

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
July 15, 2008**

The July 15, 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 Regular Meeting minutes of July 1, 2008 as presented. Motion carried unanimously.

CONSENT AGENDA: Consent Agenda Item #12 was removed from consideration because the contract was not yet ready for approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda, excepting Item #12. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Notice to Proceed; Concrete Works of Colorado; Rehabilitation of Commercial Apron, De-Ice Pad and Beacon at the Gunnison-Crested Butte Regional Airport
2. Grant Application Request; Compicare Foundation Elderly Health Promotion Initiative; Gunnison County Senior Resources Office; Create and Maintain Senior-Friendly Methods of Information Dissemination; Newspaper, Internet, Print and Advance Directive; \$13,578.
3. Statement of Work; Colorado Department of Public Health and Environment Immunization Program, County Nursing Immunization Core Services Contract (Amendment 35); August 1, 2008 through June 30, 2009
4. Acknowledgment of County Manager Signature; Purchase of Service Agreement; Gunnison County Library Board of Trustees; Literacy Action Program; June 1, 2008 through December 31, 2008
5. Purchase of Service Contract; Midwestern Colorado Counties (MCC); Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services; Regional Mental Health Services; June 1, 2008 through May 31, 2009
6. Purchase of Service Contract; Midwestern Colorado Counties (MCC); Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services; Regional Substance Abuse Services; June 1, 2008 through May 31, 2009
7. Grant Contract; Community Foundation of the Gunnison Valley; 2008 Competitive Cycle; Gunnison County Early Childhood Resources Division / Bright Beginnings; July 1, 2008 through April 30, 2009; \$3,000. *(Removed from the Consent Agenda for separate discussion below.)*
8. Grant Contract; Community Foundation of the Gunnison Valley; 2008 Competitive Cycle; Gunnison County Senior Resources Office; July 1, 2008 through April 30, 2009; \$1,000. *(Removed from the Consent Agenda for separate discussion below.)*
9. Acknowledgment of County Manager Signature; Contractor Agreement; Sage Resources; Professional Services Regarding the Early Childhood Council; July 1, 2008 through August 31, 2008
10. 2008-2009 Scope of Work; Public Health Emergency Preparedness and Response; Gunnison County Department of Health and Human Services; August 10, 2008 through August 9, 2009
11. Purchase of Service Agreement; Gunnison/Hinsdale Youth Services, Inc. (Partners, Inc.); Mentoring Program; July 1, 2008 through June 30, 2009
12. Purchase of Service Agreement; Griffith Centers for Children; Client/Family Intervention Services; June 1, 2008 through May 31, 2009
13. Purchase of Service Agreement; Gunnison/Hinsdale Youth Services, Inc. (Partners, Inc.); Client/Family Intervention Services; July 1, 2008 through June 30, 2009
14. Acknowledgment of County Manager Signature; Budget Revision Request; Nurturing Parenting Implementation; July 1, 2007 through June 30, 2008

GRANT CONTRACT; COMMUNITY FOUNDATION OF THE GUNNISON VALLEY; 2008 COMPETITIVE CYCLE; GUNNISON COUNTY EARLY CHILDHOOD RESOURCES DIVISION / BRIGHT BEGINNINGS; JULY 1, 2008 THROUGH APRIL 30, 2009; \$3,000: **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the grant awards from the Community Foundation of the Gunnison Valley for \$3,000 for Bright Beginnings and \$1,000 for Senior Resources. Motion carried. Chairperson Channell abstained from the discussion and the vote due to a conflict of interest.

GRANT CONTRACT; COMMUNITY FOUNDATION OF THE GUNNISON VALLEY; 2008 COMPETITIVE CYCLE; GUNNISON COUNTY SENIOR RESOURCES OFFICE; JULY 1, 2008 THROUGH APRIL 30, 2009; \$1,000: (See above motion and vote.)

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Transportation Safety Administration; Anticipated Staffing Shortfall. County Manager Birnie presented correspondence drafted by Airport Manager John DeVore for discussion. He explained that a decision was not requested during the meeting; he requested only that the Board consider the drafted correspondence. This issue may be placed on a future agenda, if needed, to discuss staffing shortfalls due to increased seasonal traffic at the airport.
2. Mountain View Apartments Site Visit. County Manager Birnie relayed that the residents of Mountain View Apartments were appreciative of the Board's recent visit.
3. Enforcement Issue; Public Water Supply. County Manager Birnie reported that the Enforcement Team would like clarification on County policy in the event that a subdivision's public water is under State scrutiny for any reason. County Manager Birnie suggested that, if the public water supply were a condition of subdivision approval, the County could suspend building permits for any subdivision with pending enforcement issues. He noted that three subdivisions are either subject to enforcement action or are nearing that point. A general policy would be relied upon if a public water supply is referred for enforcement action. County Manager Birnie also reported that new public health legislation, which will take effect in July of 2009, will require that the Board convene as the Board of Health at least quarterly.
4. Out-of-State Travel Request. County Manager Birnie requested authorization from the Board to attend the annual ICMA conference in Richmond, Virginia during September 18-24, 2008. No cost estimates were available during the meeting. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the County Manager's travel to ICMA during September 18-26, 2008, travel amount to be determined and then reported back. Motion carried unanimously. County Manager Birnie clarified that he will return to Gunnison on September 24, 2008.
5. Enforcement Issue; 15,000 Square Foot Dwelling. Commissioner Starr asked for the Planning Commission's final report on this issue. County Manager Birnie agreed to check into it and then report back to the Board.

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

1. Kebler Pass. Assistant County Manager Crosby stated that the magnesium chloride work on Kebler Pass, which had been difficult due to ongoing traffic, should be complete by July 18th. Upon completion, the road crews would begin work in either the Slate River area or the Gothic area, whichever would be determined as the greatest need at the time. She had received many requests to begin work in the Gothic area immediately, so she agreed to drive to Gothic later in the day to assess the situation.
2. Colorado Department of Transportation (CDOT) Projects. Assistant County Manager Crosby explained that a total of 34 CDOT projects were being reviewed, and that Gunnison County's projects, including chip sealing, were included in that review. As of the meeting, she had not been able to speak directly with a CDOT district representative about the review. Per Assistant County Manager Crosby, CDOT suggested suspension of projects until next year. She stated her desire to capitalize on current pricing; however, she felt that chip seal work may have to wait.
3. Industrial Park. Assistant County Manager Crosby reported that she had received approval from the Department of Energy on July 11th. She also noted that the contractor had begun work and that funding issues were being addressed.
4. Cimarron Automobile Fatality. Assistant County Manager Crosby informed the Board that a vehicle-related fatality had occurred on a Forest Service portion of this road. Witnesses had reported that the vehicle had attempted an overcorrection. She hoped that the Forest Service would commit to spreading magnesium chloride on the hill prior to mobilization of County road crews; however, she stated that the work will benefit the area very little if funding is not available from the Forest Service. Comparatively, she informed the Board that magnesium chloride in the Taylor Park area had cost approximately \$14,000 for the 28,000 gallons used, which was considered to be an insufficient amount for the area.
5. Hwy 135 / Ohio Creek Intersection. Chairperson Channell requested an update on this project and Assistant County Manager Crosby informed him that the engineer was scheduled to begin work on July 16th.
6. Rodeo Ground Storage Building. Chairperson Channell requested a cost-estimate update on this issue. Assistant County Manager Crosby stated that she had received a conditional building permit from the City of Gunnison during the prior week and that she was evaluating options for less-expensive construction techniques in lieu of raising additional funds.
7. Crested Butte Temporary Animal Control Facility. Commissioner Starr noted that the Paradise Animal Welfare Society (PAWS) had requested signage alerting passers-by of the future location for the facility. Assistant County Manager Crosby stated that the signage would need to comply with applicable codes.

BREAK: The meeting recessed from 8:53 until 9:12 am in order to hold the below Public Hearing.

PUBLIC HEARING; WAIVER OF STANDARDS, BLUE MESA RECREATION ASSOCIATION (BMRA): Assistant County Manager Crosby, BMRA attorney Jill Norris and BMRA board member and Roads Committee member Neil Bolton were present for discussion.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed that BMRA had given proper public notice to all lot owners, including the adjacent property owners outside of the boundaries.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Assistant County Manager Crosby informed the Board that she had been working closely with BMRA during the past several years of low growth and very few changes.

As activity has increased, she expressed her opinion that health and safety standards should mandate improvements to the road prior to the issuance of additional permits. She reported that an agreement had been reached that will allow for this work to begin, although select property owners had presented differing opinions due to the amount of work necessary to remove rocks. She noted that ditches were also quite deep, but that progress had been made. She reminded the Board that she had originally discussed a waiver of standards in 2007 in order to address the work necessary. She also requested that roads be assessed on a case-by-case basis as road conditions vary from very bad to very good. Assistant Public Works Director Allen Moores was in the audience; however, Assistant County Manager Crosby explained that he would not be available for his normal consultation on this issue because he owns property within the subdivision. Assistant Public Works Director Moores will perform work on permitting issues only. She noted that hauling materials to the area may be difficult and expensive. BMRA requested permission for a reduction in road width from the 16'-0" standard down to 14'-0" for portions of Monarch Road and Mosquito Trail and, while she was in agreement with the request for Mosquito Trail, she did not feel that a significant need for a waiver was proven for Monarch Road.

4. Applicant Presentation. Attorney Norris informed the parties that BMRA was not opposed to the 16'-0" minimum on Monarch Road; however, she proposed that Mosquito Trail was significantly problematic and brought area photos to enter into the record. BMRA representative Bolton stated agreement that the standards would be met wherever possible and that the waiver request was not for the entire road. Assistant County Manager Crosby confirmed this statement and added that the portions of road that cannot logistically be widened encompass adequate visibility for motorists.

Assistant County Manager Crosby noted that only a small number of lots are serviced by the portions of road in question and BMRA representative Bolton explained that two existing homes are serviced by Mosquito Trail while Monarch Road services approximately eight lots.

BMRA representative Bolton stated that the active covenants include the capacity for increased dues collection in order to manage a more aggressive maintenance program and other improvements. He also reported that nine loads of quality road base were utilized in 2008 for the roads and that the area services only a few year-round residents.

Assistant County Manager Crosby reported that she will be working closely with BMRA on snow plowing issues that had been experienced during the previous winter season. Attorney Norris acknowledged the existence of permitting issues and explained that property owners had been informed of the need to obtain driveway permits. Assistant County Manager Crosby felt that these residents have been responsive to the information.

5. BOCC Questions. No additional information was requested by the Board.
6. Public Comment. There was no public comment provided.
7. Acknowledge Correspondence Received. Assistant County Manager Crosby and Clerk to the Board Katherine Haase confirmed that no correspondence had been received.
8. Applicant Response. Chairperson Channell requested clarification for how this request met the criteria for a waiver of standards. Assistant County Manager Crosby felt that the waiver would provide for the safe, efficient and orderly movement of motorized and non-motorized traffic. She also felt that granting of the waiver would not cause substantial injury to owners or occupants of adjacent lands or to the environment. Assistant County Manager Crosby agreed to provide a draft resolution during a future meeting if the Board requested such.
9. BOCC Decision. Chairperson Channell closed the Public Hearing at 9:12 am and immediately reconvened the Board of County Commissioners Regular Meeting. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize staff to draft the appropriate resolution to authorize the waiver discussed at the hearing, with the recommendation of a 16'-0" minimum on Monarch Road as opposed to 14'-0". Motion carried unanimously. Chairperson Channell thanked BMRA representative Bolton for BMRA's cooperation and for acceptance of the responsibility for resolution, as many subdivisions have not accepted this type of responsibility.

BREAK: The meeting recessed from 9:14 until 9:22 am.

TEMPORARY ENERGY TASK FORCE RECOMMENDATIONS: Chairperson Channell explained that he had requested this discussion so that the Board could formulate a position on the issue. He also provided drafted recommendations and explained that the various comments and suggestions collected from all pertinent councils and boards would be used by the task force to prepare final recommendations.

Commissioner Starr stated his agreement with the draft recommendations and his opinion that the Office for Resource Efficiency (ORE) should have a higher visibility in the southern-end of the valley. Commissioner Swenson questioned whether or not the City of Gunnison will support the proposed

concept and Chairperson Channell stated that he could not be certain since the City has expressed skepticism toward ORE in the past. Commissioner Swenson felt that this process will be positive, as long as all entities can unite.

Chairperson Channell explained that some of the previously identified goals may be suspended until 2009 and the Board agreed that acceptance of the recommendations by all entities may be considered sufficient progress for 2008 while implementation may possibly not begin until 2009.

Chairperson Channell stated that he serves on an ORE committee designated to evaluate long-term funding. He also reported that Western State College had offered office space to ORE in the Kelly Building, but that the location was thought to be too far removed from the Town of Gunnison.

Chairperson Channell informed the Board that the Energy Summit was scheduled to begin during the evening of September 10th and then continue throughout the day on September 11th. The keynote speech, scheduled for September 10th, will likely be given in the Crested Butte area while the summit will likely take place in the Gunnison area. Commissioner Starr stated his support of offering a County location for the summit. Chairperson Channell agreed to relay all provided comments to the task force.

BUREAU OF LAND MANAGEMENT AUGUST 14, 2008 OIL AND GAS LEASE SALE; POSSIBLE ACTION: County Attorney Baumgarten, County Paralegal Angela Buchanan, Arch Coal Vice-President of External Affairs Greg Schaefer and Mountain Coal Company, LLC Manager of Engineering and Environmental Affairs Doug Nolte were present for discussion.

Mr. Schaefer explained that there was a possibility that gas lease sales may be withdrawn from consideration, for unknown reasons, and that he had not yet seen a press release; however, he noted that, in the absence of an official statement, discussions would continue under the assumption that there would be some oil and gas lease sales. County Attorney Baumgarten stated that the withdrawal, if confirmed, would affect a vast majority of the total leases.

Mr. Schaefer provided many maps illuminating the area in question and explained his company's intent to purchase leases, as nominated by Arch Coal in 2001, in order to capture gas for resale. He also explained that, while the Bureau of Land Management may offer a lease for sale, the Forest Service would have to provide approval since the surface land belongs to the Forest Service.

County Attorney Baumgarten explained that the County could provide comments until the deadline of July 30, 2008.

Chairperson Channell requested information relative to any potential affects to roadless areas. Mr. Schaefer explained that his organization complies with the 2001 Roadless Area Conservation Rule, which permits mining under roadless area surfaces; however, he explained that permitting sought for this season's drilling does not include roadless areas. County Manager Birnie reported that the North Fork Coal Working Group is assembling a subcommittee to evaluate methane capture and uses.

Mr. Schaefer requested support from the Board for their drilling processes and for the draft Colorado Roadless Rules, anticipated for release before the end of the month. Per Mr. Schaefer, these drafted rules contain a provision for the North Fork Valley and also encompass approximately 27,000 of unleased federal coal. The areas would remain in roadless designation; however, coal development exploration would allow for temporary roads in roadless areas that are associated with coal mining. Upon completion of exploration, mining companies would be responsible for reclamation and restoration of the land to the satisfaction of the Forest Service. County Attorney Baumgarten requested a copy of this document and Mr. Schaefer agreed to notify him when it is released.

Mr. Schaefer explained that protestors of their drilling process had requested flaring of the vented methane while the practice had not been proven safe by mining standards. He explained that the health and safety of the mine workers was his utmost priority and that there were no examples of flaring methane from which to gather safety information.

Chairperson Channell stated that the County would consider all aspects of Mountain Coal Company's operational plan and thanked Mr. Schaefer and Mr. Nolte for providing the information relative to the gas leases.

County Attorney Baumgarten suggested that there was no need for the County to protest the lease sales of 15 parcels covering 18,366 acres on Forest Service lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests as there had been no protest expressed from environmental groups or citizens.

The Board discussed correspondence submitted approximately two years prior that requested restraint on leasing lands in the Roan Plateau due to wildlife, scenic and recreation concerns. Many western-slope commissioners were considered to be supportive of the restraint and, since then, Senator Ken Salazar's phased-drilling operation proposal had been rejected by the Federal government. County Attorney Baumgarten suggested that the Board provide comments to parallel their earlier correspondence relative to the 55,000 acres and 51 parcels within the Roan Plateau. The Board agreed with the suggestion and County Attorney Baumgarten agreed to draft the correspondence.

DEED RESTRICTION LANGUAGE AMENDMENT: County Attorney Baumgarten and Housing Authority Executive Director Denise Wise were present for discussion.

Housing Authority Executive Director Wise provided draft language changes for the Essential Housing Covenant and explained that there had been a recent request to define the earned income sources that are used to qualify owners and occupants. She also informed the Board that language modifications pertinent to retirees and disabled persons were incorporated into the definitions.

Housing Authority Executive Director Wise stated that the Housing Authority Advisory Board had reviewed the draft changes, which included information obtained from several other Colorado municipalities relevant to terms of residency prior to retirement. She noted that disabilities were more difficult to address because a person may receive disability income which is not earned from an employment source; however, she explained that the language modifications assume that any such persons had been working within the local area prior to disability. She felt that the language utilized by Eagle County was comprehensive and County Attorney Baumgarten added that Eagle County had not encountered problems with their current language.

Chairperson Channell requested that County Attorney Baumgarten and Housing Authority Executive Director Wise provide language modification recommendations that would assist the workforce with retention of affordable housing.

Commissioner Starr requested that these modifications include a provision for those retirees that had previously been long-term residents of the County before relocation outside of the County for a period of time prior to retirement; however, Commissioner Swenson felt that the program was designed to benefit only the current workforce. County Manager Birnie questioned the relevant need for assisting retirees with affordable housing as Gunnison County includes a relatively small number of low-income retirees. Housing Authority Executive Director Wise confirmed that the Mountain View Apartment complex and Section 8 housing programs offer assistance to local low-income retirees. Commissioner Starr also felt that a growing number of citizens appear to be relocating their parents to Gunnison in lieu of pursuing an assisted living program.

The Board asked Housing Authority Executive Director Wise to further define earned income as it is earned within the County. County Attorney Baumgarten suggested that income qualifications be defined that will incorporate retirees and disabled persons.

VISITOR; GREG SCHAEFER, WEST ELK MINE UPDATE: Arch Coal Vice-President of External Affairs Greg Schaefer and Mountain Coal Company, LLC Manager of Engineering and Environmental Affairs Doug Nolte were present for discussion.

Mr. Schaefer provided the majority of his update during the oil and gas lease sales discussion earlier in the meeting. During the current discussion, he provided a broad overview of Arch Coal's history, production information, and quality and safety data. (A 27-page packet of materials provided by Mr. Schaefer is available in the County Administration Office.) He also requested that the Board support coal mining in the North Fork Valley, approval of methane drainage wells to protect worker health and safety, the exception for the North Fork Valley Colorado Roadless Area Rulemaking, and the flexibility to capture and utilize coal mine methane.

Chairperson Channell asked whether or not the mine had ever considered providing affordable housing and Mr. Nolte informed him that the mine had initially conceptualized this issue, but that the need did not present itself. Mr. Nolte also informed the Board that most of the mine workers carpool from Hotchkiss and Paonia. Chairperson Channell expressed his discontent that none of the mine workers live within Gunnison County. Commissioner Starr questioned whether or not the mine experiences employment problems and Mr. Nolte confirmed that there is difficulty in locating qualified applicants. However, he informed the Board that the mine is working closely with the vocational school in Delta to provide local training.

BUDGET AMENDMENT REQUEST; ASBESTOS REMOVAL AT 96 RIO VISTA AVENUE: Airport Manager John DeVore and Airport Administrative Director Kathie Lucas were present for discussion.

Airport Manager DeVore relayed that Assistant County Manager Crosby was in favor of performing this cost-effective asbestos abatement via a local contractor. He also explained that asbestos removal from the residence and the garage was necessary, along with a clearing test, before demolition can be requested through the State. The total cost of this project was estimated to cost \$20,000. Commissioner Swenson reminded Airport Manager DeVore that he must begin to plan ahead for equipment replacement. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize the expenditure of up to \$20,000 of unbudgeted airport revenues for the work to have the asbestos removed from the green house and the garage and that the budget is amended to allow it. Motion carried unanimously.

BUDGET AMENDMENT REQUEST; FRICTION TESTING EQUIPMENT: Airport Manager DeVore and Airport Administrative Director Lucas were present for discussion.

Airport Manager DeVore presented a request to purchase a Vericom portable friction testing device, for use on the runway during the winter months, as the current Tapley device has been problematic. Airport Manager DeVore explained that friction testing can be necessary multiple times daily as weather and pilots dictate. The equipment was estimated to cost approximately \$4,780.

Commissioner Swenson reminded Airport Manager DeVore that this new equipment should have been budgeted for during the previous year as the current equipment has had known problems since last year.

She noted that the Board is charged with ensuring departmental compliance with the budget and then expressed her concern that Airport Manager DeVore routinely makes additional requests outside of the budget process. Because of this practice, she stated that she would not support the request even though she understood the necessity of the equipment.

Chairperson Channell stated that he would support this request; however, he would not support future requests without a comprehensive equipment maintenance and replacement plan beginning in 2009.

Commissioner Starr supported the request as he felt that equipment needs can be difficult to predict due to the varying number of flights between seasons. He agreed that a comprehensive plan should be completed to the best of the County's ability. Airport Manager DeVore noted that he could not predict this particular need prior to January 2008.

Moved by Commissioner Starr, seconded by Chairperson Channell to authorize the budget amendment to allow the expenditure up to \$4,780 for the Varicom Runway Friction Meter out of the airport budget for 2008. Motion carried. (Commissioner Swenson voted against the motion.)

OUT-OF-STATE TRAVEL REQUEST; NATIONAL BUSINESS AVIATION ASSOCIATION; ORLANDO, FL; OCTOBER 6-8, 2008; AIRPORT MANAGER JOHN DEVORE AND AIRPORT ADMINISTRATIVE DIRECTOR KATHIE LUCAS: Airport Manager DeVore and Airport Administrative Director Lucas were present for discussion.

Airport Manager DeVore presented this request and explained that the booth space had been paid, per County Manager Birnie's authorization. Airport Administrative Director Lucas noted that airport personnel will void another out-of-state travel request in order to attend this event. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve up to \$3,500 for the out-of-state travel to the National Business Aviation Association convention in Orlando, Florida for October 6-8, 2008. Motion carried unanimously.

CAPITAL IMPROVEMENT PLAN ADOPTION: Assistant Finance Director Ben Cowan was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt the Capital Improvement Plan for 2009 through 2013. Motion carried unanimously.

PROCLAMATION; DESIGNATING AUGUST 2-8, 2008 AS ANIMAL WELFARE WEEK: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to proclaim Gunnison County Animal Welfare Week August 2-8, 2008. Motion carried unanimously.

BREAK: The meeting recessed from 11:48 am until 1:12 pm for a lunch break and to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

OUT-OF-STATE TRAVEL REQUEST; NATIONAL TUBERCULOSIS CENTER, UNIVERSITY OF CALIFORNIA, SAN FRANCISCO, AUGUST 26-28, 2008; TUBERCULOSIS TRAINING COURSE; RN CARROLL WORRALL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the out-of-state travel request for Carol Worrall to go to San Francisco for the National Tuberculosis class in the amount of up to \$365. Motion carried unanimously.

LAND USE CHANGE APPLICATION; REQUEST TO BUILD ON A RIDGELINE, LOT 17, RED MOUNTAIN RANCH, RICHARDS REPRESENTED BY ATTORNEY DAVID LEINSDORF: County Planner Cathie Pagano, attorney David Leinsdorf and architect Daniel Murphy were present for discussion.

Attorney Leinsdorf explained that the Planning Commission performed a site visit to this property which resulted in the unanimous decision to recommend the request for Board approval. Commissioner Starr requested information pertinent to defensible space measures and Mr. Murphy explained that some trees had been removed while two lodge pole pine trees remained near the house with a distance of 150'-0" between them and the perimeter trees. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-32, a Resolution Approving Land Use Change Permit No. 2008-01, a Land Use Change Permit for Emmet and Gail Richards for the Construction of a Single-Family Residence with an Attached Garage and a Secondary Residence on a Ridgeline. Motion carried unanimously. Commissioner Starr noted that he will begin to scrutinize these types of requests more closely due to the expected decline in trees within our County over the next 10 years.

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

Commissioner Starr:

1. Letter of Intent; Governor's Energy Community Program DOLA Grant. Commissioner Starr requested an update on this issue and Commissioner Swenson explained that Region 10 had suggested taking the lead in facilitation of the local requests for an initial \$2,000,000 of DOLA grant funding. Per Commissioner Starr, Joani Matranga of the Governor's Energy Office preferred regional efforts as opposed to Region 10 acting as a clearinghouse. County Manager Birnie also reported that several entities had expressed a desire to apply directly to the State. Per Commissioner Starr, Ms. Matranga clearly indicated that the school district would be included in the funding process. Commissioner Swenson explained that Region 10 was scheduled to vote on the proposal to facilitate the requests, which would allocate between \$25,000 and \$750,000 for each individual project. The deadline for letters of intent was stated as July 18, 2008.

FINAL PLAT APPROVAL; THREE RIVERS RESORT CONDOMINIUMS: Planning Director Joanne Williams, property owner and developer Mark Schumacher and attorney David Barton were present for discussion.

Planning Director Williams presented the plat for four phases, including 33 total units, of the Three Rivers Resort Condominiums for review and approval. She explained that any approval granted would include authorization to remove the work shop and tennis courts from the original plan. She stated that she had reviewed the application and found that all applicable criteria had been met. She also confirmed that no parties had purchased lots expecting the work shop and tennis court amenities. The Gunnison County Land Use Resolution (LUR) did not require Planning Commission approval, only a review by the Planning Director. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the final plat for Three Rivers Resort Condominiums, Phases 1, 3, 4a and 5. Motion carried unanimously.

RANCHLAND INITIATIVE DISCUSSION AND UPDATE: County Attorney Baumgarten, Assistant Planning Director Neal Starkebaum, Gunnison Sage-grouse Conservation Coordinator Jim Cochran and Stockgrowers Association President Sandy Guerreri were present for discussion.

County Attorney Baumgarten provided an outline of the progress made by the team members assigned to this task as follows below. Team members include County Attorney Baumgarten, Gunnison Sage-grouse Conservation Coordinator Jim Cochran, Stockgrowers Association President Sandy Guerreri, Geographic Information Services Manager Mike Pelletier and Assistant Planning Director Neal Starkebaum.

Mission. It is the intent of Gunnison County to support conservation of ranchlands for the production of agricultural products. Gunnison County will accomplish the following three efforts:

1. Education on Ranching in Gunnison County
2. A Voluntary Incentive Land Use Process
3. County Support on Emerging Ranching Issues

Background Justification.

A. Ranchland is important because:

1. Ranching provides food and agricultural products which are an essential basis for a sound local and national economy.
2. Ranching provides direct economic benefits in the form of income and jobs.
3. Ranching has many indirect benefits because it:
 - Keeps water in the community legally and physically;
 - Maintains rural landscapes and amenities;
 - Serves as a foundation of the community's desired development pattern;
 - Benefits other industries such as tourism, real estate, skiing, and hunting;
 - Provides habitat for wildlife; and
 - Provides irrigation water that recharges aquifers.
4. Ranching keeps the western culture alive and connects the community to the land.

B. Ranchland in Gunnison County is being lost because:

1. The community's efforts in making the Gunnison area an attractive place to live and visit have been very successful, consequently ranchland is highly sought after for residential development.
2. There is little financial incentive to keep land in ranching.
3. Ranching income does not compare to selling land and water for development.
4. Ranching becomes more difficult when development and increasing population creates problems with fencing, trespassing, livestock harassment, and irrigation.
5. Necessary supporting services for agriculture are becoming less available.
6. State law makes division of land into 35+ acre parcels easy and attractive; frequently this is not done in a way that supports continued use of the land for viable ranching.

1. Education on Gunnison County Ranching. Often, new residents and visitors in Gunnison County do not have an understanding of ranching and agricultural practices. Education is important to the protection of ranching and ranchlands.

A. Implementation: The County will take the lead on the following education efforts:

1. The County's website will convey to the reader that the County supports its ranching industry.
2. Update and enhance the Code of the West information.
3. Create educational signage in collaboration with other entities in the County.
4. Work with the CSU Extension Office to help facilitate these education efforts
5. Educate the citizens on the County's foundational right-to-ranch regulations and policies.

2. Voluntary Incentive Land Use Process.

A. Goal of this Effort:

1. To provide a voluntary, flexible process that offers incentives to keep land in ranching that obtains community benefits.

- B. Characteristics of this Land Use Process:
1. Designed to foster continued ranching.
 2. Tailored to landowner knowledge of their land and their purposes.
 3. The design requirements are innovative, flexible, and site specific.
 4. The process is focused and timely.
 5. The County assists with design and technical expertise.
 6. The process is a discussion that ends in a formal agreement.
 7. The resulting permitted actions have a longer shelf life than current LUR permits.
 8. Land use will be approved that provides for development and conservation of ranchlands.
 9. The resulting land use will provide mutual community benefits.
 10. Less upfront costs for infrastructure.
 11. Either the landowner or the County can terminate the discussion.
 12. Does not unduly encourage subdivision of land or make it easier to get subdivision exemptions for projects not meeting the intent.
 13. The process is voluntary, incentive based, and may not be for everyone.
3. County Support on Emerging Ranching Issues. To protect ranchlands, the County will support the ranching industry, when appropriate, on issues such as:
- A. Grazing permits
 - B. Gunnison Sage-grouse
 - C. Gunnison's Prairie Dog
 - D. Other wildlife management issues
 - E. Water quality and quantity
 - F. Ditch and fence issues

County Attorney Baumgarten requested confirmation from the Board that the team's outline corresponded to the Board's vision. The Board felt that all conversations and requests had been incorporated into the draft. County Attorney Baumgarten stated his opinion that each team member had been able to both provide and accept perspective from the others on the team.

Chairperson Channell suggested that the team consider partnering with other entities having educational components, such as the CSU Cooperative Extension. Assistant Planning Director Starkebaum confirmed that they have addressed this.

Chairperson Channell noted that the Large Parcel Incentive Program (LPIP) is not a widely utilized portion of the LUR and County Attorney Baumgarten stated that the few persons who used the LPIP process were very satisfied with the outcomes. Chairperson Channell questioned whether it would be a greater use of resources to amend the LPIP instead of creating a new tool and County Attorney Baumgarten stated his impression that amending the LPIP would be more costly.

Local ranchers Lee and Polly Spann stated their impression that the education component should be focused toward year-round residents only. Ms. Spann stated that the County website is an excellent source of information and pondered whether or not the ranching group has a need for a website of their own that the County could link to. She also felt that the person in charge of the education component would need to fully understand ranching and the local ranching community.

Stockgrowers Association President Guerreri stated that the Stockgrowers Association would like for the County to assume the lead role in the education element, utilizing expertise gained from the team. Commissioner Swenson felt that the CSU Cooperative Extension should take the lead and County Manager Birnie agreed that the CSU Cooperative Extension website is very informational.

Chairperson Channell encouraged the team to continue work on this issue. County Attorney Baumgarten thanked the team members for their willingness to coordinate efforts and informed the Board that the team would likely be ready for a public presentation within a month.

Citizen Butch Clark expressed his opinion that communities should begin to lean toward self-sufficiency and that the lack of local slaughterhouses did not support this idea.

Chairperson Channell felt that creation of a group such as a Ranching Commission could address all ranching needs and information. Commissioner Starr agreed that education was going to be a critical portion of this effort.

BREAK: The meeting recessed from 2:41 until 2:55 pm.

VISITORS; STOCKGROWERS ASSOCIATION, GUNNISON PRAIRIE DOG DISCUSSION: Stockgrowers Association President Guerreri was present for discussion.

Stockgrowers Association President Guerreri suggested that the Gunnison Prairie Dog issue should be considered a serious issue by the County. She opined that if, or when, the animal is listed as an endangered species, the scenario will dwarf local sage grouse conservation efforts by comparison. The Gunnison Prairie Dog has been assigned the Candidate Species 2 designation, while the Gunnison Sage-grouse was originally assigned a Candidate Species 7 designation. She also stated her concern that a prairie dog management plan would conflict with the rangewide plan for sage grouse conservation.

Commissioner Starr requested clarification from Stockgrowers Association President Guerreri on what the Stockgrowers Association would like for the County to do at this time; she could not provide an answer.

Chairperson Channell acknowledged that prairie dog issues do not seem to be given credence by many local residents and/or entities. He proposed that a work session may assist with education, but Stockgrowers Association President Guerreri and Gunnison Sage-grouse Conservation Coordinator Cochran were not convinced of any benefit. Chairperson Channell also questioned the feasibility of a working group of members from various agencies, the development community and the Stockgrowers Association; however, Stockgrowers Association President Guerreri informed the Board that the Stockgrowers Association does not put faith in all of the data presented by local agencies.

Mr. Spann suggested that the County perform a study to determine where the prairie dogs are located within the County as well as what the populations may be. He worried that listing the animal as an endangered species would affect all parts of the County, including areas within city limits. Stockgrowers Association President Guerreri agreed with his assessment because information collected has been unclear.

Citizen Butch Clark expressed his opinion that spiders could and should be utilized to inoculate the prairie dogs against the plague. He also felt that the County should consider relocating the animals and gave Sante Fe, NM as an example. He noted that relocation would cost approximately \$100 per prairie dog.

Ms. Spann asked the Board to consider sending correspondence to the US Fish & Wildlife Service stating that the species should not be listed until sufficient documentation exists to support it. Gunnison Sage-grouse Conservation Coordinator Cochran confirmed that the Division of Wildlife is formulating a management plan separate from the efforts of the US Fish & Wildlife Service.

Commissioner Swenson felt that County Attorney Baumgarten should review the Federal Register for an explanation of why the animal may be listed, work closely with the Stockgrowers Association when the DOW's draft management plan has been released, participate in discussions with the Stockgrowers Association and the DOW, and then report back to the Board with additional information. The Board thanked Stockgrowers Association President Guerreri for her presentation.

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

COMMISSIONER MEETING REPORTS:

Commissioner Starr: (continued)

1. Letter of Intent; Governor's Energy Community Program DOLA Grant (continued). Commissioner Swenson felt that the County should support a regional effort through Region 10 and County Manager Birnie agreed, stating that Region 10 has the most experience with the process. Chairperson Channell also agreed, due to the lack of time remaining before the deadline. Chairperson Channell will inform Paul Gray of Region 10 of the Board's inclination.
2. Gunnison Prairie Dog Inventory. Commissioner Starr supported the suggestion for a county-wide count. County Manager Birnie will begin discussions with staff and then report back to the Board on his thoughts and findings.
3. County Manager's Annual Evaluation Process. The Special Meeting scheduled for July 28, 2008 was discussed. Each commissioner will submit individual evaluation forms to Chairperson Channell by July 18th. Chairperson Channell will then compile the information into one document for presentation to County Manager Birnie on July 28th.

BREAK: The meeting recessed from 3:50 until 4:32 pm in order to convene as the County Board of Equalization (see separate minutes).

COMMISSIONER MEETING REPORTS: (continued)

Commissioner Starr: (continued)

4. Gunnison Valley Rural Transportation Authority. Commissioner Starr reported that American Airlines was not yet under contract, but that a contract was anticipated.
5. Antler Shed Season. Commissioner Starr noted that this issue was not on the Wildlife Commission's upcoming agenda. He expressed his concern that persons are violating road closures, during mating season for the Gunnison Sage-grouse, because of the lucrative market for antler resale. Commissioner Swenson noted that the Gunnison Basin Sage-grouse Strategic Committee had held many discussions on this issue and Commissioner Starr expressed his concern that the Board might not be informed of issues on a timely basis, prior to committee meetings and decisions. Chairperson Channell asked that Commissioner Swenson discuss pending issues within her scheduled meeting reports. Chairperson Channell asked if designated alternates, such as Commissioner Starr, attend meetings and Commissioner Swenson confirmed that they do.

Commissioner Swenson:

1. None.

Chairperson Channell:

1. Gunnison Watershed RE-1J School Board Meetings. Chairperson Channell stated that he had recently attended three school board meetings to be kept informed of the progress made on the bond issue. He informed the Board that the school board is beginning to make architectural decisions, that the Gunnison Valley School had been separated from Gunnison High School in the

planning, and that the bus facility will be moved from the bus barn to the agricultural building. The building design will encompass the current core building with additions on three sides. Two school board members were scheduled to meet with Marble Charter School representatives on July 16, 2008 to discuss the possibility of the charter school converting to a regular school, which could be a lengthy process if pursued. Chairperson Channell expressed frustration with the lack of attention being given by the school district to Marble Charter School issues.

CORRESPONDENCE: County Attorney Baumgarten provided draft correspondence for review and approval, as requested earlier in the day. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to authorize signatures and to send a letter to the US Bureau of Land Management regarding the oil and gas leases on the Roan Plateau. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:00 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. 32, SERIES 2008

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-01
A LAND USE CHANGE PERMIT FOR EMMET AND GAIL RICHARDS FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE WITH AN ATTACHED GARAGE AND A SECONDARY RESIDENCE ON A RIDGELINE

WHEREAS, Emmet and Gail Richards, represented by David Leinsdorf and Daniel Murphy, have submitted a Land Use Change application for the construction of a single-family residence with an attached garage and a secondary residence, in compliance with *Section 11-108: Standards for Development on Ridgelines, Gunnison County Land Use Resolution*. The residence will be approximately 33 feet, 5 inches in height from the lowest adjacent grade to ridge peak and 4,075 square feet in size. The second residence has not been designed at this time but the owner anticipates that the structure will be one and a half stories tall and approximately 1,500 square feet. The second residence is anticipated to be approximately 24 feet in height.

The analysis indicates that the proposed structures would be screened by at least 1,000 feet of trees from ridgeline vantages on Highway 135 and County Road 740 (Cement Creek Road). If an event occurred that destroyed all of the screening all but the lowest few feet of the buildings would be visible from both ridgeline vantages.

The parcel is located approximately ten miles south of the Town of Crested Butte, legally described as Lot 17, Red Mountain Ranch. The address is 3000 Red Mountain Road. Access is from Red Mountain Road which intersects with Highway 135. The site is on a gently sloping meadow that is surrounded by evergreens and aspen trees; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on July 11, 2008 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. Submittal information includes architectural drawings prepared by Daniel Murphy, dated January 10, 2008 and the "View Corridor Plat of Lot 17, Red Mountain Ranch," prepared by Kurt Olson. The information and analysis indicate that the proposed structures, under the definition of "ridgeline vantage," would be visible from both Highway 135 and County Road 740.
2. Pursuant to *Section 11-108: Standards for Development on Ridgelines*, I. Exceptions, the Planning Commission finds by clear and convincing evidence that significant screening exists and that the building meets or exceeds the following standard:
 - d. If Significant Screening Exists and is Protected, Decision Shall Be Made by Board.*

If the Planning Commission finds that the project does not meet the first three requirements of this section, but that any building on the ridgeline shall be significantly screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of year, the Commission shall so note in a recommendation to the Board, and the Board shall be the decision making body. If approved, the approval shall include:

 1. *Recorded Covenant, Easement or Agreement.* A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and
 2. *Minimal Visual Impact.* When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:
 - (a.) *Is Not Obtrusive or Visible From A Municipal Ridgeline Vantage.*
Must comply with both of the following standards:
 - (1.) *Obtrusiveness.* The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and
 - (2.) *Municipal Ridgeline Vantage.* The building will not be visible with the naked eye from a municipal ridgeline vantage; and
 - (b.) *Must Not be Visible From Ridgeline Vantage or Visibility is Only Momentary.*
Must comply with and with one of the following standards:
 - (1.) *Distance from Ridgeline Vantage(s).* The building will not be visible with the naked eye from near or distant ridgeline vantages; or
 - (2.) *Number and Length or Duration of Ridgeline Vantages.* The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.
3. A restrictive covenant ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, dated June 9, 2008 has been submitted and is attached as "Exhibit A."
4. The Planning Commission conducted a site visit on May 9, 2008 and viewed the site from the ridgeline vantage on County Road 740 and determined that they did not need to visit the ridgeline vantage on Highway 135 because it was even greater distance away from the house. The Commission found that the site would be difficult to see and visually unobtrusive due to distance and screening from either ridgeline vantage.
5. The elevation difference between the building site and the ridgeline vantage on Highway 135 and County Road 740 is greater than 150 feet.
6. The proposed structures will blend with the surroundings. The house siding will be reclaimed lumber in unobtrusive exterior colors that blend with the surrounding natural terrain. The roof material proposed is cedar shakes, rusted metal or another comparably unobtrusive material. No shiny metal roof shall be allowed, as identified in the restrictive covenant.
7. An electrical and lighting plan, prepared by Electrical Logic, dated March 21, 2008 has been submitted. All exterior lighting shall be directed downward, as identified in the restrictive covenant.
8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all comments at the public hearing, exhibits, references and documents as included therein.
9. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
10. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
11. Approval of this use is based upon the facts presented and implies no approval of similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

CONDITIONS:

1. All exterior lighting shall be fully shielded and directed downward.
2. The restrictive covenant shall be recorded with the Gunnison County Clerk and Recorder prior to recordation of the Minor Impact Certificate of Approval.
3. That this approval be memorialized within a Certificate of Minor Impact and recorded within the Office of the Gunnison County Clerk and Recorder. Approval shall not be final until recordation of the Certificate of Minor Impact recorded within the Office of the Gunnison County Clerk and Recorder.
4. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
5. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
6. Approval of this use implies no approval of any such similar use on any other parcel. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use standards. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-01, for Emmet and Gail Richards is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and passed on this 15th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes