

**Minutes
Board of County Commissioners
Regular Meeting**

May 6, 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.

Glenn Boyd, Ouray County Emergency Manager, told the BOCC that the Ouray County Multijurisdictional Emergency Operations Plan has been adopted by all parties. Commissioner Niece and Interim County Manager Kara Rhoades discussed revisions to the agenda.

B. 9:30 - General Business

1. Consent Agenda:

Commissioner Padgett suggested having the consent agenda as a standalone agenda item.

Commissioner Niece agreed with the suggestion.

The October 8, 2025 Minutes were pulled for discussion.

Commissioner Padgett asked to correct the date in the footer of the minutes from October 1 to October 8.

Commissioners Nauer and Padgett discussed Pinon Jays as mentioned in the October 8, 2025 minutes.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to Approve the October 8, 2025 minutes, with the change to the footer as suggested during the discussion. Motion Passed (3 - 0).

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).

Commissioner Padgett and Interim County Manager Rhoades discussed changes to packet materials, and what process changes may be necessary when packet materials have changes.

9:10 - Board recessed for a break.

- a. Request for approval of Expenditures:
 - b. Request for approval of the following minutes:
 - i. October 8, 2025 Minutes:
 - c. Request for approval of EMS Standby Services Contract Template:
2. Request for adoption of **Proclamation 2025-006** declaring May 2025 Mental Health Awareness Month:

Presented by Kerry Brock, Behavioral Health Administrator with Tri-County Health. Brock and Commissioner Nauer discussed mental health challenges and suicides in the community.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to Adopt Proclamation 2025-006 declaring May 2025 as Mental Health Awareness Month. Motion Passed (3 - 0).

Commissioner Padgett commented on mental health issues in the community and emphasized the importance of recognizing mental health issues. She suggested changing one of the whereas statements for future years to amplify the problem of mental health in Colorado.

3. Request for adoption of **Proclamation 2025-007** declaring May 2025 Wildfire Awareness Month:

Presented by Leigh Robertson, West Region Wildfire Council. Robertson and Commissioner Niece discussed the work being done by the Wildfire Council.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to Adopt Proclamation 2025-007 declaring May 2025 as Wildfire Awareness Month. Motion Passed (3 - 0).

4. Request for adoption of **Proclamation 2025-008** recognizing May 17th, 2025 as Colorado Public Lands Day:

Presented by Linda Browning, Co-President of the Ridgway Ouray Community Council. Commissioner Padgett thanked the Council and the public for their dedication to public lands.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to Adopt Proclamation 2025-008 recognizing May 17th, 2025, as Colorado Public Lands Day. Motion Passed (3 - 0).

5. Request for Approval and Authorization for County Attorney and/or County Manager to Obtain Signature(s), Record Quit-Claim Deed, Issue Necessary Tax Form(s) for Donation, and Prepare Formal Thank You Letter for BOCC Signatures, for Tip-Top Mining Claim, in conjunction with Trust for Land Restoration.

Presented by Patrick Willits, representative for Trust for Land Restoration. Commissioner Padgett, County Attorney Caselli, Willits and Mark Rudolph, CDPHE, discussed an environmental assessment from 2006 which surveyed approximately 200 mining claims, and included the Tip-Top claim being discussed. Also discussed was the rec designation given to the Tip-Top claim and other claims in the area.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the County Attorney and/or County Manager to obtain signatures, record the quit-claim deed, issue any necessary tax form(s) for donation, and prepare a formal thank-you letter for BOCC signatures, for Tip-Top Mining Claim, in conjunction with Trust for Land Restoration, from mineral survey #19153. Motion Passed (3 - 0).

6. Request for Approval and Authorization of Chair's Signature on Special Event Permit and Agreement for the Ridgway Area Trails (RAT) Race:

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the Chair's signature on the Special Event Permit and Agreement for the Ridgway Area Trails (RAT) Race. Motion Passed (3 - 0).

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

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

1. Request for adoption of **Resolution 2025-020** approving an application for a variance to the 50' setback requirement in the valley zone to construct an out-building at 3926 County Road 23: (This Application was approved by the Board during the April 22, 2025 meeting.)

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to approve an application for a variance to the 50' setback requirement in the valley zone to construct an out-building at 3926 County Road 23. Motion Passed (3 - 0).

D. 10:00 - The Board of County Commissioners will convene as the Board of Health concerning the following:

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

1. Public Health Director Update:

Presented by Kristin Kelley, Ouray County Public Health Director.

Commissioner Padgett discussed the Immunization database and suggested adding a link to the Public Health webpage.

Commissioner Niece agreed.

Commissioner Nauer and Director Kelley discussed needle disposal in Ouray County.

E. 10:30 - Ty Barger, Road and Bridge Superintendent

1. Road and Bridge Report:

Presented by Ty Barger, Ouray County Road and Bridge Superintendent.

All three commissioners and Superintendent Barger discussed the rockfall disaster on County Road 361.

2. Request for approval and authorization of Chair's Signature on the 2025 Agreement for Services with Blackrock Material & Supply, LLC:

Presented by Ty Barger, Ouray County Road and Bridge Superintendent.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the Chair's signature on the 2025 Agreement for Services with Blackrock Material & Supply, LLC. Motion Passed (3 - 0).

3. Request for ratification of Road and Bridge Supervisor – Ty Barger's signature on EPA Consent for Access to Property for Site Assessment on CR 31 and 31A for the collection of samples:

Commissioner Padgett and Commissioner Niece discussed the scope of the project, what liability the County could face if the project moves forward, and clean-up responsibility if it were necessary.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to ratify Road and Bridge Supervisor Ty Barger's signature on the EPA Consent for Access to Property for Site Assessment on County Roads 31 and 31A for the collection of samples. Motion Passed (3 - 0).

Commissioner Padgett and Superintendent Barger discussed data collection from the project.

County Attorney Caselli and Commissioner Padgett discussed possible Environmental Protection Agency and United States Forest Service restrictions on open meetings.

4. Request for approval and authorization of Chair's Signature on the 2025 Agreement for Services with ArmorProSeal Asphalt LLC:

Presented by Ty Barger, Road and Bridge Superintendent.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the Chair's signature on the 2025 agreement for services with ArmorProSeal Asphalt LLC. Motion Passed (3 - 0).

Commissioners Padgett and Niece and Superintendent Barger discussed the product used and had continued discussion regarding the rockfall disaster on County Road 361.

11:15 - Board recessed for a break.

F. 11:00 - Petition of Abatement/Refund of Taxes

Presented by Susie Mayfield, Ouray County Assessor.

Commissioners Padgett and Niece, Assessor Mayfield and County Attorney Caselli discussed whether this was rewarding the applicant for demolishing a structure without a permit, and potential recourse options for the county for code enforcement.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve the petition for abatement and refund of taxes for Big Red LTD. Motion Passed (3 - 0).

12:30 - The Board recessed for Lunch.

G. 12:00 - Lunch

H. 1:30 - Public Hearing - Special Use Permit

[Public Comments may be submitted in writing prior to the hearing and should be received no later than 3:00PM on May 5, 2025. Alternatively, oral testimony will be accepted during the hearing.]

1. Application: Special Use Permit to operate a Guest Ranch

Applicant: Keystone Portfolio Management, LP

Location(s):

- 1995 Gold Mountain Trail (this may get expanded to include some, or many, different mining claims that they own)
- 778 Tranquility Trl. (AKA Lots D,G,H and J of the Highlands Subdivision)

Commissioner Niece initiated the hearing and explained the public hearing process.

Staff Presentation:

Presented by Bryan Sampson, Ouray County Senior Planner. Staff recommendation

was to deny the application because the property does not meet the definition of a guest ranch, unless the Board would like to table the application until Land Use Code definitions address this type of property more appropriately.

Commissioner Padgett asked for clarification on the recommendation to table the application.

County Attorney Caselli, Commissioner Padgett and Sampson discussed Land Use Code definition changes and potential permitting fits for the subject properties.

Commissioner Niece asked whether there have been any issues regarding the short-term rental at the Gold Mountain Ranch property.

Mark Castrodale, Ouray County Planning Director, stated that no complaints had been filed that were specific to the short-term rental permit, but they have had conversations about their website and other issues. (Recording is inaudible, this is based on minutes taken during the hearing).

Commissioner Nauer asked whether the applicant had other permits tied to the property.

Commissioner Niece stated that the Via Ferrata has a permit.

Commissioner Padgett asked County Attorney Caselli whether he had any concerns from a legal perspective about the application.

County Attorney Caselli expressed concerns about dealing with outdated definitions in the Land Use Code, and felt that there weren't any good fits in the Land Use Code, but felt the board could go either way.

Commissioner Padgett asked about a gate that was blocking Old Horsethief Trail, referencing a permit number on the gate, and wondered if that number was tied to an active permit. She asked if there was an active mining permit which would allow for a restriction on recreation, noting that she did not recall any mining permit during the permit hearings for the Via Ferrata.

Sampson stated that he does not have information about the mining permit discussed.

Applicant Presentation:

Presented by Keller Herrin, Operations Manager for Gold Mountain Ranch.

Jess Barkman, Sales and Marketing for Gold Mountain Ranch, introduced herself.

Herrin addressed Commissioner Padgett's comment about the gate blocking Old Horsethief Trail.

Commissioner Nauer and Herrin discussed public access to trails, livestock, recommendations from Colorado Parks and Wildlife (CPW) about wildlife, surrounding properties, and water rights.

Commissioner Niece and Herrin discussed livestock, traffic impacts related to the properties, and recreational activities.

Commissioner Padgett, County Attorney Caselli and Herrin discussed parking, daily users and potential shuttle options, use of public trails, potential property disputes and wildlife concerns.

3:31 PM - The Board moved to public comment.

Public Comment:

Clint Estes, Ridgway resident, expressed support for the property owners, vouching for

their commitment to nature and efforts to avoid an empty mansion on the hill. He emphasized the importance of collaboration between user groups and private owners and urged the board to limit applicant demands.

Jennifer Burdick, County Road 5 resident, praised Keller as a former neighbor. She called the Ouray property tasteful, and said she no longer had concerns. She said originally her and her husband were concerned because they had seen the notice about the guest ranch permit, but after talking with Keller and the property owners, she felt it would be a great opportunity for children.

Don Mort, Panoramic Heights resident, voiced concerns about poor maintenance on County Road 14 despite increased traffic. He asked about CPW's recommendation to restrict human contact entirely and thought the dates they provided were not accurate. He expressed concern about any activity happening in this area during the months noted by CPW but supported expanding recreation within the proposed seasonal limits. Commissioner Padgett clarified the date ranges provided by CPW.

Logan Tyler, Ridgway resident, voiced strong support for the applicants, crediting them with helping grow his business. He highlighted their respect for nature, noting that the Via Ferrata halts operations when Bighorn sheep are present. Tyler expressed concern that if the property became financially unsustainable, future owners might not share the same values. He urged the county not to discourage responsible business owners like these from operating locally.

Bob Burdick, Ridgway Resident, expressed concern that the camp nearby to them on County Road 5 was not properly caring for fires on the property. He said that their lack of ownership in the property is what likely led to their carelessness. He thought that property owners would show more care for the property and expressed support for this permit.

Matt Nadel, representing Nevada-Ouray Corp., urged the board to delay approval, citing unresolved legal issues. He noted that 10% of the land in the proposal is privately owned, the applicant lacks permission from those owners, and the Land Use Code prohibits development without their consent. He strongly urged the board to deny the application.

Robyn Cascade, Ridgway resident speaking on behalf of Great Old Broads for Wilderness, raised concerns about the declining local bighorn sheep herd. She urged restrictions on domestic sheep and goats to protect wildlife health and emphasized preserving public access.

Kristin Arnold, Ridgway resident, thanked the applicants and Tyler for operating transparently. She noted a rise in similar requests and urged the board to protect public lands.

4:00 - Public comment closed. The Board moved to deliberations.

Deliberations:

Commissioner Niece expressed a desire to make a decision today and refrain from tabling the hearing while awaiting revisions to the Land Use Code.

Commissioner Padgett agreed and reminded the board they could waive application fees for another application if they denied request.

Commissioner Niece noted the Land Use Code is seemingly designed to limit

development, and that he feels bound by the code as the current law. He provided a counterargument that this would be in line with the new Master Plan, which aims to expand non-motorized recreation in the county.

Commissioner Nauer agreed the proposal doesn't align with current code. While she praised the applicant's ideas, she raised concerns about road conditions, private landowner impacts, and noncompliant venue weddings, urging the applicant to meet code requirements.

Commissioner Padgett stated she was initially opposed the application due to Land Use Code conflicts but said the issues are workable. She supported linking the two properties and setting conditions to address these concerns. She emphasized limiting activities to the applicants' private land, restricting motorized use to protect wildlife, and aligning offsite events with CPW's recommended dates. She called for clarity on ownership, correction of the authorized agent form, and inclusion of regulation 43 and permitting requirements. She supported a permanent fire ring at the lodge but limiting outdoor fires, retaining public and climbing access, and requiring seasonal limits and a special use permit for weddings.

Commissioner Niece said the application could help guide updates to the Land Use Code but had too many unresolved issues for approval. He recommended resubmission after addressing trail protections, CPW guidance, private property agreements, weed mitigation, and septic testing. He opposed the proposed expansions, questioned the Ouray property's residential designation, and expressed support for Commissioner Padgett's conditions.

Commissioner Padgett asked if the board would be willing to continue this hearing with direction to staff to craft additional language and let the applicant address concerns outlined during this hearing.

Commissioner Nauer agreed with the other commissioners, but wanted to make sure the liquor licensing and their wedding permit were addressed as well. She thought that the county needed to update the Land Use Code before this was approved.

All three commissioners, Director Castrodale and County Attorney Caselli discussed the upcoming changes to Land Use Code, conditions for the applicant, and whether tabling this application pending Land Use Code updates was viable.

Commissioner Niece asked whether the applicant would be interested in continuing the hearing for the application.

Herrin expressed concern with whether title companies would be willing to take on this assignment for a survey-level assessment of the properties.

Commissioner Padgett clarified that a site plan would be satisfactory and wasn't recommending a survey level assessment.

County Attorney Caselli suggested Land Use could provide a list of consultants for a site plan.

Commissioner Niece suggested a continuation of the application to a date certain to cure issues addressed during the hearing.

Herrin asked for clarification regarding the expectations of the continuation.

Commissioner Padgett suggested providing the applicants with a list of requirements to complete the application, and a list of conditions to meet.

Herrin expressed concerns about costs and resources associated with a continuation. He also asked for clarification on the Wedding Special Use Permit, as they do not feel

they should police their guests' activities.

Commissioner Nauer suggested reviewing the Special Use Permit for Red Mountain Alpine Lodge for reference.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to continue the hearing to 1:30 PM on August 26th at the 4-H Event Center. Motion Passed (3 - 0).

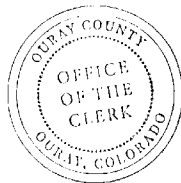
4:57 PM - With no further business, the Board of County Commissioners adjourned.

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 21, 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
By: Eli Holmes, Deputy Clerk of the Board

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