

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 5, 2008**

The August 5, 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 8:09 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 Regular Meeting minutes of July 15, 2008; the Special Meeting minutes of July 17, 2008, July 21, 2008, and July 28, 2008. Motion carried unanimously.

CONSENT AGENDA: Chairperson Channell asked that Consent Agenda Items #5 and #7 be pulled for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda, excluding Items #5 and #7. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Independent Contractor Agreement; D & D Utility and Construction Services, Inc.
2. Acknowledgment of County Manager Signature; Purchase of Service Agreement; Program Eligibility Supervision; Sherry Ruble Enterprises, LLC
3. Acknowledgment of County Manager Signature; Colorado West Slope Hazardous Materials Committee Exercise Contract
4. Acknowledgment of County Manager Signature; Group Sales Agreement, Western Slope Hazmat Consortium, Pueblo Marriott
5. Acknowledgment of County Manager Signature; Airport Terminal Lease Agreement; Gina Kroft; August 1, 2008; \$297.80 Monthly Rent
6. Acknowledgment of County Manager Signature; Purchase of Service Agreement; Gunnison Valley Alliance for Restorative Justice; Family Group Decision Making/Family Conferencing; July 1, 2008 through June 30, 2009
7. Resolution; Authorizing Submission of the Application to the Colorado Department of Transportation State Infrastructure Bank to Borrow the Necessary Funds to Finance a New Broom Truck for Airport Operations
8. Petition for Abatement or Refund of Taxes; GM Worsley, Inc.; Schedule No. 100 R32041
9. Acceptance of Deed of Dedication; Portion of County Road 744; Randy and Julia Hutchinson
10. Grant Contract; 2008 Emergency Management Performance Grant (EMPG), Colorado Department of Local Affairs, Division of Emergency Management, \$46,000
11. Purchase Agreement; IKON Office Solutions; Copier Rentals; Award #98526YYY07M and Award #98526YYY09M
12. Acknowledgement of County Manager Signature; Home Energy Assistance Grant Application; Energy Outreach Colorado
13. Acknowledgment of County Manager Signature; Memorandum of Understanding Subcontract; Nurse Home Visitor Program; Between Gunnison and Montrose Counties

CONSENT AGENDA ITEMS #5 and #7: Chairperson Channell requested that these items be pulled for discussion in order to ensure that all comments provided by the County Attorney's Office had been incorporated into the final documents. County Manager Birnie explained that all contracts provided to the Board for signature are reviewed by the Finance Department and the County Attorney's Office. If, after review by both of those offices, contract modifications are deemed necessary then the contract is then modified prior to presentation to the Board. Upon review for signature, the Board can request further modifications to any contract. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve Consent Agenda Item #5, with the understanding that the address of the lessee will be inserted into paragraph 23; and also to approve Consent Agenda Item #7. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Housing Authority Executive Director Denise Wise's Resignation. County Manager Birnie informed the Board that he had accepted Housing Authority Executive Director Wise's resignation on August 1, 2008. County Manager Birnie confirmed that he has been in contact with Pete Glatiotis and that County Manager Birnie will now serve as Mr. Glatiotis' primary contact for pending

Public/Private Partnership issues. He also informed the Board that the State of Colorado had not given him any updated information related to the Housing Needs Assessment.

2. Airport Staffing Needs. County Manager Birnie stated that he had received correspondence from the Transportation Security Administration relevant to possible supplemental staffing needs at the Gunnison-Crested Butte Regional Airport during the winter season. Mr. Rene Dhenin of the TSA is scheduled to meet with Airport Manager John DeVore during the week of August 11th and County Manager Birnie agreed to determine whether or not Mr. Dhenin would also be available to meet with the Board.
3. Gunnison Prairie Dog Inventory on County-Owned Open Land. County Manager Birnie explained that he had asked Gunnison Sage-grouse Conservation Coordinator Jim Cochran to schedule a meeting with the US Fish & Wildlife Service (USFWS), but that a meeting had not yet been set. Per County Manager Birnie, Gunnison Sage-grouse Conservation Coordinator Cochran agreed that it could be beneficial for the County to work directly with the USFWS. If prairie dog issues are added to Gunnison Sage-grouse Conservation Coordinator Cochran's responsibilities, County Manager Birnie acknowledged that his annual contract will need to be amended.
4. Sage-grouse Conservation Agreements. County Manager Birnie stated that all current support agreements with other local entities will end during this calendar year. He expressed his concern that some entities may not continue their funding support. He also noted that, if the County passes sage-grouse regulations, the County will need to make decisions on how to fund those regulations.
5. Washington Gulch Travel Management. County Manager Birnie informed the Board that this issue was discussed during a recent enforcement meeting. County Attorney David Baumgarten suggested holding a work session, prior to the first meeting in September, to discuss issues brought before the Board in 2007. County Attorney Baumgarten informed the Board that legal counsel had been engaged and that snow cat access had been discussed.
6. Marble Ridgeline Structure. County Manager Birnie explained that this issue was discussed during an enforcement meeting held on August 4, 2008. He stated that Assistant Planning Director Neal Starkebaum was researching covenant issues while County Building Inspector Rich Wojdakowski was tending to a new concern. This issue will be discussed during the next enforcement meeting.
7. Planning Commission Retreat. County Manager Birnie informed the Board that this retreat had been planned for October. He also noted that the Planning Commission had not yet retreated with the current member configuration. The purpose of the retreat will be to clarify roles and expectations, discuss the planning process, and outline the benefits of and methods for working with planning staff members.

APPEAL OF IMPACT CLASSIFICATION; GLATIOTIS SUBDIVISION, WILLIAM GLATIOTIS:

County Attorney Baumgarten, County Planner Cathie Pagano, property owners Pete and Jeanne Glatiotis, and attorney Marcus Lock were present for discussion.

County Planner Cathie Pagano informed the Board that proper public notice, as mandated by the appeal process, had not been accomplished. County Attorney Baumgarten confirmed that discussion could take place during the meeting, but that the Board could not make a ruling until after proper public notice had occurred. County Attorney Baumgarten suggested that all persons present be allowed to speak in the case that they would not be available for the continuation. He also explained that this appeal request should only address the current major impact classification and the Glatiotis' request for reclassification to minor impact status.

County Planner Cathie Pagano explained that the Planning Commission had unanimously agreed on the major impact designation following a recent Joint Public Hearing between the Planning Commission and the Board of County Commissioners. She confirmed that the *Gunnison County Land Use Resolution* (LUR) was utilized by the Planning Commission to determine the impact classification.

Mr. Glatiotis argued that this subdivision, which is located within the City of Gunnison's Three Mile Plan area, should be classified as minor impact because the community sewer is already installed and will only need to run to the subdivision site. He also felt that the City of Gunnison will be annexing the VanTuyl Ranch and that much of the ranch will be used for public access open space, but that he could obtain a waiver pertinent to open space rules. Mr. Glatiotis informed the Board that he had performed an informal flow test and that, as a result, he felt that sufficient water was available.

Attorney Lock noted that the Board has the discretion to decide on this matter and then restated Mr. Glatiotis' rationale for the appeal. He expressed his opinion that the terms for classification of impact outlined in the LUR were intended for application to much larger subdivisions.

Mr. Glatiotis felt that his prior involvement with the Gunnison County Housing Authority and affordable housing programs should be considered by the Board. Mr. Glatiotis acknowledged that the proposed subdivision will not participate in any affordable housing programs.

County Manager Birnie expressed his opinion that this subdivision's plan fits into alignment with the Board's intent to locate housing near available amenities.

Commissioner Starr questioned whether or not Mr. Glatiotis would consider deed restricting the units in order to make them more affordable in the future and Mr. Glatiotis stated that he would consider the use of deed restrictions, provided that the purchaser were to earn 80% of their income within the valley. He also noted that the current sewer line easement would allow tie in for owners to the east of the property and Assistant County Manager Crosby agreed that this would be a more affordable means for those owners.

Commissioner Swenson confirmed that the six-lot subdivision should be given the major impact classification, per the LUR; however, the additional criteria should be evaluated before decision is reached.

Chairperson Channell also stated his inclination to consider additional criteria and requested definitions for major and minor impacts classifications. County Planner Pagano explained that the application process and timelines differ for the two classifications. She also noted that minor impact classifications do not include open space requirements, whereas major impact classifications include certain requirements. In this subdivision, Mr. Glatiotis has proposed open space along the perimeter of the six lots, which may or may not qualify as open space, as defined in the LUR. Attorney Lock felt that the building envelope for each lot will provide the appearance of open space that would be required by the LUR, but that each individual owner would likely prefer access to only their own land.

County Planner Pagano stated that progress will continue on the application process. This issue was continued to August 19, 2008.

APPEAL OF IMPACT CLASSIFICATION; HARD ROCK PAVING AND REDI-MIX, INC.; APPLICANT FOR LAND USE CHANGE; APPEAL BY SCOTT YATES: County Attorney Baumgarten, Assistant Planning Director Starkebaum, and attorneys Luke Danielson and Julie Richards were present for discussion.

Assistant Planning Director Starkebaum explained that attorney Danielson represented Mr. Yates and that the land was owned by Gene Hollenbeck. He confirmed first-class mailings were sent to all parties present at the Planning Commission hearing, the applicant, and the appellant. He also explained that the application requested placement of a portable asphalt batch plant on a portion of the existing Hollenbeck sand and gravel pit. A full description of the project is contained within the application and a site plan was provided by the applicant. Meeting minutes from the July 11, 2008 Public Hearing were provided indicating consensus amongst the Planning Commission board members that this project should be defined as a minor impact project.

Attorney Danielson explained that Mr. Yates could not be present for the meeting due to his employment in Denver and that Mr. Yates intends to build his retirement home on a lot adjacent to Mr. Hollenbeck's property. He indicated that Mr. Yates does not wish to be located in close proximity to an asphalt plant and that other property owners share those concerns. He explained that the State of Colorado permitted the gravel pit in 1985 and that the gravel pit had a life expectancy of 10 years at that time. He acknowledged that the State's documentation clearly allowed for a portable batch plant to be added to the application, but he felt that few owners saw this statement. The size of the project had been defined by several persons and/or entities with differing results, depending on the perceived project boundary, which ranged between two and nearly ten acres. This, coupled with what he believed were complicated air quality issues, attorney Danielson felt that the project would be mandated to follow the major-impact application process.

Assistant Planning Director Starkebaum stated that there was no definition given for the surface area that would be affected by the application and that the applicant had defined only the physical affected area. He reported that the Planning Commission defined the area of actual operation to be 2.1 acres and that the stormwater and berm areas would not be included.

County Attorney Baumgarten stated that an impact area is defined as including the development area, which is an area where impact is likely to be caused by the operation. Additionally, a minor impact classification requires that only two surfaces of land can be affected. Attorney Danielson noted that the State included the ponds in its definition of the area, which would total over four acres for the project.

Chairperson Channell questioned whether or not the pit is actively mined and Assistant Planning Director Starkebaum explained that, according to the State of Colorado, the permit for the pit is current.

The Board agreed that the size of the operation should be considered the relevant issue as no other requirements were argued. Section 3-111, *Additional Criteria*, of the LUR was considered by the Board. Assistant County Manager Crosby stated her belief that the County should also consider the current demand for public services and the need for affordable asphalt to ensure public infrastructure. City of Gunnison Public Works Director Tex Bradford shared Assistant County Manager Crosby's concerns.

County Attorney Baumgarten stated that all portions of the operation totaled in excess of four acres and asked the Board to decide whether preexisting berms and stormwater controls should be included in the calculations or whether only the impact on virgin land should be considered.

Applicant Paul Banks argued that the asphalt plant encompasses less than two acres and expressed his opinion that Mr. Yates would still object to the project even if it followed the process for major impact approval. He also reported that the Planning Commission felt that changing the process would hold no public benefit.

Citizen Gary Hausler stated that the pit is inoperative because the rock is not hard enough and does not meet specifications. He felt that much of the LUR can be subject to interpretation because of the lack of clearly defined criteria, but that defined criteria were available for this case. He stated that any project in excess of two acres must be classified as major impact. He also noted that other locations within the County would accommodate a non-mining operation and that the major impact classification requires consideration of alternate locations.

Citizen Ann Hausler felt that many citizens are concerned about adverse impacts on local property uses and values.

Chairperson Channell stated his opinion that the allowance for appeals and the use of additional criteria, to be interpreted on a case-by-case basis, is one of the strengths of the LUR. He felt inclined to uphold the Planning Commission's recommendation, which was echoed by the staff. He noted that the Board is allowed a certain level of subjectivity and is allowed to define the impacted area.

Commissioner Swenson agreed with Chairperson Channell and felt that the application represented an area of less than two acres because berming and the stormwater pond were beneficial mitigation surrounding the operation. Further, she felt that the Board had no grounds with which to reverse the recommendation of the Planning Commission.

Commissioner Starr stated that he had evaluated the same criteria as Commissioner Swenson did and that he arrived at the same conclusion. He indicated that an affected area of 1.99 acres was shown on the provided plat map. In considering Section 3-111, *Additional Criteria*, of the LUR and the length of time that the pit had been in existence, Commissioner Starr stated his agreement with the Planning Commission's recommendation.

Moved by Commissioner Swenson, seconded by Commissioner Starr to deny the Appeal of Impact Classification for the Hard Rock Paving and Redi-Mix, Inc. Land Use Change. Motion carried unanimously.

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

1. Resolution; Waiver of Standards; Blue Mesa Recreation. Assistant County Manager Crosby presented this resolution for signature as it had been approved during a prior Board meeting. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-33, a Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by Blue Mesa Recreation Association for the Roads Through Blue Mesa Subdivision 1 and 2, Gunnison County, Colorado. Motion carried unanimously.
2. Gold Basin Industrial Park. Assistant County Manager Crosby confirmed that water and sewer had been installed and that she was working with the City of Gunnison on power installation; however, she noted that the size of the transformers may be an issue of concern. She would like to have the first tenant on site no later than the end of September.
3. Road Maintenance. Assistant County Manager Crosby informed the Board that many citizens had been expressing concern about the County being behind in road maintenance. She stated that her crews were working as efficiently as possible. She reported that the motor graders have had major mechanical issues due to the high use last winter and that her department was working to preserve the limited availability of asphalt. She also reported that a full-time employee has been designated for the Taylor Park area.
4. Plowing in the Town of Marble. Assistant County Manager Crosby informed the Board that the insurance carrier had requested a hold-harmless clause, which will likely remove the County from plowing activities in Marble. A private contractor may be chosen; however, Assistant County Manager Crosby stated that the Town is evaluating the need for future plowing within the town limits. The Board agreed that the County and the Town will need to discuss this situation further.
5. Tin Cup Cemetery Road. Chairperson Channell asked for an update and Assistant County Manager Crosby stated that the road work had been completed prior to a recent burial service. While not an official policy, Assistant County Manager Crosby's stated her desire to ensure that cemetery access is maintained.

VISITOR; CONGRESSMAN MARK UDALL'S OFFICE REPRESENTATIVES MATT SUGAR AND DOUG YOUNG; BLACK CANYON RIVER WATER QUANTIFICATION DISCUSSION: Doug Young and Matt Sugar were present for discussion.

Mr. Young introduced himself to the Board as the District Policy Director for Congressman Udall. Mr. Sugar introduced himself as a representative from Congressman Udall's office working out of the Western Slope office and as a GOCO board member.

Via Mr. Young, Congressman Udall requested an update from the Board on any issue(s) that he should be made aware of, including roadless areas, the Roan Plateau, and the Black Canyon River Water litigation. Mr. Young stated that he serves on the Colorado Roadless Task Force and is in the process of accepting public comment.

Mr. Sugar reported that the Flame Act, which will create separate funding sources for Forest Service operational needs versus emergency needs, had passed in the House. Chairperson Channell agreed that the underfunding of federal agencies is problematic and was a cause for many local campgrounds to be closed. He also expressed his opinion that dispersed camping creates vulnerability.

The Board informed Congressman Udall's representatives that public meetings were held so that public input could be received relevant to the Black Canyon River Water litigation. The stipulation was scheduled for Board approval later in the meeting.

TOWNHOME APPLICATION FINAL APPROVAL; MONTGOMERY TOWNHOMES; LOT 39, BLOCK 5, CRESTED BUTTE SOUTH; FILING #2: County Planner Pagano presented the application for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the plat for Montgomery Townhomes, Lot 39, Block 5, Crested Butte South, Filing #2 and authorize the chairperson's signature. Motion carried unanimously.

LOT CLUSTER APPLICATION; LOTS 1-5 INCLUSIVE, BLOCK 3; LOTS 1-3 INCLUSIVE, BLOCK 4; WATERMAN AND HUDLERS ADDITION, TOWN OF OHIO CITY; JAMES M. STEWART: County Planner Pagano was present for discussion.

County Planner Pagano explained that this property includes a house and a septic system, which makes clustering advantageous even though it will total less than one acre in size. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Lot Cluster Application for Lots 1 through 5 inclusive, Block 3; Lots 1 through 3 inclusive, Block 4; Waterman and Hudlers Addition, Town of Ohio City; James M. Stewart, including portions of vacated streets and alleys and authorize signatures. Motion carried unanimously.

AUTHORIZATION TO APPROVE THE BLACK CANYON OF THE GUNNISON WATER RIGHT QUANTIFICATION STIPULATION: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten explained that this litigation began in 1972 and that a concerted effort by all parties during intense mediation within the last 18 months had produced a stipulated solution. Each party had until August 11, 2008 to make public the contents of the stipulation and to receive authorization from governing boards to sign the stipulation. Because Gunnison County held public meetings to receive public input and had not received any objection to the stipulation, County Attorney Baumgarten requested authorization from the Board to sign the stipulated and mediated agreement on behalf of Gunnison County, provided that any presented changes are ministerial and not substantive. He explained that the Court must receive proof that this stipulation was signed no later than August 11, 2008.

Chairperson Channell stated that the mediation process was remarkable and he would support finalization of the stipulation. He complimented County Attorney Baumgarten and Commissioner Starr for their expertise and the amount of time they had dedicated to this process. County Attorney Baumgarten added that attorney for the Upper Gunnison River Water Conservancy District John McClow should also be recognized for his tireless involvement in the mediation process.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize the County Attorney to execute the stipulated agreement with the recognition that he has authority to make the non-substantial changes to it that might come up for approval. Commissioner Starr thanked County Attorney Baumgarten for his assistance with enabling the protection of the Gunnison Basin's water. Motion carried unanimously.

DESIGNATION OF CRESTED BUTTE SOUTH SPECIAL AREA AND RELATED REGULATIONS: CONSIDERATION BY THE BOARD OF MAP, STAFF REPORT, PROPOSED REGULATIONS, AND PLANNING COMMISSION RECOMMENDATION; AND POSSIBLE ADOPTION OF THE DESIGNATED CRESTED BUTTE SOUTH SPECIAL AREA AND PROPOSED RELATED REGULATIONS: County Attorney Baumgarten, Planning Director Joanne Williams, Assistant Planning Director Starkebaum, County Planner Cathie Pagano, CB South Manager Chris Behan and CB South POA Board President Al Smith were present for discussion.

Planning Director Williams explained that this designation was first sought in 2003 by a volunteer organization comprised of CB South residents, including Al Smith. Since then, Chris Behan has been hired as the CB South Manager. In July of 2008, the Planning Commission recommended approval of this designation, subject to the approval of the County Attorney who had not yet been involved in the process.

Mr. Behan explained that approximately 1,500 people live within the boundaries of CB South, 46% of which is built out. He also explained that residents currently follow a design review process, which begins with a letter of approval from his organization, as required by the County, and follows through to the Metro District and then to Gunnison County. He noted that the current design board is proposed to become the CB South Board of Appeals and then a new review board will be designated.

Assistant Planning Director Starkebaum stated that this designation would alleviate staff issues within the Planning Department since Filings #1 and #2 do not currently have adopted covenants.

County Attorney Baumgarten explained that there were significant process and substance issues within the document and that, while none of the issues was insurmountable, further discussion would be necessary. He stated that roles and authorities would need designated, and that many of the outlined requirements may be more appropriate for inclusion within covenants. He noted that many of the standards are constrictive while others could be prone to challenge since they are proposed to be evaluated on a case-by-case basis. He also suggested the elimination of ad hoc exactions.

Mr. Behan expressed his disappointment that County Attorney Baumgarten was not previously included in the planning since many prior conversations may now need to be duplicated. Commissioner Swenson stated that the Board understood and agreed with his frustration. She asked that Mr. Behan and County Attorney Baumgarten meet separately within the next couple of weeks to discuss all remaining details.

Planning Director Williams felt that the Planning Commission and the applicant should be allowed to hold freestyle conversations prior to attorney involvement.

County Attorney Baumgarten suggested suspension of further Board involvement until September 2, 2008. Mr. Smith agreed to outline all public meeting and input chronology within a proposed resolution.

UPPER GUNNISON RIVER WATERSHED GREENHOUSE GAS EMISSIONS INVENTORY REPORT: Office for Resource Efficiency (ORE) staff representative Bobby Sebastian and ORE board members Steve Lawlor and George Sibley were present for discussion.

Mr. Sibley stated that the Board and the councils of the other three local jurisdictions agreed in 2007 to consider energy issues and to create a temporary task force in an effort towards a long-term energy plan for the valley. He explained that the Gunnison Valley annually sends \$60,000,000 out of the valley to pay for energy needs and that lowering this dependency would benefit the community.

Mr. Sibley stated that scientists worldwide associate climate changes with carbon-based emissions entering our atmosphere. He provided the Upper Gunnison River Watershed Greenhouse Gas Emissions Inventory Report which evaluated the level of greenhouse gasses emitted locally. He stated that this baseline report included some estimated figures as the data was often difficult or impossible to collect. He noted that the Governor's Energy Office has asked for a 20% reduction in carbon emissions by the year 2020, a 30% reduction by the year 2030 and an 80% reduction by the year 2050.

Mr. Sibley explained that the report was divided into five jurisdictional reports, those being the Aggregate Upper Gunnison River Watershed, the Mt. Crested Butte Community and Government, the Crested Butte Community and Government, the Gunnison Community and Government, and the Unincorporated Area of the Upper Gunnison River Watershed Community and Gunnison County. He also explained that the report followed the International Council for Local Environmental Initiatives protocol regarding inclusions and exclusions from the report, such as excluding air traffic into and out of the jurisdiction. In-valley travel and housing in commercial buildings accounted for tourism affects. He also noted that the Somerset and Marble areas were not included in the report because of the methane emissions, currently being evaluated by the North Fork Coal Working Group, which would have skewed results.

Mr. Lawlor felt that data collection was often difficult from other jurisdictions and entities, while the County's level of cooperation was much appreciated. He also acknowledged that all included figures should be accepted as accurate +/- 10%. While this range is not insignificant, County Manager Birnie stated that a trend can be realized if the methods of measuring are consistent. Mr. Lawlor noted that the Gunnison Watershed School District did not provide any data for this report, so similar schools outside of Gunnison were used for creating estimates. He also noted that GCEA's cooperation was appreciated, while other energy suppliers within the County were difficult to work with.

Chairperson Channell thanked the gentlemen for their time and their commitment to energy efficiency.

BREAK: The meeting recessed from 11:58 am until 1:30 pm so that the Board could attend a staff luncheon with the Planning, Geographic Information Services and Building Inspection Departments at Farrell's Restaurant.

FINANCIAL AUDIT PRESENTATION: Finance Director Linda Nienhueser, Assistant Finance Director Ben Cowan, Personnel Director Debbie Moore, County Treasurer Melody Marks, Assistant County Manager Crosby, and McMahan and Associates, LLC accountant Paul Backes were present for discussion.

Mr. Backes presented the County's 2007 Financial Audit for discussion and explained that his company historically meets with all department heads at the end of each year in order to discuss related financials and to solicit comments about the County's Finance Department. His company then returns in April of each year to look at all of the County's financial records for the previous year. Mr. Backes was very complimentary of the methods by which the County tracks governmental, business and internal service funds. He felt that the fund balances were healthy and that they should adequately manage any reduced-revenue scenarios throughout the year. He also felt that the County's spending practices have long-term benefits.

Mr. Backes informed the Board that one of the CSU Extension Office accounts, used for miscellaneous 4-H transactions, may be using the County's tax payer identification number (TIN). He recommended that the County Treasurer contact area banks to request listings of all accounts utilizing the County TIN as a means of ensuring that all accounts are properly reported.

Mr. Backes suggested the utilization of software to link the Finance Department and the County Treasurer's Office.

Mr. Backes informed the Board that the Clerk and Recorder's Office maintains a checking account for overpayments within the motor vehicle and recording services sections and suggested that this fund should instead be managed by the County Treasurer's Office. County Treasurer Marks informed the Board that she was not aware of this account.

Mr. Backes informed the Board that this audit represented the last year of the contract between the County and his company.

Chairperson Channell requested information about common vulnerable areas for governments and Mr. Backes explained that counties are often difficult from an audit standpoint due to the different practices observed in the offices held by elected officials. He noted, however, that the Gunnison County elected officials appear to want to follow an overall unified process.

The Board thanked Finance Director Nienhueser and Assistant Finance Director Cowan for their hard work and accepted the 2007 Gunnison County Financial Audit.

VISITOR; GUNNISON COUNTRY CHAMBER OF COMMERCE (GCOC) DIRECTOR TAMMY SCOTT; PROGRAM UPDATE: Ms. Scott provided a GCOC update to the Board. She stated that 44% of GCOC's \$160,000 budget for the year was expected to be received from dues, while 15% was anticipated to be received from the County and the City of Gunnison, and the remaining 40% was anticipated to be received from fundraising, programs and projects.

In 2007, the GCOC contacted 1,031,816 visitors via telephone calls, website traffic, mailed items and walk-ins. As a result, the GCOC was able to make 26,430 referrals to local businesses. Ms. Scott also stated that tabulations for the first half of 2008 appeared to be comparable to 2007 statistics.

BREAK: The meeting recessed from 2:41 until 2:47 pm.

CCI 2008 LEGISLATIVE COMMITTEE MEMBER APPOINTMENT: Moved by Commissioner Swenson, seconded by Commissioner Starr to appoint Chairperson Channell as the 2008 legislative committee member for CCI. Motion carried unanimously.

INTERGOVERNMENTAL AGREEMENT; GUNNISON COUNTY LIBRARY DISTRICT, PROVISION OF LIBRARY SERVICES: County Manager Birnie confirmed that Library District Board of Trustees member Larry Meredith had already signed this document. Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the Intergovernmental Agreement between the Board of County Commissioners of Gunnison County and the Gunnison County Library District, Provision of Library Services, and authorize the chairperson's signature. Motion carried unanimously.

DRAFT GRANT AGREEMENT; US DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION; GUNNISON-CRESTED BUTTE REGIONAL AIRPORT; PROJECT #3-08-0030-40, REHABILITATION OF A PORTION OF THE SERVICE APRON (PHASE II), ACQUIRE SNOW REMOVAL EQUIPMENT (PHASE I), \$258,394: County Manager Birnie asked for the authority to sign this document, once it is finalized utilizing the template provided, because there will be very little time allowed between finalization of the document and the deadline for submission. Moved by

Commissioner Swenson, seconded by Commissioner Starr to approve the County Manager's signature on the grant agreement with the US Department of Transportation, Federal Aviation Administration, for rehabilitation of a portion of the service apron and/or snow removal equipment. Motion carried unanimously.

SHADY ISLAND SUBDIVISION; SECURITY PROPOSAL FOR DEVELOPMENT IMPROVEMENTS AGREEMENT, POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten, County Paralegal Rachel Magruder, developer Bill Lacy and attorney David Leinsdorf were present for discussion.

County Attorney Baumgarten explained that security has historically been obtained from a developer, as outlined in a Development Improvements Agreement, and that there had only been one instance of land being used for security. He explained that the Planning Commission had recommended approval, that the plat had not yet been recorded, and that the County was being offered platted and developed land in Crested Butte, at comparable sales prices, as collateral for the security. County Attorney Baumgarten felt that this would be appropriate as the language in the proposal made the collateral land as close to a conversion to cash as possible.

David Leinsdorf stated that this offer was fair and that the value of the two lots far exceeded the amount of security necessary. He also stated that Mr. Lacy proposed this collateral since a Letter of Credit would not be available within the timeframe required by the project.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize County Attorney Baumgarten to accept as the security in the Development Improvements Agreement the conveyance of the two lots described above. Chairperson Channell stated his support of the motion since Mr. Lacy is a local developer and has a proven track record. Motion carried unanimously.

CODE ENFORCEMENT – SCOTT WAGNER, MILE 200 LLC: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten informed the Board that he had received permission to enter the property and that the inspection should occur prior to August 15, 2008. He received this permission on August 4, 2008 at 2:30 pm, before the August 5, 2008 deadline. He also reported that Mr. Wagner has retained Bob Hoban as his legal counsel. Per County Attorney David Baumgarten, no action was needed.

PERSONNEL MATTER; COUNTY MANAGER AGREEMENT, POSSIBLE EXECUTIVE SESSION: Chairperson Channell offered the option of holding an executive session to County Manager Birnie and the offer was accepted. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to enter into an executive session with the Board of County Commissioners and County Manager Matthew Birnie in order to discuss a personnel issue.

The board went into executive session at 3:20 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(f).*

Chairperson Statement Regarding Executive Session

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

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 4:15 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. County Manager Birnie left the Executive Session prior to its conclusion.

BREAK: The meeting recessed from 4:16 until 4:17 pm in order to convene as the County Board of Equalization.

COUNTY BOARD OF EQUALIZATION: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Board of Equalization meeting minutes for July 28, 2008. Motion carried. (Commissioner Starr recused himself from the vote due to his absence from the July 28, 2008 CBOE meeting.) **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the meeting minutes for July 8, July 16 and July 24, 2008. Motion carried unanimously.

ADJOURN: Chairperson Channell adjourned the County Board of Equalization meeting at 4:17 and then immediately reconvened the Board of County Commissioners meeting. Chairperson Channell excused himself from the remainder of the meeting due to a scheduling conflict.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Starr:

- 1. Crested Butte Temporary Animal Shelter. Commissioner Starr explained that a pending CDOT permit will allow the shelter and GCEA to share a water line trench to the site. He stated that Environmental Health Specialist Richard Stenson and Assistant County Manager Crosby have been to the location. Environmental Health Specialist Stenson has expressed optimism for ISDS approval.
- 2. Buckhorn Ranch / Stallion Park. Commissioner Starr requested an update on this issue and County Manager Birnie agreed to relay this request to County Attorney Baumgarten.

Commissioner Swenson:

- 1. Region 10. Commissioner Swenson stated that Region 10 recently made a loan to a Gunnison business out of the Business Loan Fund. She also stated that Region 10 will be seeking other revenue sources that will assist additional businesses during current economic stressors.
- 2. Animal Shelter. Commissioner Swenson stated that the Gunnison Valley Animal Welfare League had met with County staff and the chosen architect during the previous week to discuss shelter location options.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Swenson to adjourn the meeting. Motion carried. (Chairperson Channell was not present for the vote.) The meeting adjourned at 4:35 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 THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2008-33

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY BLUE MESA RECREATION ASSOCIATION FOR THE ROADS THROUGH BLUE MESA SUBDIVISION 1 AND 2, GUNNISON COUNTY, COLORADO

WHEREAS, a written petition by Blue Mesa Recreation Association was filed with the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board"), requesting a waiver of the Gunnison County Standard Specifications For Road and Bridge Construction (herein the "Standards and Specifications") for the roads through Blue Mesa Subdivision 1 and 2, County of Gunnison, Colorado;
WHEREAS, the request is to waive the following:

1. Width of Right of Way: A request to waive the width standards for approximately 588 feet of road on Mosquito Trail from a width of 16 feet to 12 feet and for approximately 885 feet of road on Monarch Road from a width of 22 feet to 16 feet.

2. Road Materials: A request for permission to waive the use of Class 6 road base and replace it with the use of native materials.

WHEREAS, the Board finds that the Board of Directors of the Blue Mesa Recreation Association has the authority to request such waiver of Standards and Specifications for the Blue Mesa Recreation Association; and

WHEREAS, the Board has conducted a duly noticed public hearing regarding the petition by Blue Mesa Recreation Association.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO FINDS that the Blue Mesa Recreation Association has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions that make compliance with the Standards and Specifications technically unfeasible; and
2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic; and
3. The waiver will not adversely affect health and safety; and
4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and
5. The waiver will not cause substantial injury to the environment; and
6. The waiver will provide the functional equivalent of the Standards and Specifications.

THEREFORE, the Board of County Commissioners of the County of Gunnison, Colorado resolves as follows:

1. The following waivers are hereby granted:

- a. Width of Right of Way: A waiver of width standards for approximately 588 feet of road on Mosquito Trail from a width of 16 feet to 12 feet and for approximately 885 feet of road on Monarch Road from a width of 22 feet to 16 feet.
- b. Road Materials: A waiver for permission to use native materials in place of Class 6 road base.

This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 5th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
OF GUNNISON, COLORADO

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