

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 8, 2008**

The January 8, 2008 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 - ABSENT

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 8:00 am. Commissioner Jim Starr was not able to attend the meeting due to a family emergency.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Board of County Commissioners Regular Meeting minutes of December 4, 2007 as presented and authorize signatures. Motion carried.

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Consent Agenda and authorize any signatures needed. Motion carried.

1. Acknowledgment of County Manager Signature; Worldwide Flight Services Agreement
2. Acknowledgment of County Manager Signature; 2008 Cooperative Field Service Agreement; Gunnison/Crested Butte Regional Airport and the USDA Animal and Plant Health Inspection Service, Wildlife Services
3. Acknowledgment of County Manager Signature; Reimbursement Agreement; Gunnison County and Gunnison/Hinsdale Youth Services, Inc.
4. Intergovernmental Agreement; Gunnison County, Saguache County, Hinsdale County, the Town of Crested Butte, the Town of Mt. Crested Butte, the City of Gunnison, the Town of Pitkin and Lake City for Noxious Weed Control
5. Memorandum of Agreement; Gunnison County and the Crested Butte/Mt. Crested Butte Chamber of Commerce, 2007 CBO Funding
6. Consulting Agreement; Apex Nutrition for Nutritional Services
7. Legal Services Agreement; Gunnison County and Gunnison/Hinsdale Board of Human Services
8. Purchase of Service Agreement; Expanding Quality Childcare, Jennifer Orth

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Designate 2008 Meeting Dates and Agenda Posting Locations. The 2008 meeting dates were discussed and agreed upon. The November and December meeting dates were altered to accommodate a more applicable schedule. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to change the Veterans' Day holiday from November 11th to November 10th, and to adjust the meeting schedule in November so that there will be no meeting on November 4th, a Regular Meeting on the 11th, a morning Work Session with a Staff Luncheon on November 18th, a Regular Meeting on November 25th, no meeting on December 2nd, a Regular Meeting on December 9th, a morning Work Session and Staff Luncheon on December 16th and a Regular Meeting on December 23rd. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to have the agenda posting locations remain the same as they were in 2007. Motion carried.
2. Planning Commission Meeting to Discuss the Joint Public Hearing Process. This meeting was scheduled for Friday, February 1, 2008 at 3:00 pm in the Planning Commission boardroom.
3. Colorado Counties, Inc. Chairperson Channell requested increased board participation in these sessions. County Manager Birnie stated that participation is available via telephone.

COUNTY MANAGER'S REPORT AND CORRESPONDENCE: County Manager Birnie and Assistant County Manager Marlene Crosby were present for discussion.

1. Acknowledgment of County Manager Signature; CDHS Certification of Compliance – 2008 County Merit System. County Manager Birnie stated that this document acknowledges that the county has a merit-based system. He also reported that this document arrived without sufficient time for board approval, which is the reason for his signature. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to acknowledge the signature of the county manager on the CDHS Certificate of Compliance for the 2008 County Merit System. Motion carried.
2. Garfield County Proposal. County Manager Birnie reported that Garfield County had requested a letter of support for their proposal to use Severance Tax credit dollars to replace an interchange on I-70. He also noted that he and County Attorney Baumgarten intend to speak with Garfield County about the proposal prior to a presentation to the board. County Manager Birnie will forward the proposal to the board.
3. Impact Fee Transportation Nexus Study. County Manager Birnie reported that he had discussed these studies with Montrose County Manager Joe Kerby and that, per Montrose County Manager Kerby, Montrose County spent \$67,000 for the five studies. He also noted that DOLA grant funds

paid half of the fees, with the requirement that at least one of the studies would be implemented. County Manager Birnie stated that four of the five impact fees have been adopted, those being Road and Bridge, Administrative, Law Enforcement/Public Safety and Fairgrounds. The impact fee not adopted was for Human Services, however County Manager Birnie noted that this will be reviewed in March. County Manager Birnie also reported that Montrose County contracted with the Rural Planning Institute in Durango, which DOLA preferred due to previous involvement and knowledge of the system. Assistant County Manager Crosby noted that these impact fees, combined with Montrose County's new dedicated sales tax, will generate between \$5,000,000 and \$7,000,000 for Montrose County, which County Manager Birnie felt supported Gunnison County pursuing a public safety piece. He also felt that Montrose County took a conservative approach, which he thought was wise, and that the studies appeared relatively inexpensive while solidly implemented. County Manager Birnie stated that he was ready to issue a Request for Proposal for the Nexus study. He also requested clarification on the board's intent, which was to be provided during the discussions scheduled for January 15th.

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

1. Taylor River Road Closure. Assistant County Manager Crosby noted that the Taylor River Road was closed at Somerville Trail due to high risk of avalanche. Gunnison Valley Aviation is scheduled to provide engineering representative for the Public Works Department Allen Moores with an aerial view so that he may determine whether or not it is safe to reopen the road. Assistant County Manager Crosby noted that she will be assessing the long-term impacts of the immediate snow as well as the impending impacts of the melting snow, when applicable. She also noted that fuel costs had been much higher than budgeted or anticipated, so roads having limited use may have lesser services provided by Public Works in the Spring. She reported that her crews are doing an excellent job and felt that they are a huge asset to the county organization. County Manager Birnie added that the county recently modified personnel policies pertinent to Public Works' employees so that accrual of compensatory time will not be subjected to limits.
2. Land Fill Volume. Assistant County Manager Crosby noted that the land fill volume has increased without an increase in staffing.

NORTH VALLEY SEWER ISSUES: Assistant County Manager Crosby, Schmueser Gordon Meyer, Inc. (SGM) Engineer Jerry Burgess, SGM Engineering Intern Tyler Harpel, County Environmental Health Technician Richard Stenson and attorney for the North Valley Subdivision Homeowners' Association (HOA) David Masters were present for discussion. District Engineer for the Engineering Section of the Water Quality Control Division of the Colorado Department of Public Health and Environment Jocelyn Mullen was present via speakerphone.

A work session in October 2007 was held to discuss the North Gunnison sewer issues and the related potential long-term costs and efficiencies. Mr. Harpel explained that discussion during that work session led to excluding several options such as evaporative ponds due to space restraints, a pump and haul system due to economics and an activated-sludge plant due to plant size and expensive design. Also considered, but later dismissed, was the concept of a standard lagoon system. Constructed wetlands were considered and may still be feasible to include in the overall project as a secondary element.

Assistant County Manager Crosby explained that members from SGM were prepared, as a result of that work session, to present options to the board and to the HOA. SGM presented six potential on-site options that were stated to meet the needs of the area residents while also complying with state guidelines. Of the solutions, Mr. Burgess stated his opinion that the connection with the North Gunnison Sewer Line would be the best approach to satisfying public health and environmental concerns.

Mr. Harpel explained that the HOA owns approximately 60 acres of land with the existing pond being located at the bottom of the gulch and that 40 lots were available with 32 homes in existence, requiring water treatment of approximately 12,000 gallons of water daily. He further explained that the current system was built in 1979 and has been considered non-compliant from inception due to discharging wastewater without proper permitting. As well, the original system never received approval from the state and could not receive approval in its current condition. He noted that a formulation for compliance was requested by the state in May 2007.

Mr. Harpel gave a slideshow presentation outlining the following proposed options:

1. Packed Bed Filters. Mr. Harpel explained that this type of system uses sand, ceramics and other materials to provide water treatment by filtering while microorganisms work to break down waste. He also noted that this system would be underground and very effective.

The advantages of this system were explained to be low initial construction costs, ease of operation, effective water treatment, use of the existing collection system, no need for additional sludge removal and no harsh visual impacts.

The disadvantages with this system were explained to be a larger footprint, less-effective nitrogen removal, necessity for approximately three ground water monitoring wells to handle nitrogen and replacement necessary within five to eight years.

Another disadvantage with this system is that, at intervals of 12 to 24 months, sand replacement would require uncovering the system; but it was also noted that newer free-access systems do not require digging in order to replace the sand. With some newer systems, the life of the sand can be extended from five to ten years before needing replaced.

If this system were chosen, SGM would recommend a series of nine boxes, with three boxes in each series placed into three parallel lines so that one series can be taken off-line for maintenance or cleaning without necessitating an entire system shut-down. As proposed, this system would be 150'-0" x 120'-0". Septic tanks would be used to remove solid waste and disposal of waste water would remain an issue. Groundwater and surface water discharge would follow strict guidelines.

2. Advanced Integrated Pond System (AIPS). Mr. Harpel noted that the Town of Mead currently utilizes this system.

The advantages of this system were explained to be low operational costs, ease of operation, cost savings due to treatments of solids without the use of the current septic tanks, a longer design life of over 30 years and implementation of a complete system without reliance on the existing elements.

The disadvantages of this system were explained to be an initial investment of approximately \$320,000, a larger footprint, negative visual impacts, foul odors and the necessity of widening the existing road to approximately 30'-0" in order to provide proper access.

If this system were chosen, SGM would recommend that the first cell be approximately 9'-0" deep with subsequent smaller cells through the rest of the system. The entire system would be approximately 20'-0" x 150'-0" with the first cell being approximately 18'-0" x 20'-0" and the next two aerated-cells being approximately 20'-0" x 64'-0". This system would be located in proximity to the existing lagoon.

3. Advantex[®] System. This system would utilize the AX100 Box.

The advantages of this system were explained to be a smaller footprint of approximately 60'-0" x 40'-0", a similarity to the sand-filtering system without clogging, implementation of a complete system without reliance on the existing elements, low initial costs, good telemetry and technical assistance, remote laptop operation, removal of BOD, TSS and nitrogen exceeding the requirement, no additional sludge removal, minimal visual impacts and low odors.

The disadvantages of this system were explained to be the need to use only Advantex[®] System equipment translating into a higher maintenance cost, necessity for monitoring wells to manage nitrogen removal and a requirement to enter into a costly maintenance agreement for technical assistance and monitoring.

4. Tidal Wetland Living Machine[®] System. This system was stated as being similar to the Pack Bed Filter utilizing six chambers contained within a controlled environment.

The advantages of this system were explained to be the use of living plants on top of the system providing advanced nitrogen and phosphorus removal, use of a 40'-0" x 60'-0" greenhouse providing a smaller footprint, medium operation and maintenance costs, good telemetry and technical assistance, superior BOD, TSS and nitrogen removal exceeding requirements, no additional sludge removal, minimal visual impacts and low odor.

The disadvantages of this system were explained to be heating the greenhouse in the winter months, slightly-higher initial costs, no other systems are currently approved for use in the state, use of the existing collection system and the need for an employee having botanical knowledge.

Although there are no other systems in use within the state, Mr. Harpel suggested that other plants located around the United States have been able to offset costs with federal and state grants due to the use of environmentally-friendly technology.

5. Ecolo Chief Packaged Plant. Mr. Harpel expressed his opinion that this traditional activated-sludge system is the least-expensive yet the most-effective of all the packaged plants.

The advantages of this system were explained to be use of a system with a good history of working efficiently, a small footprint, reduction in septic tank pumping costs and effective removal of BOD, TSS and nitrogen.

The disadvantages of this system were explained to be the use of a mechanical system with high operating and maintenance costs, high initial costs and a requirement to periodically remove grit from the separation tank and sludge from the Aerobic Digester.

- 6. Connection to Gunnison County Central Sewer. Mr. Harpel explained that two connection locations are possible; one at the start of CR 10 and the other at end of CR 11.

To connect at the start of CR 10, the line could follow the road, the historic road or the railroad and would require installation of approximately three miles of piping. This option would require legal and easement issues to be addressed.

Connection at the end of CR 11 would require approximately one mile of piping, which would be less-expensive than connecting to CR 10. This option would also require legal and easement issues to be addressed.

The advantages of this system were explained to be a better solution for public health and environment along with the ability for adjacent neighbors to tie into the system.

The disadvantages of this system were explained to be the costs and time necessary for addressing legal and easement issues.

Mr. Harpel explained the cost summary including engineering design, overseeing the project and the first year of operation with an extended estimate for a 20-year system life assuming 4% inflation. Also included were operations and maintenance costs as follows:

Option	Total Engineering and Surveying	Total Construction	Annual Operation and Maintenance	Total First-Year Cost	Total 20-Year Cost
1	\$41,270	\$217,900	\$15,200	\$274,370	\$711,797
2	\$41,050	\$446,000	\$8,700	\$495,750	\$746,119
3	\$38,850	\$359,500	\$30,200	\$428,950	\$1,297,648
4	\$37,660	\$368,500	\$18,600	\$444,760	\$980,032
5	\$39,900	\$691,000	\$22,000	\$752,900	\$1,386,018
6	\$54,930	\$279,000	\$5,840	\$339,770	\$507,834

No legal fees or tap fees were included in the summary. Assistant County Manager Crosby noted that a \$3,000 tap fee, per residence, would be billed by the City of Gunnison. Mr. Harpel could not verify whether or not the cost summary included any quarterly fees, but Assistant County Manager Crosby verified that a fee of \$46.25/month is currently charged to each residence. County Manager Birnie expressed his concern that the provided costs did not include legal fees or easement costs and did not include the time necessary to address easement issues.

North Valley Subdivision resident Bill Bennett felt that eminent domain should be considered by the board. He also felt that the board should order the connection line from a health and environment standpoint. He also felt that there was no good location available for a plant system.

North Valley Subdivision resident Dawn Kinatader asked about the potential railroad easement costs. Assistant County Manager Crosby explained that the railroad vacated the right of way, which went to the adjacent property owners, and that there is no existing easement.

Mr. Bennett stated his belief that railroads typically keep leases in-force and expressed his hope that this had been researched. The board asked that the County Attorney's office verify this information. Assistant County Manager Crosby felt that the easement on the railroad was no longer available and agreed to verify this with the County Attorney's office. She also confirmed that the board has the right to consider eminent domain, but warned that costs will need consideration. Mr. Bennett stated that there are approximately 60 to 90 residents in the area and that some of those residents are opposed to connecting to the city's sewer line, but he also felt that the greater good should be taken into account.

Chairperson Channell stated that, once a method was chosen by the HOA, finances would be discussed and the county would evaluate methods for possible assistance. He also stated that one way for the county to contribute to this project may be governmental access to funds that the homeowners do not have access to. He also confirmed that the county is interested in contributing and that a creative plan would need to be assembled by all parties.

Mr. Bennett questioned whether or not the county received federal funding when the sewer lines were expanded north of Gunnison and, if so, would that be an option for the present situation. Assistant County Manager Crosby confirmed that the county received USDA funding of approximately \$1,000,000 in grant money and \$2,400,000 in loan money that was debt serviced and is reflected in the current monthly fee charged to residents. She also stated that USDA loan applications are time consuming and incur costs of over \$60,000 for just the application. As well, USDA loans operate on a 40-year payback,

which would change residents' monthly billing. Commissioner Swenson added that the grant funding covered approximately one-third of the total cost.

Ms. Mullen stated that there was currently no available state funding for this project and that, in order to receive funds, the HOA would need to restructure their organization. She also stated that significant assistance is available through Energy Impact Funds and that the HOA would be eligible for those funds after restructuring. She stated that the restructured group would then need to be placed on an availability list from which funds are distributed on the basis of need and length of time on the list.

Attorney Masters stated his impression that the best approach for the subdivision would be to pursue becoming a Local Improvement District.

Assistant County Manager Crosby felt that weighing all of the options should include timelines for easements and other legal issues. Ms. Mullen stated a need for a realistic timeframe if the county chooses to pursue the connection option and confirmed that the state would not provide a lot of leeway or patience if the timeline were not closely followed. Ms. Mullen also expressed a desire for flexibility, but also stated that the process must move forward and the connection may need to be taken out of consideration if a timeline cannot be established.

Ms. Mullen confirmed that the water and sewer pipes being in close proximity, as well as the knowledge that the pipes occasionally leak, was not ideal and stated that infrastructure is a common problem. She restated that her primary objective is to move forward with a permitted system that meets requirements.

Environmental Health Technician Stenson questioned the connection line and the possible need for an augmentation plan for the well if the water is taken from the subdivision and sent downstream to the sewer line. Assistant County Manager Crosby relayed that the Division of Water Resources agreed that an augmentation plan may be necessary for new lots within the subdivision, but it would not be necessary for existing pumps.

County Manager Birnie left the meeting at 10:00 am in order to attend a scheduled Community Corrections board meeting in Montrose.

North Valley Subdivision resident Dave Kinatader asked that the public be kept aware of the process, along with any problems experienced. Assistant County Manager Crosby acknowledged that this could be done, but not without advanced notice to the affected property owners.

Chairperson Channell restated that a total cost analysis, including all tap fees and other items discussed, would be necessary. The County Attorney's office will need to provide details about all legal aspects of the connection option, including costs relative to easements. As well, Chairperson Channell asked attorney Masters to assemble a timeline for pursuing a Local Improvement District and a position statement from the HOA regarding their preferences.

Ms. Mullen requested a commitment from the board relative to a timeframe before informing her office and the HOA of which path will likely be chosen.

Assistant County Manager Crosby felt that County Attorney Baumgarten would need consulted prior to a timeline being established. Chairperson Channell noted that the county may need to schedule a special work session to address this issue as soon as possible. Attorney Masters felt that the HOA could provide a statement, including preferences and a timeline, within the next couple of weeks. Assistant County Manager Crosby felt that a completed cost analysis, including tap fees and projected quarterly costs, could be done within the same timeframe. Land acquisition costs will be reviewed by County Attorney Baumgarten, however a timeframe was not available for this item since there were no representatives from the County Attorney's office present. Commissioner Swenson suggested that a work session could be scheduled for a date in the first half of February and that an exact date could be set once County Attorney Baumgarten has been consulted.

Mr. Bennett expressed that the HOA is relatively small and has limited funds available for legal and construction fees.

Chairperson Channell confirmed that this issue is important to the county and thanked all residents for attending the meeting.

DEVELOPMENT IMPROVEMENTS AGREEMENT ADDENDUM; CLUB COTTAGES, SKYLAND FILING 3, PHASE I, EXTEND WORK COMPLETION DATE: Deputy County Attorney Tom Dill, County Paralegal Rachel Magruder, attorney Mike Dawson and authorized representative of N.D. Enterprises, LLC John Reed were present for discussion.

County Paralegal Magruder stated that the county's security won't expire until September 2009 and that this request was for DIA extension only. Mr. Reed explained that his company was not able to get all of the improvements completed this year. He further explained that all utilities and drainage are complete,

with small exception. He also stated that curb and gutter work remained incomplete, but that he intended to contract this work in January and February so that the work can be completed in the Spring.

Chairperson Channell questioned whether or not the county verifies the level of completeness when these requests come through. County Paralegal Magruder explained that both the engineer and the county have certified completeness to a point, but that there had been no requests to recertify since that time.

Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the Addendum to Development Improvements Agreement between Gunnison County and N.D. Enterprises, LLC and authorize the chairperson's signature. Motion carried.

NOTICE OF BLM OIL AND GAS LEASE SALE: Deputy County Attorney Dill and County Paralegal Magruder were present for discussion.

Chairperson Channell was concerned that the two property owners involved had not responded. The board agreed to continue this discussion until January 22, 2008 since private land owners are involved. Deputy County Attorney Dill stated that the High Country Citizens' Alliance expressed no concerns. The board requested that County Paralegal Magruder notify the affected property owners of the rescheduled date.

COLORADO OIL AND GAS CONSERVATION COMMISSION RULE MAKING; INITIAL COUNTY ATTORNEY REVIEW: Deputy County Attorney Dill and County Paralegal Magruder were present for discussion.

Deputy County Attorney Dill requested board approval for County Attorney Baumgarten to provide his expertise to the working group. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to authorize the approval of the county attorney to participate in the Colorado Oil and Gas Conservation Commission Rule Making Working Group. Motion carried.

COMMISSIONER MEETING REPORTS: This item began earlier due to a break in the schedule.

Chairperson Channell:

1. Mineral Producing Counties Meeting at Colorado Counties, Inc. (CCI) Headquarters. Chairperson Channell reported attendance at this meeting with Commissioner Starr and County Manager Birnie attending via telephone for a large portion of the meeting. Also in attendance were Representative Bernie Buescher, Representative Kathleen Curry, Senator Jim Isgar, a representative from Governor Ritter's office and a representative from the Colorado Municipal League. Chairperson Channell reported that the state legislature is attempting to work through the issue of how Severance Tax and Federal Mineral Lease (FML) funds are distributed. He also relayed the general sense of inequity in terms of how the funds are distributed and also that the mineral producing counties are not receiving their fair share. Chairperson Channell noted that our representatives have been looking at this strongly and that severance tax issues have been evaluated by legislators and a working group which should translate into the introduction of legislation during the current session. However, he also noted that FML dollars had not been addressed by a comprehensive process.

Chairperson Channell reported that Representative Buescher, who is also the Joint Budget Committee Chairperson, has a tentative proposal on how to redistribute funds, but that he did not share his proposal with local entities. Chairperson Channell stated that CCI will likely form a special ad hoc committee to deal with this issue in late-January. Chairperson Channell also reported that CCI was asked to relay a firm stance on the issue, but that a number of entities were not prepared to offer opinions to the legislators. Chairperson Channell was also not prepared to provide an opinion representing Gunnison County. The ad hoc committee, once formed and approved by CCI, will be asked to advise the state legislature on how the counties would like to proceed with FML dollars. Chairperson Channell felt that there was general support for increased funding being returned to mineral-producing counties.

LOCAL MARKETING DISTRICT (LMD) TAX REAUTHORIZATION DISCUSSION: Tourism Association (TA) Director Jane Chaney and TA President Joellen Fonken were present for discussion.

TA Director Chaney stated that the TA board voted to defer decision making ability to the LMD board for the tax reauthorization. She also noted that the TA has an interest in ensuring that this gets passed. Chairperson Channell noted that the tax authorization needs renewal.

TA Director Chaney also relayed that Governor Ritter's office may be thinking of imposing a \$3.00 to \$4.00 bed tax to support transportation. She expressed concerned that the ballot may confuse voters and questioned whether the upcoming RTA and TA ballot initiatives should be placed on separate ballots.

Chairperson Channell explained that the RTA is funded by a percentage of sales tax and that the percentage applied to Gunnison County, Mt. Crested Butte and Crested Butte is 0.6% while the City of

Gunnison's percentage is 0.35%. He also explained that the LMD is funded by a 4% bed tax on lodging throughout the county, including the various municipalities, and that the LMD contractually passes those funds to the TA, which then provides marketing support to the LMD.

Chairperson Channell acknowledged that there is common confusion regarding the relationship between the LMD, the RTA and the TA. TA Director Chaney agreed, which is why she felt the ballot initiatives should be separate with the RTA presenting this year and the TA presenting next year. The board agreed that there were advantages and disadvantages with both scenarios, but that they had a greater chance of passing if presented to the voters during separate elections.

TA President Fonken reported that public awareness has begun, regardless of when the issues are brought forward to the voters. TA Director Chaney asked the board to decide on a schedule so that she can present the information at the next RTA meeting on January 11, 2008. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to recess Board of County Commissioners meeting and call to order as the Local Marketing District. Motion carried. The meeting recessed from 11:18 until 11:19 am (see minutes below).

LOCAL MARKETING DISTRICT

CALL TO ORDER: Chairperson Channell called the meeting to order at 11:18 am. Tourism Association (TA) Director Jane Chaney and TA President Joellen Fonken were present for discussion. Commissioner Starr was not present due to a family emergency.

Moved by Commissioner Swenson, seconded by Chairperson Channell to put off the tax reauthorization for the Local Marketing District to go to ballot until election year 2009. Motion carried.

Moved by Commissioner Swenson, seconded by Chairperson Channell to adjourn the Local Marketing District. Motion carried. The meeting adjourned at 11:19 am and Chairperson Channell immediately called the Gunnison County Board of County Commissioners meeting back to order.

CONDOMINIUM APPROVAL; RIVERLAND INDUSTRIAL PARK, LOT 8, FILING 1, KEVIN MCNAMARA: Assistant Planning Director Neal Starkebaum and property owner Kevin McNamara were present for discussion.

Assistant Planning Director Starkebaum explained that this property is currently split into two units and that the application requested condominiumization of the commercial property. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the condominium approval for Riverland Industrial Park, Lot 8, Filing 1 and authorize signatures. Motion carried.

BOUNDARY LINE ADJUSTMENTS; OUTPOST PARCELS AND TAYLOR/HUBBELL PARCELS, MARBLE CONDO PLAT, GARY HUBBELL: Assistant Planning Director Neal Starkebaum, attorney Dick Bratton and property owner Gary Hubbell were present for discussion.

Mr. Hubbell stated that the lot line adjustment had erroneously not been finalized when he purchased this property in 2000. He also stated that the Town of Marble approved the mylar for signature. Mr. Hubbell requested that the plat include language referencing lengthy attorney recommendations.

Assistant Planning Director Starkebaum noted that any approvals given would need to be contingent on County Attorney Baumgarten's approval and the Town of Marble's signature on the mylar. He further stated his agreement with the boundary line adjustments with the outlined contingencies.

Moved by Commissioner Swenson, seconded by Chairperson Channell to approve and authorize the chair's signature on the Lot Boundary Adjustment Plat for Hubbell and Taylor Properties, contingent on the approval of the county attorney and after receiving the Town of Marble's signatures. Motion carried.

Mr. Hubbell explained that three lots were purchased within the Town of Marble and that a home was later built on the lots. He also explained that the road, left by the developer in the 1980's, was left to the adjacent property owners. He confirmed that an easement exists and obtained warranty deeds from all of the adjacent property owners dedicating portions of the strip of land to each individual property owner, so this will no longer be land in common to all residents. He then requested subdivision of the 2.97 acres into three properties and explained that one of the land portions exists both within Gunnison County and the Town of Marble, which had previously given subdivision approval.

Moved by Commissioner Swenson, seconded by Chairperson Channell, contingent upon the approval of the county attorney, to approve and authorize the chair signature on the Marble Outpost Lot Boundary Adjustment. Motion carried.

BUILDING A, BACK NINE CONDOMINIUMS, FAIRWAY LANE, MARK LUCAS: Assistant Planning Director Neal Starkebaum was present for discussion.

Assistant Planning Director Neal Starkebaum noted that buildings B, C and D had previously been approved. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the supplemental map of the Back Nine Condominiums, Building A, and authorize the chair signature. Motion carried.

BREAK: This meeting recessed from 11:49 am until 1:30 pm.

COLORADO RIVER WATER CONSERVANCY DISTRICT REPORT: CRWCD representative Bill Trampe cancelled his appearance due to a scheduling conflict.

ELECTRONIC VS. MAIL-IN ELECTION METHODS: County Clerk and Recorder Stella Dominguez, Elections representatives Diane Folowell and Kathy Simillion, IT Director Mike Lee and IT Technician Elise Brown were present for discussion.

County Clerk and Recorder Dominguez informed the board that the county's six EScan machines and central counter were decertified during the previous week. She also noted that the ADA-accessible machine was certified with conditions due to a concern that sight-impaired persons may not be able to see the tape for vote review.

County Clerk and Recorder Dominguez noted that a total of 53 counties were affected and that Hart will be appealing the decertification. She also reported that Hart anticipates passing a new software version that will be capable of EScan in the near future. A working group of county clerks and Hart representatives is being formed to address the decertification problem.

County Clerk and Recorder Dominguez stated that the mail ballot option is considered to be a back-up plan if the county equipment is not recertified in time for the upcoming election. She also explained that a mail ballot allows counting to begin 10 days prior to the election date with the need for at least two different judges representing each party in the election. Security cameras are available to monitor hand-counting in the election room. Per IT Director Lee, there could be vast deviation from the estimates provided since the method of hand-counting comes without recent history to learn from.

County Clerk and Recorder Dominguez reported that legislation may be proposed on this matter. She also noted that the public may be invited to the testing procedure upon equipment recertification, providing more confidence to the public.

Gunnison City Clerk Gail Davidson asked for the breakdown of mail-in versus absentee ballots utilized in Gunnison County. Elections representative Simillion explained that the early and absentee voter list is expanding each year with nearly half of all voters voting this way currently. She also said that a 2007 law permits application for permanent mail-in ballot status and that a voter can retain that status as long as they actively participate. Chairperson Channell noted that turnout for mail-in ballots is greater than polling location elections. Elections representative Simillion felt that all counties across the state are experiencing these types of percentages. Chairperson Channell stated his opinion that increased voter participation, with greater convenience to voters, makes mail-in elections preferable.

Certification from the Secretary of State will be necessary no later than early-June to allow for ballot printing. County Clerk and Recorder Dominguez stated her desire to have recertification completed by April. The state will be requiring new software for which County Clerk and Recorder Dominguez and Elections representatives Folowell and Simillion are scheduled to attend training. IT Director Lee and IT Technician Brown were also invited to attend the training and County Clerk and Recorder Dominguez reported that their associated fees would be paid by the state.

County Clerk and Recorder Dominguez asked the board to support a mail-in ballot for the 2008 Primary and General Elections in the event that the Hart voting equipment is not recertified.

FUNDING REQUEST; WHITE WATER FESTIVAL: Upper Gunnison River Water Conservancy District (UGRWCD) Manager Frank Kugel and White Water Festival (WWF) Coordinator Anthony Poponi were present for discussion.

UGRWCD Manager Kugel stated that the WWF had taken place in the past several years as a means of promoting the park after rumors began circulating that the waves were not conducive to top-notch kayaking. He also stated that financial backing and expertise are now providing the opportunity for an advertising campaign to highlight the recent improvements to the park.

The UGRWCD has authorized up to \$10,000 in funds for the WWF, scheduled for May 24, 2008, while the City of Gunnison has been asked to increase their contribution from \$2,000 to \$5,000. He also acknowledged that a contribution from the county was not requested during the 2008 budget cycle.

UGRWCD Manager Kugel explained that the long-term goal of the WWF is to include family activities and other diverse events in an attempt to attract a varied demographic, similar to the annual FIBARK Festival in Salida. He also explained the need to show a beneficial use of the park for absolute water rights.

WWF Coordinator Poponi stated that a steering committee was assembled from interested parties, including members from Western State College. He also noted that the WWF may pursue obtaining a non-profit status in the future.

High Country Citizens' Alliance (HCCA) is expected to sell alcoholic beverages during the WWF and then retain the profits from those sales. The board questioned why the WWF was slated to pay for the liquor permit and liability insurance if the HCCA will be retaining all profit from alcoholic-beverage sales. The board also stated that vendors, such as HCCA, should be responsible for booth rental fees.

The board noted that the county provides support to the park, in addition to over \$10,000 for recent improvements to the park, but that they were agreeable to supporting the WWF if funding is available. This discussion was continued to January 22, 2008 so that the board could ascertain whether or not the county had available funds for this project. Additionally, the City of Gunnison was scheduled to announce their funding decision on January 22, 2008.

BREAK: This meeting recessed from 2:23 until 2:35 pm. County Manager Birnie returned to the meeting during the break.

PRESCRIPTION DISCOUNT PROGRAM FOR GUNNISON COUNTY RESIDENTS: Senior Resources Coordinator Karin Stewart was present for discussion.

Senior Resources Coordinator Stewart presented proposed county-sponsored drug discount card program information for discussion and approval. She explained that, of three potential programs researched, her preference was the NACo Prescription Drug Program due to ease in administration with no cost to the county or to participants while it showed an average savings of 19.2%. She also noted that 13 other Colorado counties, including Hinsdale County, currently participate in the program.

Senior Resources Coordinator Stewart stated that the Senior Resources Office would be responsible for implementation, coordination and promotion of the program; however she stated her impression that this program would not place a large burden on her time. There are no limits to income or residence in order to qualify for the program; however a participant cannot have any other prescription drug coverage.

Senior Resources Coordinator Stewart also stated that there would be no cost to participants as the program is funded by Caremark PCS through fees collected from participating area pharmacies. She also stated that local pharmacies located in City Market, Wal-Mart, Elk Avenue Medical Center and the Gunnison Family Medical Center all participate in the program.

Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the prescription discount program for Gunnison County and authorize the chair signature on the contract with Caremark PCS Health. Motion carried.

WILLOWS ASSISTED LIVING CENTER; NEGOTIATIONS UPDATE; POSSIBLE EXECUTIVE SESSION: Deputy County Attorney Tom Dill was present for discussion.

County Manager Matthew Birnie suggested that the board enter an executive session to discuss the ongoing Willows negotiations and a settlement agreement.

Moved by Commissioner Swenson, seconded by Chairperson Channell to go into executive session for attorney-client privileged conversations regarding the Willows Assisting Living Center negotiations with the hospital regarding the structure of governments and also to look at the settlement of the Willows construction claim with Deputy County Attorney Tom Dill, County Manager Birnie, Chairperson Channell and Commissioner Swenson. No record will be kept and no decisions will be made. Motion carried.

The board went into executive session at 2:45 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)e.*

Attorney Statement Regarding Executive Session

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

Date: _____

Tom Dill
Gunnison County Deputy Attorney

Chairperson Statement Regarding Executive Session

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

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 3:38 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

Chairperson Channell asked County Manager Birnie to continue negotiations with the hospital.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REORGANIZATION: Moved by Commissioner Swenson, seconded by Chairperson Channell to continue all appointments currently in force. Motion carried. Chairperson Channell noted that Commissioner Starr previously stated agreement with all reappointments as follows:

1. Appoint Chairperson. Chairperson Channell was reappointed.
2. Appoint Vice-Chairperson. Commissioner Swenson was reappointed.
3. Appoint BOCC Representative to County Personnel Board. Commissioner Swenson was reappointed.
4. Appoint BOCC Representative to the Office for Resource Efficiency. Chairperson Channell was reappointed.
5. Appoint BOCC Representative to the Rural Transportation Authority. Commissioner Starr and Chairperson Channell were reappointed.
6. Appoint BOCC Representative to Region 10. Commissioner Swenson was reappointed.
7. Appoint BOCC Representative to the Community Foundation of the Gunnison Valley. Chairperson Channell was reappointed.

UNSCHEDULED CITIZENS: There were no unscheduled citizens present.

COMMISSIONERS MEETING REPORTS: (This item was continued from earlier in the meeting.)

Chairperson Channell (cont.):

1. Mayor Managers. Chairperson Channell and County Manager Birnie attended this recent meeting hosted by the Upper Gunnison River Water Conservancy District. Chairperson Channell noted that the meeting was poorly attended but had excellent catering by Mario’s Pizza. There were only six attendees with two of them being from the county and two of them being from the City of Gunnison. County Manager Birnie relayed that Mt. Crested Butte Town Manager Joe Fitzpatrick reported high ski-bus usage during the free-ski period, but that the Christmas season showed lower participation. Chairperson Channell stated that he had recently ridden the bus, on multiple occasions, and that he appreciated the service and the amenities.

ADJOURN: Moved by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried. The meeting adjourned at 3:54 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

(Absent from meeting – no signature)

Jim Starr, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk