

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

The August 19, 2008 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
Jim Starr, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:01 am.

AGENDA REVIEW: The discussion scheduled for 11:15 am, Planning Commission Recommendation Regarding *Adoption of the 2003 International Fire Code* with Amendments within the Crested Butte Fire District, and Amendments to the *Crested Butte Fire Protection District Guidelines and Standards*, was pulled from the agenda by County Manager Birnie because staff members needed additional time to review the information prior to presentation to the Board.

MINUTES APPROVAL: There were no minutes available for approval during the meeting.

CONSENT AGENDA: Commissioner Starr asked that Consent Agenda Item #12 be removed from the Consent Agenda for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda, excluding Item #12. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Project Agreement to Cooperative Forest Road Agreement Modification No. 1 for Crystal #6 Bridge Replacement Between USDA Forest Service, White River National Forest and Gunnison County, State of Colorado
2. Acknowledgment of County Manager Signature; Grant Application; Victim Assistance and Law Enforcement Fund; Seventh Judicial District; Gunnison County Law Enforcement Crime Victim Services; \$12,600
3. Ratification of Correspondence; State Board of the Great Outdoors Colorado Trust Fund; Support Letter for the City of Gunnison's Application for a GOCO Planning Grant; VanTuyl Ranch Property
4. Memorandum of Understanding; 2008 Community Based Organization Funding; Crested Butte Mountain Theatre
5. Intergovernmental Agreement for Public Art; Board of Gunnison County Commissioners and the City of Gunnison; Blackstock Government Center
6. Limited Amendment for Task Orders #2; Colorado Department of Public Health and Environment PSD WIC; Routing Number 09-00560
7. Abstract of Assessment; Affidavit of Assessor to Assessment Role; Certification by County Board of Equalization
8. Purchase of Service Agreement; Paragon Computers; Gunnison/Hinsdale County Department of Human Services; Senior's Website Design
9. Certification of Delinquent Payment for Rates, Fees, Tolls, and Charges for the Connection with and Use of the Dos Rios, Antelope Hills, Somerset and North Gunnison Divisions of the Gunnison County Sewer and Water District; and Request to the Gunnison County Treasurer's Office to Collect Amounts Due Pursuant to C.R.S. 30-20-420
10. Contractor Agreement; Between Gunnison County and Julie Ann Woods, Elk Mountains Planning Group, Inc.; Development and Implementation of the Energy Action Plan for Gunnison County
11. Core Services Program; Three Year Plan; June 1, 2008 through May 31, 2009; Gunnison and Hinsdale Counties
12. Gunnison County Housing Authority Occupancy and Resale Deed Restriction and Essential Housing Contract; Between Gunnison County, Gunnison County Housing Authority, Brian Riepe, and Suzann Parker; 325 Larkspur Loop, Gunnison, CO 81230
13. Agreement; Between the Gunnison Board of County Commissioners and Lisa M. Heifner, MS, LPC; Supervision of Parent-Child Visitation and Family Therapy
14. Gunnison County Manager Employment Agreement; Between the Board of County Commissioners of Gunnison County and Matthew Birnie

CONSENT AGENDA ITEM #12: Commissioner Starr requested discussion for this item because newly discussed language modifications had not been incorporated into the document. County Manager Birnie stated that not all of the discussed language modifications had been approved, so this document contained only those elements that had been approved. He also explained that the County Attorney's Office was working to integrate new deed restriction language for future approval by the Board. Moved by Commissioner Starr, seconded by Commissioner Swenson to approve Consent Agenda Item #12 and authorize the chairperson's signature. 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. Gunnison County Housing Authority. County Manager Birnie stated that he would be attending a Housing Advisory Board meeting on August 21, 2008 to discuss relative governance issues and the hiring process for a new director. Earlier that same day, he will be attending a meeting with the local municipality administrators and Colorado Division of Housing, Department of Local Affairs representative Bill Whaley at the Almont Resort to discuss the same issues. County Manager Birnie also informed the Board that the County had begun to receive resumes for the director position and that the advertisements did not list a closing date. He stated his preference that the hiring panel for this position would include representatives from the local municipalities, either an elected official or the administrator. Commissioner Swenson noted that the local chapter of Habitat for Humanity had expressed a desire to be included in the panel. Chairperson Channell agreed that the local municipalities should be involved in the process of selecting a new director.
2. 7th Judicial District Community Corrections Committee. County Manager Birnie informed the Board that the focus of this recent meeting was to generate support for a community corrections facility in Montrose. He stated that a grant application may be submitted to DOLA, which might fair well because of oil and gas impact funding. He explained that community-based residential treatment programs for offenders have proven more effective and less costly than prison systems due to the continuity of family connections. He offered to prepare a resolution for Board consideration and the Board agreed that a resolution was warranted.
3. Colorado Counties, Inc. Western District Meeting. County Manager Birnie informed the Board that this meeting included many legislative updates. As well, CDOT requested that CCI organize a series of meetings in pursuit of support for funding solutions. County Manager Birnie felt that the County may receive courthouse and parking lot security cameras as a result of a recent grant application submitted to the Courthouse Security Committee.
4. Gunnison Prairie Dog Meeting. County Manager Birnie informed the Board that the US Fish and Wildlife Service would be meeting with the Division of Wildlife and various County staff members on September 10, 2008 at 2:30 pm in the boardroom to begin discussions on the Gunnison Prairie Dog issue. The Board was invited to attend this meeting.

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

1. Ohio Creek Intersection Update. Assistant County Manager Crosby reported that her staff was working to secure the easement on the west side of this intersection. On the east side of the intersection, the utility line depth will need to be determined. Assistant County Manager Crosby previously met with Elk Meadows Filing #2 homeowners to discuss minimizing the impacts of this construction on the residents and Chairperson Channell expressed his opinion that the use of landscaping may further minimize negative aesthetics. Assistant County Manager Crosby noted that the availability of materials will dictate how much progress will be capable in 2008.
2. Staffing Issues. Assistant County Manager Crosby reported that staff members in District 4 and in Marble have resigned. While the District 4 position is full-time and a replacement will be sought, she noted that the position in Marble may remain vacant.

BREAK: The meeting recessed from 8:57 until 9:19 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE CERTAIN STREETS AND ALLEYS WITHIN THE LaVETA ADDITION TO THE TOWN OF PITKIN, COLORADO: Assistant County Manager Crosby and Deputy County Attorney Dill were present for discussion.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed that proper public notice had been given. She also explained that this request predated the moratorium on vacations.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Assistant County Manager Crosby explained that this request, if approved, would enable the creation of a single two-acre parcel. Chairperson Channell noted that the vacation is 100% internal in that no portions extend beyond the proposed property lines.
4. Applicant Presentation. There was no applicant presentation.
5. BOCC Questions. Chairperson Channell explained that the moratorium was enacted due to issues in the Gunnison County Land Use Resolution (LUR) relevant to the public benefit of gifting publicly owned lands to the private sector. While he stated his understanding that this request predated the moratorium, he noted that the public benefit issue is outlined in the LUR and requested reasoning for allowing this vacation. Assistant County Manager Crosby stated that, while there may be no public benefit for allowing this vacation, there was also no public harm in allowing the vacation.
6. Public Comment. Property owner Fred Archuleta stated his support of the vacation because of potential long-term personal benefits.

7. Acknowledge Correspondence Received. No additional correspondence was received.
8. Applicant Response. There was no applicant response.
9. BOCC Decision. Commissioner Starr wanted to ensure that historic route uses would remain available to the public and Assistant County Manager Crosby suggested contacting the applicant to request permission to amend the request in order to allow an easement for access and utilities, which would qualify as a public benefit. The Board agreed that a condition of approval should be that the applicant approves an existing access and utilities easement through Block 27, 16'-0" in width. Assistant County Manager Crosby agreed to contact the applicant before the end of the day to discuss this option. Chairperson Channell closed the Public Hearing at 9:19 am and immediately reconvened the Board of County Commissioners Regular Meeting. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve Resolution #2008-35, a Resolution Vacating Portions of Warren Street and 7th Avenue and the Alleys Within Block 27 and Block 30, LaVeta Addition to the Town of Pitkin, County of Gunnison, Colorado, with the condition that the owner agrees to provide a 16-foot wide access and utility easement centered on the existing road through Block 27. Motion carried unanimously.

LOT CLUSTER APPLICATION APPROVAL; LOTS 1-32 OF BLOCK 27, LOTS 53-68 OF BLOCK 28, LOTS 72-73 OF BLOCK 29, AND LOTS 1-4 OF BLOCK 30; LaVETA ADDITION TO THE TOWN OF PITKIN; OWNERS ROBERT F. AND CONNIE D. MCGOVNEY: County Planner Pagano was present for discussion.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the lot cluster for Robert and Connie McGovney, Lots 1 through 32, inclusive, of Block 27, Lots 53 through 68, inclusive, of Block 28, Lots 72 and 73 of Block 29, and Lots 1 through 4, inclusive, of Block 30, including a plat of LaVeta Addition to the Town of Pitkin and authorize signatures. Motion carried unanimously.

GUNNISON HOME ASSOCIATION (GHA) WATER RIGHTS DISCUSSION: GHA representative Don Crosby and Deputy County Attorney Dill were present for discussion.

County Manager Birnie informed the Board that he and County Attorney Baumgarten had met with Mr. Crosby prior to the meeting and that they had reached agreement with the proposal. Deputy County Attorney Dill expressed his feeling that this was an oversight that should have been corrected earlier.

Mr. Crosby explained that the GHA would like for the County to return the water rights on 2.5 lots to the GHA, via deed. He also explained that these water rights should have been returned at the same time that the RV Park parcel was returned.

Moved by Commissioner Swenson, seconded by Commissioner Starr to deed to the Gunnison Home Association 2.51 c.f.s. of the Island Ditch #36 water right and to direct staff to put together the appropriate documentation. Motion carried unanimously.

VISITOR; HINSDALE COUNTY COMMISSIONER LINDA MATTHEWS; SILVER THREAD SCENIC BYWAY DISCUSSION; REQUEST FOR LETTER OF SUPPORT: Hinsdale County Commissioner Linda Matthews, Silver Thread Scenic Byway Committee member Ray Blaum, Bureau of Land Management (BLM) representative Sally Thode, Gunnison Chamber of Commerce Director Tammy Scott, National Park Service representative and West Elk Loop Scenic Byway Committee Chairperson Dave Roberts, and Tourism Association Director Jane Chaney were present for discussion.

Mr. Blaum gave an image presentation of locations along the Silver Thread Scenic Byway showing that access exists from the byway to BLM land and public access fishing. He also explained that the committee is working with CDOT to evaluate the list of proposed interpretative sites along the Silver Thread Extension that was approved in 2005.

The committee will pursue grant funding to install signage along points of interest and pull outs and Commissioner Matthews requested a letter of support for a grant application that will be made to the State Byway Commission in October. She indicated that CDOT and Byway Commission members had driven the route in order to visualize the proposed signage and pull out locations as the previous signs were funded prior to these locations being designated. She reported that a representative from Hinsdale County's road and bridge crew contacted Assistant County Manager Crosby since the County may be asked for an in-kind match when the project begins in 2010. Commissioner Matthews indicated that she would like for the Beautification/Scenic Corridors Committee to be informed of this project.

Ms. Thode informed the Board that the group had been working closely with Dr. Duane Vandenbusche to determine which possible locations should be interpreted as he is an accomplished Gunnison County historian. She also informed the Board that the grant includes a mandatory 20% match and that only a portion of that match can be via in-kind, so the group may approach the Board in the future to request funding for this project.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize Administrative Services Manager Katherine Haase to draft the requested support letter. Motion carried unanimously.

BREAK: The meeting recessed from 10:00 until 10:16 am.

ADOPTION OF THE GUNNISON COUNTY EMERGENCY OPERATIONS PLAN: Emergency Manager Scott Morrill and Regional Planner for the Colorado Division of Emergency Management Steve Denney were present for discussion.

Emergency Manager Scott Morrill presented the proposed Gunnison County Emergency Operations Plan for Board consideration and expressed his appreciation to the County Manager's office, the County Attorney's office, and the Colorado Division of Emergency Management for their combined efforts necessary to produce this document. He also provided a draft resolution for Board approval.

Chairperson Channell expressed concern that the document did not contain information on wastewater spills and Emergency Manager Morrill explained that, while those types of events would be included within the human-caused hazards index, they would be managed by Public Health and the State. He also confirmed that this document will be housed with the emergency plans for the Gunnison-Crested Butte Regional Airport and Gunnison County Public Health office.

The Board thanked Emergency Manager Morrill for his hard work on the plan. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-36, a Resolution Adopting the Gunnison County Emergency Operations Plan. Motion carried unanimously.

APPEAL OF IMPACT CLASSIFICATION; GLATIOTIS SUBDIVISION, WILLIAM GLATIOTIS (CONTINUED FROM 8/5/08): County Planner Cathie Pagano, attorney Marcus Lock, Deputy County Attorney Tom Dill, and applicants Pete and Jeanne Glatiotis were present for discussion.

Chairperson Channell explained that this appeal was continued from August 5, 2008. County Planner Pagano confirmed that proper public notice had been completed.

Neighbors Richard and Katherine Haynes, residing at 123 CR 13, requested clarification between major and minor impacts. County Planner Pagano explained that a major impact classification includes an open-space requirement of 30% with an opportunity for increase while a minor impact classification does not require open space. As well, a major impact classification is given if the number of units totals five or more, while a minor impact classification is given if the number of units totals four or less. The processing times for these classifications typically range between four months and two years for minor impact and major impact, respectively. She also explained that the Board had the authority to reduce the impact classification from major to minor after evaluating the additional criteria available. Mr. Haynes stated his opinion that the Glatiotis' had been good neighbors and asked that the Board reduce the impact classification to minor so that the Glatiotis' could complete the subdivision sooner.

Attorney Lock provided no further comment.

Commissioner Starr stated that he was in agreement with the request after evaluating all additional criteria. Chairperson Channell also acknowledged that he considered the additional criteria before deciding that the overriding factors agreed with a minor classification. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the appeal by the Glatiotis Subdivision for William Glatiotis to change the classification from a major impact to a minor impact. Motion carried unanimously.

COMMISSIONERS' MEETING REPORTS: (This discussion began earlier than scheduled due to a break in the schedule.)

Commissioner Starr:

1. North Gunnison Division of the Gunnison County Water and Sewer District Delinquency Report. Commissioner Starr requested that County Manager Birnie closely monitor the status of the accounts in this report.
2. Transportation Safety Administration (TSA). Commissioner Starr reported that the Board met with a TSA representative to discuss anticipated staffing shortfalls as a result of increased winter flights. The TSA has agreed to double the personnel commitment for the 2008 winter season.
3. Rural Transportation Authority (RTA). Commissioner Starr attended a recent RTA meeting and provided the following updates:
 - a. The preliminary report for the updated transportation plan had been received; the RTA expects to receive the final report in October. He noted that individual park-n-rides may be pursued; however, Brush Creek Road may not be included because of its close proximity to Crested Butte.
 - b. During a financial report, RTA Executive Director Scott Truex estimated that the RTA will experience a 12% reduction in revenue during 2008.

- c. The RTA hopes to generate support for the reauthorization of the RTA tax, which is on the November 2008 ballot, by publishing information in the local newspapers. Due to the increase of mail-in voting, the RTA will begin this information campaign as soon as possible.
- d. The RTA busses continue to experience operational problems. A factory representative is now working to correct this situation and progress is being made. All busses should be fixed prior to the RTA's September meeting and a manufacturer's representative is scheduled to be in attendance at that meeting. If the busses are not corrected by this deadline, they will be replaced before the October meeting.

APPEAL OF THE LUCKY JACK DISCHARGE PERMIT(S); DISCUSSION AND POSSIBLE ACTION; POSSIBLE EXECUTIVE SESSION: Deputy County Attorney Dill was present for discussion.

Deputy County Attorney Dill explained that the water treatment facility was granted a new discharge permit by the State, including higher standards for compliance, but that no security or financial emergency plan was addressed. He requested that he and County Attorney Baumgarten be given permission to join Crested Butte's appeal of the permit based on the omission of an emergency financial plan.

Commissioner Starr expressed his concern that continued operation and plant failure were not addressed in the permit; however, Deputy County Attorney Dill explained that the County does not have the explicit power to require security.

Chairperson Channell felt that the permit should address security so that the plant could continue operation if the current owner, or future owner, deserts the plant. He felt that operational security should be addressed in order to protect the public from contaminated material entering the creek. He also requested additional specific financial information.

Commissioner Swenson stated that the Board accepted a responsibility to ensure the public health and safety of the citizens in our communities, and agreed that the County should join the appeal.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize the joiner of the County with the appeal of the Lucky Jack Discharge Permit for the water treatment plant with the Town of Crested Butte. Motion carried unanimously.

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

Commissioner Starr (continued):

4. Rocky Mountain Biological Laboratory (RMBL) Dinner. Commissioner Starr reported that he attended this dinner during the previous week. During the dinner, he learned that some of the cabin improvements could not be completed due to ISDS issues, but that those issues are being addressed through the Planning Department. He noted that a great deal of work is being done at the lab, while a maximum number has been set for allowing persons to work there in the summer so that impacts can be minimized. The lab is moving forward with research on climate disruption issues.
5. Crested Butte Temporary Animal Shelter. Commissioner Starr informed the Board that an ISDS system for this facility, the future substation, and the County shops looks plausible to all parties. He noted that the installation of the line, which must be 8'-0" below the surface, and the shared-trench will have associated costs; the team is evaluating different methods in order to minimize those costs. A waterline from the school facility that would run diagonally underneath the highway and up to the site was one proposal, while the line may also be run on a portion of private property. Since the line would serve the substation and the County shops, Commissioner Starr stated that he may ask for a County contribution.

Commissioner Swenson:

1. County Animal Shelter. Commissioner Swenson stated that the task force had suspended meetings until fundraising goals had been met, but that the group was preparing for another meeting. She reported that Gunnison Valley Animal Welfare League (GVAWL) President Deb Callihan had resigned from the GVAWL board due to a pressing need to care for an ill relative. GVAWL Secretary Lora VanRenselaar will assume much of Ms. Callihan's duties until the position can be filled. She noted that the shelter project will be phased with the first of those phases costing approximately \$500,000.
2. Mayors/Managers Meeting. Commissioner Swenson attended this recent meeting that was hosted by the Gunnison School District. During the meeting, Upper Gunnison River Water Conservancy District Manager Frank Kugel stated that the water table is lower than expected; Western State College President Jay Helman informed the attendees that the college was experiencing enrollment and retention issues; Gunnison School District Superintendent Jon Nelson stated that the District was working on issues related to the upcoming bond and the change in school administrators; and Town of Mt. Crested Butte Town Manager Joe Fitzpatrick reported that the Town's sales tax collections were up 10%.

3. Senator Ken Salazar's Town Hall Meeting on Health Care. Commissioner Swenson stated that she attended this meeting at the Gunnison Valley Hospital, along with approximately 35 other local citizens representing a good cross-section of community members. She noted that much of discussion was related to single payer healthcare and that most of the persons attending the meeting were in favor of single payer healthcare.
4. Division of Wildlife (DOW) Prairie Dog Meeting. Commissioner Swenson stated that a management plan is not yet available for review.
5. Gunnison Sage-grouse Conservation / Antler Shed Season. Commissioner Swenson explained that Antler Shed Season discussions and decisions will be reevaluated since there has been much opposition and confusion surrounding the Strategic Committee's recommendation to the State and sportsman's groups misunderstanding of what was recommended. As well, the DOW voiced a preference toward full closure on antler shed collection from nightfall through 9:00 am during March 15th through May 15th of each year, while the Wildlife commission would prefer to institute the same dates for closure without allowing collection from 9:00 am until nightfall. There was additional confusion surrounding the possible need to define antler shed vs. antler collection. After much discussion outside of the Strategic Committee, a subgroup has decided to propose a 10:00 am closure between the dates of March 15th and May 15th of each year with a full closure between January 1st and March 15th of each year; that proposal is anticipated to be presented during the September 10, 2008 Strategic Committee meeting. If agreeable, the closure dates and times will be recommended to the Wildlife Commission. Per County Manager Birnie, Gunnison Sage-grouse Conservation Coordinator Jim Cochran felt that compliance would improve with limited closures.

VISITOR; 7TH JUDICIAL DISTRICT, DISTRICT ATTORNEY MYRL SERRA; 7TH JUDICIAL DISTRICT 2007 AUDIT AND 2009 BUDGET DISCUSSIONS: 7th Judicial District Attorney Myrl Serra was present for discussion.

DA Serra presented 7th Judicial District felony and drug caseload data for 2003 through 2007, as compiled in a study that was performed by Mesa County. He noted that the increased workload has burdened his staff and that there has been an increase in drug-related offenses, domestic violence and assault cases. He also provided copies of the 7th Judicial District's 2007 financial audit and 2009 budget for discussion.

DA Serra stated that all of his staff members now live within the district, with the exception of one attorney who is living in Grand Junction and commuting to Delta. He informed the Board that Ouray had not yet provided office space, so staff members are forced to travel more in order to meet that area's needs. Extensive cases that are projected for trial dates near the end of the year will require expensive expert testimony. He also informed the Board that the retention of attorneys in his office has improved.

County Manager Birnie stated that he will discuss DA Serra's budget requests with the other County Managers within the 7th Judicial District.

LUNCH BREAK: The meeting recessed from 12:02 until 2:13 pm for a lunch break and to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the July 2008 Treasurer's Monthly Report and an Investment Report dated July 31, 2008 for discussion and acceptance. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to accept the Treasurer's Monthly Report for July 2008. Motion carried unanimously.

WARRANTS AND TRANSFERS: Assistant Finance Director Ben Cowan presented the Warrant Report dated August 19, 2008; the Cash Transfer Authorization dated July 2008; and a County Taxable Sales Report for the year ending December 31, 2008 for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the warrant report dated August 19, 2008 in the amount of \$1,346,651.91. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Cash Transfer for July 2008 in the amount of \$2,064,597.04. Motion carried unanimously.

ENFORCEMENT ISSUE; FINAL REPORT ON McFAUL RESIDENCE: County Building Inspector Rich Wojdakowski was present for discussion.

County Building Inspector Wojdakowski informed the Board that an inspection of this property had occurred, during which time he received a check from Mr. Andrew McFaul for the additional square footage and fees. A large room was determined to serve as office space and cannot be used as a bedroom because it has no egress to the outside of the structure. He explained that the final electrical inspection can be completed once the sheet rock work has been done. He also stated that he would prefer to suspend the fireplace inspection, with the condition that it cannot be used until it has been inspected. Mr. McFaul has reportedly settled this matter with his homeowners' association.

Chairperson Channell asked whether or not the cost to the County to enforce this issue will be recovered by the fees paid. County Building Inspector Wojdakowski explained that costs for work performed by the

County's building department are calculated at \$42.00 per hour; County Manager Birnie felt that \$42.00 may not adequately cover the County's actual costs. Chairperson Channell expressed his opinion that the County should be allowed to recover costs associated with enforcement issues, in addition to collecting penalty fees. County Manager Birnie felt that the consistency of imposing fines associated with enforcement issues will improve developer compliance. County Building Inspector Wojdakowski also suggested that the County discuss the possibility of instituting permit application fees as much work is performed by his department to process permits, while many of those permits are left abandoned and unpaid in the Planning Department.

Commissioner Starr wanted to ensure that Mr. McFaul's case would not be used to set precedence for future owners who may be more apt to pay fees rather than abide by the County's building code.

LIBRARY SITE TRAIL IMPROVEMENT DISCUSSION; DRAFT AGREEMENT: Deputy County Attorney Dill, City of Gunnison City Manager Ken Coleman and City of Gunnison Director of Community Development Steve Westbay were present for discussion.

County Manager Birnie wanted to ensure that County Attorney Baumgarten had worked with City of Gunnison attorney Rod Landwehr on incorporating his comments. Chairperson Channell wanted to ensure that the donated land will be utilized in a manner consistent with the intent of the donation and requested that the draft agreement be reviewed by the Community Foundation of the Gunnison Valley, prior to being finalized, since the foundation accepted stewardship of the donor's intent.

City Manager Coleman informed the Board that the requested license is temporary, pending completion of the site plan, and that it is revocable by the County.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the granted license and agreement for easement, pending the County Attorney's approval and the Community Foundation of the Gunnison Valley's. Motion carried unanimously.

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

COMMISSIONERS MEETING REPORTS:

Chairperson Channell:

1. Rural Transportation Authority. Chairperson Channell informed the Board that some of the RTA members are nervous about the quality of the busses and the maintenance being performed on them. Members are also concerned about the warranty lapsing while repairs are being made. The warranty expires in the fall of 2009; the RTA will attempt to extend that warranty period.
2. Gunnison Country Partners. Chairperson Channell informed the Board that he is serving on a capital campaign task force to explore the feasibility of a facility capital campaign. A steering committee will be assembled to put the developed plan into affect. The new facility will have a residential appearance with enough offices and other spaces for mentors and kids to meet and recreate.
3. 1041 Discussions. Chairperson Channell stated that he would prefer to conclude this series of meetings by the end of August so that the Planning Commission can begin the appropriate evaluation.
4. Office for Resource Efficiency (ORE) Biomass Committee. Chairperson Channell informed the Board that he is serving on this three-person committee that is performing preliminary research on a manufactured fuel. The group will continue to strategize for feasibility of this fuel.
5. Gunnison County Substance Abuse Prevention Program (GCSAPP). Chairperson Channell informed the Board that a prevention education coordinator had been hired to serve as a liaison between the Gunnison RE1J School District and Western State College on substance abuse prevention issues, programs and events. A tobacco-use survey indicated that 18% of the households served by the Multi-cultural Office have tobacco users within their residence, which was much higher than what was expected. Parent and community surveys are planned for substance abuse.
6. State of Water. Chairperson Channell stated that the Board attended this informative meeting. He also stated that a RMBL researcher has identified a specific form of algae that is changing the biology of the area. The algae is thought to be transported to new areas via the use of felt waders.
7. Marble Charter School. Chairperson Channell informed the Board that the Marble Charter School has been added to the bond.
8. Housing Authority Executive Director Denise Wise. Chairperson Channell wanted to publicly thank Ms. Wise for the service that she has given to the County. He noted that she brought a much-needed perspective to Gunnison County and he wished her success in her future.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:17 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: 2008-35**

A RESOLUTION VACATING PORTIONS OF WARREN STREET AND 7TH AVENUE AND THE ALLEYS WITHIN BLOCK 27 AND BLOCK 30, LAVETA ADDITION TO THE TOWN OF PITKIN, COUNTY OF GUNNISON, COLORADO

WHEREAS, Gunnison County, by virtue of Colorado law, has the authority to vacate any roadway within said county that is not within the limits of a city or town; and

WHEREAS, the LaVeta Addition, though referred to as an addition to the Town of Pitkin on the plat recorded with the Gunnison County Clerk and Recorder’s Office, has never officially been accepted nor recognized as part of the Town of Pitkin and is located in the unincorporated area of Gunnison County; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein the “Board”) has determined that not all roadways are necessary for public access to the privately-owned property within the LaVeta Addition; and

WHEREAS, the Board has received a petition from property owners of lots within Blocks 27, 28, 29 and 30, LaVeta Addition to the Town of Pitkin, requesting to vacate the following:

That portion of Warren Street lying between and adjacent to Lots 17 through 32, Block 27, inclusive, Lots 53 through 68, inclusive Block 28, Lots 72 and 73, inclusive, Block 29 and Lots 3 and 4, inclusive, Block 30 and across 7th Avenue between Blocks 27, 28, 29 and 30; and

That portion of 7th Avenue commencing from the northeasterly corner of Lot 1, Block 27 traveling along the southerly boundary line of Union Street easterly across 7th Avenue to the northwesterly corner of Lot 2, Block 30 then traveling southerly along the westerly boundary line of Lot 2, Block 30 across the alley lying within Block 30 across Warren Street to the southwestly corner of Lot 72, Block 29 then traveling westerly across 7th Avenue to the southeasterly corner of Lot 68, Block 28 and then traveling northerly along the easterly boundary line of Lot 68, Block 28 across Warren Street to the southeasterly corner of Lot 32, Block 27 then traveling northerly along the easterly boundary line of Lot 32, Block 27 across the alley within Block 27 to the northeasterly corner of Lot 1, Block 27; and

The entire alley lying within Block 27 adjacent to Lots 1 through 32, inclusive; and

That portion of the alley lying within Block 30 adjacent to Lots 1 through 4, inclusive;

All lying within the La Veta Addition to the Town of Pitkin according to the official plat filed with the Gunnison County Clerk and Recorder’s Office, County of Gunnison, State of Colorado; and

WHEREAS, a public hearing has been held regarding this matter and certain recommendations and conditions were considered and made regarding the above requested vacations; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following be and the same hereby are vacated:

That portion of Warren Street lying between and adjacent to Lots 17 through 32, Block 27, inclusive, Lots 53 through 68, inclusive, Block 28, Lots 72 and 73, inclusive, Block 29 and Lots 3 and 4, inclusive, Block 30 and across 7th Avenue between Blocks 27, 28, 29 and 30; and

That portion of 7th Avenue commencing from the northeasterly corner of Lot 1, Block 27 traveling along the southerly boundary line of Union Street easterly across 7th Avenue to the northwesterly corner of Lot 2, Block 30 then traveling southerly along the westerly boundary line of Lot 2, Block 30 across the alley lying within Block 30 across Warren Street to the southwesterly corner of Lot 72, Block 29 then traveling westerly across 7th Avenue to the southeasterly corner of Lot 68, Block 28 and then traveling northerly along the easterly boundary line of Lot 68, Block 28 across Warren Street to the southeasterly corner of Lot 32, Block 27 then traveling northerly along the easterly boundary line of Lot 32, Block 27 across the alley within Block 27 to the northeasterly corner of Lot 1, Block 27; and

The entire alley lying within Block 27 adjacent to Lots 1 through 32, inclusive; and

That portion of the alley lying within Block 30 adjacent to Lots 1 through 4, inclusive;

All lying within the La Veta Addition to the Town of Pitkin according to the official plat filed with the Gunnison County Clerk and Recorder's Office, County of Gunnison, State of Colorado.

FURTHERMORE, this Resolution shall be effective and is contingent upon the following understanding and conditions:

1. It is the specific intent of the Board that the above described vacated alleys and portions of streets should accrue to and vest in the record owners pursuant to the provisions of § 43-2-302, C.R.S.
2. The vacation of the above described alleys and portions of streets will become effective only upon the recording on the records of the Clerk and Recorder of Gunnison County, Colorado of the Lot Cluster Agreement executed by Gunnison County and the owner of Lots 1 through 32, inclusive, Block 27, Lots 53 through 68, inclusive, Block 28, Lots 72 and 73, Block 29 and Lots 1 through 4, inclusive, Block 30, LaVeta Addition to the Town of Pitkin, County of Gunnison, State of Colorado, clustering said lots and alleys and portions of streets vacated herein.
3. The vacation of the above described alleys and portions of streets will become effective only upon the recording on the records of the Clerk and Recorder of Gunnison County, Colorado of an easement from Petitioner granting an easement for access and/or utilities, 16 feet in width, through the centerline of the existing road in Block 27.
4. This resolution shall not be recorded until all the above conditions have been satisfied and this resolution shall not be effective until it has been recorded with the Gunnison County Clerk and Recorder's Office.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Channell – yes; Swenson – yes; Starr – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2008-36**

A RESOLUTION ADOPTING THE GUNNISON COUNTY EMERGENCY OPERATIONS PLAN

WHEREAS, in the best interest of public health, safety and welfare of the citizens and visitors of Gunnison County, Colorado, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") has implemented an emergency management system by initially adopting Resolution No: 1988-10, A Resolution Establishing An Emergency Management Program For Gunnison County And Creating The Office Of Emergency Services Director and thereafter adopting Resolution No: 2008-15, A Resolution Establishing Gunnison County Emergency and Disaster Management and Procedures; and

WHEREAS, in conjunction with the adoption of the above referenced Resolutions, Gunnison County has created a comprehensive disaster emergency plan pursuant to the "Colorado Disaster Emergency Act of 1992", C.R.S. § 24-32-2100, et. seq., which is titled, "Gunnison County Emergency Operations Plan", dated August 19, 2008 (herein the "Emergency Operations Plan"); and

WHEREAS, the Emergency Operations Plan provides general guidelines and principles for managing and coordination the overall response and recovery activities before, during and after major emergencies and disasters that affect unincorporated areas of Gunnison County, and also include incorporated areas of Gunnison County which have agreements with and/or rely on Gunnison County for the provision of emergency management assistance; and

WHEREAS, the Emergency Operations Plan provides clarification and guidance on the National Incident Management System, concept of operations, designated roles and responsibilities, continuity of government and plan maintenance, training and exercises; and

WHEREAS, to more specifically address emergency support functions and operations, define types of disasters and the appropriate response procedures, and to identify other emergency support resources, there are annexes attached and incorporated within the Emergency Operations Plan. It is

anticipated that the annexes will be amended at times in order to reflect changes in information, procedure and techniques; and

WHEREAS, the personnel, departments, agencies and other entities that have designated roles and responsibilities identified in the Emergency Operations Plan have accepted or will accept said roles and responsibilities in Section 1 of the Emergency Operations Plan titled "Letter of Promulgation, Distribution and Acceptance Gunnison County Emergency Operations Plan – Letter of Promulgation and Distribution"; and

WHEREAS, the Board has reviewed the Emergency Operations Plan and believes that it is a crucial and necessary guidance tool for emergency management and it is in the best interest of public health, safety and welfare of the citizens of Gunnison County, Colorado that is be utilized.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the "Gunnison County Emergency Operations Plan", with incorporated annexes as they may be amended, dated August 19, 2008 shall be and hereby is adopted as the primary guidance tool for emergency management for Gunnison County, Colorado as of the date of execution of this resolution.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Swenson – yes; Starr – yes