

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 20, 2009**

The January 20, 2009 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

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

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

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:00 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Starr, seconded by Chairperson Swenson to approve the minutes from our meetings on December 22nd and December 23rd, as presented. Commissioner Channell requested a ministerial correction to the minutes of the December 23rd meeting and all agreed to the change. Commissioner Starr changed his motion to reflect "as amended" and Chairperson Swenson seconded the amended motion. Motion carried. (Commissioner Channell did not vote to approve the minutes of either meeting since he was not in attendance for those meetings.)

CONSENT AGENDA: Commissioner Channell requested that Item #4 be pulled from the Consent Agenda for further discussion and consideration. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda, exclusive of Item #4, and authorize signatures. Motion carried unanimously.

1. Acknowledgement of County Manager Signature; Housing Needs Assessment Grant Contract
2. Acknowledgment of County Manager Signature; Independent Consultant Agreement; Between Gunnison County, Colorado and McBride Dale Associates, Inc.; Planning Commission Retreat
3. Addendum to Development Improvements Agreement for extension of work completion date of the Glen Subdivision
4. 2009 Memorandum of Agreement; Gunnison County Pioneer and Historical Society; Community-Based Organization Funding; \$3,800
5. Intergovernmental Agreement between Gunnison and Hinsdale County re the Provisions of Human Services to the Residents of each County
6. Release of Deferral of Payment Agreement; Joseph Matyk and Christine VanErp-Matyk; Workforce Linkage Fee
7. Resolution; Adopting a Policy in Accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act, Section 906 Cranston-Gonzalez Affordable Housing Act of 1990

CONSENT AGENDA ITEM #4: Commissioner Channell requested that this be pulled for further discussion due to the change in Chairperson designation. Commissioner Starr felt that the titles on the signature page could be lined through and manually corrected. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Item #4 on the Consent Agenda with changing those signature indications. 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 Needs Assessment. County Manager Birnie confirmed that the contract had been received from the State and that he had signed it, as reflected by Consent Agenda Item #1. He stated that this would now allow the County to negotiate timeline and scope of work with the selected vendor. He agreed to update the Board at a later date with respect to the selected vendor as a contract was not final.
2. Draft Gunnison Valley Energy Action Plan. County Manager Birnie stated that the document was sent from ORE via email. Commissioner Channell requested a copy as he did not receive the email. Modifications to the document were already being suggested. County Manager Birnie felt that the reporting from the various planning groups was interesting. He also noted that the County's planning group may take on some cross-jurisdictional issues instead of creating a separate group to cover those.
3. Strategic Business Plan; County Administration Department. County Manager Birnie stated that this group would complete the process by the end of the week and that the Finance, Personnel, and County Manager's offices would have limited staff members available until the plan was completed. A work session in February will include an update on the Board's Strategic Business Plan, which was already realizing some benefits.

4. **Board Retreat.** County Manager Birnie asked whether or not the Board would like to schedule a Board retreat for the near future. He agreed to follow up with an email to the Board sometime during the next week.

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

1. **Recycling Programs.** Assistant County Manager Crosby stated that recent newspaper articles had been printed due to the economic downturn. She stated that glass had not yet been affected, while paper and all other efforts had. While some communities are considering whether or not the benefits of recycling outweigh the work involved, she expressed her opinion that the programs were beneficial, if for no other reason than saving landfill space. She confirmed that the County did not have available covered storage to stockpile products until the prices rise, so the County is selling products at a reduced rate. Commissioner Channell asked her to provide a price comparison for the amount of product that is not sent to the landfill. Commissioner Starr thanked Assistant County Manager Crosby for her continued commitment to the recycling program.
2. **Asphalt Pricing.** Assistant County Manager Crosby reported that the County may need to obtain asphalt from the State of Wyoming as she had not yet received information on what the pricing will be to obtain asphalt locally.
3. **Weed Commission.** Assistant County Manager Crosby stated that the group is moving forward and she thanked the Board for making the recent appointments as those individuals have brought a lot of energy to the group. The next meeting was scheduled to take place at the Fred R. Field Western Heritage Center on 1/28/09. Representatives from all municipalities, neighboring counties and governmental agencies have been invited to attend that meeting.

BUREAU OF LAND MANAGEMENT FEBRUARY 12, 2009 OIL AND GAS LEASE SALE: County Paralegal Rachel Magruder was present for discussion.

County Paralegal Magruder presented this to information to the Board for informational purposes only as she explained that there were no issues to protest. She also confirmed that no roadless areas were affected by this lease sale. The Board appreciated the information.

BREAK: The meeting recessed from 8:50 until 9:05 am.

REQUEST FOR EXTENSION OF FINAL PLAN; WHETSTONE BUSINESS PARK: Attorney David Leinsdorf and Whetstone Business Park representatives Mike Potoker and John Councilman were present for discussion. Commissioner Starr recused himself from the discussion and any subsequent vote due to a potential conflict of interest.

Attorney Leinsdorf explained that Whetstone Business Park plan was approved by the Board of 9/16/08 and that, per the Gunnison County Land Use Resolution (LUR), the final plan would need to be submitted by 9/16/09 unless a request is made to extend the deadline by six months. Attorney Leinsdorf confirmed Whetstone's request for a six-month extension for submission of the final plan due to the unavailability of the necessary capital investment at this time.

Commissioner Channell requested confirmation that the Planning Commission was aware of this request. Attorney Leinsdorf explained that a copy of the request had been submitted to Planning Director Joanne Williams and that she had not responded with opposition. **Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve a six-month extension of the deadline for submitting the final plan for the Whetstone Business Park to March 16, 2010. Motion carried. Commissioner Starr recused himself from the discussion and the vote.

Mr. Potoker stated that it is often difficult for a developer to gauge the marketplace due to the amount of time that it may take for the Board to approve the development. Attorney Leinsdorf also felt that the reevaluation of information by staff members was a waste of time and suggested that the LUR be amended to reflect the possibility of granting extensions of up to a year. Commissioner Starr felt that the Planning Commission should evaluate this possibility for amending the LUR.

LOT CLUSTER APPLICATION; MARBLE SKI AREA CONDOMINIUM, FILING NO. 1, LOTS 1 AND 2, COUNTY OF GUNNISON, STATE OF COLORADO; KEVIN E. PALANS: Planning Administrative Services Manager Beth Baker was present for discussion.

Planning Administrative Services Manager Baker presented this application to create one 3.30-acre lot. She confirmed that this application was routine, did not encompass any street or alley vacations, and that the utility companies were in agreement with the cluster. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Lot Cluster Agreement for Marble Ski Area Condominium, Filing No. 1, Gunnison County. Motion carried unanimously.

REPLAT OF CRYSTAL CREEK SUBDIVISION; FILING 2: Assistant Planning Director Neal Starkebaum and attorney John Belkin were present for discussion.

Assistant Planning Director Starkebaum explained that the replat included the deletion of Lot #17 as the cabin had been removed, the modification of lot lines affecting Lots #15 and #16, and the renaming of Aspen Trail to Sage Grouse Trail as approved by the homeowner's association. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the replat of the Crystal Creek Subdivision, Filing #2, as submitted and authorize the Chairperson's signature on the plat. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-02, a Resolution Approving a Change in Road Name for Crystal Creek Subdivision, Filing No. 1 and Crystal Creek Subdivision Filing No. 2 Aspen Trail to Sage Grouse Trail Gunnison County, Colorado and authorize signatures. Motion carried unanimously.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Cash Transfer Authorization report for December 2008 and the monthly Warrant Report for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the warrant report through January 20, 2009 in the amount of \$1,992,709.76. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Cash Transfers for December 2008 in the amount of \$1,952,351.74. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: Treasurer Melody Marks presented the Treasurer's Monthly Report for December 2008 and a corrected Treasurer's Monthly Report for November 2008 for discussion and acceptance. County Treasurer Marks noted that she had mistakenly not allocated interest in November, which prompted the corrected report. **Moved** by Commissioner Channell, seconded by Commissioner Starr to accept the Treasurer's Monthly Report for November, corrected, and for December 2008 and authorize the chairperson's signature. Motion carried unanimously.

BREAK: The meeting recessed from 10:04 until 10:28 am.

FOOD PANTRY FUNDING REQUEST: City of Gunnison City Manager Ken Coleman, City of Gunnison City Council member Bill Nesbitt, property owner Sharon Schlegel, and Food Pantry representatives Carl and Ruthie Long were present for discussion.

Chairperson Swenson reminded the Board that the Food Pantry had requested capital funding during the annual Community Based Organization (CBO) granting process. The Food Pantry had been renting space from Ms. Schlegel for the past several months and is in need of financial assistance to sustain the program. Ms. Long confirmed that the Food Pantry, which was run by the Gunnison County Health and Human Services Department prior to April of 2006, had been awarded a 501(c)3 non-profit status.

City Council member Nesbitt explained that he had recently spoken with many residents that were faced with deciding between purchasing either food or prescription medications as they did not have the means to purchase both. He informed the Board that a total of 3,631 citizens were assisted in 2008 with 1,500 boxes of food, 445 of which were given within November and December. He also explained that the Food Pantry is run by volunteers. Ms. Long confirmed that proof of residence is required for all recipients, and that no residents are denied assistance.

Ms. Schlegel explained that she had historically requested only minimal rent of \$450/month, which included the cost of utilities, because of a belief that the need would only be temporary. She expressed her desire for the Food Pantry to remain in the structure with a long-term lease of approximately \$1,000/month, which she considered to be a fair market value. City Council member Nesbitt stated that he would be willing to champion this funding request at the City Council, but he also acknowledged that this request was made outside of the City's budget cycle.

County Manager Birnie stated that the County could only make commitments through the current fiscal year. He also felt that the County could approve half of the \$10,500 rental expense for the remainder of 2009, which would allow sufficient time for the City to evaluate the funding request. Commissioner Starr felt that the County should help see the program through to the end of the year with the City agreeing to assist with the other half of the rental expenses.

Commissioner Starr felt that allocating \$5,520 was appropriate since the County has a responsibility to take care of the citizens. **Moved** by Commissioner Starr, seconded by Commissioner Channell to allocate \$5,250 to the Food Pantry for the purpose of providing rent for as long as possible, out of our discretionary funds. County Manager Birnie suggested that the County and the Food Pantry enter into a CBO contract to formalize this decision. Motion carried unanimously.

Commissioner Channell encouraged the expansion of the Food Pantry's board as he opined that many people within the community would be willing to accept a role on that board.

HABITAT FOR HUMANITY (HFH) FUNDING REQUEST: HFH Executive Director Julie Robinson and HFH board members Wolfgang Spohr and Don Wills were present.

Chairperson Swenson reminded the Board that HFH requested \$7,500 for tap fees during the CBO granting cycle and that the Board had held individual discussions with City of Gunnison council members about the sharing of assistance to HFH. She also confirmed that one tap exists on the property and that the City declined to waive the \$7,500 fee.

Moved by Commissioner Starr, seconded by Commissioner Channell to appropriate \$7,500 out of the Linkage Fee Fund to pay for the tap fees associated with the Habitat for Humanity project. County Manager Birnie suggested that this decision be formalized in a CBO contract. Motion carried unanimously.

GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE, GUNNISON SAGE-GROUSE STRATEGIC PLAN PRESENTATION AND RECOMMENDATION: Gunnison Basin Sage-grouse Strategic Committee member John Scott and County Attorney David Baumgarten were present for discussion. Mr. Scott informed the Board that Ken Stahlnecker, Chairperson for the Gunnison Basin Sage-grouse Strategic Committee could not attend due to a scheduling conflict.

Mr. Scott presented the plan, as approved and recommended by the committee, for discussion and asked that the Board schedule a Public Hearing to receive further public input. He noted that High Country Citizens' Alliance (HCCA) had abstained from the vote at committee level.

The Board agreed that a Public Hearing would be beneficial. The hearing was scheduled to begin on 2/17/09 at 4:00 pm in the Board of County Commissioners boardroom.

Modifications to the recommendation were discussed and agreed upon.

Commissioner Starr requested information on the status of the grouse's listing and the population counts for the past five years. Commissioner Channell requested data relevant to populations in other basins. **Moved** by Commissioner Starr, seconded by Commissioner Channell to set a Public Hearing for Tuesday, February 17th, at 4:00 pm, for the purpose of review and possible adoption by the Commissioners of the Gunnison Basin Sage-grouse Strategic Plan. Motion carried unanimously.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. Gunnison County Substance Abuse Prevention Program. Commissioner Channell confirmed that Jeri Thomas had resigned from her position and that the coalition had offered the position to Molly Mugglestone. Ms. Mugglestone accepted the position.
2. Mayors/Managers Luncheon. Commissioner Channell attended the recent meeting that was hosted by the Upper Gunnison River Water Conservancy District. During the meeting, he learned that Gunnison Valley Hospital is experiencing difficulty with account collections. He also learned that the City of Gunnison's ice rink revenues are exceeding projections.
3. Colorado Counties, Inc. (CCI). Commissioner Channell attended a CCI meeting on 1/16/09 that was very well attended. He provided general updates on the committees.
4. National Association of Counties. Commissioner Channell informed the Board that various NACO committees had vacancies.

Commissioner Starr:

1. Office for Resource Efficiency (ORE) Energy Summit. Commissioner Starr informed the Board that the summit was well attended and that each entity reported on progress within the various committees. He relayed that retrofitting rental units will be difficult as there is no incentive for owners to update the buildings since they are usually not responsible for paying the utilities bills.
2. Rural Transportation Authority (RTA). Commissioner Starr confirmed that all four busses had been operational for the previous couple of weeks and that bus service to Denver had been initiated.

Chairperson Swenson:

1. Wildlife Commission. Chairperson Swenson informed the Board that she attended a Wildlife Commission meeting during the previous week, during which she learned that the proposed antler shed season change had been approved by unanimous vote. Another Gunnison Basin Sage-grouse Strategic Committee work session has been scheduled to discuss the antler shed season.
2. Special Development Project Regulations. County Attorney David Baumgarten was present for discussion. Chairperson Swenson informed the Board that she had received a call from Perry Anderson regarding the SDPRs, during which he expressed concern about discussions held during executive sessions. County Attorney Baumgarten confirmed that executive sessions have an agenda during which no decisions can be made. Mr. Anderson requested information about when the details discussed during an executive session will be given to the public, but County Attorney Baumgarten stated that those details may never be released due to the reasoning

behind holding an executive session. Any modifications to the executive session agenda in question will be addressed during the SDPR meeting scheduled for 2/2/09.

3. Gunnison County Resident Turning 106. Chairperson Swenson questioned whether or not the County should draft a proclamation for Ms. Lena Costanzo as she is the oldest person currently living in the County. A celebration and proclamation were added to the 2/3/09 agenda, as Ms. Costanzo would be turning 106 on 2/4/09.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The Board of County Commissioners Regular Meeting adjourned at 11:52 am.

LOCAL MARKETING DISTRICT: Chairperson Swenson called the Local Marketing District meeting to order at 12:10 pm.

1. Memorandum of Agreement; Between the Gunnison/Crested Butte Tourism Association, the Town Council of Mt. Crested Butte, and the Board of the Gunnison River Valley Local Marketing District; Through 12/31/2009. Modifications to this agreement were made by the Mt. Crested Butte Town Council after the previous approval by the Local Marketing District. Those changes were discussed and agreed upon. **Moved** by Commissioner Starr to approve the Memorandum of Agreement involving the LMD, the Town of Crested Butte and the Tourism Association, as amended and as set forth in the agreement. Commissioner Starr withdrew his motion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to ratify the amendments to the Memorandum of Agreement dated January 7, 2009 among the Local Marketing District, the Tourism Association, and the Town of Mt. Crested Butte, and accept facsimile signatures on the final agreement. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Local Marketing District meeting adjourned at 12:15 pm.

GUNNISON COUNTY DETENTION CENTER INSPECTION: After adjournment of the meetings, the Board and County Manager Birnie performed an inspection of the Gunnison County Detention Center. Deputy County Clerk Haase and two members of the press were invited to observe the inspection.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, 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. 2009-01**

A RESOLUTION ADOPTING A POLICY IN ACCORDANCE WITH SECTION 519 OF PUBLIC LAW 101-144, THE HUD APPROPRIATIONS ACT, SECTION 906 CRANSTON-GONZALEZ AFFORDABLE HOUSING ACT OF 1990

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is seeking certain public funding regarding affordable and attainable housing and related tasks; and

WHEREAS, a condition of certain such funding is that, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act, Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990, the Board adopt and enforce a policy prohibiting the use of excessive force by law enforcement within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and has adopted and is enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction; and

WHEREAS, it is in the benefit of public health, safety and welfare that the Board adopt and enforce such policies;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

The Board adopts and shall enforce, in accordance with Section 519 of Public law 101-144, the HUD Appropriations Act, Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990, a policy prohibiting the use of excessive force by law enforcement within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

The Board further adopts and shall enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within unincorporated Gunnison County, Colorado.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 20th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009-02**

A RESOLUTION APPROVING A CHANGE IN ROAD NAME FOR CRYSTAL CREEK SUBDIVISION, FILING NO. 1 AND CRYSTAL CREEK SUBDIVISION, FILING NO. 2; ASPEN TRAIL TO SAGE GROUSE TRAIL; GUNNISON COUNTY, COLORADO

WHEREAS, the Crystal Creek Homeowners Association has requested that the road name of Aspen Trail, as shown on the plat of Crystal Creek Filing No. 1, Reception No. 409486, recorded with the Gunnison County Clerk and Recorder on September 7, 1988, and as shown on the plat of Crystal Creek Filing No. 2, Reception No. 580895, recorded with the Gunnison County Clerk and Recorder on December 10, 2007, be changed to Sage Grouse Trail; and

WHEREAS, the name change will eliminate a duplicate road name in Gunnison County and will provide for accurate emergency service addressing and timely response;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the change in road name is hereby approved.

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

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 20th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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