

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
March 4, 2008**

The March 4, 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 9:22 am.

AGENDA REVIEW: The Colorado River Water Conservancy District Report scheduled for 1:00 pm was stricken from the agenda due to a scheduling conflict for CRWCD Representative Bill Trampe. Additionally, a support letter was added to the agenda during County Manager Birnie's discussion time.

MINUTES APPROVAL: The drafted January 22, 2008 Regular Meeting minutes were discussed and amended. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Board of County Commissioners Regular Meeting minutes of January 22, 2008, as amended. Motion carried unanimously.

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

1. Acknowledgment of County Manager Signature; Contract for Services, Snow Removal at the Blackstock's Government Center, High Mountain Trucking, Inc., 2/11/08 through 4/30/08.
2. Correspondence; Resolution #2008-06, Governor Bill Ritter, Senator Gail Schwartz, Senator Ken Salazar, Representative Kathleen Curry, Representative John Salazar and Speaker of the Colorado House Andrew Romanoff.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Rural Planning Institute (RPI). County Manager Birnie informed the Board that he had received a proposal from RPI to perform impact studies, which included an analysis of our public safety facilities and another analysis for transportation. The total fee for the project was quoted at \$38,000 while the budgeted amount was \$20,000. County Manager Birnie expressed his opinion that the overage in fees could be paid from the Board's budgeted funds for professional services and the Board agreed with his assessment. County Manager Birnie stated that he will proceed with this 5-month project, scheduled to begin in April, as soon as Assistant County Manager Crosby has had the opportunity to review the information and provide feedback.
2. Cloud Seeding Update. Senior Accountant Jane Wyman was present for discussion. County Manager Birnie explained that, due to the recent heavy snowfall, cloud seeding had been suspended. He also asked for permission from the Board to terminate the contract for the current winter season, which would save the County approximately \$8,000 in fees paid directly to the service provider, as well as costs related to removal of additional unwanted snow. County Manager Birnie informed the Board that Upper Gunnison River Water Conservancy District Manager Frank Kugel was supportive of the suspension. The Board was supportive of contract termination. County Manager Birnie explained that the cloud seeding equipment will be removed according to the schedule previously established in the contract. County Manager Birnie also explained that Senior Accountant Wyman asked for a letter in support of federal funding that would be used toward upgraded equipment and research. Per Senior Accountant Wyman, other states and jurisdictions who are also participating in cloud seeding efforts have sent similar letters. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letters to Representative Udall and Senator Hutchinson in support of the legislation put forth by the Committee of Science and Technology regarding cloud seeding and authorize the chair's signature. Motion carried unanimously.
3. Impact Assistance Grant Application; Department of Wildlife (DOW), Miller Ranch. Deputy Assessor Vicki Hildreth was present for discussion and explained that a provision in statute recognizes a financial impact on all entities that would cease collection of taxes for a parcel of land once ownership of that land transfers to the DOW. She also explained that the value is calculated as though the land were agricultural and that improvements and buildings are not part of the calculations. Further, she explained that the referenced application included a prorated dollar amount for the 1604-acre parcel. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize signature on behalf of the Board for the application to the Energy Impact Fund for the impact assistance grant money set forth. Motion carried unanimously.

4. Managing For Results. County Manager Birnie explained that he disseminated the results of the recent retreat to the department directors and elected officials in order to solicit their responses. He noted that additional information received from Weider, Inc. will be distributed to the Board within the next couple of days.
5. Housing Needs Assessment. Commissioner Starr asked for confirmation of the April 1, 2008 start date for the assessment and County Manager Birnie explained that the assessment will continue to move forward, but that some of the data may be difficult to collect in a timely manner due to the quickly-approaching conclusion of the ski season. He also explained that he had not yet received feedback from the Colorado Department of Housing relative to the grant.

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

1. Energy/Mineral Impact Assistance Program. Assistant County Manager Crosby explained that the State Advisory Committee scheduled grant defense arguments for March 19th and 20th in Denver and that Gunnison County was allotted from 8:40 until 9:00 am on March 20th to discuss the Kebler Pass improvements and the Hwy 135/CR 730 reconstruction. Assistant County Manager Crosby and Chairperson Channell stated their intention to be present for the presentation.
2. Water Treatment Plant Grant Application. Assistant County Manager Crosby stated that she hoped to have an application ready for submission in the April grant cycle. In this application, she will request funding to create office space and winter equipment storage for the water treatment plant.

EXECUTION OF NOTICE OF SUSPENSION OF GUNNISON COUNTY LAND USE CHANGE PERMIT NO: 2003-54: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten noted that this application was previously approved based on the assumption that sufficient water would be available. He also explained that a hearing must be held prior to suspension of the permit. A Public Hearing was scheduled for 10:15 am on Tuesday, April 1, 2008.

DRUG-FREE COMMUNITIES GRANT: Gunnison County Substance Abuse Prevention Program (GCSAPP) Coordinator Jere Thomas was present for discussion.

Chairperson Channell questioned whether or not this grant would overlap the current grant and GCSAPP Coordinator Thomas stated that it would. She also explained that her current funding source encouraged her to apply for this grant, which is due March 21, 2008. In order to qualify for funding, she explained that the County must continue to offer office space to GCSAPP because the grant requires a match of non-federal funding. County Manager Birnie asked for permission to sign the grant application as soon as it is ready so that the application can meet the March 21, 2008 deadline. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the County acting as a fiscal agent for the proposed grant and authorize the County Manager's signature as required on that document and any other documentation. Motion carried unanimously.

BREAK: The meeting recessed from 10:30 until 10:50 am in order to hold the below Public Hearing.

PUBLIC HEARING; APPLICATION FOR WAIVER OF STANDARDS, PETE GLATIOTIS (CONTINUED FROM 2/19/08)

Chairperson Channell re-opened the Public Hearing at 10:30 am as a continuance from February 19, 2008. Assistant County Manager Crosby and property owner Pete Glatiotis were present for discussion. Mr. Glatiotis confirmed proper public notice.

Assistant County Manager Crosby reminded the parties that this application for waiver of standards was relative to the width of the easement for over 400 feet.

Mr. Glatiotis explained his request for a waiver of standards to reduce the 60-foot easement requirement to the 34-foot easement that is currently assigned to his private property. As well, Mr. Glatiotis requested that the easement further drop to 30 feet within Lot 2B.

Assistant County Manager Crosby noted that a neighbor had expressed interest in a future sewer extension, which would mandate that an appropriate exception be included within the waiver. She further stated that the neighbor in question would continue to have access to his or her property from the highway.

Assistant County Manager Crosby agreed with her previous recommendations regardless of the supplemental information supplied by Mr. Glatiotis.

Commissioner Starr questioned whether or not the request should be granted since it appeared to be technically feasible to adhere to the standards in this case. He further questioned why Lot 2B would not support the required 60-foot easement and Mr. Glatiotis stated that a reasonably-sized building envelope dictates the need for the smaller easement. Mr. Glatiotis also noted that the road will remain at 16'-0"

wide and Assistant County Manager Crosby agreed that this would be sufficient to allow for continued snow removal practices.

Assistant County Manager Crosby noted that while many instances have previously been identified in other cases as technically-feasible, further evaluation of the costs and the work necessary to comply with the requirements indicated that the waivers made more sense. The board suspended discussion pertinent to technical feasibility until County Attorney Baumgarten was available for assistance.

Chairperson Channell opened the floor to public comment at 10:49 am; however there were no commentators present. Chairperson Channell closed the Public Hearing at 10:50 am and promptly reconvened the Gunnison County Board of County Commissioners meeting.

HOMELAND SECURITY GRANT: Emergency Manager Scott Morrill was present for discussion.

Emergency Manager Morrill explained that the initial application, which would allow for expansion of mutual aid capabilities such as a building and a generator, must be submitted to Homeland Security Coordinator Jo Ann Stone no later than April 1, 2008. He also explained that maintenance and repair costs would be financed by the 911 and Communications boards. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize submittal of the application for the funds for the two towers, as proposed, and authorize signatures as necessary. Motion carried unanimously.

PUBLIC HEARING; APPLICATION FOR WAIVER OF STANDARDS, PETE GLATIOTIS (continued from earlier in the meeting): Assistant County Manager Crosby, County Attorney Baumgarten and private owner Pete Glatiotis were present for discussion.

County Attorney Baumgarten reminded the board that no individual waiver should be considered as precedence for future waivers; however he also noted that this issue was similar to situations previously discussed in the Whetstone and Hidden Mine Ranch issue and, if granted, Mr. Glatiotis' waiver would follow the same logic.

Moved by Commissioner Swenson, seconded by Commissioner Starr to direct staff to draft the resolution granting the waiver of road standards for Pete Glatiotis' application with the language set forth from our discussion. Motion carried unanimously.

2008 AGREEMENT BETWEEN THE OFFICE FOR RESOURCE EFFICIENCY (ORE) AND GUNNISON COUNTY: ORE Executive Director Gesa Michel and Assistant County Manager Crosby were present for discussion.

ORE Executive Director Michel presented the draft agreement for discussion and approval. Additionally, she stated that the County had previously adopted the IECC code, but that the 2006 version is simpler to work with. The Governor's Energy Office can provide training on the 2006 code at no charge.

ORE Executive Director Michel expressed ORE's intention to work closer with the business community, which she stated was already occurring in the north end of the valley and with the Tourism Association. Once the program is running smoothly, ORE intends to extend efforts to the south end of the valley.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the 2008 agreement between the Office for Resource Efficiency and Gunnison County and authorize the chair's signature. Motion carried unanimously.

ORE Executive Director Michel noted that a citizens' committee on recycling has been established and that they have had two meetings to discuss recycling efforts in other communities and zero-waste goals. She stated that a possible grant opportunity to fund a research study is due no later than March 28, 2008. Assistant County Manager Crosby expressed concern that the committee appears to be attempting to organize plans that will affect the County without contacting the County for information on current programs. The Board agreed that the group cannot make mission statements regarding Gunnison County without working closely with the staff. Commissioner Starr offered to help coordinate efforts between the County and the committee. ORE Executive Director Michel agreed that the County would take part in future discussions and stated that the committee will next meet on March 11, 2008.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Swenson:

1. City Council Annexation Proposal Work Session. Commissioner Swenson attended this recent meeting during which the truck routes and bypass were discussed. Commissioner Swenson stated that the consultant thought that there would not be sufficient traffic to warrant a bypass. The Chamber of Commerce has scheduled a coffee meeting on March 6, 2008 from 8:00 to 9:30 am at the multi-purpose building to further discuss the issue.

2. Animal Shelter Task Force. Commissioner Swenson informed the Board that the Gunnison Valley Animal Welfare League (GVAWL) is considering the option of building and operating the facility and then contracting services with the various municipalities. The task force is in the process of finalizing site issues and outlining FAA requirements.
3. Larimer County Visit. Commissioner Swenson reported on a recent visit with representatives from Larimer County's Rural Use Planning Department, which she felt was very informative and beneficial. She explained that, unlike Gunnison County, Larimer County does not have road standards applicable to 35-acre parcels. Commissioner Swenson is scheduled to make a presentation to the Stockgrowers Association on March 5th to evaluate interest in possible programming. Should local owners of large parcels choose to pursue the issue, Commissioner Swenson recommended a future presentation to the Board on information obtained from Larimer County and interest expressed by the Stockgrowers Association. Commissioner Swenson will also schedule a presentation to the Board by representatives from Larimer County.
4. Gunnison Prairie Dog Public Meeting. Commissioner Swenson reported on attendance at this recent presentation given by Al Pfister. She noted that the Department of Wildlife also gave a presentation and intends to formulate a management plan.
5. Sage Grouse Regulations Issues and Answers. Commissioner Swenson explained that this televised-event was an effort of the local working group, as part of their Information and Education program, and that it was very informative.

Commissioner Starr:

1. Hwy 135 Speed Limit. Commissioner Starr requested an update on this issue and County Manager Birnie stated that CDOT has agreed to monitor traffic in the Spring. County Manager Birnie agreed to follow up with CDOT to ensure that this schedule has not changed.
2. Transfer of Development Rights (TDR) Program. Commissioner Starr asked for an update on how the TDR program is progressing because there was some confusion about whether to suspend or terminate further efforts. County Manager Birnie explained that Mapping and Planning Services Manager Pelletier was asked to have discussions with the Planning Commission relative to the possibility of making the TDR program a voluntary program as well as how the TDR program may interface with inclusionary-housing programs. Commissioner Swenson stated that she had asked that the TDR program discussions be suspended until more pressing issues can be handled by the Planning Commission, but that she did not intend for efforts to be terminated. The Board agreed that TDR discussions should continue with an emphasis on the possibility of instituting a voluntary program and that it may be best to continue those discussions after the presentation by Larimer County so that all information can be evaluated at one time.

BREAK: The meeting recessed from 12:15 until 1:00 pm for lunch.

COLORADO RIVER WATER CONSERVANCY DISTRICT REPORT: This item was stricken from the agenda during Agenda Review.

LINKAGE FEE AREAS DECISION: Housing Authority Executive Director Denise Wise, Mapping and Planning Services Manager Mike Pelletier, County Attorney Baumgarten and Essential Housing Administrator Eileen McVicar were present for discussion.

Housing Authority Executive Director Wise acknowledged that Mapping and Planning Services Manager Pelletier and Planning Director Joanne Williams were instrumental in assembling this proposal. She then presented the recommendations as follows.

1. Deferral of Linkage Fee Until Certificate of Occupancy (CO). This proposal outlines that fees will be deferred until CO issuance. Housing Authority Executive Director Wise confirmed that this process would remain within the Planning Department. The requirements for being able to request a deferral would be that the estimated building costs would not exceed \$150 per square foot, as determined by the building code and as applied for in the building permit. Housing Authority Executive Director Wise's recommendation was to continue to defer with the addition of a monitoring instrument. Housing Authority Executive Director Wise stated that she would not recommend liens due to the burdensome process involved, but would concede if proven necessary. Commissioner Starr felt that liens would be necessary because houses are often built without eventually obtaining a CO. County Attorney Baumgarten stated that liens are traditional and would remove the burden of tracking from both the Planning Department and the County Attorney's Office. Commissioner Swenson agreed with Housing Authority Executive Director Wise's recommendations. Housing Authority Director Wise felt that her proposal would be less-burdensome for applicants, but also acknowledged that liens are an option. Commissioner Starr questioned the method for determining the date that of CO issuance and Housing Authority Executive Director Wise noted that the Planning Department tracks issuance of all COs. Commissioner Starr expressed his concern that sufficient time could lapse between deferment and collection of the fee. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the recommendation from the Housing Authority regarding tracking of the deferred option of paying linkage fees by using the Gunnison County Planning Department agreement to

pay deferred workforce linkage fees. Motion carried. Commissioner Starr voted against the motion.

2. Two Separate Fee Areas. Housing Authority Executive Director Wise presented a proposal to blend the two separate fee areas into an average of the fees for both areas. In adopting this recommendation, fees in the north end of the valley would decrease while fees in the south end of the valley would increase. Housing Authority Executive Director Wise felt that this implementation would simplify the process while requiring less administration. Chairperson Channell and Commissioner Starr stated support of the proposal as this may assist with affordable housing being built in close proximity to where the occupants are employed.

Citizen David Owens expressed his opinion that funding generated in the north end of the valley should remain in the north end of the valley because citizens in the City of Gunnison may complain if their fees increase in order to build additional homes in the Crested Butte area. Citizen Mike Potaker expressed his opinion that more housing is necessary in the north end of the valley because transportation costs, as well as impacts to the environment, are too costly. Housing Authority Executive Director Wise acknowledged that, while all comments were pertinent, the issue at hand was relative to only the fees and that how those fees would be spent should be considered a separate issue.

Chairperson Channell felt that a single fee was fair because the size of the house would be a larger determining factor of the overall fee assessed. Commissioner Starr expressed concern that a majority of the fees could be spent in the north end of the valley if no goals were established, however Chairperson Channell felt that establishing set amounts to be geographically allocated would remove the fluidity of the plan and cause a static situation with no leeway. Crested Butte resident Jim Sharpe agreed with Chairperson Channell and also asked that the Board consider rental and rental-assistance issues. Citizen John Hess felt that fees should be spent where they were generated in order to service those persons that reside near their employment because he felt that homes are built for employees and not for a transient population, such as college students.

Commissioner Starr expressed his support for leveling the fees with the provision that goals were established to spend at least half of the money in the north end of the valley over approximately the next three years. Chairperson Channell stated his support for general goals, but not for requirements in order to maintain a level of flexibility as opportunities arise.

Citizen Joe Puchek questioned the process for deferring the fee for a developer because that developer may own the property for an extended time prior to resale. Citizen Potaker requested an explanation for the difference between evaluating small units within a large project compared to small individual units and Housing Authority Executive Director Wise explained that individual dwellings are generally owner-built while condo units are generally developer built. Commissioner Starr also felt that many small units are not classified as affordable housing when considering the cost per square foot.

Commissioner Swenson felt that blending the fee was the best option available. Housing Authority Executive Director Wise explained that a dwelling of 1,000 square feet or less would be exempt. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to accept the recommendation of a single fee county-wide as presented. A work session to discuss how the collected fees would be spent was scheduled for March 25, 2008. Motion carried unanimously.

3. Addition Calculations. Housing Authority Executive Director Wise explained that a May 2007 agreement considers the square footage of an addition plus the original square footage for purposes of calculating linkage fees. She then recommended that refunds be awarded in this category so that fees would only be calculated for the square footage of the addition and not for the total square footage after completion of the addition. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to calculate the additions according the amount of square footage added to the existing structure as opposed to the combination of the two. Citizen Karen Redden requested clarification on what is considered an addition and she was informed that an addition would be anything that would mandate an issuance of a building permit. Motion carried unanimously.

Housing Authority Executive Director Wise noted that the \$25,000 in proposed refunds represented a total of five projects and was calculated using separate fees because that is how the fee was originally calculated and paid. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to take staff's recommendations for the refunds for the fees collected on additions from May 2007 until now in the amount of \$25,522. Motion carried unanimously.

Housing Authority Executive Director Wise explained that the exemption for square footage on additions is currently 500 square feet and that the Housing Authority recommended increasing it to 1,000 square feet. Housing Authority Executive Director Wise stated that additions in 2007

showed an average of 892 square feet and that the majority of those permits were requested by local residents, which may suggest that owners are choosing to grow in-place without opting to relocate as their need for additional space arises. Commissioner Starr did not support this recommendation because he felt that affordable houses become unaffordable as they increase in size. Commissioner Starr also did not wish to give preference to local homeowners above second homeowners.

Citizen Owen stated that he opposed the increase to 1,000 square feet because the fee should not decrease while the justification for the fee remains the same. Citizen Puchek stated his support of the increase to 1,000 square feet because a growing family would more easily afford an addition compared to relocating to a larger residence. Chairperson Channell stated his agreement with payment of the fee for additions greater than 500 square feet because the fee represents a small percentage of the total project cost for the addition. Commissioner Swenson agreed that the current threshold was appropriate.

Moved by Commissioner Swenson, seconded by Commissioner Starr to make the effective date on the new blended fee as presented be tomorrow, which is March 5, 2008, including keeping the 0 to 999 line in. Motion carried unanimously.

Chairperson Channell thanked everyone for their participation and assistance as the County seeks to maintain a level of fairness and a reasonable stream of revenue for housing programs.

BREAK: The meeting recessed from 3:19 until 3:27 pm.

COMMISSIONERS MEETING REPORTS (continued from earlier in the meeting):

Chairperson Channell:

1. Club 20 Energy Forum. Chairperson Channell reported attendance at this recent meeting held in Grand Junction and expressed his opinion that the meeting was very industry-oriented. He noted that exhibitors were almost entirely representative of oil and gas entities.
2. School Board Meeting. Chairperson Channell explained that the Marble Charter School remains a funding issue and that the next school board meeting was scheduled for April 7, 2008.

Commissioner Starr (continued):

1. Firearms in National Parks. Commissioner Starr asked if the Board would like to draft a letter in opposition to allowing firearms in the National Parks and the Board agreed. Commissioner Starr volunteered to draft the correspondence.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:45 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk