

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
July 24, 2007**

The July 24, 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

Matthew Birnie, County Manager
Marlene Crosby, Assistant County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:06 am.

AGENDA REVIEW: The 11:30 agenda item was removed due to duplication of the item on the agenda.

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda and authorize signatures. Motion carried unanimously.

SCHEDULING: Finance Director Linda Nienhueser was present for discussion.

1. Budget Work Sessions; September through November 2007. The following budget work sessions were scheduled:
 - a. October 15, 2007, 8:00 am – Budget presentation
 - b. October 23, 2007, 1:00 pm – Budget work session
 - c. November 5, 2007, 1:00 pm – Budget work session
 - d. November 9, 2007, 11:00 am – Budget work session
 - e. November 13, 2007, 8:00 am – Budget work session
 - f. November 20, 2007, 6:30 pm – Budget CBO meeting

COUNTY MANAGER'S REPORT & CORRESPONDENCE:

1. Willows. County Manager Birnie stated that a draft response has been completed and will be sent via email to the board for their review.
2. Proposed Animal Control Ordinance and Issues. County Manager Birnie relayed a conversation with Sheriff Rick Murdie regarding animal control measures. Sheriff Murdie intends to evaluate costs associated with basic-level animal control training for all Gunnison County deputies and advanced-level training for a select few deputies. A policy is to be drafted which would effectively apply the current CB South Animal Ordinance to the entire county. Commissioner Swenson suggested a review of the current ordinance language to ensure that the ordinance does not already mandate county-wide application. Chairperson Channell requested a comparison between this ordinance and individual municipality ordinances. Per County Manager Birnie, costs associated with the program in CB South extend beyond what the \$10.00 licensing fees will cover.
3. Travel Request. County Manager Birnie provided cost estimates associated with attending the ICMA Conference in Pittsburgh, Pennsylvania in October 2007. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize up to \$2,300 for the manager to attend the International City/County Management Association Annual Conference in Pittsburgh, Pennsylvania from October 6th through October 11th, 2007. Motion carried unanimously.

BREAK: This meeting recessed from 8:26 until 8:36 am.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES: Assistant County Manager Crosby was present for discussion.

1. Road Conditions. Assistant County Manager Crosby stated that, due to heavy rains, road conditions can change frequently. While the Public Works Department routinely monitors roads with a history of rain issues, she asked that any citizen calls or correspondence regarding negative road conditions be relayed to her so that her department can address those concerns.
2. Road Initiative II DOLA Grant. Assistant County Manager Crosby stated that one of the submitted proposals encompassed the replacement of two one-lane bridges and that County Attorney Baumgarten is finalizing the contract so that bidding for this project can begin. She also stated that property owner approval is needed on a construction easement because of a necessary detour and that she was scheduled to meet with a property owner who has expressed opposition. She also noted that the on-site visit took two months to arrange and that, if her meeting with the property owner does not end in agreement, she will be approaching the board to request an Authorization to Proceed so that this project can remain true to its timeline.
3. Crested Butte Recycling Center. Assistant County Manager Crosby stated that she advised Crested Butte Town Manager Susan Parker and Crested Butte Public Works Director Eddie Balch that the county will no longer be staffing the Crested Butte recycling center, effective August 1,

2007. She explained that, due to a change in hours of operation for the recycling center, one of her staff members has been utilized excessively. She also noted that Ms. Parker was in agreement with this change and that Mr. Balch requested a meeting to discuss county-wide impacts. Assistant County Manager Crosby stated her belief that Crested Butte should manage its recycling center without county assistance.

BREAK: This meeting recessed from 8:45 am until 8:50 am.

VALCO ASPHALT PLANT UPDATE: Assistant County Manager Crosby, Assistant Planning Director Neal Starkebaum, Valco Plant Owner Tom Brubaker and Valco Plant Manager Ed Stewart were present for discussion along with several citizens as noted on the sign-in sheet.

Assistant Planning Director Starkebaum stated that the board completed a site-visit during a previous meeting and Chairperson Channell added that each commissioner also toured the site independently over the previous few days.

Commissioner Starr stated his opinion that timing and expansion should be the two main factors evaluated by Valco. The board unanimously agreed that master planning could assist with timely minimization of negative sights and sounds emitting from the batch plant and suggested that the plan, complete with a proposed site layout and completion timelines, be submitted to the board in 120 days (December 1, 2007). It was agreed that the master plan, with regard to reorganization and reconfigured buffer-zones, would be appropriate for submission to the board while future long-term expansion planning would be appropriate for submission to the Planning Commission since expansion would require a land use change. Mr. Brubaker agreed to work jointly with Assistant Planning Director Starkebaum on a plan that will work for all parties involved.

All commissioners felt it was unrealistic to relocate the plant immediately and thought that summer 2008 would be more appropriate. Chairperson Channell stated that, while Valco has shown good faith in their recent efforts, he will be looking critically upon any proposed timelines in the master plan. Chairperson Channell stated his belief that this process should proceed quickly in order to improve the surrounding residents' quality of life and asked Valco for their cooperation.

Private citizen Duane Skinner inquired about another plant and was informed that there are currently no plans for additional plants.

Private citizen Vera Skinner questioned the source of foul odors while the plant is not batching. She also relayed health concerns related to smoke or airborne particulates. Mr. Brubaker stated that the Valco plant follows all state emissions requirements, but that he agreed to investigate the foul odors. He also stated his uncertainty for whether or not the state will perform an inspection after relocation. Mr. Skinner noted that a treatment for the smell exists, however Mr. Stewart stated that specific formulas must be followed to ensure compliance with FAA regulations.

Mr. Skinner expressed his appreciation for being heard by the board and by the Valco representatives. Don Coleman, the closest neighbor to the Valco plant at a 250-foot distance, also expressed his appreciation to Mr. Brubaker for taking the time to listen to neighbor concerns.

Mr. Brubaker welcomed the public to tour the inside of the plant and then give suggestions.

AIRPORT ENGINEERING CONTRACT: Airport Administrative Director Kathie Lucas was present for discussion.

Airport Administrative Director Lucas stated that the selection committee, comprised of Airport Manager John DeVore, Assistant County Manager Marlene Crosby, Director of Airport Operations Walt Cranor and herself, reviewed Statements of Qualifications per previously-listed criteria. She detailed the selection committee's recommendation to the board requesting that the board instruct staff to begin negotiations with Carter-Burgess, Inc. for engineering services to be outlined in a three-year contract with the option to renew for an additional two years. During the three-year period of the contract, the following projects are to be completed:

1. Design and Rehabilitate the De-Ice Pad and Drainage.
2. Fog Seal and Paint Runway 6/24.
3. Rehabilitate Taxiway A1-A2 and General Aviation Apron.
4. Replacement of the Rotating Beacon.
5. Rehabilitation of the Commercial Ramp.

She indicated that the airport will be closed during September 9-11, 2007 for routine maintenance. (This was later corrected to reflect closure from September 11-13, 2007.)

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize staff to accept the Carter-Burgess, Inc. Request for Qualifications concerning the work which has been outlined at the

airport and to negotiate a contract with Carter-Burgess, Inc. for that purpose. Motion carried unanimously.

Chairperson Channell expressed concerns related to closing the airport for three days and inquired about plans to notify the public of the upcoming closure. Airport Administrative Director Lucas stated that she is working closely with the airlines to ensure minimal impact to passengers.

WARRANTS & TRANSFERS: Finance Director Linda Nienhueser presented monthly Warrants, Cash Transfers and Sales Tax Reports. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Warrant Report dated July 24, 2007 in the amount of \$1,647,207.45. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Cash Transfer Authorization for June 2007 in the amount of \$2,689,664.38. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: Treasurer Melody Marks was present for discussion and provided the Treasurer's Monthly Report for June 2007; the Treasurer's Semiannual Financial Statement for the Period from January 1 to June 30, 2007; and a report showing select county funds ending balances for the end of June for 2005, 2006 and 2007. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to accept the Treasurer's Monthly report for June 2007 and authorize chair signature. Motion carried unanimously.

ELECTRONIC RECORDING MEMORANDUM OF UNDERSTANDING – SIMPLIFILE: Assistant County Attorney Tom Dill was present for discussion.

Assistant County Attorney Dill explained that Simplifile agreed to the revised contract as presented. He also stated that he will contact County Clerk and Recorder Stella Dominguez to determine the date which persons will be able to begin filing real property documents electronically. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Memorandum of Understanding for Electronic Recording between Gunnison County and Simplifile, LLC. Motion carried unanimously.

BREAK: This meeting recessed from 9:57 until 10:05 am.

FUNDING REQUEST – GUNNISON COLTS BASEBALL CLUB: Gunnison Colts Baseball Club representative Phil Klingsmith was present for discussion.

Mr. Klingsmith stated that the Gunnison Colts Baseball Club had been invited to the World Series, which was scheduled to begin the following weekend in Wichita, Kansas. He then requested financial assistance from the county to help cover costs associated with travel and meals for the team.

Commissioner Swenson stated that the county is currently incapable of providing financial assistance to the Gunnison Colts Baseball Club, but also suggested that Mr. Klingsmith begin the process, through the Finance Department, of becoming a Community Based Operation in order to receive future funding. Commissioner Swenson also informed Mr. Klingsmith that all forms must be returned to the Finance Department no later than the end of September.

Mr. Klingsmith noted that this Colorado Non-Profit organization does not carry the 501(c)3 designation. He also stated his intent to request that the City of Gunnison make improvements to Jorgensen Field in order to accommodate the high-caliber of players in his organization and would like any improvements to the field to be a community-wide program. Improvements would include an upgraded scoreboard and padded foul-line posts.

RECESS: This meeting recessed from 10:15 until 10:41 am in order to hold the below Public Hearing.

PUBLIC HEARING
PETITION TO VACATE PORTIONS OF CERTAIN STREET AND ALLEYS IN THE TOWNSITE OF
TIN CUP, COLORADO

Assistant County Manager Crosby was present for discussion and confirmed proper noticing of the Public Hearing. Marty and Ken Alexander, children of the Petitioners, participated via telephone. Adjacent property owners Ron Coburn and Eleanor McAuliffe were present.

Petitioners Joyce and Carl Wright requested vacation of the following areas in Tin Cup, Colorado:

1. That portion of Tenth Street adjacent to Lot 1 in Block 12;
2. That portion of Walnut Street adjacent to Lots 1 through 7 inclusive in Block 12 and Lots 18 through 24 inclusive in Block 13;
3. That portion of the alley between Lots 1 through 7 inclusive in Block 12 and Lots 17 through 23 inclusive in Block 12; and
4. That portion of the alley between Lot 7 and Lots 8 through 11 inclusive in Block 12.

Assistant County Manager Crosby visited the property, including the 1880's log-style jail facility, the previous Friday at which time she was able to encounter many of the area property owners. She also

stated that Tenth Street has not been built, is heavily wooded and is not currently being used. She also stated that future needs or uses of this road by adjacent property owners cannot be predicted.

Further, Assistant County Manager Crosby provided a letter, dated July 16, 2007, from Gunnison County Electric Association, Inc. (GCEA) Engineering Technician Chico Dominguez stating that GCEA objects to the vacation request due to the existence of underground electrical equipment within the proposed vacation. Additionally, letters from surrounding property owners James Mathews, Lyle Rieger and Eleanor McAuliffe were provided with each outlining access-related opposition to this vacation request.

Mr. Alexander stated that the intent of the vacation is to preserve the jail facility while adding indoor restroom and septic capability. He also stated that a recent survey revealed that two feet of the jail building is overlapping the street on the east side and that a power line crosses his property, without an easement, to serve another area resident.

Assistant County Manager Crosby suggested continuing this Public Hearing until such time that easement and access issues have been resolved and a formal resolution is ready for execution. Mr. Alexander was agreeable to this suggestion.

Mr. Coburn introduced himself as the property owner directly to the west of the Wright's property and stated that the alley in question runs directly behind his property. Mr. Coburn relayed that, without alley access, he cannot access a shed on the rear portion of his property.

Ms. McAuliffe introduced herself as the owner and operator of Frenchy's Café and stated that her business uses this alley access on a daily basis for vendor delivery and refuse containment as well as providing handicapped access for those of her patrons that cannot walk up the front steps. She further expressed agreement to the vacation provided that alleyway accessibility is maintained. She added that very few electric lines in the Tin Cup area operate within easements.

The board agreed that this item must be continued due to the presentation of several access and easement issues. Assistant County Manager Crosby will coordinate efforts between all involved parties in order to revise the petition. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to continue this Public Hearing to August 21, 2007 at 9:45 am. Motion carried unanimously.

LOT CLUSTER AGREEMENTS: Assistant Planning Director Neal Starkebaum and Planning Department Services Manager Beth Baker were present for discussion.

Chairperson Channell stated that this item was originally placed on the July 10, 2007 Consent Agenda, but was pulled from that agenda due to concerns that lot cluster approval could lead to perceived ISDS approval. Chairperson Channell noted that county processes may need evaluated for modifications related to the chain of events leading up to ISDS approval. Assistant Planning Director Starkebaum stated that this topic had been visited previously by the Planning Department, but that he felt the specific language within paragraph number five of the application and agreement should preempt concerns that a lot cluster approval would imply eventual ISDS approval and quoted the referenced language as, "This Lot Cluster approval does not result in guarantee of approval of an Individual Septic System variance approval."

Chairperson Channell stated that a constituent, during the July 20, 2007 meeting, mentioned that a widely-accepted perception exists of eventual ISDS approval after lots have been clustered even if they total less than an acre. Assistant Planning Director Starkebaum explained that these types of statements are difficult to address since the language within the contract is clear and that the Environmental Health Board performs site-specific reviews, regardless of actual acreage, when evaluating ISDS applications.

Commissioner Starr recused himself due to a conflict related to the Bryndal lot cluster application.

Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the Lot Cluster Agreement between Gunnison County and Carl and Denise Bryndal for Lots 5, 6, 13 and 14, Town of Irwin and authorize signatures. Irwin Community Association (ICA) Secretary Barbara Thomson read aloud from an undated document entitled, "Notes from the Irwin Community Association Annual Meeting re: Bryndal clustering". This document, as signed by ICA President Gary Achenbach and Ms. Thompson, was provided to the board and outlined the ICA's opposition to the Bryndal cluster request. Chairperson Channell stated that county policy would not be modified as a result of this decision and that board approval would be for a lot cluster only. Motion carried.

Mr. Bryndal thanked the commissioners for their consideration of his lot cluster request and their subsequent approval.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the Lot Cluster Agreement between Gunnison County and Glenn Michel and Gesa Clasen-Michel for Lots 8-11 and Lots 30-33, Block 23, Schofield Townsite and authorize signatures. Motion carried unanimously.

Planning Department Services Manager Baker asked if the board would like to evaluate Planning Department processes for possible modification, however the board did not feel that a process modification was necessary since the legal language within the application and agreement is evident. Commissioner Starr expressed concerns related to the excessive time and effort involved with consolidating lots if the owner is merely preparing them for sale with no intent to immediately build. Assistant Planning Director Starkebaum stated his opinion that proactivity demonstrated by the county in consolidating as many lots as possible would eventually decrease the number of lots within the county, thus decreasing the amount of future work necessary when dealing with the newly-clustered lot. There was additional discussion related to clustering lots totaling less than one acre and mandating clustering of lots, with consideration to the time and means involved, if the owner's sole intent is to sell. However, County Manager Birnie stated that future concerns must be taken into account since, as technology advances, the Environmental Health Board may not always heavily consider the one-acre lot size.

RECESS: This meeting recessed from 11:13 until 11:21 am to convene the Gunnison/Hinsdale Board of Human Services. (See separate minutes.)

GUNNISON COUNTY HOUSING AUTHORITY – RELEASE OF QUIT CLAIM DEED OF 6.8 ACRES TO GUNNISON HOME ASSOCIATION: Gunnison County Housing Authority (GCHA) Executive Director Denise Wise, Gunnison Home Association Board Member Don Crosby and County Paralegal Rachel Magruder were present for discussion.

Chairperson Channell called the GCHA meeting to order at 11:23 am.

GCHA Executive Director Wise explained that GCHA Resolution #2006-002, dated April 18, 2006, authorized the conveyance of Lots B, C and D together with the parcel located north and adjacent to Lots C and D, as identified on the plat titled, "Gunnison Home Assn. Senior Housing – Phase I Located in SW ¼ Section 35, T50N, R1W, N.M.P.M." to the Gunnison Home Association. This 6.80 acre parcel has since been developed into an RV Park for the benefit of Gunnison County senior citizens. GCHA Executive Director Wise requested approval to remove the GCHA from the title to this land, which would be performed via execution of a resolution and a quit claim deed. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve a resolution, as it will be appropriately numbered by staff (later numbered GCHA Resolution #2007-002), a resolution rescinding Resolution #06-002 and authorizing the execution of a quit claim deed. Motion carried unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the Gunnison County Housing Authority meeting. Motion carried unanimously. Meeting adjourned at 11:35 am.

COMMISSIONER MEETING REPORTS:

Commissioner Starr:

1. Temporary Animal Control Facility. Commissioner Starr reported that he toured the bus barn and county shop sites, along with Crested Butte Town Manager Susan Parker, Assistant County Manager Crosby and various representatives from the Paradise Animal Welfare Society (PAWS), last week. He also reported that Assistant County Manager Crosby had previously visited each site and noted her preference that the temporary animal control facility not be located within the county site unless other options are first exhausted. Since both Commissioner Starr and Assistant County Manager Crosby agreed that the bus barn site does not have adequate room, they began discussions about locating the facility within the county shop site in such a way that the facility would not interfere with the shops. Utility costs are being evaluated and Commissioner Starr stated his intent to bring a formal proposal to the board once all costs and logistics have been determined. Commissioner Starr was reportedly optimistic about this recent progress toward identifying a location. Chairperson Channell noted his preference, since the county has increasingly mandated berming and/or landscaping with large trees, that the county requests the same of the county shop site, regardless of whether or not the animal control facility will be located in the county shop site. Chairperson Channell preferred that the county look upon minimizing any negative visual impacts of the site as a joint effort with PAWS.

Commissioner Swenson:

1. Wood-Pellet Plant Site Visit. Commissioner Swenson attended a site visit meeting for the proposed wood-pelletizing plant near the landfill at which the impacts to Gunnison Sage-grouse were discussed. She stated anticipation that individual members of this group will approach the board during discussions related to the wood-pelletizing plant. County Manager Birnie provided an update on the proposed wood-pelletizing plant and stated that, unlike original thoughts that an SGA would be pursued, a minor-impact land use change application will be required in order to consider locating the plant at the landfill. County Manager Birnie also felt that previously-established timelines relative to the wood-pelletizing plant will not be disrupted. Gunnison Hay Products representative Gary Hausler has been notified.

Chairperson Channell:

1. Marble Caucus. Chairperson Channell reported observation of a recent Marble Caucus Meeting. He also reported that he was addressed during the meeting at which time he cautioned about an Upper Crystal River Valley SGA being placed at a lower priority than other current projects.
2. BLM RAC. Chairperson Channell attended a recent meeting located at the Grand Lodge to hear a travel plan presentation.

UNSCHEDULED CITIZENS: No unscheduled citizens were present for discussion.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:48 am.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

GUNNISON COUNTY HOUSING AUTHORITY COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 07-002

A RESOLUTION RESCINDING RESOLUTION NO: 06-002
AND AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED

WHEREAS, in order to create additional options for senior housing, on April 18, 2006 the Gunnison County Housing Authority (herein "Housing Authority") by Resolution No: 06-002, authorized the conveyance to the Gunnison Home Association of Lots B, C, and D together with the parcel located north and adjacent to Lots C and D as identified on the plat titled "Gunnison Home Assn. Senior Housing – Phase I Located in SW1/4 Section 35, T50N, R1W, N.M.P.M.", created by North Star Surveying, Inc., dated October 2000 and recorded with the Gunnison County Clerk and Recorder's Office on October 24, 2000, bearing Reception No: 506170; and

WHEREAS, the 6.80 acre parcel north and adjacent to Lots C and D as identified on the above referenced plat and as described in "Appendix A" attached hereto and incorporated herein (herein "Northern Parcel"), has been developed into a RV Park for the benefit of senior citizens; and

WHEREAS, it is no longer necessary for the Gunnison County Housing Authority to retain title to the Northern Parcel; and

WHEREAS, it is in the best interest of the community that the Gunnison County Housing Authority reconvey the Northern Parcel back to the Gunnison Home Association so that the Gunnison Home

Association may operate and maintain the RV Park which it developed for the benefit of senior citizens; and

WHEREAS, execution of a certain quit claim deed by the Gunnison County Housing Authority to the Gunnison Home Association is necessary to accomplish the intention of the Housing Authority.

WHEREAS, at this time the Housing Authority does not believe it is necessary to convey Lots B, C and D as identified on the above referenced plat to the Gunnison Home Association as previously authorized by Resolution No: 06-002; and

NOW, THEREFORE, BE IT RESOLVED by the Gunnison County Housing Authority, County of Gunnison, Colorado, that Resolution No: 06-002 be and hereby is rescinded and that the Gunnison County Housing Authority, be and hereby is authorized and directed to sign a quit claim deed conveying the "Northern Parcel" which is located north and adjacent to Lots C and D as identified on the on the plat titled "Gunnison Home Assn. Senior Housing – Phase I Located in SW1/4 Section 35, T50N, R1W, N.M.P.M.", created by North Star Surveying, Inc., dated October 2000 and recorded with the Gunnison County Clerk and Recorder's Office on October 24, 2000, bearing Reception No: 506170 and as described in "Appendix A" attached hereto and incorporated herein to the Gunnison Home Association and such other documents that may be necessary to accomplish the intent of the Gunnison County Housing Authority AFTER the Northern Parcel has been released from the deed of trust currently held by Wells Fargo Bank.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 24th day of July, 2007.

GUNNISON COUNTY HOUSING AUTHORITY
COUNTY OF GUNNISON, COLORADO

Channell – yes; Swenson – yes; Starr – yes