

OURAY COUNTY

Plaindealer

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CITY OF OURAY

Ouray grad walks onto the gridiron

By CALEB STENTO
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Jaxon Gaita is a 2012 Ouray High School graduate, and not only has he recently been accepted to Fort Lewis College in Durango, but he was able to secure a spot on the 2012 football team as a walk on. What makes Jaxon's story unique is that he's never played a snap of football.

Over the past four years, Jaxon emerged as an outstanding soccer player for the combined Ouray/Ridgway team and was renowned for his ball skills, especially his kicking prowess. His senior year he scored 16 of the team's 30 goals.

"Jaxon has always been athletic. Growing up he tried everything, he played a little baseball, roller hockey and things like that, but soccer was his love," Jim Gaita, Jaxon's dad, said. "He kept getting better and better and working harder and harder. He started several games his freshman year and was the second leading scorer on the team as a sophomore, and that's when you started to see his leg develop."

Gaita was interested in furthering his soccer career at Fort Lewis, so after being accepted to the school, he was ready to try out for the soccer team. But Fort Lewis is a powerhouse in the world of NCAA soccer. They've been division champs three times since 2005. The only way to get on the team is through recruitment or scouting at their yearly summer camp. Gaita didn't do much to be actively recruited and when he found out he wouldn't be able to play soccer at Fort Lewis this year, he switched to a backup plan.

"I've always been the kind

FOOTBALL P7

Budding developments



Columbines, paintbrush and other wildflowers flourish on Imogene Pass after July's monsoon rains revitalized the thirsty vegetation.

Plaindealer photo by Jessi Marlatt

OURAY COUNTY

Solar car team takes fourth at national competition

By CALEB STENTO
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Ouray County's very own solar car team, Sunshine Mountain Traveler, made up of local students from grades nine through 12, had a great outing at the 2012 Solar Car Challenge and placed fourth among over 20 teams last week. The teams came from all corners of the continental United States and Puerto Rico.

The objective of the race was to accumulate the most laps over the four day period. It required not just speed, but endurance. Despite the hot and humid weather, the Sunshine Mountain Team accumulated an outstanding total of 229 laps.

According to team sponsor Tom Johnson, who was

SOLAR CAR P7

OURAY COUNTY

BOCC tired of CDPHE stuck in low gear

By JESSI MARLATT
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Three-hundred sixty-four days (accounting for leap year) after a flash flood dislodged over 1,000 tires from the property of Laurence "Butch" Gunn, Ouray Board of County Commissioners on Tuesday decided enough is enough with continuances and directed the county attorney to initiate an administrative action to enforce the state Solid Waste Disposal Sites and Facilities Act. A hearing on the county's enforcement of its own rubbish ordinance is set for Aug. 14, as is the new administrative action. Both actions are directed at the thousands of tires still buried

on the Gunn property.

Commissioners expressed hope that the parties will negotiate a settlement before then.

About 40 members of the public attended Tuesday's public hearing on the rubbish ordinance violation. Gunn's attorney, Eric Voogt of Inman Flynn Attorneys at Law in Denver, requested a continuance, which commissioners reluctantly granted until Aug. 14 at 1:30 p.m., at the Ouray County 4-H Event Center. Commissioners Heidi Albritton and Lynn Padgett expressed their displeasure with prolonging the hearing once again to Voogt, who joined via telephone.

Voogt and Ouray County Attorney Marti Whitmore had discussed a continuance due to a new engineering report submitted by

Gunn to the Colorado Department of Public Health and the Environment (CDPHE) on July 18. According to Whitmore, the engineering plan lacks scientific substance, such as hydraulic information, and she could not tell if it referred to 30 feet or 300 yards. The plan proposes that the buried tires stay in place.

In a telephone interview with the Plaindealer after the meeting, Charles Johnson, program manager of CDPHE's Solid Waste and Materials Management Program, stated that CDPHE's engineer is trying to find time to make a full review of the engineering plan. "We hope to have the review finished in the next couple of weeks," said Johnson. No formal design project has been submitted to

CDPHE at this time.

The BOCC had relied upon CDPHE to take the lead in the investigation and enforcement of the state statute since the initial flood, but a year later the BOCC has decided to take action on their own. The statute requires anyone operating a solid waste disposal facility to obtain a certificate of designation from the county and to follow regulations for operation of the facility. CDPHE issued a compliance letter on Sept. 16, 2011, which stopped short of taking formal action against Gunn and Keith Maynes, owner of the tire store where the waste tires originated.

Negotiations between the county, CDPHE and Gunn crumbled two weeks ago. They had been dis-

TIRES P6

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TIRES BOCC takes action and tries to negotiate with Gunn

FROM P1

cussing a plan whereby the county would apply for a grant from a state fire fund to allow Gunn to remove all the tires from his property, and Gunn would pay the administrative fees only. Recent involvement by state representatives Don Coram (R-Montrose) and Jerry Sonnenberg (R-Sterling) derailed these negotiations, said Albritton.

Whitmore said, "I thought we were negotiating in good faith to use the fire fund to remove the (buried) tires."

As reported in the Plaindealer on July 19, Coram became involved last "February or March." Sonnenberg told the Plaindealer that he and Coram began meeting last winter. Voogt, CDPHE and the Farm Bureau, as well as Coram and Sonnenberg, met at the State Capitol on July 16 to discuss the use of tires in agriculture and the Gunn case specifically, said Johnson. Voogt stated he did not arrange the meeting but he did participate. County officials learned only two weeks ago of Coram and Sonnenberg's contacts with CDPHE.

It now appears that CDPHE is willing to consider a resolution that includes a structure that would keep the tires in place, rather than removal of the tires. Coram and Sonnenberg have said that Gunn's use of thousands of tires to fill in a gully is an exempted

agricultural use. Asked in a phone interview where in state law that exemption is stated, Sonnenberg said, "I do not remember if it is in the law or just understood. If it's not in there, it will be next year." He said that he and Coram will introduce legislation to exempt use of waste tires for agriculture. Sonnenberg said every time the legislature has considered waste tires, it has been understood that ag use would be exempt from the legislation. Whitmore said she does not find an agricultural exemption in the state's solid waste statute that would allow for a use such as Gunn's.

"Do you have meetings scheduled with Sonnenberg and Coram between now and Aug. 21 (the original continuance date)?" Padgett asked Voogt. He answered no. "We are disturbed by the fact that during the period we have continued this matter, we find out your team is having meetings to which the county is not invited or made aware. ...We thought negotiation was the path we were going down until we learned meetings were going on and maybe pressure on CDPHE," Padgett said.

"You guys have lots of angles you are pursuing," Albritton told Voogt, adding later, "With the intervention of political forces, it is a different playing field."

occur, then found out at a meeting Monday afternoon that it had occurred and the county was not invited. "It was a total surprise to me on Monday," Voogt said and stated that he would "try to get that access again." Voogt said he has never been to the Gunn property.

After the continuance was granted, Voogt remained on the line and commissioners discussed the process by which the county will move forward. Because no formal action has been taken by CDPHE, the commissioners decided to initiate their own administrative action to enforce the state statute and to continue enforcement proceedings on the county rubbish violation.

Commissioner Mike Fedel said his desire is that the site be secured so no tires will enter the river in the future. "CDPHE is working toward keeping the tires in the ground. I want our best foot forward and no money wasted on attorneys." Albritton said the state's recommendation has changed and it "smells fishy." She and Padgett still have concerns about public health, safety and welfare issues as well as environmental impacts if the remaining tires are not removed. Fedel said "the jury is still out on toxic effects of tires," to which Padgett replied, "I'll provide you some journal articles."

Padgett said she wants an outcome where Maynes and the Gunns will "take this seriously." She listed potential impacts on other property owners and on taxpayers.

Public comment included fears that Ouray County might be setting a precedent that illegal dump sites are allowed in Ouray County as long as they are contained once the perpetrator is caught. Threats of fire, environmental degradation and public safety were also topics of concern.

Albritton said some of the emails she received from the public "added another layer of frustration." She recounted, for example, an email that said using tires for potted plants is a beneficial, exempt use. "That is irrelevant to this discussion," she said.

The commissioners directed staff to draft a letter to CDPHE asking where the department is in its process and how they plan to move forward. Replying to a question from Howard Greene, Whitmore said she does not know why CDPHE has not moved into a formal notice of violation process, which typically they would have done by now.

Hearing the commissioners' plan to enforce the state statute also, Voogt objected that it was "not fair" and that he would have to spend time preparing a defense to this unanticipated action by Aug. 14. Commissioners had no sympathy. "Rather than focusing on the defense, focus on fixing it," Albritton told him.

Another thorn in the side of the commissioners is the fact that their attorney has not yet been allowed to visit the Gunn property for a site inspection. One such visit was scheduled for Monday of last week but was canceled because an adjacent land owner locked a gate across the road Gunn used to access that part of his property. Sonnenberg "had some connections" and received access last week, but Voogt said he was unaware the site visit was occurring. "It wasn't me, it was Butch (that set up the visit with the state reps)," Voogt said. Whitmore understood on the previous Friday that the visit would not

TIRE HISTORY AT A GLANCE:

1940s "Bertha Gunn and her late husband as well as Butch Gunn had no idea that the reuse of old tires since the 1940s for erosion control on their agricultural property would ever be considered a violation of any governmental law or regulation. They simply thought it was a way to reuse old tires in a functional way to aid their agricultural operation." – excerpt from a letter submitted to BOCC by Gunn's former legal counsel, Amy Ondos, dated Mar. 12, 2012

1989 Gunn begins receiving tires for erosion mitigation from Maynes Tires of Montrose

Apr. 2, 2001 Gunn and Jim Bridges enter a lease agreement to rent Gunn's 640 acres of land for cattle grazing at \$1 per year

2011

July 26 Flash flood dislodges 1,000 tires from Gunn property

Aug. 9 Ouray County Sheriff's Department conducts a flyby in a small plane and sees tires on Gunn property

Aug. 12 A site visit conducted by CDPHE and Ouray County Sheriff's department found tires buried in an arroyo on the Gunn property

Aug. 23 Charles Johnson, Solid Waste Materials Manager for the Colorado Department of Health and Environment, gives a report on site visit to BOCC over the phone

Sept. 16 CDPHE issues compliance advisory

Oct. 3 Maynes and Gunn contact Connie Hunt, Ouray County Administrator, stating that the cleanup was 99.9 percent completed and that all property owners contacted allowed access for the cleanup except the Department of Wildlife.

Oct. 4 Karen Lomax, of Montrose County told BOCC that her property, which is located roughly two miles north of the Trout Road diversion dam, had over 30 tires on the banks as of that morning

Oct. 5 BOCC issues Notice and Order for Removal of Rubbish

Oct. 11 Gunn and CDPHE meet to discuss findings of site visit and Compliance Advisory

Oct. 25 BOCC holds Show Cause Hearing and allows public comment on how tires in Uncompahgre River have directly impacted their properties and livelihoods. Hearing continued to Dec. 6

Nov. 15 Volunteers led by Matthew Jurjonas of the Uncompahgre Watershed Project remove 19 tires from the Uncompahgre River on property managed by the Department of Parks and Wildlife

Nov. 18 Volunteers led by Matthew Jurjonas of the Uncompahgre Watershed Project remove 48 tires from the state-owned land along Cow Creek

Dec. 6 Public hearing continued to Jan. 24, 2012

2012

Jan. 24 Public hearing continued to Mar. 13

Feb.-Mar. State representatives Coram and Sonnenberg meet

Mar. 13 Public hearing continued to June 12

April 18 Four volunteers go to Burro Creek to remove tires from the flood plain. Roughly 100 tires are removed

May 8 Continuance of June 12 public hearing granted to June 26

June 26 Continuance of public hearing granted

July 16 Coram and Sonnenberg meet with Gunn attorney Eric Voogt, CDPHE and Farm Bureau at state Capitol to discuss use of tires in Colorado agriculture and Gunn issue

July 17 Ouray County attorney, CDPHE, Coram and Sonnenberg meet in Grand Junction

July 18 CDPHE receives a new engineering plan to remove some tires and construct a closure for the remaining tires on Gunn property

July 24 Continuance granted for the public hearing and BOCC begins administrative action to enforce the Colorado Solid Waste Disposal Sites and Facilities Act

OBITUARIES

ELVA MELINDA (RENKEN) ORCUTT

Oct. 8, 1916 - July 14, 2012

Elva died peacefully on July 14, 2012, at her home in San Clemente, CA at the age of 95. She was born on Oct. 8, 1916 in Ireton, Sioux, Iowa to Herman and Emma (Hennrich) Renken. She had two sisters Verda and Violet. Elva went to school in Long Beach, CA. and then to beauty school. She owned and operated a beauty salon in Encino, CA.

Elva was a competitive dancer and that is where she met and married Donald Earl Eugene Orcutt in 1935. They had three boys: Donald, Dean and Dennis. The family moved to Ouray, CO in 1950, where Elva was a legal secretary to the County Judge until Don built "The Patio" Café at the Ouray Swimming Pool which they owned and operated until 1963, when they moved to Burbank, CA.

Upon their return to CA, Elva worked for the Ice Follies making elaborate costumes. After many enjoyable years working for the Ice Follies, she began a career in Real Estate. She not only sold real estate, but invested in it as well, acquiring and managing an apartment building until she retired in her late 70's. Elva purchased a home overlooking the ocean in San Clemente, CA in 1992, where she spent many hours on her beautiful balcony entertaining friends and family and watching the beachgoers, ocean and amazing sunsets. Elva traveled the world with her sons Donald and Dean and their families, as they both worked abroad. She also spent many fun filled weekends with her son Dennis on his boat in San Pedro, CA.

She was like a mom to everyone. Elva spent her life cherishing her family. She was a very beautiful person inside and out. Elva will always be loved and missed by those who knew her. She is survived by her sons Donald (Linda) Orcutt of Montrose, CO, Dean (Ann) Orcutt of Lake Tahoe, NV, and Dennis Orcutt of San Pedro, CA; Grandchildren, Carolyn Orcutt and Jason Orcutt of Beaconsfield, Canada, Kristen (Rick) Wing of Montrose, CO, Jenifer (Chris) Blanchard of Placerville, CO, and Cinnamon Bell of Dana Point, CA; great-grandchildren Zachary Coper, Erica and Will Grier, Mandy, Chris, Melanie and James Orcutt; and her Caretakers Tina and Marcy. Elva was preceded in death by her husband Donald Orcutt, her parents Herman and Emma Renken, her sisters Violet Stever and husband Manny, Verda Prichard and husband Bill and her daughter-in-law Melynda Orcutt-Artus.

There will be a private family memorial at a later date. In lieu of flowers, please send donations to National Hospice Foundation at www.nationalhospicefoundation.org.

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LETTER TO THE PLAINDEALER

Bake Sale record one for the books

Dear Editor,

Every year we are impressed with the number of people who come in support of the Ouray Public Library's Book Sale Fundraiser. This year was no exception.

In addition to the huge turnout for the sale, we had the invaluable help of numerous individuals and businesses. Volunteers turned up en masse to move, sort and set up books, including Paula Damke, Cheri Easley, Karin Fellin, Joanie Gibbs, Barbara Hoekendorf, Chris Knight, Alice Leeper, Mike MacLeod, Glenda Moore, Beth Paulson, Roger Rainville, Suzanne Rondinelli, Nancy Sanders, Teris Schery, Myrna Spaulding, Robert Stoufer, Suni Sullivan, Eva Tucker and Judy Yeo.

A special thanks to super-movers Brennain Degenhardt, Charlie Exstrum, Andrew Jossi, Makalya Jossi, Joe Noll and

Cooper Rondinelli. We could not have as successfully set up and broken down the event without their help.

Thanks also to local businesses, restaurants and hotels who posted our flyer as well as to Mountain Chill for running our public service announcement, the Ouray Chamber for sending visitors to the sale, Ouray Realty for including our book sale reminders in their rental packets, and Buckskin Booksellers and O'Brien's Pub & Grill for distributing book sale reminders to their customers.

This year, we set another record at the sale and raised nearly \$2,400. Thanks to all for your support of the Ouray Public Library.

*Chris Reece, Director
 Ouray Public Library*

LETTER TO THE PLAINDEALER

RVFD was swift in response

Dear Editor,

On behalf of the property owners in Pleasant Valley Vista, we'd like to thank the Ridgway Volunteer Fire Department for their swift response to a tree fire caused by a lightning strike this past Saturday in our area. They did a great job of making sure the fire was completely out and not coming back to threaten our

homes and safety. We are all very fortunate to live in a community with such a great spirit of volunteerism as exemplified by these men and women!

*Scott Williams, President
 Pleasant Valley Vista Board of Directors*

FROM THE PUBLISHER

Watch out for road hazards

We're all familiar with the sign on John Billings' property welcoming everyone to Ridgway and its "whiners," as the Grammy-maker puts it. Some have become anesthetized to the message and drive by without noticing. Others mash the floorboard when reading it.

Alan
 Todd



prised to find out at a recent meeting in Grand Junction that Ouray County is talking about thousands of tires, not just a few that were filling a ditch. Thanks for paying attention to your electorate, Don. Don't let the voting booth door hit you on the way out.

Fear not. There are new signs to avert your attention. Now, on the way into the county from Montrose, motorists are greeted with signs that point out this is Colorado, not California.

Jack Flowers, who is a local rancher of several generations in Ouray County, and is opposing Lynn Padgett in a bid for county commissioner, is the candidate of favor on these signs.

And the message is, Lynn Padgett is an outsider from California and therefore is not as qualified to serve as county commissioner as is a native.

Padgett's deficiency, according to the signs, stems from the fact that she moved to Colorado from California when she was in her late teens. Ah, those formative years!

Isn't that the same argument the Utes were using over 100 years ago?

The tire story just keeps rolling along. And it seems there are several roads to choose. Don Coram, our soon-to-be ex-state representative, was evidently sur-

The recent rains have added a beautiful green hue to the mountainsides and fields below. Sure enough, as soon as we write "Drought" as big as day on the front page, the skies open up. This is not to say that everything has turned around for our dry conditions and our agricultural segment of the community. But it sure is welcome. Next week, we're thinking of a headline that reads "Economy stalls." Maybe that will cause the skies to open up and make pennies fall from heaven.

As you're visiting and reading this, you probably have heard that there have been mudslides along Hwy. 550 south of Ouray. A visitor from Oklahoma stopped in yesterday and told me he encountered mudslides near Rico and road construction slowing him down everywhere. So, we say, what's the hurry? Stay another week! If you're just going to sit in traffic, why not sit in Ouray County and enjoy the view!

atodd@ouraynews.com

LETTER TO THE PLAINDEALER

Interference not needed by reps

Dear Editor,

We would like to thank you for the story and your editorial comments regarding the buried tire issue. As you pointed out, the BOCC has patiently and carefully attempted to work out an arrangement with Butch Gunn regarding proper disposal of the tires, a process that did not need

any involvement or interference by State Representatives Jerry Sonnenberg and Don Coram. We greatly appreciate your efforts in keeping the community informed of these developments. Sincerely,

*Jon & Rosemary Esty
 Ridgway*

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