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**DISTRICT COURT**



Mary Deganhart sworn in as Seventh District judge by Judge J. Steven Patrick. Plaindealer photo by Samantha Wright

**Former County attorney dons robes as new district judge**

By SAMANTHA WRIGHT  
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The Seventh Judicial District on the Western Slope of Colorado has a new judge: former Ouray County Attorney Mary Deganhart.

Deganhart joins a team of four other judges who cover the sprawling six-county district, including the Honorable J. Steven Patrick of Gunnison who traveled to Ouray this week on Monday, Aug. 15 to swear Deganhart in at a brief ceremony that was both solemn and at times emotional.

"I'm humbled, and confident I'll do a good job," said

Deganhart. "It's a true honor to have this position."

The ceremony was attended by many of Deganhart's colleagues, both from Ouray County government and from the legal profession, including Ouray County Commissioners Lynn Padgett and Heidi Albritton, attorneys Andy Mueller and Mike Hockersmith of the Tisdell Law Firm, Seventh Judicial District Administrator Edward J. Clayton III, as well as friends and family members.

State Representative Don Coram (R-Montrose) was also among those in the audience. Coram played an instrumen-

**JUDGE A7**

**EDUCATION**

**No board candidates**

Ridgway School Board awaiting petitions from potential new members

By JESSI MARLATT  
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One petition has been submitted for the two open Ridgway School Board seats, and it is from Steve Larivee, a current member of the board.

"Apparently I have to fill two seats," said Larivee, at the RSB work session on Tuesday Aug. 16. The meeting started early with an hour designated as discussion time for interested participants for school board membership. There were no members of the public present.

"The feeling that I am getting from people I talk to," said Jeff Synowic, board chair, "is that they feel they just don't have the time."

Bart Skalla wanted to advertise that the salary for school board members will triple this year. Sadly, zero multiplied by three is still zero.

"This has happened before," said Kara Mueller. Her seat is opening up and she will not be running again. "If no one else is interested, we will cancel the election and appoint someone."

The appointee will serve only a two year term, rather than the four year term elected members commit to. Mueller also pointed out that people might be interested in putting "their name in the hat" for appointment because they won't have to be in the hot seat in a debate.

"The hard thing is that you want the democratic

**RSB A11**

**OURAY COUNTY**

**The heat is on and Gunn is on the hook for tire flood**

State Health Department and local authorities inspect property and find acres of buried tires

By JESSI MARLATT  
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A full investigation is underway determining what criminal and civil charges will be filed by the state and county against Butch Gunn for the tires that flowed from his property into Burro Creek, down to Cow Creek and eventually into the Uncompahgre River on July 26 after a flash flood.

According to Jeannine Natterman, Public

Health Officer for the State Health Department, roughly 1,000 tires were swept downstream with the flood.

During a site visit on Friday, Aug. 12, workers on the Gunn property told Ouray County Undersheriff Joel Burk that they had been burying tires in that particular arroyo for 15 years. "We don't know the frequency of their work, or how many tires were buried each time, so there is no way of knowing how many are up there," said

Burk.

Burk did speculate that the total area of buried tires could be as much as two acres.

Gunn willingly allowed the site visit and gave full cooperation to the investigation.

Workers on the Gunn property have been using a bulldozer to cover the tires with dirt. According to Burk, the arroyo being filled is roughly 30 feet deep and 20 feet wide. Gunn claims the tires are being used for erosion mitigation. His workers have begun a

cleanup of the tires that swept downstream but the process will take a long time.

Burk counted 19 tires in a 50 yard stretch of Cow Creek the morning of Aug. 16. "At this point I wouldn't even know how to guesstimate how many tires there are in total," said Burk.

Natterman said, "We may never get all of the tires out of that river. The ones that have sunk to the bottom will likely remain

**TIRES A11**

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## OURAY COUNTY

# Small businesses eligible for SBA disaster assistance

PLAINDEALER SPECIAL REPORT  
plaindealer@ouraynews.com

Ouray is among eight Colorado counties designated Natural Disaster Areas.

Colorado U.S. Senator Michael Bennet announced that small non-farm businesses in eight Colorado counties, including Ouray, are eligible to apply for low-interest disaster loans from the U.S. Small Business Administration (SBA). These loans are intended to offset economic losses because of reduced revenues caused by freezing conditions lasting from April 26 through May 3, 2011. The affected counties are Delta, Garfield, Gunnison, Mesa, Montrose, Ouray, Pitkin and San Miguel.

"Small businesses are the drivers of our economy, especially in our rural communities. In these tough economic times it's more important than ever that these small businesses get the relief they need as farmers and ranchers affected by adverse conditions, to weather the economic storm," Bennet said. "I encourage all eligible small business owners to enroll in this assistance from the SBA."

Small, non-farm businesses, small agricultural cooperatives and most private, non-profit organizations of any size may qualify for Economic Injury Disaster Loans (EIDLs) of up to \$2 million to help meet

financial obligations and operating expenses that could have been met had the disaster not occurred.

Loan eligibility is based on the financial impact of the disaster rather than on physical property damage. The loans have a maximum term of 30 years at an interest rate of four percent for businesses and three percent for private, non-profit organizations. They are available to small businesses and most private non-profits that lack the ability to offset the shortfall in revenue.

By law, SBA makes EIDLs available when the U. S. Secretary of Agriculture designates an agricultural disaster. Secretary Tom Vilsack declared this disaster at the request of Governor John Hickenlooper.

Applicants may apply online using the Electronic Loan Application (ELA) via SBA's secure website at <https://disasterloan.sba.gov/ela>.

Disaster loan information and application forms are also available from SBA's Customer Service Center by calling SBA toll-free at (800) 659-2955, emailing [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov), or visiting SBA's Web site at [www.sba.gov/services/disasterassistance](http://www.sba.gov/services/disasterassistance). Hearing impaired individuals may call (800) 877-8339.

The deadline to apply for these loans is March 29, 2012.

## ATTORNEY

FROM A6

"I will not countenance the excuse that we are too busy, and I won't say 'we can't afford it,'" Hotsenpiller promised the BOCC.

Hotsenpiller told the Ouray County Plaindealer that prosecutions in the county will be more effective. Prosecutors will be more proactive, he said, by analyzing cases upfront and communicating early with law enforcement, victims and witnesses. He said

a prosecutor must not take the attitude "this is my case. It is the victim's case. We are public servants and we must find out what to do by talking to the victim." Hotsenpiller told the Plaindealer that his office will solve problems as early as possible.

Commissioners expressed relief that Hotsenpiller's presentation to them was much better than they anticipated and they look forward to working with his office. The remainder of Serra's term runs through 2012.

## TIRES Investigation is on

FROM A1

there... Clearly, this man was doing something illegal in the state of Colorado. We don't have a cleanup plan yet, but when we get to the enforcement process we will have a timeline as to when Mr. Gunn will have to comply with a cleanup plan..."

The site visit last Friday consisted of Burk, Ouray County Sheriff's Deputy Shane Schmalz, Jeff Emmons of the Solid Waste Unit of the State of Colorado, and Environmental Protection Specialist of the State's Public Health Department, Philip Egidi. Egidi and Emmons are conducting their own investigation on the state side while Burk is heading the local investigation.

Before any charges are filed, Ouray County Sheriff Junior Mattivi said, "We are waiting to hear back from the state, but if we file local charges it will likely be in the next week... We are pretty sure it is Maynes that was supplying the tires and they could be the ones in deeper trouble now."

Maynes Tire in Montrose charges a \$4

disposal fee for each tire they keep. According to an employee, some end up in landfills, some go to recycle facilities. "Unfortunately Colorado doesn't have much use for old tires. It is hard to say where they go," he said.

The report Natterman received from Emmons found the arroyo looked as if it has been dry for much of the century, "but you know Colorado," she said, "a dry canyon can turn into a roaring river in a matter of minutes." The tires that are already buried on Gunn's property did not wash away, only the ones that were dumped in the arroyo.

According to Burk, Gunn is working to reseed the area that the tires have been buried and it is possible that erosion mitigation was the real reason for all of the tires being on the property.

Local and state authorities stressed that they are conducting their own investigations, but also working together.

"Mr. Gunn is on the hook and will be responsible for the cleanup because the tires came off of his property," said Natterman.

## RSB new members wanted

FROM A1

process, but if we cancel the election we save \$6,500," said Mueller. That is the cost paid to Ouray County for putting names on the ballots and participating in the Nov. 1 election.

Other areas the district is considering to save money are sound mitigation and trophy cases. Twenty thousand dollars was budgeted for sound mitigation, \$12,000 has been spent on curtains for the Elementary commons to soften the sound, another \$8000 was budgeted for this project but will not be spent because the board will wait to see if the curtains do the trick. A new trophy case in the Gymnasium at the secondary school had an approved budget for \$10,000, but the board decided to put it on the back burner. "Ten thousand dollars seems frivolous in this economy," said Superintendent Cheryl Gomez.

The RSD has experienced budget cuts for the past three years. "We have not had to cut a single program completely in that time," said Vice Chair Julie Wesseling. "We

still do a little of everything. We may not be able to continue this, but it is important that we haven't cut anything yet."

"In the face of all the budget stuff, we have to keep looking forward to what we will need next year, and the next, and down the road," said Synovic.

"Our district is a lot better off than a lot of other districts," said Gomez. "We don't have all of the other problems that other schools have, like 37 kids in one classroom. We aren't cutting programs or asking for emergency funds."

Though no money will be saved on postage this year in mailing out newsletters, small cards will be saving trees and paper costs. The new format is a postcard that has important dates and directs parents to the website [www.ridgway.k12.co.us](http://www.ridgway.k12.co.us) for a complete newsletter. Among the dates listed is the Back to School BBQ, scheduled for Sept. 1, where students can meet with teachers and greet their friends. Among the various menu items apple sauce and cheese will be served.

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