

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 25, 2008**

The November 25, 2008 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson - ABSENT
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: Vice-Chairperson Swenson called the meeting to order at 9:22 am.

AGENDA REVIEW: Consent Agenda Items #9 and #10 were stricken from the agenda, per the request of the County Attorney's Office. These items will be rescheduled for the December 9, 2008 Consent Agenda.

CONSENT AGENDA: Vice-Chairperson Swenson requested that Consent Agenda Item #1 be pulled from consideration due to conflicting dollar figures on the contract; County Manager Birnie agreed to clarify this issue with Gunnison County Substance Abuse Prevention Program Coordinator Jere Thomas and then report back to the Board with additional information.

Commissioner Starr asked that Consent Agenda Item #8 be pulled from consideration and requested additional information relative to other funding sources for this program; County Manager Birnie explained that the Upper Gunnison River Water Conservancy District and the City of Gunnison have agreed to contribute funding. County Manager Birnie also stated that some monies should be received from the State of Colorado, but that the amount was unknown. Commissioner Starr appreciated the supplemental information and felt comfortable with allowing the item to remain on the Consent Agenda.

Commissioner Starr also requested that Consent Agenda Item #13 be pulled from consideration to allow for additional discussion.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Consent Agenda, excluding Items #1, #9, #10 & #13. Motion carried.

1. Acknowledgment of County Manager Signature; Ice Rink Advertising Agreement; Gunnison Valley Hockey Association; November 1st thru March 15th of Each Year
2. Acknowledgment of County Manager Signature; Reimbursement Agreement; Gunnison/Hinsdale Youth Services, Inc.; Bright Beginnings Program, \$3,665; Nurturing Parenting Program, \$1,500
3. Acknowledgment of County Manager Signature; Corporate Membership Agreement; Main Street Gym; Gunnison County Employee Memberships; Calendar Year 2009
4. Corporate Membership Agreement; Colorado Fitness; Gunnison County Employee Memberships; Calendar Year 2009
5. Corporate Membership Agreement; The Gym; Gunnison County Employee Memberships; Calendar Year 2009
6. Petition for Abatement or Refund of Taxes; 120 Elk Avenue; Sherman St. Holdings, LLC; 2007 Tax Refund of \$7,348.45
7. Petition for Abatement or Refund of Taxes; Tract 3 Wilson #2 Subdivision #483087 #511893; Jeffrey A. and Charmaine Clarke Trust #1; 2007 Tax Refund of \$2,073.46
8. Fixed Price Agreement for Cloud Seeding Professional Services; North American Weather Consultants; 11/15/08 thru 4/15/09
9. Resolution; Authorizing the Conveyance of the Van Tuyl Property to the Gunnison County Library District
10. Special Warranty Deed; Gunnison County Library District
11. Amendment to Lot Cluster Agreement and Declaration, Gunnison County, Colorado; Lots 3, 4, 5, 14, 15, and 16, Block 6, Irwin Townsite; Sinclair Buckstaff, Jr. and Dee A. Buckstaff
12. Consulting Agreement; Lewan & Associates, Inc.; Purchase and Installation of SAN's
13. Donation Agreement; Silver Springs Ranch, Inc.; 1.1 Acres of Vacant Land Located Near the Intersection of Ohio Creek and Highway 135
14. Grant Agreement; State of Colorado Governor's Office of Homeland Security (OHS) State Homeland Security Grant Program; 10/1/08 thru 3/31/10; \$707,732
15. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract; 7/1/08 thru 6/30/09
16. Provider Agreement; Susan Russell; Assessment, Service Planning, and Parental Education; 11/20/08 thru 11/19/2009
17. Airline Operating Agreement and Lease of Airport Facilities; Sky West Airlines, Inc.; Gunnison-Crested Butte Regional Airport; 11/1/08

CONSENT AGENDA ITEM #13: Commissioner Starr requested information relative to the number of park-n-ride spaces intended for this intersection. Assistant County Manager Marlene Crosby explained that this land donation would not affect the park-n-ride planned for the north side of the existing Ohio Creek Road. She also explained that the park-n-ride had been designed for 16 spaces, but that it was being redesigned to fit 32 spaces. Further, she stated that the land donor cannot deny the park-n-ride and/or improvements that are not included on this donated parcel of land. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve Consent Agenda Item #13, the land donation agreement. Motion carried.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Strategic Planning Update. County Manager Birnie informed the Board that the Public Works, Rodeo Grounds, and Facilities Maintenance departments had met for three days during the previous week to begin the process of creating Strategic Business Plans for their individual departments. The group will again meet during the second week of December, and then again in January to finalize the three separate plans. County Manager Birnie felt that the group was well engaged and participatory, and that Marty Weidner, facilitator for the process, delivered a quality product. To develop strategic plans for other County departments, County Manager Birnie will continue to group similar offices together in order to minimize facilitation costs. In January 2009, the Administration, Finance, and Personnel departments will begin the process; the County Attorney's Office may join the group. Assistant County Manager Crosby agreed that the facilitator was beneficial to the process as the exact language produced was difficult for the participants to derive. County Manager Birnie noted that all departmentally drafted Strategic Business Plans will be discussed with the Board during Work Sessions prior to seeking adoption by the Board. The departments' Strategic Business Plans have and will continue to be discussed during Executive Staff Meetings to ensure that all plans reflect the Gunnison County Strategic Plan, as adopted by the Board on May 20, 2008.
2. Internal Environmental Issues Group. County Manager Birnie reported that he had been approached by many staff members expressing interest in assembling a staff-based group that would focus on internal County environmental concerns. Assistant Finance Director Ben Cowan and Geographic Information Services Manager Mike Pelletier have volunteered to be part of this group, while also participating in the Office for Resource Efficiency's working group. This staff-based group will serve to address those concerns which the County can address internally.
3. Staffing Review for the County Clerk and Recorder's Office. County Manager Birnie reported that he had spoken with Dennis Hunt, Management Consultant for CTSI, about performing a staffing review. County Manager Birnie will continue these discussions and then report to the Board as more information is available.
4. Crested Butte South; Cement Creek Intersection. County Manager Birnie reported that CB South Manager Chris Behan had requested time on a Board agenda to discuss the intersection at Cement Creek. County Manager Birnie stated that he would prefer to suspend discussions with the Board until the results of an impact study have been provided as he felt that the County should focus on the source of any impacts, regardless of property boundaries. Assistant County Manager Crosby confirmed that she had solicited additional comments from the State, but had not yet received a reply. Commissioner Starr and Assistant County Manager Crosby noted that this issue first began as a park-n-ride discussion. This issue will be scheduled on an early 2009 Board agenda.
5. Gunnison Fire Department Land Request. County Manager Birnie informed the Board that Gunnison County Fire Protection District Fire Chief Dennis Spritzer would be present later in the meeting to discuss the Fire Department's request for a portion of land behind the current fire station. A decision will not be requested; rather Chief Spritzer would like to ascertain initial Board support for this request prior to delving too deeply into the project.

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

1. Kebler Pass Closing. Assistant County Manager Crosby informed the Board that her crews had barricaded Kebler Pass in an effort to protect drivers who may not be familiar with the pass. While not physically closed, travelers may use the pass at their own risk. Commissioner Starr requested that Public Works confirm warning signage at the entrance to the pass as he had not noticed any such signage on a recent trip. Assistant County Manager Crosby will also verify whether or not the County owns signage stating, "Icy Road Ahead" for use on the pass.
2. Motorized Use on Kebler Pass. Assistant County Manager Crosby informed the Board that her department had allowed residential use of snow cats on Kebler Pass, since it had historically been identified as a motorized corridor. She requested permission to continue granting these permissions, in lieu of individual requests being reviewed by the Board. The Board agreed that these permissions should be evaluated and approved by Public Works, unless accidents or other concerns present themselves. Assistant County Manager Crosby will include a statement in any permissions granted that states that future increased usage may necessitate formal permitting.

TOWNHOME PLAT APPROVAL; UNIT C, OWL'S NEST TOWNHOMES, SKYLAND; SCOTT AND KRISTI HARGROVE: County Planner Cathie Pagano and attorney David Leinsdorf were present for discussion.

County Planner Pagano presented this application for discussion and approval. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the town-housing of Owl's Nest Townhomes, Building C, as Unit C of Owl's Nest Townhomes in Gunnison County and authorize the Chair's signature on the plat. Motion carried.

BOUNDARY LINE ADJUSTMENT; SECTIONS 26 AND 27, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M.; GARY WAGNER: County Planner Pagano was present for discussion.

County Planner Pagano presented this Boundary Line Adjustment request, and explained that, if granted, it would reflect the second adjustment for this same property. She also explained that this request was filed in anticipation of selling one of the parcels. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Wagner Boundary Line Adjustment and authorize the Chair's signature on the plat. Motion carried.

SUBDIVISION EXEMPTION AND BOUNDARY LINE ADJUSTMENT; SECTIONS 26 & 35, T48N, R6W, N.M.P.M., GENERALLY LOCATED TWO MILES SOUTH OF HIGHWAY 50 ON LITTLE CIMARRON ROAD, ON THE MONTROSE/GUNNISON COUNTY LINE; SHEPARDSON: Assistant Planning Director Neal Starkebaum was present for discussion.

Assistant Planning Director Starkebaum presented this request for discussion and approval. He noted that the parcel, split between Montrose and Gunnison Counties, was created in the late 1970's. Two separate plats, previously signed by Montrose County, were provided. He explained that one of the plats would be recorded in Montrose County while the other would be recorded in Gunnison County. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Shepardson exemption and authorize the Chair's signature on the plat. Motion carried.

BREAK: The meeting recessed from 10:22 until 10:37 am.

WASHINGTON GULCH TRAVEL MANAGEMENT; SNOW CAT POLICY DECISION: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten presented a draft resolution for discussion and approval. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve Resolution #2008-49, a Resolution Regarding Snowcat Use on County Road 811, Washington Gulch Road. Motion carried.

BREAK: The meeting recessed from 10:44 until 11:07 am.

GUNNISON FIRE DEPARTMENT LAND REQUEST: Gunnison County Fire Protection District Fire Chief Dennis Spritzer and City of Gunnison Assistant Fire Marshall Hugo Ferchau were present for discussion.

Chief Spritzer explained that the Fire Department would like to obtain a County-owned portion of land, approximately 12,000 square feet total, located behind the Gunnison Fire Department in order to either expand the current facility or erect a separate structure. He also confirmed that a boundary line adjustment has been applied for, and that the land would be restricted from selling separately in the future.

County Manager Birnie explained that he had asked Chief Spritzer to discuss this plan, which will require some ditch work if pursued, with the Board prior to proceeding with the project, in order to get an initial feel for the possibility of eventual approval by the Board. County Manager Birnie confirmed that both Assistant County Manager Crosby and Rodeo Grounds Manager Melody Roper had been asked to comment, and that a Quit Claim Deed would be necessary in order to finalize this request.

TREASURER'S MONTHLY REPORT: Treasurer Melody Marks presented the Treasurer's Monthly Report for October 2008 for discussion and acceptance. She also presented a 2002-2008 Tax Sales Statistics report for discussion. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to accept the Treasurer's Monthly Report for October 2008. Motion carried.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Cash Transfer Authorization report for October 2008 and the monthly Warrant Report for discussion and approval. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Warrant Report for warrants through November 25, 2008 in the amount of \$1,189,089.72. Motion carried. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Cash Transfer Authorization in the amount of \$2,886,190.94. Motion carried.

2009 GUNNISON COUNTY FINANCIAL AUDIT; AUDITOR SELECTION: Finance Director Nienhueser was present for discussion.

Finance Director Nienhueser provided two different vendors' bids for the 2009 Gunnison County Financial Audit and asked the Board to select one of the vendors to perform the audit. She explained that requests for bid were sent to approximately nine vendors, but that only the two provided bid packages were returned to her. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to accept the audit proposal for McMahan & Associates, LLC to provide the accounting services for the County for the 2008 audit and that we authorize expenditure up to \$51,220 for that audit. Motion carried. The bid contract was mistakenly signed by the Board earlier in the meeting. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to ratify the Board's signatures on that contract. Motion carried.

BREAK: The meeting recessed from 11:53 am until 1:13 pm for a lunch break.

CODE ENFORCEMENT; STOP WORK ORDER DATED 1/7/08; PHILLIP SCHMIDT AND CLEO DUNCAN: County Attorney Baumgarten requested, earlier in the meeting, that this discussion be pulled from the agenda. A future report to the Board will be scheduled.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONERS MEETING REPORTS:

Commissioner Starr:

1. Tourism Association Funding from Mt. Crested Butte. Commissioner Starr reported that he and County Manager Birnie met with Mt. Crested Butte Town Manager Joe Fitzpatrick, Mt. Crested Butte Mayor William Buck, Tourism Association President Joellen Fonken, and Tourism Association Director Jane Chaney during the previous afternoon to discuss Mt. Crested Butte's continued funding of the Tourism Association. He explained that Mt. Crested Butte expressed a desire for accountability relative to its \$250,000 annual contribution to the Tourism Association. Much of the discussion during the meeting encompassed a difficulty in evaluating the success of the Tourism Association's marketing campaign. Some of the participants agreed to propose, within the next couple of weeks, metrics that will be used for this type of evaluation. County Manager Birnie felt that Mt. Crested Butte's concerns and requests were valid. Commissioner Starr felt that the Tourism Association now has a better understanding of Mt. Crested Butte's concern as well as the Tourism Association's fiduciary responsibilities.

Commissioner Swenson:

1. Gunnison Sage-grouse Strategic Committee. Commissioner Swenson reported that the antler shed closure season issue was presented to the Colorado Wildlife Commission on 11/13/08; the commission decided to utilize a two-step process beginning in January. Vice-Chairperson Swenson also reported that Vicky Spencer had resigned her position as an alternate on the Gunnison Sage-grouse Strategic Committee due to her impression of not being kept informed. Vice-Chairperson Swenson felt that the Board may want to consider how members are appointed to the committee in the future. She also informed the Board that the committee's strategic plan should be adopted by the committee at their December meeting. The plan will then be subject to public comment prior to proposed adoption by the Board.

ADJOURN: **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 1:32 pm.

(Absent from meeting – no signature)

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. 2008-49**

A RESOLUTION REGARDING SNOWCAT USE ON COUNTY ROAD 811, WASHINGTON GULCH ROAD

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has the authority, pursuant to C.R.S. 18-9-117 and other statutes, to adopt orders, rules and regulations restricting or limiting the use of public property as to time, manner and permitted activities, and use of all vehicles as to place, time and manner of use; and

WHEREAS, the Board desires to control use of snowcats on County Road 811, Washington Gulch Road, to promote public health, safety and welfare; and

WHEREAS, the Board desires to memorialize in writing its decisions regarding such use;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO AS FOLLOWS:

1. The Board forbids any person to use County Road 811, Washington Gulch Road, or any part of that Road, by snowcat without prior written approval of the Board.

2. Any determination by the Board whether to allow use of County Road 811, Washington Gulch Road, by snowcat shall include consideration: a. of the recommendation of the Washington Gulch work group; b. whether such use is for commercial purposes; and c. discouragement of motorized use during Winter months. In addition, any determination to allow snowcat use shall require that any such use is consistent with any necessary U.S. Forest Service permit(s).

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 25th day of November, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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