

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
February 19, 2008**

The February 19, 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

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 8:03 am.

**AGENDA REVIEW:** There were no changes to the agenda.

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Gunnison County Board of County Commissioners Special Meeting minutes of December 21, 2007 as presented. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Board of County Commissioners Regular Meeting minutes of January 8, 2008 as amended. Motion carried. Commissioner Starr abstained from the vote because he was not present during the January 8, 2008 meeting.

**CONSENT AGENDA:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to pull Item #5 and approve the rest of the Consent Agenda. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Airport Terminal Lease Agreement, SkyWest Airlines, Inc., November 1, 2007 through October 31, 2008
2. Ratification of Correspondence; 2008 Primary and General Elections, Governor Bill Ritter, Senator Gail Schwartz, Representative Kathleen Curry, Secretary of State Mike Coffman
3. Ratification of Correspondence; Exception to the Hours-of-Service Regulations, Governor Bill Ritter, Chief Counsel to the Governor Trey Rogers, Colorado State Patrol Captain Mark Savage
4. Resolution; Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions
5. Correspondence; Letter of Support for HB 1141, Concerning Sufficient Water Supplies for Land Use Approval, Northwest Colorado Council of Governments Co-Director Shanna Koenig
6. Agreement; Between the Gunnison County Board of County Commissioners, the Gunnison Valley Hospital Board of Trustees and the Gunnison Home Association
7. Grant Contract; Colorado Division of Criminal Justice, Crime Victim Services
8. Services Contract; Department of Public Health and Environment Immunization Program, Amended General Immunization Core Services Contract
9. Contractor Agreement; Between the Gunnison County Board of County Commissioners and Molly Diachok-Mugglestone, Substance Abuse Prevention Project
10. Agricultural Lease; Between the Gunnison County Board of County Commissioners and Tenants Todd Shallbetter and Dean Blackwell
11. Agricultural Lease; Between the Gunnison County Board of County Commissioners and Tenant Joe Schultheis
12. Agreement; Between the Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging

Consent Agenda Item #5 was pulled in order to modify Ms. Koenig's title to Co-Director NWCCOG/QQ Committee. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letter to Shanna Koenig, Co-Director of QQ, as amended and authorize signatures. Motion carried unanimously.

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

**COUNTY MANAGER'S REPORT AND CORRESPONDENCE:** County Manager Matthew Birnie was present for discussion.

1. Drug-Free Communities Grant. County Manager Birnie stated that he had met with Gunnison County Substance Abuse Prevention Coordinator Jere Thomas during the previous week. GCSAP Coordinator Thomas expressed interest in applying for a Drug-Free Communities Grant and requested clarification on whether or not the County would be the fiscal agent for this grant. County Manager Birnie stated that he felt this was an opportunity worth pursuing and that he intended to provide further information during a future meeting.
2. Transportation Impact Study. County Manager Birnie explained that he had obtained the Montrose County RFP issuance responses in lieu of issuing a separate RFP. He also noted that the costs associated with this study will exceed the budgeted amount. A proposal should be forthcoming within a few days.

3. Courthouse Security Grants. County Manager Birnie stated that a fund had been created for these types of grants. He also noted that he had met with various individuals from the Sheriff's Office, the Judge and the District Attorney, which comprise a courthouse security committee. Further, he explained that the committee classified Gunnison County as a low priority for security grants on the basis that Gunnison County should be wealthy enough to provide its own security, which he felt was an inappropriate analysis of the situation. County Manager Birnie suggested pursuit of a grant, even though he did not believe that funding would be received at this time. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to appoint County Manager Birnie to the committee as an authorized representative of the county. Motion carried unanimously.
4. Housing Needs Assessment. County Manager Birnie stated that, due to recent setbacks, an estimate for completion of the assessment could not be provided at this time. He did state, however, that he was hopeful that the process would continue to move forward. A conference call between Gunnison County Housing Authority Executive Director Denise Wise, the consultant group and representatives from all of the local municipalities had occurred, which County Manager Birnie felt was positive. Commissioner Starr asked for an approximation of when funding will be decided and County Manager Birnie explained that there is a 30-day funding cycle. He also felt that the project may need to proceed in phases. Housing Authority Director Wise's staff will gather data for the consultants' use. County Manager Birnie estimated a total of 150 days for completion of the assessment once the work has begun.
5. Federal Appropriations Request; Congressman Salazar. County Manager Birnie recommended a request for reauthorization of the Forest Lands Highway Program and suggested working with Assistant County Manager Crosby to establish the details of the request, which would include baseline and proper growth figures. Chairperson Channell stated that he would support a request for funding, but that he would not support the use of earmarks for transportation issues. The Board asked County Manager Birnie to proceed with the reauthorization request.
6. Support Letter Request; Garfield County. Chairperson Channell asked for a status update on the previous request by Garfield County for a letter of support to use severance tax credit dollars to replace an interchange on Interstate 70. County Manager Birnie noted that the individual who initiated the request is currently living in Montrose and that he will be arranging a meeting with County Attorney Baumgarten as soon as possible to discuss the request.

**BREAK:** The meeting recessed from 8:41 until 9:03 am in order to hold the below Public Hearing.

**PUBLIC HEARING; APPLICATION FOR WAIVER OF STANDARDS, PETE GLATIOTIS:**

Chairperson Channell opened the Public Hearing at 8:41 am. Assistant County Manager Crosby was present for discussion and confirmed proper public notice in the local newspaper. Mr. Glatiotis was required to perform notice via certified mail; however he was not present to provide proof that his responsibility had been met.

Assistant County Manager Crosby explained that Mr. Glatiotis requested this waiver of standards for an easement reduction while at the same time, in an effort to quicken the process, had requested subdivision of a lot through the Planning Department. She confirmed that this request was found to be acceptable by the fire protection district and that adjacent property owners will be allowed access to the sewer line. Per Assistant County Manager Crosby, the requested easement extends approximately 450 feet in length.

Chairperson Channell opened to floor for public comment at 8:47 am.

Citizen Steve Milisavljevich, representing the nearby church property, stated that the church has concern with increased traffic and shared road maintenance. He stated that the church would benefit from additional time to review Mr. Glatiotis' request for subdivision and Assistant County Manager Crosby informed him that the subject of the Public Hearing was for the waiver of standards only.

Citizen Lee English stated that approximately 70 to 100 automobiles use the road for church purposes and expressed concerns related to the added traffic that will result from allowing additional homes.

Chairperson Channell noted that the request for waiver of standards, while evaluated separately, will affect the subdivision request. Assistant County Manager Crosby explained that a 30-foot easement would be sufficient for two 12'-0" foot lanes, appropriate for increased traffic, and would leave 4'-0" on each side for snow storage.

Commissioner Starr expressed concern that additional home sites may translate into the likelihood for children to be on the road during periods of high church-related traffic. Because of these concerns, Commissioner Starr felt that road widening to allow sufficient room for a walkway might be a feasible option. However, Assistant County Manager Crosby felt that widening the road may adversely affect drivers who are prone to traveling at increased speeds. She also felt that a separate path, not of concrete construction, would not address the problem of children playing on the church's concrete

parking lot pad. Mr. English stated that the church is currently experiencing problems with children skateboarding on the concrete pad.

Commissioner Swenson did not feel that a pedestrian path was necessary and that the reduction in easement from 60'-0" to 30'-0" would affect safety. Additionally, she felt that the subdivision application would address all related safety concerns.

Chairperson Channell noted that the Public Works Department suggested approving the waiver, contingent upon Mr. Glatiotis providing proof of notice via certified mail. He also suggested that the Public Hearing be continued so that Mr. Glatiotis would be in attendance to provide proof of notice while also allowing additional time for the church to review the application.

Chairperson Channell closed the Public Hearing at 9:03 am and immediately reconvened the Gunnison County Board of County Commissioners meeting. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to continue the Public Hearing for Application of Waiver of Standards to March 4, 2008 at 10:30 am. Motion carried unanimously.

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

1. Private Plow Request; Newland Project Resources, Inc. for Bear Ranch, LLC. Assistant County Manager Crosby reported that a request for private plowing was received from Bear Ranch, LLC representatives. The request was for a permit until the year 2010, however Assistant County Manager Crosby suggested that the request be approved through the current year only since the requests are reviewed annually. She also agreed that, due to safety issues, one entity should perform the plowing. Assistant County Manager Crosby confirmed that a Public Hearing on this matter would not be required. Chairperson Channell agreed that approval for the 2008-2009 winter season would be appropriate. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the request for snow plow permit on County Road 2, as requested, through the 2008-2009 winter season. Motion carried unanimously.

**BREAK:** This meeting recessed from 9:11 until 10:07 am in order to hold the below public hearing.

**PUBLIC HEARING; APPLICATION FOR WAIVER OF STANDARDS, ALBERT ROPER:**

Chairperson Channell opened the Public Hearing at 9:11 am. Assistant County Manager Crosby, engineering representative for the Public Works Department Allen Moores, Assistant Planning Director Neal Starkebaum and property owners Albert and Angela Roper were present for discussion. Assistant County Manager Crosby confirmed proper public notice.

Assistant County Manager Crosby confirmed receipt of a fax transmission from property owner Timothy Michalek on February 19, 2008. She also provided correspondence from property owner Britton Harrison. Property owner Frank Pribyl was present during the Public Hearing and provided correspondence of his own. Chairperson Channell asked that the letters be entered into the record.

Mr. Roper stated that he had spoken to many neighbors and that those neighbors expressed agreement with his request. Additionally, he stated that many of the bridge inspector's requirements had been completed and, as a result of the work being completed, the inspector raised the bridge limit from 11 tons to 17 tons. Mr. Roper suggested that the bridge was rated at the level of its weakest link, the floor beams, which he did not feel was life-threatening. He also believed that the low rating was due to the trusses, which could cause an automobile to plummet into the river if the trusses were to fail. Assistant County Manager Crosby felt that the trusses were rated relatively high, but could not confirm the 34-ton limit as suggested by Mr. Roper.

Mr. Roper noted that the new rating of 17 tons was slightly below the legal load standard, which, if posted, would remove legal responsibility on behalf of the Bridge Association or Gunnison County if the bridge were to fail as a result of a heavier vehicle crossing the bridge. He also reminded all parties that the bridge is currently posted for a 22-ton limit. Assistant County Manager Crosby noted that two of the local fire trucks exceed the weight limit by 6,000 pounds and 1,000 pounds while the other trucks in the fleet fall within the allowable range. Assistant County Manager Crosby also explained that the fire trucks are authorized to pull resources from the river eliminating the need for return trips across the bridge for additional water.

Assistant County Manager Crosby explained that a survey for the right-of-way was not completed since this request involved private land. She also stated that she and engineering representative for the Public Works Department Moores were in agreement to accept the 16-foot road, as recommended by the fire department, even though a 22-foot road would normally be required by the county. Further, she suggested that Mr. Roper be required to cover the rocks in the road with screenable filler and that the Bridge Association assume the responsibility for notification of the weight limit to all entities that haul

heavy loads over the bridge. Lastly, she asked the Board to ensure that Mr. Roper's application not be used as a standard for any future applications.

Assistant County Manager Crosby recommended that a condition of the waiver specify that owners of any newly-created lots should be required to participate in a road improvement association. She also explained that the Public Works Department would outline three conditions to accompany the application for subdivision approval. The first of those conditions would be that Mr. Roper would be responsible for clearing the vegetation for site distance by cutting back and spraying. The second condition would be that Mr. Roper would construct two turn-arounds as platted. Lastly, Mr. Roper would be required to reduce the grade on the road to an acceptable level and at a specific percentage. Mr. Roper stated that he felt these conditions were reasonable.

Commissioner Starr questioned whether or not the road and right-of-way have been established and Mr. Roper explained that the road is historical in nature. Assistant County Manager Crosby stated that the road may or may not be in its original condition or location and may have evolved over long periods of time. However, she stated that the residents should have a good comprehension of their property lines.

Mr. Roper felt that the safety of the road should not be in question since there is no recent history of major incidents.

Chairperson Channell confirmed that the suggestions outlined by Assistant County Manager Crosby and engineering representative for the Public Works Department Moores will be translated into requirements. Further, engineering representative for the Public Works Department Moores noted that the improvements will need to be completed and approved by his department prior to the issuance of any building permits. Assistant Planning Director Starkebaum confirmed that these improvements will be addressed through a Development Improvements Agreement (DIA) and that compliance with that DIA must be proven prior to issuance of any building permits.

Commissioner Starr questioned the weight of a loaded cement truck and Assistant County Manager Crosby explained that the truck would be 54,000 pounds, but that truck would haul only partial loads if crossing a restricted bridge.

Chairperson Channell opened the floor for public comment at 9:46 am.

Property owner Nancy Klifman noted that the willows are not in the same location as the steep grade and that she was in support of Mr. Roper's request.

Property owner Michele Mileski explained that she had recently paid \$400 to assist with plowing costs and asked for further information relative to any tax proposals. Mr. Roper noted that the issue of whether or not to pursue designation as a special taxing district would have to be put to a vote and Ms. Mileski expressed concern that her taxes would increase in that instance. Commissioner Starr confirmed that the taxes would increase based on what the district deems as necessary on an annual basis. Mr. Roper confirmed that none of the residents are currently required to pay for bridge maintenance, but that they would be required if a special district were set up. Assistant County Manager Crosby noted that the district can be structured in any fashion desired, that the district would need to elect a board and that the officers on that board would have the spending authority. Ms. Klifman felt that the district could assist with receiving grant funding. Assistant County Manager Crosby confirmed that any money collected for the district would be kept within the district in a separate fund.

Mr. Pribyl asked Assistant County Manager Crosby if she anticipated any problems with a Special Improvement District (SID). Assistant County Manager Crosby noted that any process can be problematic. County Manager Birnie noted that this system has been used successfully throughout the country. Assistant County Manager Crosby explained that she can assist the neighborhood with the process of forming the SID. Chairperson Channell noted that this case may be memorialized in a process description for similar requests in the future.

Mr. Pribyl asked Mr. Roper how many lots he intends to subdivide into and Mr. Roper stated that he had not yet made that decision. Chairperson Channell noted that the number of lots will be addressed in the Planning Commission's formal process.

Ms. Klifman asked whether or not the residents will automatically be required to be part of the SID and she was told that they would. Assistant County Manager Crosby stated that the residents would be required to be financial partners whether by the Homeowner's Association, the Bridge Association or the SID.

Commissioner Starr questioned whether or not County Attorney Baumgarten had reviewed all the new information and the Board confirmed that he had.

Chairperson Channell closed the Public Hearing at 10:07 am and immediately reconvened the Gunnison County Board of County Commissioners meeting.

Commissioner Swenson commended Assistant County Manager Crosby and engineering representative for the Public Works Department Moores for their diligence in clarifying all aspects of the waiver request. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the application for the waiver of standards for the Ropers with the criteria that has been set forth by Marlene in her memo to us, Items #1 through #4, being that the bridge will be posted either at the lowest limit or at the three limits certified; that the Bridge Association be required to notify, in writing, all users of the bridge of the restrictions including the Fire Protection District, trash-collection companies, propane companies, lumber companies and concrete aggregate companies; that the Roper ranch and the new lots they are developing be required by covenant deed restriction, or whatever is appropriate, to be paying participants in any organization which is developed to address road work and bridge funding, to include any improvement district or Homeowner's Association; and that the language be included clearly stating that this action does not set a precedent for any future applications. Assistant County Manager Crosby requested additional clarification that the road be developed to a minimum of 16'-0" and Commissioner Swenson agreed to add the language to her motion. Commissioner Starr stated that, while he felt supportive of the Ropers, he could not vote to approve additional burden on a deteriorating bridge that already falls below the standard. Commissioner Starr also felt that it was a mistake to assume that a Local Improvements District would pass. Lastly, Commissioner Starr expressed safety-related concerns about the condition of the road at the bottom of the hill and his belief that approving the waiver would not support the safety of the users of the road or the bridge. Chairperson Channell noted that he supported Commissioner Swenson's motion because he did not feel that Commissioner Starr's concerns were at a high enough degree to cause a safety concern. Motion carried. Commissioner Starr voted against the motion.

**BREAK:** The meeting recessed from 10:17 until 10:35 am.

**RESOLUTION; SUPPORT FOR A SINGLE-PAYER HEALTH CARE PLAN:** Various members from the League of Women Voters (LWV) were present in the audience, but did not take part in the discussion.

Chairperson Channell confirmed that the County Attorney's Office had drafted a resolution for discussion and acceptance. He read the drafted resolution to the audience members and noted that the draft was similar to the version supplied by the LWV. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to adopt Resolution #2008-06, a Resolution in Support of the Colorado Health Services Program – Single Payer Health Care, as amended. Motion carried unanimously.

**RELEASE OF DEVELOPMENT IMPROVEMENTS AGREEMENT; JUANITA-SYLVESTER GULCH 115 TRANSMISSION LINE, INSTALLED BY DELTA-MONTROSE ELECTRIC ASSOCIATION:** County Paralegal Rachel Magruder was present for discussion.

County Paralegal Magruder presented the agreements relevant to the next three agenda items and explained that they had previously been overlooked erroneously. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize signature by the chairperson on the Release of the Development Improvements Agreement between the County and the Delta-Montrose Electric Association. Motion carried unanimously.

**RELEASE OF DEVELOPMENT IMPROVEMENTS AGREEMENT; TEMPORARY USE OF A WEATHERPORT LOCATED AT 135 FRONTAGE ROAD, JOE PUCHEK:** County Paralegal Magruder was present for discussion.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Release of Development Improvements Agreement between Gunnison County and Joe Puchek and authorize the Chair's signature. Motion carried unanimously.

**RELEASE OF LANDSCAPING IMPROVEMENTS AGREEMENT; AMERIGAS EAGLE PROPANE LOCATED AT 1509 HWY 135, GUNNISON, COLORADO:** County Paralegal Rachel Magruder was present for discussion.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Release of Landscaping Improvements Agreement between the County and what was then Aerogas Company in Gunnison, which is not AmeriGas Eagle Propane, LP and authorize signature. Motion carried unanimously.

**ADOPTION OF THE GUNNISON COUNTY LOGO:** Commissioner Swenson stated that she had presented the proposed logo to the Gunnison County elected officials and that those officials were supportive of the logo. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt the Gunnison County logo. Motion carried unanimously.

#### **COMMISSIONERS REPORTS:**

##### **Chairperson Channell:**

1. Pitkin County Commissioners; Joint Meeting Request. Chairperson Channell stated that the Pitkin County Board of County Commissioners requested a joint meeting to be held in Gunnison. County Manager Birnie was asked to schedule the meeting for a future date after the winter road conditions have improved. Commissioner Starr asked that this meeting include a discussion on the status of the Carbondale Trail.

**Commissioner Swenson:**

1. Gunnison Valley Animal Welfare League (GVAWL) Donation. Commissioner Swenson informed the Board that GVAWL received a \$100,000 donation from the MacAllister Family Trust to be used toward the new shelter facility.
2. Valco Plant Update. Commissioner Swenson stated that she had recently met with Valco Owner Tom Brubaker who informed her that the Valco property has been divided with the intention of selling a large portion of the land. He also informed her that Valco does not currently have a batch plant application.

**Commissioner Starr:**

1. Forest Highway Meeting. Commissioner Starr stated that he attended this meeting along with Assistant County Manager Crosby and County Manager Birnie. He noted that the Taylor River Road improvements have been scheduled for completion during 2012 and that the lower end has been scheduled for completion during 2014.

**GUNNISON TRAILS DISCUSSION:** Gunnison Sage-grouse Conservation Coordinator Cochran, Gunnison County Trails Commission (GCTC) representative Joellen Fonken and Gunnison Trails representative Dave Wiens were present for discussion.

Mr. Wiens presented a total of four proposed layouts for trails in Gunnison County and explained that the Bureau of Land Management (BLM) expressed a desire to restrict trails from entering lands to the northwest of Gunnison. He also stated that the entire trails concept would be outlined in a travel planning document. Mr. Wiens emphasized that the proposal was a long-term plan that could take up to 20 years or more for build out. Mr. Wiens requested a position statement from the County.

GCTC provided written recommendations that supported ongoing discussions between the County, Gunnison Trails and the travel management team in order to complete travel management goals.

Gunnison Sage-grouse Conservation Coordinator Cochran acknowledged that he had previously spoken with Mr. Wiens about this proposal. He also noted that he was in agreement with the recommendations proposed by the City of Gunnison. He felt that additional users may present further issues and that he would likely defer to the BLM for recommendations. Lastly, he stated that the proposed trail locations will need to be studied further.

Bill O'Rourke, owner of Tomichi Cycles, expressed his support of Mr. Wiens' proposal and for the proposal to plan trails in close proximity to the City of Gunnison so that those trails could be accessed and appreciated by more citizens. Mr. Wiens felt that the proposal would benefit all citizens, regardless of level of ability, and that the users of the trails would be good stewards of the public lands.

Ms. Fonken stated that the trails plan has been a consistent priority of GCTC and that GCTC would prefer that the trails have a human-powered access point.

Chairperson Channell acknowledged that beneficial information had been presented and that he would take the information under advisement as the County moves towards a formal Travel Management Plan, which should be completed during the Summer of 2008. He further stated that the Board will take a stance, as one becomes necessary. Commissioner Swenson agreed since the BLM, DOW and Forest Service had not yet had discussions with the County on this subject.

Commissioner Swenson noted support of GCTC's desire for further discussions. Commissioner Starr noted that GCTC's request for Board support of open discussion suggested that the Board would need to take a stance. Mr. Wiens felt that the proposal for trails planning in the northwestern portion of Gunnison could not proceed if not endorsed by the County. County Manager Birnie noted that the Board could support consideration of the proposal without providing a specific endorsement of the proposed trails.

Assistant County Manager Crosby suggested that any available Board members attend a GCTC work session once specific recommendations were formulated by GCTC. The next GCTC meeting is scheduled for 6:00 pm on March 3, 2008 at Donitas in Crested Butte. Ms. Fonken volunteered to determine whether or not Donitas can arrange for a large-private room. Chairperson Channell asked for specific direction from GCTC.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented monthly Warrants and Cash Transfers for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Warrant Report dated February 19, 2008 in the amount of \$1,675,793.67. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Cash Transfer for January 2008 in the amount of \$2,660,133.68. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** County Treasurer Melody Marks provided the Treasurer's Monthly Report for January 2008, the 2007 Revenue and Expense Report and an Investment Report dated January 31, 2008 for discussion and acceptance. She also noted that interest received on investments over the next two years is projected to decrease. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to accept the Treasurer's Report for January 2008 and authorize the chairperson's signature. Motion carried unanimously.

**QINETIQ CONTRACT EXTENSION:** Airport Manager John DeVore and Deputy County Attorney Tom Dill were present for discussion.

Airport Manager DeVore stated that the current contract with QinetiQ will expire on February 28, 2008, but that the contract contained an extension option. He then proposed April 15, 2008 as a new termination date with no changes in the other terms of the contract, including the \$300,000 cap. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize the airport staff to work with the County Attorney's office to draft an extension of the contract and authorize the County Manager Matthew Birnie's signature on that extension, subject to approval by the County Attorney's office, with the date being till April 15, 2008. Motion carried unanimously.

**APPROVAL OF ONE TIME ACCESS BY SNOWCAT TO ELKTON YURT:** Deputy County Attorney Tom Dill, Assistant Planning Director Neal Starkebaum and attorney Art Tresize were present for discussion.

Deputy County Attorney Dill provided photographs of the yurt and cabin in question. He also explained that the Forest Service had asked for written confirmation if the Board authorizes snow cat use on the road with an approval of one-time usage from the road to the yurts. Deputy County Attorney Dill stated that there was approximately 20'-0" of snow in front of the cabin and that the yurt, with supplies inside, had collapsed under the weight of the snow. Deputy County Attorney Dill explained that the other yurts on the property held lumber only, removing any concern for impact relative to those yurts. County Manager Birnie asked that the Board carefully word any approval granted so that approval is not inadvertently given for the unpermitted yurts. Attorney Tresize, representing the property owner, confirmed that the current request was limited to permission for snow removal.

Deputy County Attorney Dill relayed that the Washington Gulch Working Group originally requested prohibiting all snow cat use, but acknowledged that the County did not have updated information from which to make an evaluation.

Chairperson Channell asked if the Enforcement Group had a recommendation and County Manager Birnie explained that the group had not yet addressed this issue. Chairperson Channell questioned the method of enforcement for any approval given and attorney Tresize stated that his client was willing to accommodate any conditions that the County may designate.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to request staff to draft the authorization for one-time use of County Road 811 for snow cat for emergency snow removal purposes only and no commercial uses and that the applicant comply with any additional requirements put on them by the Forest Service, such as doing what they can to block access after they are finished using the road. Chairperson Channell requested that the authorization specifically state that the Forest Service requirements must be met, that there be no presumption of future approval, that the property owner would pay for the fuel, that there be a designated-time constraint, that Assistant County Manager Crosby be consulted for additional constraints, that the County's monitoring and/or enforcement take place at the property owner's expense, that the purpose of emergency snow removal only be clear and concise, that a travel-blockage berm be constructed upon completion of the snow removal and that any additional necessary modifications be communicated to County Manager Birnie. Motion carried unanimously.

**BREAK:** The meeting recessed from 12:18 pm for a lunch break and to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

**RECONVENE:** Chairperson Channell called the meeting back to order at 1:51 pm.

**VISITOR; JOANI MATRANGA, GOVERNOR'S ENERGY OFFICE (GEO):** Regional Representative of the Governor's Energy Office Joani Matranga was present for discussion.

Ms. Matranga explained that GEO is split into three regions and that she represents the western region while Mona Newton represents the central region and Robert Mailander represents the eastern region.

She also explained that GEO has been charged with implementing energy-efficiency programs statewide and with developing renewable energy industries in Colorado. Additionally, she explained that increasing the efficiency of existing buildings, while also building new structures more efficiently, is GEO's primary goal since these processes will yield the greatest impact.

Ms. Matranga suggested energy-efficiency evaluations for County buildings and explained that any suggested modifications can be contracted with performance-based companies that guarantee results.

Ms. Matranga stated that GEO can work with the Gunnison County Housing Authority to receive and disseminate assistance for low-income residents, such as bill payment assistance, home energy audits and weatherization kits.

Chairperson Channell asked about any potential funding sources for planning efforts and Ms. Matranga explained that DOLA has a grant program for this purpose. Chairperson Channell noted that Gunnison County would be interested in information related to dedicated funding streams to manage energy-efficiency programs and Ms. Matranga stated that, to help solve this problem, some communities have hired energy managers to remove the burden from governmental staff.

The Board thanked Ms. Matranga for her time and the information relayed.

**VISITOR; J WENUM, DEPARTMENT OF WILDLIFE (DOW) UPDATE ON MULE DEER FEEDING OPERATIONS:** DOW Area Wildlife Manager J Wenum was present for discussion.

Wildlife Manager Wenum provided information relative to current wildlife feeding operations in 124 active feeding sites for 8,062 deer, 2,746 elk and 530 pronghorns with 483.6 bags of deer feed, 12.1 tons of hay and 31.8 bags of pronghorn feed. He stated that \$4,000 worth of feed is being disseminated daily. He also explained that the DOW has been baiting the animals in order to strategically-contain them in certain regions.

Wildlife Manager Wenum noted that road closures had been enacted by the BLM and the Forest Service in order to assist with feeding. He also credited the County, the Park Service, Hinsdale County, the Colorado State Patrol and the Department of Transportation for their assistance.

Wildlife Manager Wenum stated that continued funding, resources and manpower will be strained because the Wildlife Commission has begun feeding in Creede and other northwestern areas of the state.

Wildlife Manager Wenum noted that the DOW is utilizing weed-free feed and that site cleanup is being planned for the Spring of 2008.

Volunteers are relaying mortalities and daily adjustments of feed are being made. Mortality rates have been up to 21% per site with an average of 6% overall, however Wildlife Manager Wenum felt that the figures were low and that 11% may be a realistic figure after accounting for all variables such as snow cover and the inability to decipher time of death. He also stated that it was too early to determine the total impact and that an accurate count will be available after spring clean up.

Wildlife Manager Wenum noted that weather and animal behavior will dictate when feeding operations slow or stop completely. Wildlife Manager Wenum expressed pride that the animals were being given feed only five days after approval for the operation had been given.

The Board agreed to evaluate the continuance of local cloud seeding efforts to ensure that intentions are not being exceeded. County Manager Birnie will make a future presentation to the Board after consulting with Senior Accountant Jane Lee.

**COMMISSIONERS MEETING REPORTS:**

**Commissioner Starr (continued):**

1. Mayor Managers Meeting. Commissioner Starr reported that the free RTA bus service had a daily average of 300 to 400 riders. He also reported the Mt. Crested Butte sales tax increased 24% in December. As well, Hwy 135 will be resurfaced this summer from the area of the state shops to immediately north of Gunnison.
2. Black Canyon Quantification Mediation. Commissioner Starr stated that an agreement may have been reached and that another status conference is scheduled for April.

**Commissioner Swenson (continued):**

1. Tourism Association. Commissioner Swenson stated that "Ride the Rockies" is scheduled to pass through the Gunnison valley in June. County Manager Birnie relayed that Assistant County Manager Crosby has asked the event's organizer to seek permits for alternate routes because the currently-proposed routes may not be feasible.

**Chairperson Channell (continued):**

1. Intern Brian Kilkelly. Chairperson Channell reported that he had been meeting with Intern Kilkelly on a weekly basis to facilitate research on items such as severance tax.
2. Office of Resource Efficiency Board Meeting. Chairperson Channell stated that the emissions inventory report should be released soon as Steve Lawlor has completed the data collection.
3. Health and Human Services Commission. Chairperson Channell reported that the HHSC has begun assessing possible gaps in service. Additionally, the HHSC will be applying for a \$125,000 Drug-Free Communities Grant. If received, this funding will be spent primarily on a coordinator.
4. Colorado Counties, Inc. Chairperson Channell explained that additional bills have been introduced while support for other bills has changed during the current session. He also noted that Gunnison County appears to be the only local county without regulations pertinent to directional signs on highway routes for tourist attractions. Chairperson Channell explained that Representative Bernie Buescher may be planning a bill regarding Federal Mineral Lease dollars that would allow for a certain return percentage in addition to the current cap amount.

**UNSCHEDULED CITIZENS:** There were no unscheduled citizens present for discussion.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:25 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 GUNNISON COUNTY**

RESOLUTION NO. 08-07

A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS

WHEREAS, Colorado Revised Statute 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund "unless such investment is made from specific funds allocated for a definite purpose and so maintained"; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board has previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado:

1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

Reserve Account within the General Fund:

- Water Resources Protection Fund
- Road and Bridge Fund
- Conservation Trust Fund
- Airport Operations Fund
- Sales Tax Fund
- Land Preservation Fund
- Library Fund – Operations
- Library Fund – Memorial and Endowment
- Library Fund – Capital Improvements
- Loss prevention Fund
- Airport Construction Fund
- Capital Expenditures Fund
- Solid Waste Fund – Operations
- Reserve Accounts Within the Solid Waste Fund:
  - Landfill Closure Cost Reserve
  - Construction Reserve
- Sheriff's Seizure Fund
- Gunnison Housing Authority Fund
- Reserve Account within Gunnison County Housing Authority Fund:
  - Workforce Impact Fee Account
- Internal Service Fund III (Employee Benefits)
- Gunnison River Valley Local Marketing District
- Gunnison Valley Transportation Authority
- Gunnison Cemetery District

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.
3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 08-04, Series 2008 is hereby canceled as of January 1, 2008 and the provisions of this resolution shall supersede the previous resolutions.
4. The effective date of this resolution shall be January 1, 2008.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 19<sup>th</sup> of February 2008.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes