

**Minutes
Board of County Commissioners
Regular Meeting**

April 22, 2025

A. 9:00 - Call to the Public

The "Call to the Public" agenda item is a time when the community members may bring forth items of interest or concern that are not already on the day's agenda. If you would like to speak about an agenda item, please hold your comments until that time in the meeting. The format is presentation, but the BOCC or staff may answer straightforward questions, and the Chair may limit speaker time to 3 minutes. No formal action may be taken on topics raised in Call to the Public due to Colorado Open Meetings Law. Any topics that require back-and-forth dialogue will be referred to commissioners or staff for discussion outside the meeting or placed on a future work session or agenda for action. Written comments can be submitted electronically via our website.

Commissioner Niece opened the meeting. He noted technical difficulties with the sound arrangement in the meeting room, and described the audio method being used. Michael Potter, operator of the Potter Ranch, complained about a mess county employees made on County Road 23 while maintaining brush in the Right-of-Way next to his ranch property, stating that some of the brush was left on his property. Commissioners Padgett, Nauer, and Niece, Superintendent Barger and Potter discussed County Right-of-Ways, Vegetation Management within the right-of-ways, and possible solutions to Potter's complaint, which included Superintendent Barger offering to replace the bushes with his own money and efforts. Commissioner Niece requested a work session to discuss the Road and Bridge department's vegetation management plan, rights of way and surveying. Superintendent Barger requested to speak on item B3 now, rather than come back at the scheduled time. He then presented his recommendation for the On-Call Traffic Control RFP.

B. 9:30 - General Business

1. Consent Agenda:

Commissioner Nauer asked to pull B.1.b.ii for typos.
Commissioner Niece pulled item B.1.e. after discussion with County Attorney Leo Caselli.

B.1.b.ii.:

Commissioner Nauer and Commissioner Padgett described the typos and requested updates to the October 22nd minutes.

**M/S/P Motion was made by Commissioner Padgett and seconded by
Commissioner Nauer to Approve the October 22, 2024 Minutes with the changes**

discussed. Motion Passed (3 - 0).

B.1.e.:

All three commissioners and County Attorney Caselli discussed changes to Interim County Manager Kara Rhoades' contact information, and the purpose and fiscal impact of the agreement.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to Approve and Authorize the Chair's signature on Amendment No. 2 to the Short Term Water Service Contract between Ouray County, Tri-County Water Conservancy District and the Bureau of Reclamation (Contract No. 23-WC-41-947) with the update to the Interim County Manager's contact information. Motion Passed (3 - 0).

Commissioner Nauer, Commissioner Padgett and County Treasurer Jill Mihelich discussed the Treasurer's Report.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to Approve the remainder of the consent agenda. Motion Passed (3 - 0).

- a. Request for approval of Expenditures:
 - b. Request for approval of the following minutes:
 - i. October 1, 2024:
 - ii. October 22, 2024:
 - c. Review and acceptance of Public Trustee Report – March 2025:
 - d. Request for approval and authorization of Chair's signature on Final Plat for a boundary adjustment on two parcels in the Jossi Subdivision (Enchanted Mesa Properties Corp.), as approved by Resolution 2025-018:
 - e. Request for approval and authorization of Chair's signature on Amendment No. 2 to the Short-Term Water Service Contract between Ouray County, Tri-County Water Conservancy District, and the Bureau of Reclamation (Contract No. 23-WC-40-947):
2. Request for approval of Resolution 2025-019 Temporarily Amending the Official Bylaws of the Ouray County Planning Commission:

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to Approve Resolution 2025-019 Temporarily Amending the Official Bylaws of the Ouray County Planning Commission. Motion Passed (3 - 0).

3. Request for approval and award of the On-Call Traffic Control RFP as outlined by the Road & Bridge Superintendent's recommendation memo:

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to Accept the recommendation from the Road and Bridge Superintendent to award the On-Call Traffic Control RFP to Ultra Traffic Management LLC. Motion Passed (3 - 0).

9:55 - The Board recessed for a break.

C. 9:55 - The Board of County Commissioners will convene as the Board of Health to consider the following items

The Board of County Commissioners convened as the Board of Health.

1. Request for approval and authorization of Chair's signature on an Intergovernmental Agreement between Ouray County and the City of Ouray regarding E-Cigarette and Vape Waste Disposal Program:

Presented by Becca Doll-Tyler, Ouray County Public Health Nurse and Health Educator.

Commissioner Nauer, Commissioner Niece and Doll-Tyler discussed THC vapes, location for the disposal boxes and the procedure for collection

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the Chair's signature on the Intergovernmental Agreement between Ouray County and the City of Ouray regarding the E-Cigarette and Vape Waste disposal program. Motion Passed (3 - 0).

D. 10:00 The Board of County Commissioners will convene as the Board of Human Services to consider the following items:

The Board of County Commissioners convened as the Board of Human Services.

1. Request for approval of the following reports and authorization of the Chair's signature on certification page:
 - Balance Sheet, February 2025:
 - Earned Revenue and Expenditures, February 2025:
 - Expenditures through Electronic Benefit Transfers, March 2025:
 - Check Register for the Month of March 2025:
 - County Allocation / MOE Report, February 2025:

Presented by Linnea Edwards, Ouray County Human Services Director.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to Approve the Balance Sheet for February 2025, the Earned Revenue and Expenditures for February 2025, the Expenditures through Electronic Benefit Transfer for March 2025, the Check Register for the Month of March 2025, and the County Allocation/MOE Report for February 2025. Motion Passed (3 - 0). (Note - Commissioner Padgett's audio is not audible in the recording. Motion is based on minutes taken during the meeting.)

2. 2025 Caseload Report:

Presented by Linnea Edwards, Ouray County Human Services Director. Commissioner Padgett, Commissioner Niece and Director Edwards discussed Medicaid, LEAP and other low-income utility programs.

3. Presentation of Human Services Policy addressing the Change to Four-Day Work Week:

Presented by Linnea Edwards, Ouray County Human Services Director. All three commissioners, Director Edwards, County Attorney Caselli and Executive Assistant II, Vicki Lane discussed the proposed schedule for a four-day work week.

E. 10:30 - Glenn Boyd, County Emergency Manager

The Board reconvened as the Board of County Commissioners.

1. Emergency Management Update:

Presented by Glenn Boyd, Ouray County Emergency Manager.

2. Request for acceptance and adoption of the Ouray County Multijurisdictional Evacuation Plan:
 - a. Presentation:
 - b. Memo:
 - c. Plan:

Presented by Glenn Boyd, Ouray County Emergency Manager. Commissioners Nauer, Niece and Padgett, Sheriff Justin Perry and Emergency Manager Boyd discussed corrections to the plan, and evacuation routes that may arise based on proximity to other jurisdictions.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to Adopt the Ouray County Multijurisdictional Evacuation Plan with the changes discussed during the meeting. Motion Passed (3 - 0).

F. 11:00 - The Board of County Commissioners will convene as the Board of Adjustment to consider the following public hearing:

[Public comments may be submitted in writing prior to the hearing and should be received no later than 3:00PM on April 21, 2025. Alternatively, oral testimony will be accepted during the hearing.]

The Board of County Commissioners convened as the Board of Adjustment.

1. Applicant: Steven Lee Walker

Location: 3926 County Road 23

Request: Request for approval of a Variance Application from Sections 3.8.H.4 of the Ouray County Land Use Code to allow the construction of a garage/shop building within the fifty-foot property setback (applicant is requesting to construct the building ten-foot from the property line):

Staff Presentation:

Presented by Bryan Sampson, Ouray County Senior Planner.

Commissioner Nauer asked about noticing for the variance request.

Sampson discussed the noticing requirements for a variance request.

Commissioner Padgett asked about the location of the fence line in relation to the County right-of-way.

Sampson stated that the County did not have any information suggesting the fence has been moved since the survey was done in 1979.

Steve Walker, applicant stated the fence has not moved.

Applicant Presentation:

Walker presented his case for the variance.

Commissioner Niece asked whether there was any pushback from neighbors with regard to the request.

Walker stated that there was not any pushback.

Commissioner Nauer asked if this was for a garage, and wanted to be sure this was not for an ADU or other living quarters.

Public Comment:

No Public Comment.

Deliberations:

Commissioner Padgett stated that the right-of-way for County Road 23 is up against the fence line from the 1979 plat. She stated that this location is the only location that makes sense for this project, based on the flood plane map provided. She expressed her support for the variance as long as the garage is setback 10 feet from the property pins.

Commissioner Niece stated that the flood plane and riparian area meet the conditions required for this request. He expressed support for the variance because of these conditions.

Commissioner Nauer agreed with both other commissioners for the same reasons listed.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to Approve the variance request for Steven L Walker at 3926 County Road 23, allowing a 10-foot setback from the property pins, for the reasons that the property meets all of the criteria of hardship and difficulties as described in the hearing, subject to the conditions described in the hearing. Motion Passed (3 - 0).

G. 11:30 - Update on Courthouse Project Close-out:

The Board reconvened as the Board of County Commissioners.

1. Updates from Facilities Manager – Will Clapsadl and other County staff:

Presented by Will Clapsadl, Ouray County Facilities Manager.

2. Authorization to publish and release Bond:

Presented by Will Clapsadl, Ouray County Facilities Manager.

3. Authorization for County Manager to sign final Settlement Letter after Publication:

Presented by Will Clapsadl, Ouray County Facilities Manager.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to Authorize the bond to be published and released, and authorize the County Manager to sign the final settlement letter after publication. Motion Passed (3 - 0).

H. 12:00 - Lunch

I. 1:30 - Attorney Fees Discussion

Commissioner Niece asked whether there were any recusals from the board. County Attorney Caselli, Commissioner Niece and Commissioner Padgett discussed whether a recusal would be appropriate, or necessary.

Commissioner Nauer expressed her discomfort with the request, citing procurement policy requirements.

Roger Sagal, legal counsel for Commissioner Padgett, argued that elected officials facing charges should receive government-provided legal representation and criticized the county's handling of the complaint, citing inadequate outside legal guidance and suggesting further recusals by the County Attorney and County Manager. He questioned whether the use of outside counsel and a third-party investigator adequately resolved the conflict.

Commissioner Padgett, Commissioner Niece, County Attorney Caselli, and HR Director Peck discussed a phone call on October 7, 2024 between Commissioner Padgett and then-County Manager Connie Hunt, HR Director Peck, and County Attorney Caselli.

County Attorney Caselli addressed what he described as inaccuracies from Commissioner Padgett relating to the phone call and subsequent events during the investigation. He expressed concern that there were requests to end the investigation and for full recusals from the County Attorney and County Manager.

Commissioner Padgett, County Attorney Caselli, Sagal, and HR Director Peck then discussed the process by which the complaint came about and was made public, and the process the county followed to handle the investigation.

Road and Bridge Superintendent Ty Barger questioned Commissioners Niece and Nauer about the Chair's authority to call Executive Sessions and any related requests in

2024. He clarified that no information was leaked, as he shared his own complaint openly, and expressed regret that other internal statements were included in CORA requests.

Public Comment:

Tamara Gulde, Ouray Resident, suggested the board should refer to public comments urging the board to pay the attorney fees, and stated her belief that Commissioner Padgett was advised to retain legal counsel. She argued this could help heal the damage done to the county through this process.

Sagal stated that a reasonable person would think they needed a lawyer regardless of whether they were advised to do so. He argued conversations about procurement would have happened had there been an opportunity in Executive Session.

Commissioner Padgett referred to a contract with Employers Council that was mentioned in County Attorney Caselli's memo, noting the document was locked in an office when she came to look at them. She stated she wasn't advised to request an executive session in order to follow procurement policy if she found her own legal counsel, and wouldn't expect another elected official to know this either.

County Attorney Caselli clarified that the document Commissioner Padgett was referring to was locked in Interim County Manager Kara Rhoades' office while she was out of town. He then reminded the board that this was just to discuss attorney fees and was not meant to be a rehashing of the events.

Commissioner Niece agreed with County Attorney Caselli and asked to return to public comments.

Robyn Cascade, Ridgway Resident, stated that given the mismanagement of the complaint and investigation, anyone would have felt the need to seek legal counsel, which would provide the grounds for the board to consider the request.

Angela Hawse, Ridgway resident, stated the county owed Commissioner Padgett due to the way the investigation was handled. She said Commissioner Padgett is cherished in the county, and the funds are taxpayer funds, so there is no reason not to pay for them.

Deliberations:

Commissioner Nauer commented about previously being the subject of a complaint, during which she was not afforded the opportunity to respond. She stated that she refused the opportunity to seek counsel because she felt the need to handle it on her own, and stood a lot more to lose. She said she does not see a public benefit to paying the fees and again pointed out that procurement procedures were not followed by Commissioner Padgett. She acknowledged the in-person comments from the public in support of paying the fees, but noted that the written comments in opposition outweighed the supportive comments. She supported further discussion but would not support this request.

Commissioner Niece stated that Commissioner Padgett was never at a risk for monetary damages. He argued that bringing this request as a post-hoc request is not appropriate. He expressed concern for one item in the attorney's fees that appeared to resemble a campaign expense, which could potentially put the county in legal jeopardy for violating state or federal campaign finance laws.

Commissioner Padgett stated her belief that any formal complaint filed is a serious

matter. She stated that in order for complaints to be taken seriously, the process needs to be followed. She argued that without following the process, it cannot be determined whether the complaint is actionable. She said that the personnel policy was not followed and that she should not have been the last to find out about the complaint as the respondent. She stated that the process needs to be followed, and gave real-world examples of when the process isn't followed and what can result from it. County Attorney Caselli urged the board to refrain from making procedural allegations, emphasizing that all parties were afforded due process throughout the investigation and subsequent proceedings. He provided an overview of the steps taken to ensure fairness and transparency. Commissioner Niece called for a vote. Commissioner Padgett recused herself from the vote and left the room.

A rollcall vote was called to determine whether to pay the attorney's fees.
Nauer - No
Niece - No
Padgett - Abstain via recusal

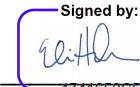
3:00 - With no further business, the Board of County Commissioners adjourned.

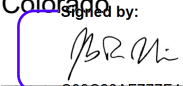
Those present for the session were Commissioner Padgett, Commissioner Niece, Commissioner Nauer; Kara Rhoades, Interim County Manager; Leo Caselli, County Attorney; Marita Robinson, Deputy County Attorney; Jennifer Peterson, Public Information Officer; Mark Chambers, IT Technician; and Eli Holmes, Executive Assistant I and Deputy Clerk to the Board.

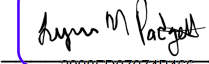
These Minutes were approved on October 7, 2025.

Commissioner	Yes/Aye	No/Nay	Abstain	Absent
Niece	X			
Nauer	X			
Padgett		X		

Attest:

Signed by:

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Cristy Lynn, Clerk and Recorder

Board of County Commissioners of Ouray County,
Colorado
Signed by:

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Jake Niece, Chair
Signed by:

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Michelle Nauer, Vice-Chair
Signed by:

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Lynn Padgett, Commissioner Member

By: Eli Holmes, Deputy Clerk of the Board