

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
January 9, 2007**

The January 9, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson  
Jim Starr, Commissioner

Marlene Crosby, Interim County Manager  
Kelly Balch, Clerk to the Board  
Others Present As Listed In Text

**CALL TO ORDER:** The meeting was called to order at 8:55 a.m. This followed the swearing in of elected and re-elected officials, and a public reception. It was noted that Commissioner Swenson was out of town today.

**MINUTES APPROVAL:** Moved by Commissioner Channell, seconded by Commissioner Starr to approve the December 5, 2006 Regular Meeting Minutes as submitted. Motion passed.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve the December 5, 2006 Public Hearing Minutes as corrected. Motion passed.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve the December 14, 2006 Special Meeting Minutes as submitted. Motion passed.

**SURETY BONDS:** Moved by Commissioner Channell, seconded by Commissioner Starr to approve and execute the surety bonds for the elected and re-elected officials as designated, and subject to final signature of all documents. Motion passed.

**SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON:** Chairperson Starr stated that when he first became a County Commissioner eight years ago there was an unspoken policy that the senior member of the Board of Commissioners would be the Chairperson. Most other counties rotate the Chairperson annually in order to share the leadership role, promote cross training, and to better represent the Board as three independent thinkers. He further feels the three current Commissioners have worked well together and have all been involved.

Moved by Commissioner Starr, seconded by Commissioner Channell to appoint Hap Channell as the Chairperson for the year 2007.

Commissioner Channell stated his appreciation for the leadership of Commissioner Starr and thanked him for the confidence being shown that Channell can continue the traditions and work established for the Chairperson.

**MOTION** passed.

Commissioner Starr continued that using the same philosophy of rotating the leadership and sharing responsibility, he

Moved by Commissioner Starr, seconded by Chairperson Channell to appoint Paula Swenson as the Vice-Chairperson for the year 2007. Motion passed.

**DESIGNATE MEETING DAYS:** Moved by Commissioner Starr, seconded by Chairperson Channell to designate the regular meeting dates of the Board of County Commissioners in 2007 to be regular meetings on the first and third Tuesdays of each month, an afternoon work session on the second Tuesday of each month, and a morning work session on the fourth Tuesday of each month. Motion passed.

**NOTICE POSTING LOCATIONS:** Moved by Commissioner Starr, seconded by Chairperson Channell to designate the official meeting notice locations for 2007 to be the glass case outside the north entrance to the Courthouse and the bulletin board outside of the Commissioners Meeting Room at the Courthouse, with the bulletin board in the Blackstock Government Center designated as an advisory posting location. Motion passed.

**MINUTES APPROVAL:** Moved by Commissioner Starr, seconded by Chairperson Channell to approve the December 22, 2006 Special Meeting Minutes. Motion passed.

**FRONTIER AIRLINES SUBMITTAL:** Airport Manager John DeVore was not present but provided the Board with the submittal package prepared for Frontier Airlines in response to their request for proposals regarding possible service. This submittal was prepared by DeVore,

a Crested Butte Mountain resort staff member and Rural Transportation Authority staff member and consultant. The Board began review of the submittal and cover letter, for approval later in the meeting.

**REGION 10 ASSESSMENTS:** Region 10 has submitted a request for Gunnison County to contribute \$4200 to the Second Homeowner Study being obtained by Region 10. The Board of Commissioners previously considered this request, on August 23, 2005, and allocated \$2500 in the 2006 Budget according to what was presented at that time. The study was not obtained by Region 10 in 2006 due to change in directors and the new director feels it is more appropriate to allocate the costs in a different manner. The Board discussed whether to contribute the full amount requested or wait for further information. It was agreed they would currently fund the amount budgeted.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize expenditure of \$2500 previously approved for the Second Homeowners Study to be obtained by Region 10. Motion passed.

With regard to the Region 10 annual assessment invoice for 2007, it was noted that there is a 4.5% increase in the overall amount plus the new assessment of \$3297 for the Area for Aging program. The Board asked the Finance Director if this new amount had been included in the 2007 budget. She said it had not, but funding could be found in another line item if necessary. The Board agreed they would like to fund the full amount, including the new assessment, and further monitor how successful the new Region 10 Director is with their programs.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Region 10 assessments for 2007 in the amount of \$15,889. Motion passed.

**INTERIM COUNTY MANAGER'S REPORTS:** Interim County Manager Crosby reported that Colorado Counties Inc. sent out an urgent request for any counties willing to donate dozers and loaders to help southeastern Colorado dig out from the recent blizzard. Crosby said she could allow a dozer to go down, but not an operator. The Board stated a willingness to do so, but asked her to first find out if basic expenses and liability would be covered.

Interim County Manager Crosby discussed a recent complaint to the Board from an airline passenger regarding the County's night landing policy, and Airport Manager DeVore's response. Chairperson Channell reported that he also responded directly. Discussion ensued regarding various reasons evening flights don't leave Denver or are turned back, and the need to remember the night landing policy. The Board asked for a letter to be drafted to Mesa Airlines to reiterate the policy.

Interim County Manager Crosby noted that Airport Manager DeVore has been asked to assist Telluride with their intent to organize a Rural Transportation Authority which Gunnison County successfully did when DeVore was County Manager. Commissioner Starr stated concern with allowing County staff to assist a competitor ski/visitor destination, and asked who would pay. Chairperson Channell suggested that DeVore assist in the interests of community goodwill, and Interim County Manager Crosby added that Gunnison County frequently obtains information and models from other counties. Channell further suggested that a trip by DeVore to a day meeting would be an acceptable cost to the County.

Interim County Manager Crosby said she is preparing a press release regarding the hiring of Matthew Birnie as County Manager and his projected starting date.

**BOARD RETREAT:** Interim County Manager Crosby noted that the Board has been discussing dates to conduct their early year retreat. She suggested that it be held shortly after the new County Manager arrives. Commissioner Starr said that Birnie may be in town before March 1 to obtain housing and he would ask him if the last weekend in February would work for a retreat. The Board and Crosby discussed possible locations and agreed that the Inn at Arrowhead should be contacted regarding availability.

**LIBRARY SITE ACQUISITION:** Library Board member Marsha Rose and Library Director Peggy Martin were present to report on the Library Board meeting held last night to discuss the two current options for a library site. The Library Board went on a site visit of both locations and discussed the advantages and disadvantages of each. One is a 5 acre site near the Community School owned by Ray Van Tuyl, and the other site option is a location adjacent to the City Community Center. Van Tuyl's attorney, Rufus Wilderson, was also present. Interim County Manager Crosby reported that Van Tuyl has offered to donate 6/7 of the \$350,000 appraised value of his 5 acres to the County for a library site. The County would need to pay for 1/7 of that amount, which Van Tuyl will donate to the Gunnison Area Community Foundation.

Marsha Rose stated that the Library Board unanimously determined they would be more than grateful to accept the gift offer from Ray Van Tuyl. She said the site has the amenities needed, is beautiful and has room for growth. The Library Board is very excited about this opportunity and believe that a library could be developed there which the County and Van Tuyl will be proud of and benefit future generations.

Rufus Wilderson stated that this donation is intended solely for use as a Library site. Ancillary uses would be acceptable, but Van Tuyl does not intend for this donation to include several acres used for the Library and the remaining portion used for some different purpose.

Interim County Manager Crosby said that some contractual matters remain to be finalized but requested authorization for staff to proceed. It was noted that funds were included in the 2007 Budget that will adequately cover this acquisition. There is also a broker agreement in place with the realtor who worked on this for the County.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to direct staff to proceed with closing the contract for the gift and partial purchase of the Van Tuyl property for the purpose of providing a site for a new Library. Motion passed.

Crosby and the Board will contact the Gunnison City Manager and council members to advise them of the County's decision to move forward with the Van Tuyl property and respectfully decline the offer of a location at the Community Center.

**HIGHWAY USERS TAX FUND:** Assistant Public Works Director Allen Moores presented the annual report to be submitted to the State which designates the numbers of miles of roads in the County, under different classifications, for the purpose of receiving the gas tax dollars.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to authorize Board signatures on the 2006 HUTF Annual Report. Motion passed unanimously.

**DOLA GRANT FUNDING APPLICATION:** Interim County Manager Crosby reported that she is still waiting on final cost estimates for a bridge which needs replaced on Buzzard Divide near Somerset, and is finalizing costs for new equipment. These will be inserted into the Department of Local Affairs Energy and Mineral Impact Assistance special funding application for mitigation of impacts related directly to mineral extraction and oil and gas. The application is due prior to the next Board meeting.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to authorize Marlene Crosby to sign and submit the grant application prior to the January 15 deadline. Motion passed.

**OHIO CREEK/HIGHWAY 135 INTERSECTION UPDATE:** Interim County Manager Crosby said that as the County and the State continue to look at a potential realignment and the possibility for a parking area at this intersection, the Board asked her to evaluate temporary options for parking. An overhead map of the area was shown including a small parcel owned by the County down the frontage road from the intersection. With fill material this parcel could provide some parking and perhaps the bus would be willing to go there to pick up passengers. However, this may require a land use change review which might not occur quickly and with money being tight Crosby doesn't recommend spending much money on something which will not be permanent. She said there is still the possibility that work with the State could be done in order to create a permanent parking and intersection realignment later this year. Commissioner Starr suggested that staff find out more about the process and costs of achieving the temporary location before proceeding.

**BREAK:** The meeting recessed from 10:35 to 11:15 a.m.

**LIBRARY BOARD INTERVIEWS:** The Board interviewed Julie Clute-Chaney via phone and Jim Barron in person for two vacancies on the Library Board.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to appoint Jim Barron to the Library Board for the term vacated by Karen Shirley and expiring in 2010; and Julie Clute-Chaney to the Library Board for the term vacated by John Harrington expiring in 2009. Motion passed.

**BREAK:** The meeting recessed for lunch from 12:00 to 1:10 p.m.

**GUNNISON/HINSDALE BOARD OF HUMAN SERVICES:** Those Minutes are a separate document.

**CONSENT AGENDA:** **Moved** by Commissioner Starr, seconded by Chairperson Channell to approve the consent agenda items and authorize execution of those documents. Motion passed. The approved consent agenda items are as follows:

1. Ratify 12/19 signature on CDPHE Immunization Program Contract
2. MOU with Ouray County for 2006 Homeland Security, Terrorism and Citizen Corp Programs
3. IGA with Hinsdale County for 2007 Noxious Weed Control
4. IGA with Saguache County for 2007 Noxious Weed Control
5. Added: IGA with Town of Mt.Crested Butte for 2007 Noxious Weed Control
6. Petition for Abatement of Taxes:
  - a. Youmans Ranch LLC - 2004 \$1135.40 and 2005 \$1018.28
  - b. Chauncey Miller – 2004 \$2223.26 and 2005 \$2282.32

**PUBLIC HEARING**  
**Petition for Waiver of Road Standards**  
**Submitted by**  
**Hidden Mine Ranch LLC**

Chairperson Channell called the public hearing to order at 1:25 p.m. Interim County Manager Crosby confirmed proper publication of the hearing, and the fee was waived for this petition according to a discussion and decision made regarding the petition for waiver of standards submitted by the same applicant in September. That petition was denied following a public hearing. The applicant has copies of the certified mailings to adjacent property owners. Approximately 15 persons were present in the audience.

Manager and Co-owner of Hidden Mine Ranch LLC Mike Higgins was present along with his attorneys Chuck Cliggett and Tom Dougherty and his engineer Norm Whitehead.

County Attorney Baumgarten stated that the decision of the Board regarding a petition for waiver of road standards is governed by Section 1.9.H of the Gunnison County Road and Bridge Standards and Specifications (hereinafter “Road Standards”) that says no waiver shall be granted unless the Board determines in writing that the applicant has established by clear and convincing evidence that six criteria have been established.

Chuck Cliggett reported that the 750 acres in Hidden Mine Ranch LLC is owned by 14 persons. Since the petition was denied in September more evidence was prepared which they believe can satisfy the criteria required for a decision. In addition, they attempted to resolve the differences and objections of the neighboring property owners but were unsuccessful.

A notebook including the application for waiver of standards and the related evidence was submitted for the record.

Tom Dougherty stated that he will be addressing the main points of the application and the evidence provided, as well as three options the applicant will request the Board of Commissioners to consider. The application for waiver of road standards and specifications is for the road width on Smith Road from Highway 135, crossing Whetstone Mine Ranch (hereinafter “Whetstone”), and up to the Hidden Mine Ranch property line (hereinafter “Hidden Mine”). The existing road is 12-16 feet and provides access to Hidden Mine through a mutual easement agreement entered into in 1990 between the predecessors of the owners of Whetstone and Hidden Mine and provides a 60 foot easement for ingress and egress. The Whetstone recorded plat also shows the 60 foot wide easement. There is also language as part of the County’s land use change approval for Whetstone that Smith Road is being expanded to an 80 foot easement to the intersection of Willow Lane on the Whetstone property. At a minimum, there is a 60 foot undisputed mutual access easement. The petitioner is not arguing the 80 foot wide easement issue for the purposes of this petition.

For purposes of today’s discussions they will refer to Smith Road being two sections. Section 1, commencing at Highway 135, is subject to the 60 foot wide mutual easement agreement and subject to an 80 foot wide right-of-way to Willow Lane which was a condition of the Whetstone land use change approval. Section 2 begins at the Willow Lane location and extends 335 feet to the Hidden Mine Ranch boundary. That portion is only subject to the 60 foot wide mutual easement agreement.

Based on the proposed use of the Hidden Mine property, it is the petitioner’s position that the road standards for the traffic count require a 60 foot wide easement but the standards also state the County can require an additional 20 feet for snow removal and storage purposes. They believe this is a discretionary decision according to Section 4.4.2 of the Road Standards. The petitioner requests that the County not require the additional 20 feet of right-of-way. In support of that is a letter from engineer Norm Whitehead regarding the existing right-of-way, the

projected snowfall for this area according to the County's building standards, and the snow storage allowances used by the Towns of Crested Butte and Mt. Crested Butte. Whitehead's opinion is that with a road constructed at 24 feet wide plus two three foot shoulders for a total of 30 feet in width, a 60 foot wide easement will be adequate for snow storage. Whitehead was present and reiterated his opinion that 60 feet is adequate.

Dougherty said the petitioner's first request for today is that the Board of Commissioners determine that the 60 foot wide easement is acceptable and allow the petitioner to satisfy all snow removal and storage requirements within that existing easement.

County Attorney Baumgarten responded regarding the Road Standards, Table 3.1, regarding right-of-ways for snow, and the text following the table. The text says the basic minimum right-of-way is 60 feet and additional right-of-way may be required. Baumgarten said the County has interpreted this document to be right-of-way of 60 feet, mandatory 80 feet for snow storage, and in some circumstances there may be the requirement for an additional width beyond 80 feet. The staff has not been treating the extra 20 feet as discretionary as suggested by the petitioner's attorney.

Assistant Public Works Director Allen Moores disagreed that a 60 foot width for snow storage is adequate. He particularly noted that some types of equipment throw snow further off the road, some years result in very high snowbanks, and in areas such as Smith Road that are on the flats there can be substantial wind blown snow issues. In addition, the County has experienced the destruction of fences in some areas where there are 60 foot widths.

Discussion ensued regarding the differences between plowing to the side of the road versus snow removal within an easement.

County Attorney Baumgarten said the information on the record from the September 19, 2006 public hearing can be incorporated into this public hearing. The petitioner's counsel agreed that the previous information could be relied upon but asked that if the Board chooses to use some information from the previous hearing that they identify it and allow the petitioner to respond because the petition being considered today has different evidence than the previous petition. The public hearing record from the September hearing was allowed to be incorporated into the record of today's hearing.

Dougherty continued that if the Board does not agree to allow the 60 foot easement width, which is the petitioner's first preference, the petitioner has two alternatives for consideration.:

Alternative #1: The snow removal and storage requirements for Section 1 of Smith Road be continued as they are currently according to the easement agreement between Whetstone and Hidden Mine, and the County waive the 80 foot width for Section 2 and Hidden Mine would rely on existing 60 feet of easement for snow storage and as necessary push the snow from that section onto designated storage areas on the Hidden Mine property.

Alternative #2: The snow to be removed from Smith Road by a truck which would collect the snow and haul it to the storage areas. Detailed information regarding the snow removal equipment proposed to be used and purchased from SNOteque is included in the notebook submittal and was verbally summarized by Dougherty.

Following the summary of the Snoteque equipment, County staff questioned the accuracy of the proposed snow capacity the specified equipment could remove, the amount of time that removal would take, and the need for a backup plan in the event the equipment needed repairs.

Tom Dougherty stated the criteria required for consideration of a petition for waiver according to the Road Standards, and the petitioner's compliance with those criteria. These are included in detail within the notebook submitted with the petition for waiver.

*Criteria #1: That the waiver is warranted by site specific conditions that make compliance with the specifications technically unfeasible*

Petitioner's response: Hidden Mine Ranch has a 60 foot wide legal access easement agreement to their property via Smith Road through the Whetstone Mountain Ranch. The Hidden Mine property does not border on a public road. Any other access route to Hidden Mine would require the construction of a substantial new road which would be contrary to the Gunnison County Land Use Resolution's policy to avoid new road construction whenever possible. Therefore, the petitioner requests the waiver because it is not technically feasible for Hidden Mine to comply with the Road Standards.

*Criteria #2: The proposed waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic.*

Petitioner's response: The waiver would not change the available width of the traveled portion of the road and there will be a 24 foot wide traveled lane. A letter dated December 8, 2006 from transportation engineering consultant, Delich Associates, states that the road will have the functional equivalent of the Road Standards and this waiver would not affect the amount of time snow plowing or snow removal equipment would be working on the road. In addition, the Delich letter concludes that the proposal for use of the Snoteque equipment would be "as good as or better than conventional snow plowing from a traffic operations point of view".

County Attorney Baumgarten added that there would need to be a legally binding and enforceable method to assure that the snow will be plowed or removed according to the method ultimately determined. The provisions included within covenants and enforcement options were discussed by Dougherty.

*Criteria #3: The proposed waiver will not adversely affect health or safety.*

Petitioner's response: Regardless of whether the snow is stored along the road or removed to snow storage areas, the traveled road width would be 24 feet and would therefore not affect health and safety differently than what currently exists. A letter dated December 6, 2006 from geotechnical and snow removal consultant, Myslik, Inc., states that there are certain risks with storing large amounts of snow alongside a road and these risks would be mitigated by having snow storage on the Hidden Mine property. This would relate to Alternative #2 presented by the petitioner. In addition, removing snow from the road can also mitigate spring damage to the road.

Dougherty submitted a letter from the Crested Butte Fire Protection District, dated December 19, 2006 stating they have "no issues" regarding the petition for variance of the road right-of-way.

*Criteria #4: The proposed waiver will not cause substantial injury to the owner or occupant of adjacent lands.*

Petitioner's response: The issue is not use of the land by either Whetstone or Hidden Mine but rather where the proposed alternatives provide performance equal to or better than that established by the Land Use Resolution and the Road Standards. The decision regarding this petition for waiver will be included in the Planning Commission's review of the pending land use change for Hidden Mine Ranch, but the waiver request and decision is not a land use consideration but rather a decision to be made by the County Commissioners

County Attorney Baumgarten stated at this time that the Road Standards require an 80 foot width for several types of roads which cover 13 to 999 trips per day on a road.

Dougherty continued that the Board of Commissioners previously stated concern about granting a waiver where the waiver applies to a road on a property owned by someone other than the petitioner. He feels that would make sense if the road would be built to a size different than the standards. In this case, the road will be built to 24 feet in traveled width no matter what the right-of-way width is. The main issue is how the snow is being handled. If there is an 80 foot width in existence and that was used for snow storage, Hidden Mine would be allowed to throw the snow into that width of right-of-way and cause the issues and impacts to adjacent property as identified by the consultants' letters presented thus far. Those impacts are allowed by definition. If compliance with the County standards by allowing snow to be stored within the easement does not cause injury by definition, then the Hidden Mine proposal does not cause injury by storing snow plowed from the same width of road. Alternative #2 would mitigate or eliminate those impacts by removing the snow entirely.

*Criteria #5: The proposed waiver will not cause substantial injury to the environment.*

Petitioner's response: Many of the same reasons as already stated apply to this criteria. The road will be constructed the same width either way and the snow to be removed will be the same as already allowed. A letter dated December 7, 2006 from Ecological Resource Consultants, Inc. indicates the snow storage option will not injure the environment and, with alternatives #2 or #3 when some or all snow will be removed from aside the road and taken to another location, the consultant concludes that this off-site storage would mitigate the potential biological and environmental degradation of Baxter Gulch and other water bodies due to the contaminants plowed off the road and into the storage area beside the road. The designated storage sites on the Hidden Mine property would be engineered to better leach the contaminants.

County Attorney Baumgarten asked how the contaminants would not impact the environment by being moved to another location. Mike Higgins said that the current snow storage areas alongside the roads have a more direct access to the wetlands. Norm Whitehead added that there is irrigation water running alongside some of the road. The proposed snow storage area would be graded to direct more leaching into the ground in the porous soils at the site.

*Criteria #6: The proposed waiver will provide the functional equivalent of the Standards and Specifications.*

Petitioner's Response: This is covered by the information provided above. In addition, the Land Use Resolution has infrastructure standards applicable to minor impact projects such as Hidden Mine, and require that the Road Standards be complied with. The Land Use Resolution acknowledges that if an alternate design can be shown to provide performance equal to or better than that established by the standards, the Planning Director may recommend that the decision making body accept the alternative.

The hearing was opened for public comments.

Attorneys Robert Hoban and Art Trezise were present and submitted a letter dated January 9, 2007 on behalf of Smith Ranch/Whetstone Mountain Ranch/Ted Colvin. Hoban stated that Hidden Mine has a 60 foot right-of-way on Smith Road from Highway 135 and further believes that an 80 foot right-of-way is required by the County and therefore the waiver must be considered for the entire length of road. He contends that storage of snow beyond 60 feet would constitute a trespass onto Whetstone property. If the County does not approve the waiver, Hidden Mine cannot build the development they wish and an improved road will not be needed.

Commissioner Starr stated that Hidden Mine has the right to condemn a right-of-way to their property. Art Trezise countered that Hidden Mine has the right to access the property by their easement, but the easement is insufficient for their development plans.

Robert Hoban continued his response to the Hidden Mine presentation. He believes the Hidden Mine representatives have not met the evidence requirements of the Road Standards. Further, the waiver request is not due to there being a technical infeasibility but rather the result of the Hidden Mine property owners not assuring adequate right-of-way prior to selling land for development. Despite the County Commissioners' admonishment to Hidden Mine to negotiate further with Whetstone, Hoban said that has not sufficiently occurred. Hoban contended that if the Board of Commissioners allow a developer to obtain a waiver of right-of-way requirements on another owner's property it will lead to future developers throughout the County not paying for easements but instead expecting a waiver.

Art Trezise suggested that Hidden Mine has a legal issue rather than a geographic or topographical issue causing compliance with standards to be infeasible. He addressed the options presented by Hidden Mine. He noted that the letters submitted by the petitioner's consultants seem to point toward the option of removing the snow rather than plowing it to the sides of the road, based on environmental and safety issues. He feels Alternative #3, removal of the snow with a machine, would also have risks as well as questionable performance and reliability. He also reported that the currently constructed road is only 16-20 feet wide in some places and the road will need to be 24 feet wide the entire length. At the narrower width there are already areas where snow fills up the entire roadside area. Dale Crawford then spoke regarding his experience snowplowing on the Whetstone property which can be an area of blowing and drifting snow in addition to the snowbanks which can take up the entire width of the storage area. He and Warren Wilcox both spoke about their lack of confidence that the proposed snowblowing/hauling equipment will be adequate for snow removal on this property and this will affect the safety of those traveling on the road. Bob Williams suggested that the total traffic counts for the Whetstone and Hidden Mine properties, based on full development, could result in the road needing to be paved and an even broader snow storage width.

Art Trezise requested that the Board of Commissioners deny this petition based on unsatisfactory evidence being presented by the petitioner as per the criteria.

Tom Dougherty spoke again on behalf of Hidden Mine Ranch and reminded the Board that the issue at hand is a snow removal question rather than a land use matter. He said the road width requirements would not change based on more traffic. He suggested that the impact of snowplowing and snow removal as well as the impact of blowing and drifting snow are subject to varying opinions. As for the contention that the petitioner did not negotiate with Whetstone, Dougherty said he personally met with Robert Hoban to discuss. He continued that

Whetstone is currently required to complete snowplowing on Smith Road according to their land use approval and what Hidden Mine would do on their portion of the road is the same plowing. However, with an acknowledgement that there can be issues with plowing large amounts of snow to the side of the road Hidden Mine has developed an alternative that would greatly mitigate those concerns by moving the snow to storage areas on their property away from the road sides.

Ted Colvin stated his concern with the safety of travelers on the road when snow blows and drifts after being plowed, concern with the height of snowbanks impeding visibility, lack of confidence in the ability to the snowblowing/hauling equipment, and questioned the impacts to his wells due to the large snow storage areas proposed on the Hidden Mine property.

County Attorney Baumgarten stated that public comment into the record of the hearing can be closed today, and suggested the Board conduct another meeting on another day for review of the information and a possible executive session to discuss legal issues.

The public hearing was closed at approximately 2:45 p.m.

A special meeting was scheduled for January 19 for Board review of the information. A decision on the petition will be scheduled for the regular meeting of January 23.

**SAGE GROUSE STRATEGIC COMMITTEE:** Gunnison Sage Grouse Strategic Coordinator Jim Cochran was present. A memo was in the packet regarding the request from the National Park Service to replace their alternate member on the Sage Grouse Strategic Committee, due to a staffing change.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to appoint Connie Rudd to replace Bill Wellman as the National Park Service alternate member to the Gunnison Sage Grouse Strategic Committee. Motion passed.

**OUT OF STATE TRAVEL:** Interim County Manager Crosby presented a request from County Attorney Baumgarten to travel to Arizona for the purpose of covering proceedings related to the McIntyre litigation.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to authorize the out of state travel for the County Attorney for the purpose stated. Motion passed.

**HOUSING AUTHORITY:** The meeting of the Gunnison County Board of Commissioners was recessed and a meeting of the Gunnison County Housing Authority was called to order at 4:05 p.m. Housing Authority Director Denise Wise was present.

**Meeting Posting Locations:** **Moved** by Commissioner Starr, seconded by Chairperson Channell to designate the official meeting notice locations for the Gunnison County Housing Authority to be the glass case outside the north entrance to the Courthouse and the bulletin board outside of the Commissioners Meeting Room at the Courthouse. Motion passed.

**Housing Needs Assessment:** Denise Wise reported that she met with the Town of Crested Butte and City of Gunnison Managers, and Bill Whaley from the Colorado Division of Housing to discuss obtaining a regional housing needs assessment. As a result, she has prepared a grant application to the Division of Housing for funding to do so, and prepared a draft Request for Proposals for a consultant to conduct the assessment.

Discussion ensued regarding how the needs assessment would impact linkage fees, inclusionary zoning, and other issues already adopted or being discussed. Wise said the needs assessment would supplement and enhance what is in place. It was also noted that this assessment would update the study obtained in 1999.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to adopt Housing Authority Resolution #2007-001, A RESOLUTION AUTHORIZING THE APPLICATION FOR A COLORADO DIVISION OF HOUSING LOAN-GRANT ASSISTANCE AUTHORIZATION. Motion passed.

The meeting of the Gunnison County Housing Authority was adjourned at 4:30 p.m. and the meeting of the Gunnison County Board of Commissioners was called back to order.

**HOUSING GRANT LETTER:** Housing Authority Director Denise Wise requested a letter of support from the County Commissioners to be submitted with the housing needs assessment grant application.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to authorize execution of the letter of support for the Gunnison County Housing Authority's grant application for the 2007 housing needs assessment. Motion passed.

**COMMISSIONERS MEETING REPORTS:** Commissioner Starr requested a work session to discuss use of the County shop property at Crested Butte, and reported on his participation in a meeting at the Forest Service. The Board asked Interim County Manager Crosby to draft a letter thanking County employees Scott Morrill and Randy Barnes for their assistance to communities in southeastern Colorado following the recent devastating blizzard.

**CCI PUBLIC LANDS DUES:** The Board discussed their previous hesitation to pay the Colorado Counties, Inc.'s special assessment for the Public Lands Committee but agreed to go ahead and pay them this year.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to authorize payment of the \$1790 CCI Public Lands dues for 2007. Motion passed.

**FRONTIER AIRLINES:** Following review of the proposal to be submitted to Frontier Airlines regarding possible service to Gunnison, the Board noted the need for correction of several typographical errors and will request that County Manager DeVore correct these before submittal.

**Moved** by Commissioner Starr, seconded by Chairperson Channell to approve the response to the Frontier Airlines Request for Proposals, pending corrections, for new rural commercial airline service and authorize the appropriate signature on the submittal and transmittals. Motion passed.

**ADJOURN:** **Moved** by Commissioner Starr, seconded by Chairperson Channell to adjourn the meeting. Motion passed. The meeting was adjourned at 5:10 p.m.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

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Jim Starr, Commissioner

Minutes Prepared By:

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Kelly Balch, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk