

gravel operation. A risk management approach must be addressed. Mr. Patterson, again, stated his opposition to this process and concern of this special use permit.

Henry Potter:

The Potter Ranch owns water from two ditches. There was a sand pile from the renewal resources that inadvertently caused problems with the local ditches. This needs to be addressed particularly during Spring runoff.

Bob Larson stated the stockpiles could be kept away and out of the area. The applicant, Travis Sackman, addressed where the stockpiling could occur which is upstream from the river diversion. It was unfortunate that the river changed course washing the sand downstream which is what affected the ditches utilized by Potter Ranch. Placing the stockpiles to the south end of the property would actually be a noise buffer for James Patterson. As a citizen, Cheryl Roberts addressed her concerns regarding noise. She asked that the noise factor be addressed, particularly if there is going to be an expansion of the pit. There have been previous complaints and testing has occurred according to Travis; passing with five decibels to spare. Mark Castrodale had a sound meter on a visit and found that barking dogs, wind gusts and traffic increases noise too. The screener is actually louder than the crushing equipment. Kari Wage questioned how much more traffic did SAKO anticipate? Everyone agreed traffic has slowed and there are fewer trucks. The expansion isn't anything more than moving things around, including the stockpiles. Commissioner, Mike Fedel, commented that this property has historically been a gravel operation.

Commissioner Albritton closed the public hearing at 4:20

Conditions:

Commissioner Fedel stated that he didn't have any further comments. Commissioner Padgett stated there should be a requirement to move the stockpiling of sand during the Spring Runoff to the south end of the property; creating a noise buffer for James Patterson. Lynn asked that Condition 12 state "The applicant shall make every effort to keep the stockpiling of fines in places outside of the river channel during times of runoff to prevent the loss of fines downstream."

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve the SUP for SAKO to operate a sand and gravel operation, but recognizing the addition of washing and expansion of the property to the south, accepting all conditions and the limit of 15,000 cubic yards per year extraction and shall not exceed 45,000 cubic yards of storage, making every effort to prevent the loss of fines downstream. There was no discussion. Motion passed unanimously.*

K. 4:30 Continuation of Public Hearing from August 9, 2011– Commissioner Redistricting:

On August 9, 2011, the Board of County Commissioners conducted a public hearing to discuss and receive public input on proposed Commissioner Redistricting in Ouray County. The hearing was continued to August 23, 2011, at 4:00 p.m., to allow additional time for public comment. Redistricting is a mandatory process that must take place after the decennial census data has been reviewed. This process is meant to ensure that commissioner districts are as nearly equal in population as possible and is tied to the census to ensure the most recent 2010 data is taken into consideration.

Commissioner Albritton opened the public hearing at 4:30 pm

No comments were received.

Commissioner Albritton closed the public hearing at 4:32 pm

On September 27 a resolution will be presented to the Board for approval regarding Commissioner Redistricting.

L. 4:32 Discussion concerning tires in the waterways issue: (Action may be taken by the Board or direction may be given by the Board concerning this matter.)

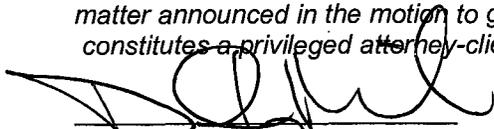
Jeff Emmons from the Department of Health was present. Mr. Emmons asked that his supervisor, Charles Johnson, be teleconferenced in to this meeting. Mr. Johnson, of the Department of Health was contacted via telephone. Sheriff Mattivi reported there had been a site visit last week. Jeff Emmons reported that the owner of the property did not have the appropriate State permits, i.e. landfill permits. Additionally, the tire hauler (Mr. Keith Maynes) was not permitted either. Commissioner Albritton summarized that there are various governmental entities involved, including law enforcement during this investigation. Charles Johnson shed some light on the solid waste management permitting requirements. The State Dept of Health has the authority over tire hauling and disposition of tires on Mr. Gunn's property, and will handle the management and disposal of the existing site. Fees, for tire collections, are also being investigated. Corrective action for reclamation on Burro Creek, Owl Creek and the Uncompahgre Rivers will be involved. The next step is to issue a report by the Colorado Department of Health. Compliance advisory is required, otherwise, the next step is to create an order to cause or compel to clean up, along with penalties. This order will be taken to District Court for enforcement purposes. The Army Corp of Engineers could be involved in obtaining permissions to get in the river. Water Quality Control has been contacted; is aware of the issue and may be involved also. Commissioner Padgett questioned if the tires would be left in the river drainages forever? It is not the intentions to leave waste in our rivers. There are still thousands of uncovered tires on site and up to 1,000 tires involved in the flood incident. The area has been smoothed out from the original arroyo and there may be 3,000 to 4,000 tires left, still

covered. Lynn stated there may be fifteen to twenty miles of drainage ways that have been impacted across county lines. Jeff (Commissioner Padgett's husband) has been in contact with folks at the Trout road diversion area that have not seen anything unusual. This dumping has been going on for fifteen to twenty years. Again, the tire disposal fee issue arose. When information is available, the BOCC will be notified. According to Mr. Johnson, Mr. Gunn and Mr. Maynes will be financially responsible for the clean up. Mr. Johnson said all parties and governing entities will be involved. Ken Lipton questioned the existing buried tires, will they remain? If they remain, there must be assurance and funding for as long as thirty plus years or more to be certain another catastrophe like this would not occur. Is this a civil or criminal matter? Mr. Johnson would not address this issue but that he has full authority to make the appropriate referrals for further investigation. John Esty asked if there were other tire companies involved. Has there been an official cease and desist order? Jeff Emmons has strongly suggested to Mr. Gunn and Mr. Maynes that no more waste be deposited and to discontinue any earthmoving otherwise, there will be possible fines. Even if a cease and desist order was in place they could still be moving tires around. Unfortunately, there are not a lot of inspectors in the field to investigate every reported incidence. If Mr. Gunn does not comply, resources will be tapped. Corrective action investigations will determine if there are any hazardous materials or liquids leaking out. Commissioner Padgett questioned if there were any aerial photos taken. Sheriff Mattivi stated there had been none. Ron Mabry questioned if there were other areas that had been disturbed on this parcel? Howard Greene commented there had been tire trucks seen driving into the area. Were there reports filed or citing of these tire trucks? What would be protocol in a normal situation? There are approximately 120 reports annually, statewide. All reports are investigated and folks are asked to participate in investigations, if possible. Mr. Johnson addressed the partnering of local enforcement. Cheryl Roberts questioned what is a legal dump? Permitted landfills and properties known as "one zone waste on one zone properties" are obligated to forward plans to the Division. Commissioner Padgett asked when this report will be released. Mr. Emmons responded "hopefully by this week" and that it is being reviewed in Denver at the moment. Commissioner Albritton stated the Land Use office has been asked to check into this matter also. She summarized the love and pristine beauty of Ouray County is why there is such concern.

M. 5:31 Executive Session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice, and C.R.S. § 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning a letter received from Roger Sagal concerning the Medical Director position:

Those participating in the executive session were County Attorney David Masters, Administrator Connie Hunt, and Commissioners Padgett, Fedel and Albritton.

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.


 David Masters, Interim County Attorney

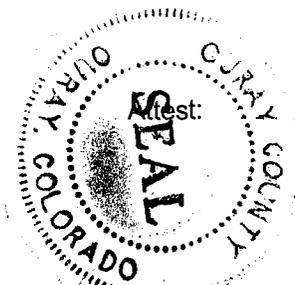
 Heidi M. Albritton, Chair

N. 5:30 Commissioner/Administrative Reports: (if time allows)

Connie addressed a letter from Daniel Deganhart as an Eagle Scout project to work with Trails Group to work on trails from the American Girl

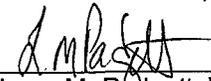
Heidi brought up the child care facility and the licensure thereof. The Mrs. Brandi day care facility is licensed and the property owner needs to be involved. A communication will need to be drafted to follow up on this issue.

Heidi discussed whether or not the volunteer EMT's are covered by the county's liability coverage. Connie stated that EMT's are covered.




 Michelle Nauer, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
 OF OURAY COUNTY, COLORADO


 Heidi M. Albritton, Chair

 Lynn M. Padgett, Vice-Chair

 F. Mike Fedel, Commissioner