

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 7, 2007**

The August 7, 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
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:04 am.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Gunnison County Board of Commissioners Regular Meeting Minutes for July 10, 2007. Motion passed unanimously.

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

1. VALE Grant Acknowledgement
2. Intergovernmental Agreement for Coroner Services - between Garfield County and Gunnison County. This agreement enables the Coroner from either county to temporarily assist the other county coroner as needed. Garfield County has already approved this agreement.
3. Memorandum of Agreement – Federal Aviation Administration

SCHEDULING: The upcoming meetings schedule was discussed and updated.

COUNTY MANAGER'S REPORT & CORRESPONDENCE:

1. Criminal Justice Work Session. County Manager Birnie presented a draft agenda for board review and stated that the meeting, as scheduled for August 9, 2007 at 1:00 pm, is expected to be well-attended. Chairperson Channell noted that Representative John Salazar will be in the commissioner's board room at 4:30 pm that same afternoon for informal discussions with any Gunnison county elected officials that would like to attend.
2. North Valley Sewer Issues. County Manager Birnie reported that a North Valley HOA board member contacted him to request that this August 21, 2007 agenda item be rescheduled due to appointment conflicts with the HOA. This item was rescheduled for September 18, 2007.
3. Proposed Wood-Pelletizing Plant. County Manager Birnie noted that this issue is being processed through the Planning Commission as a minor-impact land use change. The Public Meeting scheduled on this agenda for 10:30 is expected to serve as an informational sharing meeting.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:

1. Air Force Academy Band Concert. Assistant County Manager Crosby reported that Rodeo Grounds Manager Melody Roper was contacted by the Air Force Academy's Band Director to see if Gunnison County had interest in his band holding a free concert performance at the rodeo grounds next July. All commissioners expressed interest and asked Assistant County Manager Crosby to logistically arrange this concert with the assistance of Rodeo Grounds Manager Roper. Commissioner Swenson suggested that Rodeo Grounds Manager Roper also contact the Gunnison Chamber of Commerce to coordinate additional advertising.
2. Taylor River Project. Assistant County Manager Crosby stated that she was contacted by the Federal Highway Administration (FHA) and was told that the FHA, in preparing the task order for surveying, has determined that this project cannot be combined into one task order. Because of this, the FHA has proposed dividing the project into three separate parcels to be completed in intervals with one-third completed this year, one-third completed in the Spring of 2008 and the final third to be completed in August 2008. Assistant County Manager Crosby will work with the surveyor to outline any boundary disputes that may impact this project.
3. Gunnison Development Corp. Assistant County Manager Crosby reported receipt of private contractor costing information from Chris Macarak who has been concerned about his cost share. Assistant County Manager Crosby also stated that only total calculations were provided so she has requested that Mr. Macarak submit further detail showing his method for calculation.
4. White Water Park Modifications. Assistant County Manager Crosby reported that an excavator will need to be rented at an approximate cost of \$1,000 and that Project Engineer Gary Lacy can be contracted for \$3,800, which she intends to pay from the trails budget. Assistant County

Manager Crosby relayed that she and engineering representative for the Public Works Department Allen Moores have met with Mr. Lacy and all agreed that the proposed work will correct the presented kayaking and esthetic issues. Assistant County Manager Crosby also noted that Mr. Lacy originally designed the White Water Park, as he has done for most Colorado water parks. Chairperson Channell asked Assistant County Manager Crosby to ensure that user groups will be given the opportunity to provide input to Mr. Lacy as those user groups unanimously requested that Mr. Lacy lead this project.

5. Brush Creek Road Footbridge. Commissioner Starr requested an update. Assistant County Manager Crosby stated that this bridge has not been clearly defined as a footbridge because one side links to a winter trail that can be groomed and the other side links to Skyland's Trail network, which is plowed during the winter. Assistant County Manager Crosby stated that mechanical modifications and mitigation methods are being discussed.
6. Rocky's Gym. Assistant County Manager Crosby and Commissioner Starr stated that plans to link Rocky's Gym to the North Gunnison have been suspended due to possible foreclosure on the gym. The board agreed with this plan and felt it prudent to suspend plans until the gym has either been purchased or avoids foreclosure. Assistant County Manager Crosby will work with County Attorney David Baumgarten to draft an enforcement letter stating that the cost of linking to the North Gunnison will be an element of purchase or redemption.
7. Crested Butte Recycling Center. Commissioner Starr suggested assembling a recycling task force to evaluate the desire for continued recycling, the extent of recycling possible, the location of a recycling center and who will primarily be responsible for the program in the north end of the valley.

TRAVEL REQUEST TO DENVER, CO: Gunnison Sage-grouse Conservation Coordinator Jim Cochran was present for discussion.

Gunnison Sage-grouse Conservation Coordinator Cochran requested permission to attend the Endangered Species Act Conference in Denver, Colorado for October 11-12, 2007. He stated that the conference fee of \$595, plus travel expenses, necessitated board approval since the total expenditure exceeded \$400. He further stated that these in-state travel costs can be covered by funds available within the Sage-grouse budget. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve \$600 of contractual obligations with Gunnison Sage-grouse Conservation Coordinator Jim Cochran so that he can attend the Endangered Species Act Conference in Denver. Motion carried unanimously.

SUPPORT LETTER REQUEST; ANTLER SHED COLLECTION SEASON: Gunnison Sage-grouse Conservation Coordinator Jim Cochran was present for discussion.

Gunnison Sage-grouse Conservation Coordinator Cochran presented a draft letter addressed to the Colorado Wildlife Commission in support of the Antler Shed Collection Season. The letter was discussed and amended. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letter to the Colorado Wildlife Commission in support of the Antler Shed Collection Season, as amended, and approve signatures. Motion carried unanimously.

BLACK CANYON WATER QUANTIFICATION UPDATE: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten provided an update on the Black Canyon Water Quantification issue. He reported that negotiations have led to a stipulation between all participants and the State of Colorado regarding senior water rights.

County Attorney Baumgarten also reported that an 8-week trial has been scheduled to occur in the summer of 2009 on the substantive case. An accomplished mediator from Boulder, Colorado, having vast experience working with water rights issues both nationally and internationally, has been retained to assist with trial preparations. County Attorney Baumgarten also reminded the board that Commissioner Starr was previously selected by the board to be the liaison during the mediation process.

BUCKHORN RANCH / STALLION PARK PROJECT UPDATE: County Attorney Baumgarten, County Paralegal Rachel Magruder, Gunnison County Housing Authority Executive Director Denise Wise and Dr. Richard Landy were present for discussion.

County Attorney Baumgarten reported that outstanding issues are being settled in the order of their importance with the following issues having been resolved to date:

1. Letters of Credit. County Attorney Baumgarten reported that the letters of credit have been extended through the next year and a half.

2. Project Engineer. County Attorney Baumgarten and engineering representative for the Public Works Department Moores have met with the engineer hired by Dr. Landy to tour the project.
3. Water Rights. County Attorney Baumgarten reported that the water rights had been cancelled erroneously and that Judge Steven Patrick signed an order on August 6, 2007 vacating that cancellation.

Dr. Landy reported that water-line freezing issues have been resolved and that the roads are near completion by Spallone Construction. He also reported that a total of five Certificates of Occupancy have been issued for Stallion Park and stated that he is pleased with the progress and overall appearance of Stallion Park. The tennis courts were reported to be scheduled for completion in mid-August. The ball field area was also reported to be proceeding along schedule.

County Attorney Baumgarten stated his hope that residents will be given the opportunity to meet with the project engineer, but also suggested that the board return to the residents, in approximately one month, to give an overall update. Commissioner Starr suggested that a public meeting should take place between Dr. Landy, the project engineer, the homeowners and the board so that the residents can be kept apprised of all available updates. Chairperson Channell noted his opinion that the county should continue as the catalyst of progress since it maintains the entire list of outstanding issues. A public meeting was scheduled for October 8, 2007 to take place in the Crested Butte Town Hall at 7:00 pm.

There was general discussion related to the possibility of the county hiring an independent engineer, however there was consensus that the county would not hire an independent engineer unless the need or desire arose after first working with Dr. Landy's engineer.

Board of Directors Vice-President Fran Guy requested a meeting between himself, the project engineer and the board of directors to ensure that the project proceeds correctly. County Attorney Baumgarten requested to be notified and included once a meeting has been set. Mr. Guy also requested an update on the status between Stallion Park and the Gunnison County Housing Authority and was informed by Gunnison County Housing Authority Executive Director Wise that applications are being qualified.

Private citizen Mindy Sturm expressed concern that M2 and M3 may be chip-sealed prior to engineer certification and urged the board to mandate such certification. She also stated that the HOA has not received information related to road drainage or the certification level of the engineer hired by Dr. Landy and urged the board to hire a separate engineer.

Verbal banter between Dr. Landy and Ms. Sturm caused Chairperson Channell to call an end to the discussion at 9:42 am.

Paralegal Magruder stated that the county requires "as-builts" mandating engineer certification. County Attorney Baumgarten further stated that he and engineering representative for the Public Works Department Moores will ensure that pipe depth and drainage issues for M2 and M3 have been addressed.

Chairperson Channell reminded all parties that the County Attorney's office is the point of contact for all ongoing or newly-presented issues.

CONVEYANCES REGARDING ANTELOPE CREEK ROAD / SHAHANS: Assistant County Manager Crosby and County Attorney Baumgarten were present for discussion.

Assistant County Manager Crosby presented a resolution, a Quit Claim Deed and a Deed of Dedication, as drafted by the County Attorney's Office, for board review and approval. She further stated that the purpose of these documents was to clearly define property ownership and right-of-way issues. Modifications to the Quit Claim Deed were discussed and agreed upon.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-30, a resolution authorizing the execution of a Quit Claim Deed for a certain portion of County Road 17, Gunnison County, Colorado and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 9:53 until 10:02 am.

APPEAL OF HIDDEN MINE RANCH LAND USE CHANGE: County Attorney Baumgarten, Attorney Art Tresize and Attorney Chuck Cliggett were present for discussion.

County Attorney Baumgarten stated that a minor-impact land use change for Hidden Mine Ranch was approved on June 15, 2007, but that the approval is now being appealed by the Whetstone Mountain Homeowner's Association. Commissioner Starr recused himself from consideration due to this lawsuit.

County Attorney Baumgarten outlined the appeal process and stated that the board must first list the item on an agenda within 45 days, which has been done. The next step would be for the board to decide whether to proceed with the appeal solely based upon the findings of the Planning Commission or

whether the board would like to hold an additional evidentiary hearing prior to decision. He further stated that, should the board decide to proceed using only the Planning Commission's findings, each commissioner must either listen individually to the tape-recorded hearing or read a transcript of the meeting and then convene for discussion. The end decision must be either to affirm, affirm with modifications or reverse the original action of the Planning Commission. County Attorney Baumgarten further explained that affirmation with modifications or reversal of action can only occur if the Whetstone Mountain HOA establishes, by preponderance of the evidence, that:

1. The Planning Commission's decision is not supported by credible evidence within the record; or
2. The Planning Commission's decision was inconsistent with the Land Use Resolution (LUR); or
3. The Planning Commission's decision was inappropriate because they exceeded their jurisdiction.

County Attorney Baumgarten confirmed receipt of correspondence from Cliggett & Associates, PC stating representation of Hidden Mine Ranch and urging a decision based solely on the record. Further, he confirmed receipt of correspondence from Frank & Finger, PC urging an evidentiary hearing. County Attorney Baumgarten stated that the Frank & Finger document referred to disagreement as to whether or not Hidden Mine Ranch owned the entirety of the property that was subject to the land use change.

Attorney Art Tresize, representing the Whetstone HOA, stated receipt of an unsigned deed copy on August 6, 2007. He further stated that the 80-acre parcel in question was not subject to the mutual easement agreement and that it has no legal access to any state highway. His stated concern was that Whetstone would be unfairly burdened by providing access to this 80-acre parcel within Whetstone. As well, several technical corrections were requested by Mr. Tresize that may have been omitted from original documentation.

Attorney Chuck Cliggett, representing Hidden Mine Ranch, presented a plat map and explained that a corner of the 80-acre parcel touches an interior road. He also provided a copy of the Special Warranty Deed and offered that an error stating "excepting this 80-acre parcel" should have read "including this 80-acre parcel". He further explained that this issue arose during the property closing at which time the closing agent was instructed to include the 80-acre parcel, however it appears now that the closing agent didn't follow through with those instructions. Upon learning of this, Mr. Cliggett stated that he informed the previous owner, who then signed a correction deed adding the 80-acre parcel because this inclusion was the owner's original intent when he sold the property.

Commissioner Swenson asked whether this 80-acre parcel affects the number of buildable envelopes or lots, as originally evaluated by the Planning Commission, and was informed by County Attorney Baumgarten that it does not. County Attorney Baumgarten further explained that the only impact would be to the previously-approved road since a portion of it overlaps a corner of the 80-acre parcel. However, Mr. Tresize reiterated that his clients' concerns are not related to the parcel overlapping a portion of the road, and that the Whetstone HOA's true concern is that their property will be overburdened by providing access to the parcel.

County Attorney Baumgarten suggested a limited-subject evidentiary hearing. **Moved** by Chairperson Channell, seconded by Commissioner Swenson to instruct staff to proceed in establishing the proper methodology in setting a Public Hearing and that the hearing be exclusively for the purposes of evidence dealing with the 80-acre in-holding issue and nothing else. Motion carried. This item was scheduled for 1:00 pm on the board's September 25, 2007 work session agenda.

PUBLIC MEETING – PROPOSED WOOD-PELLETIZING PLANT: Gunnison Hay Products representative Gary Hausler, Planning Director Joanne Williams and Assistant County Manager Crosby were present for discussion.

Chairperson Channell stated that the purpose of this meeting was to update the board on this project and then invited Planning Director Williams to provide a status report.

Planning Director Williams reminded all parties that previous discussions had led to thoughts that an SGA could be developed for the proposed wood-pelletizing plant to be located near the county landfill. However, she stated that further exploration revealed that an SGA would not be appropriate and that this issue must follow the minor impact land use application process. She also stated that she met with Mr. Hausler on August 2, 2007 and that she was currently awaiting his application.

County Manager Birnie noted that the timing for the plant approval would be similar whether pursuing an SGA or a minor impact land use change and expressed his opinion that a minor impact land use application would be more appropriate. He further explained that a minor impact land use change would normally only be processed through the Planning Commission.

Commissioner Starr suggested that this application be heard before a Joint Public Hearing between the Planning Commission and the Board of County Commissioners, so long as the applicant would agree to it. Neither County Attorney Baumgarten nor Mr. Hausler expressed any opposition to holding a Joint Public Hearing.

Planning Director Joanne Williams outlined the process for a minor impact change application as:

1. Planning Commission work session.
2. Public Hearing.
3. Planning Commission decision meeting. Additional work sessions prior to this decision meeting may be necessary in order to obtain further public comment or to manage any pending issues.

Assistant County Manager Crosby stated that she had spoken with the BLM and was told that they have been evaluating this proposal for a couple of weeks. She also explained that the county has a patent-transfer with the BLM, so the county would first need to determine whether or not this proposed plant fits within that patent before proceeding. Assistant County Manager Crosby stated that she is awaiting further information from the BLM.

Mr. Hausler suggesting holding all other efforts in abeyance until the BLM has made a decision.

Citizen Bill Chambliss, resident of the Lost Miner Ranch Subdivision, expressed concern related to information that has been conveyed to the public through the local newspapers. He also stated his impression that this proposal should not be classified as a minor impact and expressed hope that his comments would instigate a deeper evaluation of this proposal. He noted that clauses exist in his covenants to regulate pollution, environment, nuisances, chemicals and firearms, but that he felt this proposed plant conflicts with those ordinances.

Mr. Chambliss further explained his concerns related to the quality of life for the residents of the Lost Miner Ranch Subdivision and the legacy to future generations if this operation were to be approved. He provided photographs, reported to have been taken by him the morning of the meeting, indicating a haze in the vicinity of his residence that he believed to be coming from the western regions of Colorado. Further, he expressed concerns related to tourism, water depletion and Gunnison Sage-grouse populations should the proposed plant be approved. Assistant County Manager Crosby explained that the plant would be mandated to follow the same restrictions as the landfill, however Mr. Chambliss noted that this plant is intended for 24-hour operations, seven days weekly, with no plan for decreased seasonal use.

Citizen Frank Cutrona stated his agreement with Mr. Chambliss and reported that other area residents, unavailable for this meeting, were also in agreement. Mr. Cutrona expressed his opinion that the Lost Miner Ranch Subdivision has given greatly for economic development and did not feel that locating this proposed plant in the vicinity of his neighborhood would be fair.

Citizen Frank Vader stated that his residence is located near the proposed location and expressed his desire to receive additional information prior to deciding whether or not he would be in agreement with this proposal. He also stated his opinion that this proposed plant might present impacts beyond what can be classified as minor.

Citizen Sue McAllister stated that, while she was in favor of business development, she also needed more information prior to formulating an opinion.

Citizen Butch Clark stated that he has supplied supplemental information regarding his thoughts expressed at the last meeting and also that he was in possession of additional information that can be made available upon request. Further, he stated his opinion that this proposed plant should not be classified as a minor impact. Chairperson Channell stated his appreciation of Mr. Clark's vast knowledge and research related to wood-pelletizing plants and asked Mr. Clark to synopsise his information into a single document for submission to the board. Mr. Clark also requested that updates be available on the county website so that citizens can be kept apprised of events and information in this matter.

Chairperson Channell stated that this application will follow the proper process, regardless of classification, and reminded all parties that the board will be holding the hearing jointly with the Planning Commission. He also stated his confidence in the process and was appreciative that two Planning Commission members attended this meeting.

Mr. Cutrona expressed a concern related to road maintenance since this plant would require heavy equipment while the road may already pose issues during inclement weather. Chairperson Channell stated that those concerns will be addressed during the process.

Chairperson Channell ended the public meeting at 11:23 am.

BREAK: This meeting recessed from 11:23 until 1:20 pm.

TRAVEL REQUEST TO WHITEFISH, MT: Airport Manager John DeVore was present for discussion.

Airport Manager DeVore requested authorization for travel expenses so that he could attend the Northwest Chapter of American Association of Airport Executives (NWAAAE) Conference in Whitefish, MT from October 3, 2007 through October 6, 2007, along with Airport Administrative Director Kathie Lucas and Airport Operations Manager Walt Cranor. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the out-of-state travel for airport personnel John DeVore, Kathie Lucas and Walt Cranor to the NWAAAE Conference in October, not to exceed the amount of \$5,700. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT – BARBARA NORRIS: County Planner Cathie Pagano and property owner Barbara Norris were present for discussion.

Ms. Norris explained that her parents purchased two Dos Rios lots many years ago and then later sold one of those lots to her. She now intends to build on her lot and is requesting a boundary line adjustment so that her lot does not encompass an area pond. She also stated that she has discussed this adjustment with her HOA and that they are in agreement to approve this request which would have Ms. Norris relinquishing a portion of land to the HOA with the HOA relinquishing a portion of land, which does not encompass the pond, back to Ms. Norris. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Norris boundary line adjustment for Lot 31, Dos Rios Homesites, Unit 1, Gunnison County and authorize plat signature. Motion carried unanimously.

LOT CLUSTER AGREEMENTS: Planning Department Services Manager Beth Baker was present for discussion.

Planning Department Services Manager Baker stated that all three of these clusters were for the Marble Ski area and that they were non-problematic:

1. Lane Family Trust – Lots 6, 7, 10 & 12 – Block 3, Marble Ski Area Filing #5
2. Lane Family Trust – Lots 4, 5, 17 & 18 – Block 3, Marble Ski Area Filing#5
3. Timothy W. & Tisha L. Holbrook – Lots 7, 8, 47 & 48 – Block 10, Marble Ski Area Filing #2

Chairperson Channell noted that each of these clusters, if approved, would result in lots greater than one-acre in size.

Moved by Commissioner Starr, seconded by Commissioner Swenson to approve the Lot Cluster Agreement and Declaration for the Lane Family Trust, dated June 1, 1995 for Lots 6, 7, 10 and 12, Block 3, Marble Ski Area Filing #5 and authorize signatures. Motion carried unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the Lot Cluster Agreement and Declaration for the Lane Family Trust, Lots 4, 5, 17 and 18, Block 3, Marble Ski Area Filing #5. Motion carried unanimously.

Moved by Commissioner Starr, seconded by Commissioner Swenson to approve the Lot Cluster Agreement and Declaration for Timothy W. Holbrook and Tisha L. Holbrook for Lots 7, 8, 47 and 48, Block 10, Marble Ski Area Filing #2. Motion carried unanimously.

TOWNHOME APPLICATION – TRACT 6, COTTONWOOD HOLLOW SUBDIVISION, NE ¼ SE ¼, SECTION 3, T49W, R1W, NMPM, BEVINGTON TOWNHOMES, ROBERT WEISS: County Planner Cathie Pagano and Planning Department Services Manager Beth Baker were present for discussion.

County Planner Pagano stated that this property was permitted for single-ownership as a duplex in 1995. The owner now wishes to turn the property into a townhome. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize execution of the townhome plat of Bevington Townhomes. Motion carried unanimously.

SUBDIVISION EXEMPTION – KRAMDEN ACRES: County Planner Cathie Pagano was present for discussion.

County Planner Pagano stated that the property owner is interested in selling land parcels that were not legally created upon separation from a large ranch in 1984, which was prior to adoption of the LUR in 2001. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Kramden Acres Subdivision exemption request and authorize signature on the plat. Motion carried unanimously.

COMMISSIONER MEETING REPORTS: *(Note: This agenda item began earlier than scheduled due to an unexpected opening in the schedule. It was then continued later in the meeting.)*

Commissioner Starr:

1. Mayor Manager's Meeting. Commissioner Starr reported that the recent meeting in Pitkin was poorly attended without representation from Crested Butte, Mt. Crested Butte, Western State

College, RE-1J or Gunnison Valley Hospital. He also reported that the Town of Pitkin received a grant for remodeling the town hall.

2. Temporary Animal Control Facility. Commissioner Starr spoke with Chris Morgan prior to the Gunnison County Electric Association (GCEA) board meeting and was informed that GCEA is not supportive of sharing the use of the driveway leading to the transformers. GCEA didn't want to permit access to the yard area and stated that Homeland Security requires a fence around the facility. Commissioner Starr discussed alternatives with Mr. Morgan, however Mr. Morgan demonstrated reluctance to allow modified access. Commissioner Jim Starr stated that he would like the board to submit a letter to the GCEA board urging reconsideration. Commissioner Starr is in discussions with CDOT about the possibility of allowing limited access.
3. Planning Commission. Commissioner Starr reported that the Whetstone Business Park is in agreement to remove the storage units near the highway, thus creating an open space. They have also agreed to relocate the lumber yard allowing additional space for a larger berm. In order to recoup a partial amount of the lost space, the business park intends to modify five homesites to a maximum of 3,800 feet from the current 3,000 feet. Also, neighbors raised concerns related to drainage. This hearing was continued until September.

Commissioner Starr reported that the Allen Ranch Single-Family Homesite Public Hearing was held with little controversy.

Commissioner Starr reported that the Bull Mountain Public Hearing was continued.

Commissioner Starr reported that the Brothers three-lot subdivision in Taylor Canyon was also discussed and that major concerns exist relative to geology and suitability of Lots 1 & 2 for building.

4. Brush Creek 13-acre Parcel. Commissioner Starr stated that this issue is scheduled for an August 10, 2007 meeting and that he would like an updated transportation study prior to making any decisions.

FOREST TRAVEL MANAGEMENT DISCUSSION: Planning Director Joanne Williams and Assistant County Manager Crosby were present for discussion.

Planning Director Joanne Williams presented a draft county response for approval, addressed to the GMUG National Forest, with regard to the US Forest Service/BLM Travel Management Plan. The draft was discussed and amended.

Chairperson Channell stated his hope that specific trail guidelines will be addressed, by those persons having greater knowledge of each individual trail, while the county will be submitting global comments related to our region as a whole. Commissioner Starr and Commissioner Swenson both agreed.

Assistant County Manager Crosby will submit additional comments to Planning Director Williams who will then email the revised draft to the commissioners for review as well as forward the final document to the Trails Commission no later than August 13, 2007. Board signature and approval was scheduled for August 21, 2007.

UNSCHEDULED CITIZENS:

1. Helicopter Testing Complaints. Citizen Bob Teitler, Airport Manager John DeVore and County Attorney Baumgarten were present for discussion. County Attorney Baumgarten stated that a growing number of citizens have expressed concern related to early-morning noise pollution generated by helicopter testing maneuvers being conducted at the airport.

Mr. Teitler expressed his distaste and opinion that Gunnison County could be hosting equipment that may eventually be utilized in war efforts. Mr. Teitler also stated that he was unsuccessful in obtaining contact information, related to the helicopter operations personnel, when he requested the information from an airport attendant.

Chairperson Channell stated that the board will take these comments under advisement for future considerations beyond what the airport is contractually obligated to allow at this time.

Airport Manager DeVore stated that QinetiQ is conducting the testing and offered to relay their contact details to Mr. Teitler. He also stated that water rescue will be the primary use of the helicopters being tested.

County Attorney Baumgarten asked if the operations could be taken further east on the airport runway toward the IBAR ranch. Airport Manager DeVore stated that the maneuvers are utilizing in excess of 9,000 feet of the runway, including the eastern end, running different flight patterns.

He also stated that the eastern-end of the runway is problematic at this time due to the taxiway project. He further stated that the Airport's contract with QinetiQ terminates September 20, 2007, but that the contract could potentially extend into October.

Mr. Teitler requested that the testing start no earlier than 8:00 am for at least one to two weeks.

2. Information Network for Responsible Mining (INFORM). INFORM Executive Director Brian Farnsworth presented information, including a proposed resolution, that he was scheduled to offer to the Crested Butte Town Council later that evening. Mr. Farnsworth stated that INFORM is a 501(c)3 organization advocating for responsible mining practices and that his organization is currently working with the High County Citizens' Alliance. He requested placement on a future agenda to discuss his proposed resolution relative to the 1872 Mining Law. He further stated that INFORM has not addressed the State of Colorado, is purposely beginning at county level and chose Gunnison County because INFORM views the area as a hotspot for mining. The board requested that Mr. Farnsworth meet with County Attorney Baumgarten so that the resolution can be reviewed prior to presentation to the board on August 21, 2007.

COMMISSIONER MEETING REPORTS (continued):

Commissioner Swenson:

1. Hinsdale County Commissioners. Commissioner Swenson and Gunnison Sage-grouse Conservation Coordinator Cochran met with the Hinsdale County Commissioners to discuss Sage-grouse issues. At that meeting, she was informed about a group of sportsmen in the Delta area attempting to generate support in limiting out-of-state licenses being granted from the current level of 35% down to 10%. She further expressed that Hinsdale County and the Department of Wildlife depend highly on revenues from out-of-state licenses. This topic may be brought before the Wildlife Commission during their September 13-14, 2007 meeting and Commissioner Swenson noted that an opposition letter from the board may need to be drafted if the movement continues and if it is set on the Wildlife Commission's agenda.
2. Animal Welfare Task Force. Commissioner Swenson stated that the task force was scheduled to meet with city council later that evening to request city participation in shelter operations and infrastructure funding.
3. Sage-grouse Strategic Committee. Commissioner Swenson stated that the committee is closer to finalizing a strategic plan, however minor setbacks had been experienced. The August meeting was cancelled. She expressed optimism that the plan could be ready by the end of 2007.

Chairperson Channell:

1. Snodgrass Geology Report. Chairperson Channell was contacted by Tim and Diane Mueller. He reported that he suggested the Mueller's contact County Attorney Baumgarten and Planning Director Williams to begin an application process, should they choose to do so.
2. County Board of Equalization (CBOE). Chairperson Channell stated his desire for the board to meet with Assessor's office personnel to determine strategies for future CBOE hearings that can make the process more user-friendly for citizens. He also requested a clear definition of all applicable statutes from the County Attorney's office. This topic was set on the September 25, 2007 work session agenda.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn. Motion carried unanimously. The meeting adjourned at 3:44 pm.

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

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 07-30

A RESOLUTION AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED FOR A CERTAIN PORTION OF
COUNTY ROAD 17, GUNNISON COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board" herein) have received a request by Roger and Marlene Shahan ("Shahans" herein) for the Board to convey to the Shahans a certain portion of County Road 17 as more specifically identified in "Appendix A" attached hereto and incorporated herein (herein "Parcel") at which time the Shahans would convey back to the Board an explicitly described right-of-way for County Road 17; and

WHEREAS, it is not necessary for the Board to maintain fee simple ownership in the Parcel but it is in the best interest of public health, safety and welfare for the Board to retain a right-of-way easement over the Parcel; and

WHEREAS, the conveyance of the Parcel will not adversely affect public transportation if a deed of dedication is received from the Shahans conveying a right-of-way easement to the Board; and

WHEREAS, execution of a certain Quit Claim Deed and receipt of the Deed of Dedication is necessary to accomplish the intention of the Board; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that John S. Roberts, the duly-appointed Commissioner of Deeds for Gunnison County, be and hereby is authorized and directed to sign the Quit Claim Deed conveying the Parcel identified in "Appendix A" attached hereto and incorporated herein. Said Quit Claim Deed shall not be recorded until a Deed of Dedication is executed by the Shahans conveying a right-of-way easement for a public road over that Parcel to the Board of County Commissioners of the County of Gunnison, Colorado.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 7th day of August, 2007.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON,
COLORADO

Channell – yes; Swenson – yes; Starr – yes