

The Board of County Commissioners met in special session on August 9, 2011. Those present for the session were Heidi M. Albritton, Chair; F. Mike Fedel, Member; Connie Hunt, County Administrator; and Linda Munson-Haley, Clerk of the Board.

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

A. 9:04 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.

Videoconferencing

Hunt reported that she and Michael Elden, I.T. Manager, met with Steve Stedmann, the Courthouse Security person with the State who administered the grants, last week to talk about videoconferencing. Videoconferencing was slated to be installed at the Courthouse fifty days from last Thursday and would require use of a T1 line. The courts did not want to use their T1; they wanted to use the County’s T1. The County could ask for assistance for up to three years from the State. The County could install an additional T1 line and the State would pay for half the cost for three years. If the County used its current T1 line and the additional traffic caused it to bog down, she wondered if the County could go back to the State to receive the financial help to install an extra T1 line.

Commissioner Padgett wanted something in writing. She wanted to know why it was a flat out “no” from the courts.

Hunt noted that even if the County had to install an additional T1 line it would still be a money saver over the expense of having a deputy available for court every Thursday and for transportation of the inmates from Montrose.

Commissioner Albritton felt that it was worth it to ask.

Commissioner Padgett thought that it would be helpful to have a justification. She was leaning towards using the existing T1 and see how bad the impact would be.

Building Official Retires

Hunt and Mark Castrodale, County Planner, would be meeting sometime this week to discuss the position that would be vacated by Paul Christensen who planned to retire in August. They would check with Bill Behan with the Town of Ridgway to fill in but needed to figure out a long-term solution.

Deputy Position

Hunt advised that she would be bringing back a request for a replacement position for a deputy.

CR 17 Memo

Hunt had received a memo from Frowny (Bill Frownfelter with Russell Engineer who contracted with Ouray County to provide engineering services) on CR 17 and distributed copies to the Board. In the memo, Frowny requested adding back in the additional sections of wall that had been eliminated due to budgetary constraints. The memo explained that it appeared at this point that the project would be \$8,000 to \$10,000 less than the last change order total. This would complete the entire project as originally anticipated before bidding and contract award.

Commissioner Padgett noted that the project was ahead of time and under budget, and anticipated adding additional walls.

Chris Hardrick with Russell Planning and Engineering was present and reported that the project should be done by the end of this week or early next week, even with the additional work to be done.

By consensus the Board agreed to move forward.

If there was money left after the project was completed Hunt would discuss it with the Board further.

Commissioner Padgett wanted to push the E-911 discussion to the afternoon session.

9:29 The Commissioners recessed and reconvened at 9:43:

Sheriff Mattivi met with the Commissioners to update them on a situation that had occurred in the county. After a flash flood on July 26 several hundred tires were released into the Uncompahgre River. Dave Hale with the Division of Wildlife (DOW) walked Burro Creek and estimated that there were between 200 and 300 tires in Burro Creek, and he walked Cow Creek and estimated another 300 to 400 tires in Cow Creek. There were probably close to 1,000 tires that washed down to the Uncompahgre River. The tires came from a property next door to the Sleeping Indian. When law enforcement did a flyover for marijuana eradication they saw the owners burying the tires. Hale was in contact with CDPHE (Colorado Department of Public Health and Environment) and was waiting to hear back from them. It was on private property and Sheriff Mattivi did not know if the County had any ordinances that addressed it. It had apparently been going on for quite some time without anyone’s knowledge. Maynes Tires had contacted the Sleeping Indian and the State Park and offered to voluntarily clean up and haul away tires from any area affected by the flood. As near as anyone could tell, according to Sheriff Mattivi, the tires belonged to Maynes Tires. He had a call in to Maynes but had not heard back from them. He wanted to ensure that they were cleaning up the tires.

Commissioner Albritton asked Sheriff Mattivi if this was criminal.

Sheriff Mattivi noted that they were dumping on private property. He was working with the DOW, the CDPHE and the State Park.

Commissioner Padgett clarified that Sheriff Mattivi was saying that it was not against the law to have a landfill of tires on private property.

Sheriff Mattivi replied that as far as he could tell with permission from the landowner it was not.

Commissioner Padgett advised him to read Section 10 of the State Code. There was State law against it, as well as County zoning regulations that prohibited landfills. She stated that the County needed to contact CDPHE and investigator Jeff Emmons with the Compliance Assurance Unit (CAU). There was a form to fill out at the State to inform the CDPHE of illegal hazardous solid waste disposal.

Sheriff Mattivi explained that charges would probably be brought against both parties. His office was still in the process of investigating. According to what Hale found out, he talked to Butch Gunn who told him that he had buried tires on his property several years ago for erosion control. Hale reported that he had also seen old tires, junk cars and other debris in large areas of freshly disturbed soil on the Gunn property in the past. Sheriff Mattivi would contact CDPHE and Jeff Emmons to follow up. There may be State charges.

Commissioner Padgett advised Sheriff Mattivi that there was a County ordinance against junk. However, this was far more serious. It was a landfill with petroleum products that were highly flammable.

Sheriff Mattivi added that Hale also said that he had walked parts of the river last night and only found six tires, neatly stacked on the banks. It appeared that someone had been in the river and pulled the tires out. Hale was estimating that there were 1,000 or more tires that went down Cow and Burro Creeks into the river. BB Burke was handling the investigation for the Sheriff's Office and Hale for the DOW, and they were in contact with the State Parks.

A discussion followed about whose jurisdiction covered what violation and who would do the enforcement.

Beecher Threatt asked why the Road and Bridge Department told her reporter that there were no tires there and that the paper should quit spreading rumors.

Chris Miller, Road Superintendent, countered that was not what was said. When he was first contacted by Rigs Fly Shop he went to Cow Creek and did not see a single tire during the flash flood event, which is what he told the reporter. The paper's photographer was not there when Miller was there.

Threatt replied that she was talking about when the Road and Bridge office administrator told her reporter to quit spreading rumors.

Miller said that he did not know anything about that.

Commissioner Padgett noted that a witness had reported that the tire tracks had been going up CR 4 for years and dumping on the Gunn parcel.

Sheriff Mattivi offered to copy the Board on the emails that he had received today from Hale.

Commissioner Albritton suggested contacting the EPA (Environmental Protection Agency).

Sheriff Mattivi reported that his office had called the EPA who did not want to get involved until there was a suspect. Now that a suspect had been identified he would contact the EPA.

Commissioner Padgett was concerned about the covering up of the evidence and burying of it. She felt that there should be a cease and desist order until it could be investigated and the appropriate regulatory agencies were involved and a mitigation plan put into place.

Sheriff Mattivi stated that they had just discovered the burial today and would be contacting both Maynes and Gunn to tell them to quit and then get the agencies involved. He would keep everyone apprised of what was happening. He did not think that Maynes was permitted to haul the tires and not permitted to dump. They were probably charging their customers the State-mandated fee to dispose of the tires and then dumping them in Ouray County.

Commissioner Albritton felt that the Commissioners needed to contact the CDPHE.

B. 10:02 General Business:

1. Request for approval of warrants:

M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve warrants as presented. There was no discussion. Motion passed unanimously.

The Board of County Commissioners met in REGULAR session on August 23, 2011. Those present for the session were Heidi M. Albritton, Chair; Lynn M. Padgett, Vice-Chair; F. Mike Fedel, Member; Dave Masters, County Attorney (Attended in the Afternoon); Connie Hunt, County Administrator; and Michelle Nauer, Clerk of the Board.

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

A. 9:15 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.

Commissioner Albritton summarized the full agenda and requested a concise timeline would need to be followed.

John Esty was present and thanked everyone for reviewing the "tire flood up Burro Creek", recognizing the seriousness of the matter. Mr. Esty commented that he hoped the Sheriff department pursues this matter. He asked that we work with the Montrose Sheriff to go after the tire companies involved in the recent flood, particularly with the collection of the tire disposal fees. Mr. Esty requested the County continue to proceed to work with all authorities involved. Commissioner Albritton commented that the Commissioners are not the investigative entity but that all the appropriate departments would be responsive to this incident. The Board will continue to follow up and find an end to this matter. Lynn stated that Mesa County was asking for \$160K for a tire cleanup problem also. The Board asked Mr. Esty to return later today when this issue is on the agenda.

B. 9:30 Chris Miller, Road and Bridge Supervisor:

1. Road and Bridge update:

Dave Ficco was present on behalf of Chris Miller.

The County Rd 17 project is completed and open. Everything went well; successful. The construction crew is gone now and the road is open to all vehicle, bike and foot traffic. The Mt Sneffels marathon, last week, went well with no complaints.

The County Rd 1 resurfacing project, near Colona, started today. Traffic may be slow and complaints may occur, but no big delays are anticipated. Connie will notify the press in an effort to let folks know the road status.

Road & Bridge employees are also working on County Rd 5, rebuilding the road, crowning and grading.

Rock stockpiling continues this summer for future spring runoffs.

Commissioner Albritton commented that she had received a reported of how nice the road is up over Imogene Pass. Commissioner Padgett stated that Yankee Boy is good too! Lynn concluded that she had been over Engineer last week and the trip was enjoyable. Commissioner Albritton thanked and complimented the Road and Bridge crew for doing a good job on the high country roads.

E. 9:35 The Board of County Commissioners convened as the Board of Equalization concerning the following items:

Commissioner Padgett commented that the Assessors office did a great job stating the County's positions and that this is a very complicated process.

1. Request for approval of the following minutes:

a. July 25, 2011 BOE minutes:

M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve the minutes for July 25, 2011 as presented. There was no discussion. Motion passed unanimously.

b. July 28, 2011 BOE minutes:

M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve the minutes for July 28, 2011 as presented. There was no discussion. Motion passed unanimously.

c. August 1, 2011 BOE minutes:

M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve the minutes for August 1, 2011 as presented. There was no discussion. Motion passed unanimously.

d. August 2, 2011 BOE minutes

M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve the minutes for August 2, 2011 as presented There was no discussion. Motion passed unanimously.