

**Minutes
Board of County Commissioners
Regular Meeting**

October 7, 2025

1. 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.

The meeting on October 7, 2025 was called to order at 9:00 AM by the Chair of the Board.

Carolyn Dressler, County Road 1 resident, commented about cigarette waste on Highway 550 and asked the County to ban products that have tobacco filters.

Christine Collin, representing Ouray County Water Users, commented on the significant drought conditions this year. She thanked the county for the no-call agreement.

All three commissioners and Collin discussed the no-call agreement.

2. 9:15 - Consent Agenda

Commissioner Nauer and Commissioner Niece discussed the Tri-County Water item in the expenditures.

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

Commissioner Niece and Commissioner Padgett discussed a CCI meeting from the previous week.

- a. Request for approval of Expenditures:
- b. Request for ratification of Chair's signature on the Colorado Counties, Inc. (CCI) Legislative Committee Commissioner Designation Form appointing Commissioner Padgett (Alternate: Commissioner Niece):
- c. Request for adoption of **Resolution 2025-030** Disaster Fund, Declared Disaster Response and Pre-Disaster Mitigation Allocation replacing Resolution 2015-053:

3. 9:25 - General Business

- a. 2026 Operation & Maintenance Rate Tri-County Water Conservancy District:

Presented by Commissioner Niece.

Commissioner Nauer asked about the cost moving forward for budgeting purposes. All three commissioners discussed the Tri-County Conservancy District's 2026 Operation & Maintenance Rate.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to approve the 2026 Operation and Maintenance Rate for Tri-County Water Conservancy District and ask Interim County Manager Kara Rhoades to update the contact information. Motion Passed (3 - 0).

- b. Request for adoption of **Proclamation 2025-017** recognizing October 2025 as Bullying Prevention Month:

Presented by Amanda Andrews, Peer Kindness.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to adopt Proclamation 2025-017 recognizing October 2025 as Bullying Prevention Month. Motion Passed (3 - 0).

- c. Request for Adoption of **Proclamation 2025-018** recognizing October 2025 as Breast Cancer Awareness Month:

Presented by Jennifer Peterson, Ouray County Communications Administrator.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to adopt Proclamation 2025-018 recognizing October 2025 as Breast Cancer Awareness Month. Motion Passed (3 - 0).

Devin Bullis, Deputy Chief Paramedic, discussed shirts they made to show support for Breast Cancer Awareness month, and gave a history of women in fire and EMS and their elevated likeliness to develop breast cancer.

Dressler asked how the county could make sure all women in the county receive regular mammograms and spread awareness.

Commissioner Padgett and Dressler discussed ways the county could set up local cancer screenings for citizens who are unable, or find it difficult to travel for this kind of care.

- d. Request for adoption of **Proclamation 2025-019** recognizing October 2025 as Domestic Violence Awareness Month:

Presented by Tabitha Champlin, Ouray County Victim's Advocate.

Justin Perry, Ouray County Sheriff thanked Tabitha and stressed the importance of this effort and the bullying proclamation.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to adopt Proclamation 2025-019 recognizing Domestic Violence Awareness Month. Motion Passed (3 - 0).

9:39 - Board recessed for a break.

- e. Consideration of the appointment of Robby Marr to the Ouray County Right-to-Farm Agricultural Review Board with a term expiration of October 31, 2027:

Commissioner Niece and Commissioner Padgett discussed the Right-to-Farm Agricultural Review Board.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to appoint Robby Marr to the Ouray County Right-to-Farm Agricultural Review Board with the term listed in the agenda. Motion Passed (3 - 0).

Sheriff Perry stated that Marr is a great appointment and expects good things to come from it.

- f. Request for approval and authorization of Interim County Manager's signature on the Federal Lands Access Program Project Memorandum of Agreement for CO FLAP US 550 (1) Red Mountain Pass between Colorado Department of Transportation, Ouray County, San Juan National Forest Service (SJNF), Grand Mesa, Uncompahgre, and Gunnison National Forest Service (GMUG), and the Federal Highway Administration (FHWA):

Presented by Interim County Manager Rhoades.

Commissioner Niece, Commissioner Padgett, Interim County Manager Rhoades and County Attorney Caselli discussed the Memorandum of Agreement.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the Interim County Manager's signature on the Federal Lands Access Program Project Memorandum of Agreement for CO FLAP US 550 (1) Red Mountain Pass between Colorado Department of Transportation, Ouray County, San Juan National Forest Service (SJNF) Grand Mesa, Uncompahgre, and Gunnison National Forest Service (GMUG), and the Federal Highway Administration (FHWA). Motion Passed (3 - 0).

Commissioner Padgett questioned the match language, and wondered whether there was flexibility with regard to the match the county could provide.

- g. Request for approval and authorization of the Chair's signature on the quote for BOCC room furniture and 4-H Event Center chairs from Office Outfitters and on the Fiscal Impact Form, authorizing the 50% down payment:

All three commissioners and County Attorney Caselli discussed BOCC room furniture and small changes to the contract.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve and authorize the Chair's signature on the quote for BOCC room furniture and 4-H Event Center chairs from Office Outfitters and on the Fiscal Impact Form, authorizing the 50% down payment. Motion Passed (3 - 0).

h. Request for approval of the following minutes:

i April 22, 2025:

All three commissioners discussed the April 22, 2025 Minutes.

Commissioner Niece asked for multiple points of clarification to be added to the minutes.

Commissioner Padgett stated that she had evidence that discussions that happened during this meeting were inaccurate and, because of this, would be voting against the minutes.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Niece to approve the April 22, 2025 Minutes with the changes discussed during the meeting. Motion Passed (2 - 1).

Rollcall vote was called.

Commissioner Nauer - Yes

Commissioner Niece - Yes

Commissioner Padgett - No

ii August 5, 2025:

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Niece to approve the August 5th, 2025 minutes. Motion Passed (3 - 0).

Rollcall vote was called.

Commissioner Padgett asked to have the time of her delay added to the minutes.

Commissioner Niece noted the motion had been made, and a rollcall vote had been called already.

Commissioner Nauer - Yes

Commissioner Niece - Yes

Commissioner Padgett - Yes

i. Request for the Veteran's Flag to be flown at the Ouray County 4H Events Center and Fairgrounds for the Month of November:

All three commissioners discussed the request from Ken Miller and decided to hold it.

No action was taken on this item.

4. 9:50 - Glenn Boyd, County Coroner

- a. Recognition of Colleen Hollenbeck's service to Ouray County with the Coroner's Office:

Presented by Glenn Boyd, Ouray County Coroner.

5. 10:00 - Glenn Boyd, County Emergency Manager

- a. Bimonthly Update:

Presented by Glenn Boyd, Ouray County Emergency Manager.

Commissioner Padgett and Sheriff Perry discussed statistical data collection by Mountain Rescue.

Commissioner Padgett commented on emergency training opportunities for rural communities in light of FEMA's website being down due to the federal government shutdown.

Commissioner Niece mentioned focusing on the required training and adding Commissioner Padgett's suggested training as an add-on.

6. 10:30 - Ty Barger, Road and Bridge Superintendent

- a. Monthly Update:

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

Commissioner Niece asked for an update on the status of delivery of the multipurpose vehicle order.

Superintendent Barger gave a status update on the new vehicles.

Commissioner Niece asked about the road painting process for the escarpment road.

Superintendent Barger explained the process for painting the road.

7. 11:00 - Approval and Authorization of Chair's Signature on the 2025 Agreement for Services- ECME- Corbett Creek Construction Manager and on the Fiscal Impact Form

- a. Corbett Creek CM Contract + Fiscal Impact Form:

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

Commissioner Nauer asked if there was a legal review of the contract.

Superintendent Barger stated that legal was at the forefront of the development of the contract.

Interim County Manager Rhoades and County Attorney Caselli provided background on the project.

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 ECME as the Corbett Creek Construction Manager and on the Fiscal Impact Form. Motion Passed (3 - 0).

8. 11:15 - 15-Minute Break

11:03 - The Board recessed for a break.

9. 11:30 - 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.

a. Public Health Director Report:

Presented by Kristin Kelley, Ouray County Public Health Director.

Commissioner Nauer and Director Kelley discussed the ability to make COVID Vaccine appointments online.

Commissioner Niece asked about increasing breast cancer screening in the county.

All three commissioners and Carolyn Dressler discussed mobile cancer screening programs and the viability of Ouray County hosting an event.

Commissioner Padgett and Director Kelley discussed the Sexual Health Clinic and normalizing sexual health screenings.

10. 12:00 - Planning Commission Interview

The Board reconvened as the Board of County Commissioners.

a. Shellie Duplan:

Shellie Duplan introduced herself and described her history in building and planning, and her philosophies.

Commissioner Nauer asked whether Duplan had reviewed the Master Plan and to give some thoughts.

Duplan said she had and that it was well done, and touched on some of the things that stuck out to her.

Commissioner Padgett asked what the average size of home is in the community she manages currently.

Duplan said there are 100 total homes, 15 of which are deed restricted homes. She said the homes range from 3,000 square feet to 10,000 square feet.

Commissioner Padgett asked whether she prefers to push through plans and find ways to make them work or to make applicants work around Land Use codes.

Duplan stated that it depends on the application and whether it makes sense for the county.

Commissioner Padgett asked whether she would respect the Master Plan and the

historical precedence set in Ouray County.

Duplan stated that the Master Plan should be respected, and described examples in which she would look into approving applications. She specifically mentioned water as an asset that needs to be protected.

Commissioner Padgett asked about a controversy between the Lawson Hill HOA and the Aldasoro Ranch and the East End Master Plan.

Duplan described the controversy in the East End Master Plan update process. She also said she was part of a Deed Restriction review committee that has reviewed some misinterpretations of Deed Restriction regulations.

Commissioner Niece asked whether Duplan had any financial interests in construction or other development projects.

Duplan stated she does not.

Commissioner Niece asked what she would do if there were a conflict of interest.

Duplan said she would recuse herself.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to appoint Shellie Duplan to the Planning Commission with a term expiring in October 2028. Motion Passed (3 - 0).

11. 12:15 - Lunch

12:15 - The Board recessed for Lunch.

12. 1:30 - Public Hearing - Board of Adjustment

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

- a. The purpose of the hearing is to review and consider a recommendation from the VIRC regarding a request by Marvin Lummis for approval of a Variance Application from the skyline standards of Section 9.3C of the Ouray County Land Use Code, to allow the construction of a single-family dwelling that will break the skyline on Lot 7 of Dallas Meadows, Filing No.1. Action may be taken on this application following the hearing:

Commissioner Niece opened the hearing and described the public hearing process.

Staff Presentation:

Presented by Bryan Sampson, Ouray County Senior Planner.

Commissioner Padgett asked how far the home is from the berm.

Sampson stated the berm is as close to the road and far from the home as it can be.

Commissioner Padgett asked if the development retains a right to an ADU.

Sampson stated his belief that it is a single family home and according to Land Use Code, they would be eligible for an ADU.

Commissioner Padgett asked about the design and wondered if it could be adjusted to have the roof look more like the mountains.

Commissioner Niece asked how much material is being removed from the property.

Sampson stated that this would result in a 3-foot drop, but wasn't sure on the process.

Tommy Hein, architect for the applicant, stated that the material removed would be used for the berm.

Commissioner Padgett asked about dark sky lighting.

Applicant Presentation:

Mary-Ellen Hudson spoke about their history in the area. She then spoke about the process they took to develop this property. She explained what steps they took to mitigate the structure's visual impact.

Marvin Loomis, applicant, spoke about the history of the lot and the hardship of the location.

Chris Hawkins, representative for the applicants, shared his screen and presented additional information regarding the application.

Hein spoke about his design for the property. He proposed a change to the height of the chimneys and suggested it could be a condition for approval.

Commissioner Padgett, Hein and Hawkins discussed the suggestions and other potential conditions.

Commissioner Niece asked what the reduction in height was, noting the height being similar to a two-story home.

Hein explained the reduction in height and the reasoning for the change.

Commissioner Nauer asked to clarify the offer to reduce the height of one of the chimneys.

Hein explained that this could be done easily and would help move the project forward.

Commissioner Padgett asked about wildfire mitigation on the property.

Sampson stated that this was sent to West Region Wildfire Council and did not receive any concerns.

Commissioner Padgett asked about fencing impacting wildlife.

Loomis stated that there is no fencing on the property.

Public Comment:

Kevin Wilson stated that the applicants are good stewards of the land they have. He encouraged the board to take a look at the property. He said several of the properties in the area break the skyline. He asked the board to take into consideration the visual impact regulations and why they were implemented. He said these are important regulations. He said the house will be blocking views for everybody who uses that road. He opposed the variance because of the regulations that are currently in place.

Eric Fallenius, Dallas Meadows resident, stated that what was presented originally to the Dallas Meadows HOA architectural review committee was very good. He thought residential development rights should be honored and that the property owners are good people who will respect the neighborhood, and will likely go above and beyond to make sure the visual impact is minimal.

Valentine Swarc, Dallas Meadows resident, stated that the architectural review committee does not have criteria regarding visual impact, so the unanimous approval was not based on visual impact.

Hawkins stated that the applicants purchased the property without knowledge of the visual impact regulations. He said the visual impact will only affect a small area.

Deliberations:

Commissioner Padgett agreed with Commissioner Niece in questioning the height of the single-story structure. She hoped to avoid the arguments from the applicant regarding structures that existed prior to visual impact regulations. She thought the staff clauses for the variance would be a better argument.

Commissioner Niece stated that there appears to be additional portions of the lot that are buildable that don't meet the narrowness and steepness clauses.

Commissioner Padgett suggested the board could ask for additional details in order to get an idea of whether modifications would put this into compliance. She stated that visual impact regulations were not improved during a stretch of work on Land Use Code revisions and thought this lot was one of the reasons to limit the expansion of visual impact regulations. She said she rode her bike along the road and that there is visual impact to the skyline from this parcel, but also noted the difficulty with developing this lot.

Commissioner Nauer said that the chimney was something that caught her eye but thought the chimney reduction suggested could help her feel comfortable with the request.

Hawkins suggested additional removal of land would create too much of a hole, and thought the design may be affected negatively having the roof pitch reduced.

Hein explained that they did a study of roof pitches of barns in the area, noting that this is similar to other designs in the area. He said that the pitch of the roof starts to look more industrial if they go any lower.

Commissioner Niece stated that a home could be built here that does not need a variance. He felt that this would be approving a "nice to have", not a "need to have" set of plans.

Commissioner Padgett noted the struggles of this lot due to its location. She suggested visual impact regulations have been a point of stress for a long time and thought approving this development could allow for future updates to visual impact regulations. She suggested additional conditions to reduce visual impacts or future problems with the property.

Commissioner Nauer discussed the conditions listed by Commissioner Padgett.

Commissioner Niece stated that there have been efforts to meet compliance, but that he doesn't feel that it is meeting the standards outlined in Land Use Code.

Hein said that even a flat roofed structure would need a variance.

Commissioner Niece asked Sampson if any structure could be built on this property without a variance.

Sampson stated that he didn't believe any structure could be built here without a variance.

Commissioner Niece asked to strike conclusion #2 since the steep topography is not relevant with additional buildable acreage. He said the shape of the property and the suggestion of Sampson that no structure could be built without breaking skyline.

Commissioners Padgett and Niece discussed conditions.

Commissioner Padgett asked if the recommendation to use appropriate for landscaping.

Sampson stated that it was removed because appropriate is subjective language.

County Attorney Caselli asked to include a condition to have revised plan sets and a landscaping plan submitted to Land Use, and to have an estimation for the chimney

reduction put on the record.

County Attorney Caselli read the conditions for the record (See Resolution 2025-031).

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to approve a variance for the subject parcel, subject to all conditions read into the record by Attorney Caselli during deliberations, and the three staff recommendations. Motion Passed (3 - 0).

i Kevin Wilson Comment - Contrast Pictures

13. 2:30 - 2026 Preliminary Budget Presentation and Request for authorization to Publish "Notice of Budget":

The Board reconvened as the Board of County Commissioners.

a. 2026 Preliminary Budget Presentation and Notice of Budget for Publication:

Presented by Kara Rhoades, Ouray County Interim County Manager.

Commissioner Niece, Commissioner Padgett, Sheriff Perry, and Interim County Manager Rhoades discussed annual overages in the Sheriff's budget.

Commissioner Padgett suggested changes to Land Use revenues for permits to offset the increased costs for the District Attorney. She also suggested prepaying Tyler during 2025 to leave it out of the 2026 budget.

Commissioner Nauer asked for a clear overview of where the county currently stands on fund balance transfers.

M/S/P Motion was made by Commissioner Nauer and seconded by Commissioner Padgett to approve the 2026 Preliminary Budget and the Notice of Budget for Publication. Motion Passed (3 - 0).

14. 3:30 - Executive Session: Litigation Updates

a. Executive Session: The Board of County Commissioners may convene into an Executive Session pursuant to C.R.S. § 24-6-402(4)(b) and (e), for a conference with legal counsel, and with the county manager and/or other necessary county staff present, to receive legal advice on specific legal questions for Docket No. 2025CV30000; and to receive legal advice on specific legal questions, determine positions relative to matters that may be subject to negotiations, develop strategy for negotiations, and/or instruct negotiators, for Docket Nos. 2019CW3098 and 2021CW3064.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to convene into Executive Session for the reasons listed on the agenda. Motion Passed (3 - 0).

3:34 - The Board of County Commissioners convened in Executive Session

4:56 - County Attorney Caselli read the board back into Regular Session

Participants

Commissioner Niece

Commissioner Nauer

Commissioner Padgett

Leo Caselli - County Attorney

Danielle Noble - Executive Recruiter - Peckham and McKenney (For County Manager Recruitment only - first 30 minutes)

County Attorney Caselli made a recommendation to withdraw from the 2021CW3064 filing.

- b. Approval and Authorization for County Attorney's Signature on Voluntary Withdrawal from 2021CW3064 Instream Flow Filing

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to approve and authorize the County Attorney's signature on the Voluntary Withdrawal from 2021CW3064 Instream Flow Filing. Motion Passed (3 - 0).

County Attorney Caselli asked for an allowance up to \$1000 for County Manager recruitment.

M/S/P Motion was made by Commissioner Padgett and seconded by Commissioner Nauer to give clear direction to the County Attorney and Executive Recruiter to communicate to the finalists for the County Manager Position that an up to \$1000 reimbursable travel stipend is available. Motion Passed (3 - 0).

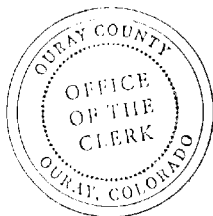
5:02 - With no further business, the Board of County Commissioners adjourned.

The Board of County Commissioners met in a regular session on October 7, 2025. Those present for the session were Commissioner Padgett, Commissioner Niece, Commissioner Nauer; Kara Rhoades, Interim County Manager; Leo Caselli, County Attorney; Jennifer Peterson, Public Information Officer; and Eli Holmes, Executive Assistant I and Deputy Clerk to the Board.

These Minutes were approved on March 24, 2026.

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

Attest:



Signed by:

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Damon Todd, 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