

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
September 4, 2007**

The September 4, 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 9:40 am.

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the August 7, 2007 Regular Meeting minutes as presented. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the August 14, 2007 Special Meeting minutes as presented. Motion carried unanimously.

**CONSENT AGENDA:** Consent Agenda item #3 was pulled for further discussion by County Manager Birnie. Consent Agenda item #5 was pulled by Chairperson Channell for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Consent Agenda items #1, #2 and #4. Motion carried unanimously.

1. Ratify 8/21/07 Motion to Identify the Department of Health & Human Services as the Coordinated Entity for the Early Childhood Council (ECC)
2. VAWA Grant
3. Engineering Services Contract – Between the Airport & Carter-Burgess
4. Added: Health & Human Services/Jere Thomas purchase of service agreement: Health & Human Services Commission
5. Added: Health & Human Services/Gunnison Valley Restorative Justice: Family Group Decision Making

Consent Agenda item #5 was discussed with Assistant County Attorney Tom Dill present. After brief discussion, Chairperson Channell was comfortable with approval of this item. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the contract between Health and Human Services and Gunnison Valley Restorative Justice for the Purchase of Services Agreements and authorize chair signature. Motion carried unanimously.

Consent Agenda item #3 was discussed with Airport Administrative Director Kathie Lucas and Assistant County Attorney Dill present. Assistant County Attorney Dill explained that this contract, after successful negotiations and applicable amendments, was ready for signature. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Engineering Services Contract Between the Airport and Carter-Burgess and authorize signatures. Motion carried unanimously.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. Marble/Somerset Site Visit. Assistant County Manager Crosby was present for discussion and explained that this site visit, as previously scheduled on September 17, 2007, was not agreeable with the Friends of Somerset due to a scheduling conflict. This site visit was rescheduled for October 19, 2007.

**COUNTY MANAGER'S REPORT & CORRESPONDENCE:**

1. Colorado Counties, Inc. – Western District Meeting. County Manager Birnie reported that he attended the informative meeting and then distributed materials to each commissioner. He also stated that the severance tax issue is proceeding, with contention, and that the outcome is uncertain at this time. Chairperson Channell suggested, and received unanimous support for, inviting State Representative Kathleen Curry, who also serves as co-chairperson on the severance tax committee, to take part in a 60-minute work session with the board.
2. L.E.A.F. Project Grant Application. County Manager Birnie stated that this application did not arrive in his office until August 29, 2007, which left insufficient time for approval since the contract deadline was September 1, 2007. The County Sheriff's office notified County Manager Birnie that no extension of the deadline was possible so that it could be pulled from the agenda.
3. Contract and Agreement Protocol. County Manager Birnie stated that he has been uncomfortable with the way in which the county has historically processed contracts. Chairperson Channell noted that the newly-instituted Agenda Submittal Form protocol, as originated by County Manager Birnie, has been helpful for office personnel and the Board of County Commissioners.
4. Colorado Counties, Inc. (CCI) Legislative Committee Designee. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to appoint Chairperson Hap Channell as the

Legislative Committee appointee for Gunnison County for CCI for the next year. Motion carried unanimously.

#### **ASSISTANT COUNTY MANAGER'S REPORTS & PROJECT UPDATES:**

1. Housing Authority Office Space. Assistant County Manager Crosby reported that the City of Gunnison cooperated with the county in managing the paving needs of this new location. She also reported that personnel within her department will be assisting the Housing Authority with moving equipment and furniture to their new location at 202 E. Georgia Avenue.
2. Annual Snow & Ice Conference. Assistant County Manager Crosby noted that this annual conference is continuing to grow and that more vendors will be participating this year. She also explained that the Public Works Department hosts this annual event for other Public Works Departments across Colorado. (Commissioner Starr then excused himself from the meeting at 10:24 am due to a prior commitment.)
3. Mt. Crested Butte's Winter Maintenance Agreement. Assistant County Manager Crosby stated that this 5-year agreement must be renewed by the end of October and asked for a consensus to proceed with another 5-year term. Consensus was received and Assistant County Manager Crosby stated that she and Mt. Crested Butte Town Manager Joe Fitzpatrick will work jointly on a contract to present to County Manager Birnie and County Attorney Baumgarten.
4. Ragged Mountain Fire Protection District (RMFPD). Assistant County Manager Crosby stated that the RMFPD would like to build a firehouse on county shop property due to the RMFPD's inability to acquire land in Somerset. She also outlined proposed terms including the RMFPD allowing for shop and sheriff personnel office areas, use of the conference room and access to restrooms and an equipment wash bay area. She stated that the most logical approach would be to remove the current cabin and rebuild the facility. She also stated that RMFPD has requested a Lease Agreement in order to proceed and that County Attorney Baumgarten has all information necessary to draft an agreement. Commissioner Swenson instructed the County Attorney's office to proceed with the agreement for finalization on September 18, 2007.
5. Muddy Creek Bridges Bid Award. Assistant County Manager Crosby explained that the county received \$1.5 million dollars in energy-impact funding for work or equipment on roads directly impacted by hauling, which applies to only Buzzard Divide Road and Marble Road. Additionally, she stated that part of this grant was intended for replacement of two functionally-obsolete, yet not structurally-deficient, bridges. She confirmed that the bid process was initiated for both design and build and that Joe Kelly of GA Western was the only contractor present at the mandatory pre-design meeting. Assistant County Manager Crosby noted that the DOLA grant totaled \$650,000 and that Mr. Kelly's bid totaled \$667,140, which was agreeable to DOLA. Due to the upcoming winter, Assistant County Manager Crosby stated that the contract will dictate working days in lieu of a range of dates for completion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to award the bid for the Muddy Creek Bridges Project to GA Western Construction Company, in the amount of \$667,140. Motion carried. (Commissioner Starr was not present for the vote.)
6. Cimarron Agreement. Assistant County Manager Crosby stated that Montrose County is willing to enter into this agreement again, assuming the same conditions as the previous contract. Assistant County Manager Crosby stated that she will place this agreement on a future agenda.
7. Wild Goose Lane. Commissioner Swenson reported receiving a telephone call about improper markings for Wild Goose Lane and questioned the possibility of the county installing signs if the residents agree to purchase them. Assistant County Manager Crosby will proceed with signs for the subdivision, provided that subdivision covers the purchase cost.
8. High School Rodeo Club. County Manager Birnie stated that he received a letter from the High School Rodeo Club asking for permission to use the rodeo grounds during the weekend of September 15-16, 2007 for their locally-sponsored rodeo. Assistant County Manager Crosby noted that the board must decide on this issue since the funds would come out of the commissioners' budget. County Manager Birnie suggested that the club approach the county as a potential Community Based Organization (CBO) in order to be evaluated for future funding. Assistant County Manager Crosby agreed to speak with Rodeo Grounds Manager Melody Roper and then reapproach the board later today. Assistant County Manager Crosby will also ask the Finance Department to send CBO funding information to the club.
9. Quartz Creek Property Owners. Assistant County Manager Crosby noted receipt of a letter and stated that jurisdictional issues will need addressed. She agreed to continue research on this topic.

**BREAK:** This meeting recessed from 10:47 until 11:09 am. Commissioner Starr rejoined the meeting during the break.

#### **APPROVE INTERGOVERNMENTAL AGREEMENT FOR WEST CENTRAL PUBLIC HEALTH PARTNERSHIP:**

Chairperson Channell explained that Carol Dawson, former County Public Health Director, previously approached the board with a suggestion to regionalize health services for purposes of efficiency, such as cooperative buying of supplies or sharing of staff members' time. He also stated that Ms. Dawson was

authorized to make the application through the Colorado Trust, which was later accepted. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Intergovernmental Agreement concerning the West Central Public Health Partnership and authorize signatures. Motion carried unanimously.

**DATA COLLECTION FUNDING:** Chairperson Channell noted that the county had not yet appropriated funding for this data collection. This item was placed on the September 18, 2007 agenda.

**AERONAUTICS DIVISION GRANT:** Airport Manager John DeVore and Airport Administrative Director Kathie Lucas were present for discussion.

Airport Manager DeVore reported that the airport's ice pad and rotating beacon will need to be replaced in the near future. He explained that the beacon replacement will cost approximately \$90,000, and will entail relocation to the ARFF Building, while the ice pad replacement will cost approximately \$800,000.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to ratify the presentation, formally of the Aeronautics Division Grant proposal, that was made for the airport last week. Motion carried unanimously.

Additionally, a work session was scheduled for November 13, 2007 to discuss high-altitude testing operations at the Gunnison/Crested Butte Airport.

**WATERFOWL HUNTING WITHIN W MOUNTAIN RANCH:** Airport Manager John DeVore and Airport Administrative Director Kathie Lucas were present for discussion.

Airport Administrative Director Lucas explained that the airport has historically allowed waterfowl hunting and fishing within the boundaries of W Mountain Ranch. She further recommended that hunting and fishing continue to be allowed as a means of controlling the waterfowl population on airport grounds. A total of 28 hunters were licensed to hunt on this airport property during the last hunting season.

Airport Administrative Director Lucas presented draft Rules and Regulations for the Fall 2007/ Winter 2008 hunting season. She also stated that the airport has the need to monitor and periodically modify the Rules and Regulations. The draft was discussed and modified. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Waterfowl Hunting within W Mountain Ranch at the airport to continue for another year. Motion carried unanimously.

**LOT CLUSTER AGREEMENT – CARL & JOYCE WRIGHT; LOTS 1, 2, 3, 4, 5, 6, 7; BLOCK 12 – TOWN OF TIN CUP:** Planning Department Services Manager Beth Baker was present for discussion.

Planning Department Services Manager Baker presented this Lot Cluster Agreement for board consideration. Chairperson Channell noted that this lot cluster did not include the vacated street and the alley so Planning Department Services Manager Baker explained that the language within the agreement covers this situation. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Lot Cluster Agreement with Carl and Joyce Wright for Lots 1, 2, 3, 4, 5, 6 and 7; Block 12; Town of Tin Cup and authorize signatures. Motion carried unanimously.

**CREATION OF THE LIBRARY DISTRICT:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to direct staff to create a resolution creating a library district and to work with the library board and staff on creating an Intergovernmental Agreement for the transition period of one year. Motion carried unanimously.

**BREAK:** This meeting recessed from 11:52 am until 1:00 for lunch.

**COLORADO RIVER WATER CONSERVANCY DISTRICT (CRWCD) REPORT:** CRWCD Chairman Bill Trampe and County Attorney David Baumgarten were present for discussion.

Mr. Trampe briefly discussed the 2007 Water Seminar, entitled "Water: Fueling the Future Seminar", scheduled for September 14, 2007, at the Two Rivers Convention Center in Grand Junction. Topics for discussion will include supply water, water quality issues and water sources.

Mr. Trampe provided updates and discussed the possibility of creating special districts, which will be further discussed with possible decision at the October 2007 CRWCD Board Meeting.

Mr. Trampe informed the board that, once he is no longer the CRWCD chair, he can not guarantee his placement on the Gunnison Roundtable. He also explained that his future involvement with the Gunnison Roundtable will be a decision made by Stephen Matthis of Montrose County, Warner Dewey of Hinsdale County, Andrew Mueller of Ouray County, Rebie Collins of Saguache County and Peter Kasper, who is anticipated to be the next CRWCD President. He also stated his refusal to serve on the IBCC should he not also serve on the Gunnison Roundtable.

**MEMORANDUM OF AGREEMENT AMENDMENT REQUEST – STEPPING STONES:** Stepping Stones Development Director Jennifer Marchitelli and Executive Director Mark Goldberg were present for discussion. Commissioner Starr recused himself due to a potential conflict of interest.

County Manager Birnie explained that Stepping Stones did not request to change the amount of funding, rather it requested permission for reallocation of funds already awarded. County Attorney Baumgarten recommended that the board create donation guidelines to avoid potential scrutiny surrounding expenditures of county-donated funding.

**Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve Stepping Stones' request to change their allocation of \$5,000 from a teacher-only space to the replacement of their linoleum kitchen floor and possible insulation of the second floor of the Infant Toddler Center, up to \$5,000. Motion carried.

**MEMORANDUM OF AGREEMENT AMENDMENT REQUEST – POWDERHORN COMMUNITY ASSOCIATION:** Commissioner Starr rejoined the meeting. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Powderhorn Community Association's request to use their remaining funds for the new front door and compatible hardware. Motion carried unanimously.

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION FUND FOR WATER RESOURCE PROTECTION PURPOSES:** County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten stated that, over the previous two years, the county has contracted Tyler Martineau to work on the Lucky Jack Project/Keystone Mine Discharge Permit. He then requested an additional \$2,000 of consulting funds, to be matched by the Town of Crested Butte, to cover additional services to be provided by Mr. Martineau in the near future. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to adopt Resolution #2007-31, a Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes and acknowledge the like contribution from the Town of Crested Butte. Motion carried unanimously.

**RELEASE OF DEVELOPMENT IMPROVEMENTS AGREEMENT (DIA); UNITED COMPANIES OF MESA COUNTY & RELEASE OF DEVELOPMENT IMPROVEMENTS AGREEMENT; KIRKLAND CONSTRUCTION LLLP:** County Attorney Baumgarten and engineering representative for the Public Works Department Allen Moores were present for discussion.

County Attorney Baumgarten presented these agreements for consideration and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the release of the Development Improvements Agreements for both United Companies of Mesa County and Kirkland Construction, LLLP. Motion carried unanimously.

**WASHINGTON GULCH; BOOTER CAMP – UPDATE FROM STAFF:** County Attorney Baumgarten and engineering representative for the Public Works Department Allen Moores were present for discussion.

County Attorney Baumgarten presented a letter from attorney Art Tresize stating that only the deck permits will be sought for this property and that the owner has insufficient funding necessary to convert the yurts into residences. Additionally, architectural plans for the decks are expected by the end of the week. County Attorney Baumgarten also relayed that some of the yurts are down and not in operation, per Attorney Tresize, and the owner would like to know whether or not they can be stored on-site. County Attorney Baumgarten stated that he will address this question after first meeting with Building Inspector Rich Wojdakowski, but that his preference was not to allow storage of yurts that can be quickly assembled without prior authorization.

At County Attorney Baumgarten's request, another update to the board will be given on October 2, 2007.

**HIGH SCHOOL RODEO CLUB (continued from Assistant County Manager's Reports and Project Updates):** Additional information was emailed from Assistant County Manager Crosby after she spoke with Rodeo Grounds Manager Melody Roper. **Moved** by Chairperson Channell, seconded by Commissioner Swenson that, in the case of the High School Rodeo Club, the rental fee for the rodeo grounds should be taken out of the money that they generate from stall rentals. Motion carried unanimously.

#### **COMMISSIONER MEETING REPORTS:**

##### **Commissioner Starr:**

1. Fred Field Heritage Center Revitalization Suggestion from Mike Busse. Commissioner Swenson volunteered to meet with Mr. Busse regarding his ideas for revitalization of the Fred Field Heritage Center that he feels may accommodate activities comparable to a conference center. Commissioner Starr stated that he did not feel the need for a conference center in this area and that local facilities exist to accommodate small conferences.

2. Speed Limit on Hwy 135. Commissioner Starr suggested that a letter be sent to CDOT regarding the speed limit on a section of Hwy 135. County Manager Birnie will prepare the letter.

**Commissioner Swenson:**

1. Events Coordinator Position. Commissioner Swenson reported meeting with representatives from the City of Gunnison and the Tourism Association and stated that those discussions are ongoing. During that meeting, Commissioner Swenson learned that the City of Gunnison has directed City Manager Ken Coleman to enter into negotiations with Sally Palmer for the remainder of the year. No decisions have been made relative to years beyond 2007.
2. Region 10. Commissioner Swenson informed the board that property issues remain and that Region 10 is considering a building remodel for a cost of \$250,000 - \$300,000. In the event of a building remodel, Region 10 plans to include non-profit organizations within the office spaces.

**Chairperson Channell:**

1. Gunnison County Substance Abuse Prevention Meeting. Chairperson Channell reported that 21 persons were in attendance at the meeting, which he felt was a good representation of local entities including RE-1J, Western State College, Gunnison Valley Hospital, Mental Health, Juvenile Diversion, Partners, Restorative Justice, the 7<sup>th</sup> Judicial District and local law enforcement. He also relayed that the grant for this committee has been reapproved.
2. Lucky Jack Presentation. Chairperson Channell stated his impression that the timing for this meeting was not optimal and that information was not readily available from all parties, though he did commend Lucky Jack representatives for being available for public discussions.

**A RESOLUTION URGING COMPREHENSIVE REFORM OF THE GENERAL MINING LAW OF 1872:**

Lucky Jack representative Clyde Gillespie, High Country Citizens' Alliance representative Dan Morse, INFORM representative Brian Farnsworth and County Attorney Baumgarten were present for discussion.

County Attorney Baumgarten presented a draft resolution for board consideration and also reported that he previously submitted copies of the draft resolution to Mr. Gillespie and Mr. Morse for comment. Mr. Gillespie stated his opinion that County Attorney Baumgarten prepared a good resolution. Mr. Morse urged approval of this resolution and stated that County Attorney Baumgarten had assembled a comprehensive resolution which captured pertinent elements applicable to our county. Mr. Farnsworth also verbalized his support of County Attorney Baumgarten's efforts and stated that INFORM would support approval of this resolution.

The draft resolution was discussed and amended. Signature of this resolution is scheduled as part of the September 18, 2007 agenda.

**UNSCHEDULED CITIZENS:**

1. Dana and Daniel LaBarr. The LaBarrs approached the board with a property-related concern because they felt that discussions with other county personnel had been unfruitful.

The LaBarr's stated that their 1.8-acre property has incurred damages resulting from excessive standing water at the fault of an adjoining property owner having a historic drainage ditch that predates the subdivision. The LaBarr's stated their desire to sell the property, but also their concerns that the property will be difficult to sell given its current condition. They then asked that the county disallow any permits that would cause further water to accumulate on their property.

Chairperson Channell assured the LaBarr's that county staff will investigate their claim and then later report findings to the board. County Attorney David Baumgarten's office will serve as the primary contact on this issue.

**1041 REGULATIONS:** County Attorney Baumgarten was present for discussion.

Commissioner Starr asked for a status report on the 1041 Regulations and County Manager Birnie stated that Planning Director Williams has promised to complete her portion of this project no later than September 7, 2007. The regulations will then route through County Attorney Baumgarten's office, who stated that he will require three weeks to review them once received. County Attorney Baumgarten requested a short retreat for the board to review those regulations after attorney review.

**WILLOWS:** Commissioner Starr stated that the hospital board seems divided on how to proceed with ongoing Willows discussions after speaking with Hospital Board member Malte vonMatthiessen. County Manager Birnie was asked to work with County Attorney Baumgarten in determining the status of the Willows discussions by meeting with Mr. vonMatthiessen and Gunnison Valley Hospital Administrator Randy Phelps.

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

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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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Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2007 - 31

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION FUND FOR WATER RESOURCE PROTECTION PURPOSES

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted Resolution No. 90-2, A Resolution Creating A Water Resources Protection Fund; and

WHEREAS, such Resolution No. 90-2 states that funds from the Water Resources Protection Fund may be used for water resources upon majority vote of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that certain expenditures are necessary for the participation of Gunnison County in joint use of water rights.

NOW THEREFORE, it is resolved by the Board of County Commissioners that the Board authorizes expenditure of funds from the Water Resources Protection Fund for:

- 1. Engagement of additional consulting services from Tyler Martineau, Water Resource Engineer, for the Lucky Jack Project/Keystone Mine Discharge Permit renewal in the additional amount of \$2,000.00.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 4<sup>th</sup> day of September, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes.