permit Amendment Application #2:**

*Poppy Staub, Todd Jesse, and Buck Andrews, OSMI, were present.*

Staub gave an update on changes to OSMI's operations and senior staff. She explained that a rock movement event had resulted in a 50% reduction in OSMI staff. She said that ore production continued, but that recent snowfall had delayed operations.

Staub updated the Board regarding Permit Amendment Application #2. She said that the application had been submitted and deemed complete by the DRMS. She expected the decision would be made in late May.

The Board agreed to consider a letter of support for the application on a future meeting.

**F. 3:14PM General Business:**

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

*M/SIP – Motion was made by Commissioner Niece and seconded by Commissioner Tisdell to approve the warrants as presented. The motion carried unanimously.*

**2. Request for approval and authorization of Chair's signature on Intergovernmental Agreement for Noxious Weed Program Management between Ouray County and San Miguel County and on its Fiscal Impact Form:**

The Board agreed to minor changes to the Fiscal Impact Form.

*M/SIP – Motion was made by Commissioner Niece and seconded by Commissioner Tisdell to approve and authorize Chair's signature on Intergovernmental Agreement for Noxious Weed Program Management between Ouray County and San Miguel County and on its Fiscal Impact Form, as amended. The motion carried unanimously.*

**3. Request for approval and authorization of Chair's signature on the following Engineering Agreements and on the Fiscal Impact Forms:**

**a. Sixth Amendment to Professional Services Agreement with Short Elliot Hendrickson (SEH), Inc.:**

**b. Sixth Amendment to Professional Services Agreement with Buckhorn Engineering (formerly DOWL Engineering, Inc.):**

*M/SIP – Motion was made by Commissioner Niece and seconded by Commissioner Tisdell to approve and authorize Chair's signature on Sixth Amendment to Professional Services Agreement with Short Elliot Hendrickson (SEH), Inc. for Engineering Services and on the Fiscal Impact Form; and Sixth Amendment to Professional Services Agreement with Buckhorn Engineering (formerly DOWL Engineering, Inc.) for Engineering Services on the Fiscal Impact Form. The motion carried unanimously.*

**4. Request for approval and authorization of Chair's signature on Pre-Grant Application Form for Emergency Management Performance Grant (EMPG) for 2022:**

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Pre-Grant Application Form for Emergency Management Performance Grant (EMPG) for 2022. The motion carried unanimously.

**5. Request for approval and authorization of Chair's signature on Electronic Recording Technology Board Grant Award Letter:**

Michelle Nauer, County Clerk and Recorder, was present.

The Board discussed the conditions of the agreement.

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Electronic Recording Technology Board Grant Award Letter. The motion carried unanimously.

**6. Request for approval of the November 2021 Public Trustee Report:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to approve the November 2021 Public Trustee Report. The motion carried unanimously.

**7. Request for designation of CCI member and approval and authorization of Chair's signature on CCI Proxy Form:**

**M/S/P** – Motion was made by Commissioner Padgett and seconded by Commissioner Niece to designate Carol Friedrich as the primary designee and Tanner Kingery as the secondary designee of CCI members, and approve and authorize Chair's signature on CCI Proxy Form. The motion carried unanimously.

**8. Request for approval of the following minutes:**

**a. August 3, 2021 Board of Equalization Minutes:**

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to approve the August 3, 2021 Board of Equalization Minutes. The motion carried unanimously.

**b. August 11, 2021 Special Meeting Minutes:**

Hollenbeck called out a correction to the executive session attest.

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Padgett to approve the August 11, 2021 Special Meeting Minutes, as amended. The motion carried unanimously.

**c. August 13, 2021 Special Meeting Minutes:**

Commissioner Tisdel clarified that Hunt had been authorized to move forward with negotiations regarding developing an employment offer for County Attorney. The Board agreed.

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to approve the August 13, 2021 Special Meeting Minutes, as amended. The motion carried unanimously.

**d. August 24, 2021 Regular Meeting Minutes:**

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Padgett to approve the August 24, 2021 Regular Meeting Minutes. The motion carried unanimously.

**9. Request for adoption of the following Resolutions:**

**a. Resolution 2022-001 authorizing the County Administrator to approve and sign contracts, agreements, and other documents for Calendar Year 2022:**

The Board agreed to minor changes correcting the term to 2022 and the amount to \$24,999.99.

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to adopt Resolution 2022-001 authorizing the County Administrator to approve and sign contracts, agreements, and other documents for Calendar Year 2022, as amended. The motion carried unanimously.

**b. Resolution 2022-002 authorizing the County Administrator to approve and sign warrants up to a determined amount for payments that must be made expeditiously:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to adopt Resolution 2022-002 authorizing the County Administrator to approve and sign warrants up to a determined amount for payments that must be made expeditiously. The motion carried unanimously.

**3:54-4:05 Break:**

**10. Request for approval and authorization of Chair's signature on Contract for Ouray County EMS Skijor Standby at the Ouray County Fairgrounds, January 8-9, 2022:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to approve and authorize Chair's signature on Contract for Ouray County EMS Skijor Standby at the Ouray County Fairgrounds, January 8-9, 2022. The motion carried unanimously.

**11. Request for approval and authorization of Chair's signature on Intergovernmental Agreement with the Town of Ridgway, City of Ouray and Ouray County for Shared Victim Advocate(s) Services for 2022:**

The Board requested that they be provided with reports for utilization.

Robyn Cascade, Ridgway resident, recognized that the County did not supervise the position or the program currently administered through the Town of Ridgway and its Marshal's Department; however, speaking on behalf of a grassroots group involving victim advocacy, she encouraged the Board to consider changing the supervising body to the County Sheriff's Department. She said, based on the training and expertise present in the Sheriff's Office, it was the better agency to house and oversee the program. She recognized that it would not happen in this year, but requested consideration for the next funding cycle. Cascade supported periodic or regular review of the monthly reports to see trends in incidences, reports and to be able to determine if the services were adequately serving the needs of the community.

The Board supported Cascade's request for increased reports and agreed to discuss changing the overseeing agency.

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Intergovernmental Agreement with the Town of Ridgway, City of Ouray and Ouray County for Shared Victim Advocate(s) Services for 2022. The motion carried unanimously.

**12. Discussion, direction and possible action regarding United States Forest Service (USFS) Grand Mesa, Uncompahgre, and Gunnison National Forest Baldy Mountain Landscape Resiliency and Habitat Improvement Project:**

Robyn Cascade, Great Old Broad for Wilderness, was present.

The Board discussed the draft letter and the scope of the work, including disposal of slash, mechanical treatments and fire lines. The Board agreed to discuss the letter later in the afternoon.

**G. 4:39PM The Board of County Commissioners convened as the Board of Adjustment to consider the following item:**

- 1. Request for adoption of Resolution 2022-003 approving a variance from the provision in Ordinance 2014-001 requiring a minimum of three acres in order to obtain a long term camping permit, as applied for by Jeremy Matlock, owner of Lot 13, Elk Meadows Subdivision: (This application was approved by the Board of Adjustment during the December 16, 2021 meeting.)**

Bryan Sampson, County Senior Planner, was present.

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to adopt Resolution 2022-003 approving a variance from the provision in Ordinance 2014-001 requiring a minimum of three acres in order to obtain a long term camping permit, as applied for by Jeremy Matlock, owner of Lot 13, Elk Meadows Subdivision. The motion carried unanimously.

**F. 4:41PM General Business:**

- 12. Discussion, direction and possible action regarding United States Forest Service (USFS) Grand Mesa, Uncompahgre, and Gunnison National Forest Baldy Mountain Landscape Resiliency and Habitat Improvement Project:**

The Board agreed to schedule a work session to further develop a letter.

**13. Request for approval and authorization of the Chair's signature on At-Will Employment Contract for COVID-19 Testing Coordinator:**

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to approve and authorize Chair's signature on At-Will Employment Contract for COVID-19 Testing Coordinator. The motion carried unanimously.

**H. 4:52PM Commissioner/Administrative Reports:**

Commissioner Tisdel discussed the following:

- 1) Prevention Services** - Commissioner Tisdel requested that a representative from the 7<sup>th</sup> Judicial District be scheduled to present on a grant opportunity with Montrose and San Miguel County regarding substance abuse prevention services.

Commissioner Padgett discussed the following:

- 1) Controlled Burn Ordinance and Demolition Permits** – Commissioner Padgett requested that the topics be added to the work session list. She questioned if the Controlled Burn Ordinance served the County, noting that recent demolitions by incineration were not consistent in notification to relevant agencies and to the public.

**5:07PM The Board of County Commissioners adjourned the regular session.**



BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

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Lynn M. Padgett, Chair

Handwritten signature of Jake Niece in blue ink.

Jake Niece, Vice-Chair

Handwritten signature of Ben Tisdell in blue ink.

Ben Tisdell, Commissioner Member

Handwritten signature of Michelle Nauer in blue ink.

Michelle Nauer, Clerk and Recorder

By: Hannah Hollenbeck, Deputy Clerk of the Board