

**GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
January 19, 2007**

The January 19, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
Jim Starr, Commissioner

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

CALL TO ORDER: Chairperson Channell called the special meeting to order at 1:00 p.m. He reported that this meeting is for the continued agenda item, from the January 9 meeting, regarding the Hidden Mine Ranch petition for waiver of certain road and bridge standards.

HIDDEN MINE RANCH PETITION FOR WAIVER OF ROAD STANDARDS: Chairperson Channell reported that the public hearing was closed on January 9 and today's meeting is primarily for the Board's discussion of the information and options available.

County Attorney Baumgarten stated that this special meeting was properly noticed. He said there are specific criteria which the Board must consider and make determinations on regarding the approval or denial of a petition for waiver of road standards and specifications. There are also legal ramifications of the arguments and presentations at the January 19 meeting regarding the petition submitted by Hidden Mine Ranch L.L.C. These issues are appropriate subjects for an attorney-client privileged communication conducted in executive session.

Moved by Commissioner Starr, seconded by Commissioner Swenson for the Board to go into executive session with the County Attorney for the purposes outlined. Motion passed unanimously.

The Board went into executive session at 1:05 p.m. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 2:00 p.m. Chairperson Channell reported that Interim County Manager Marlene Crosby had joined the executive session shortly after it commenced, and the session stayed on the topic defined.

County Attorney Baumgarten reported that the executive session resulted in direction to staff to draft a decision document consistent with Section 1.9 of the Gunnison County Standard Specifications for Road and Bridge Construction regarding the Hidden Mine Ranch petition for

waiver of the 80 foot width requirement on the entire length of Smith Road from Highway 135 to the boundary of Hidden Mine Ranch. There will be no formal decision today and the Board has agenda time scheduled on January 23 to review the draft decision document and make a decision at that time. He summarized the decision items to be drafted into that document.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn the special meeting. Motion passed unanimously. The meeting was adjourned at 2:08 p.m.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Kelly Balch, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk