

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 3, 2009**

The February 3, 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 8:02 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the December 9, 2008 Regular Meeting minutes. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the January 13, 2009 Special Meeting minutes. Motion carried unanimously.

CONSENT AGENDA: Commissioner Channell requested that Consent Agenda Items #5, #9 and #10 be pulled from the Consent Agenda for discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda, sans Items #5, #9 and #10, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; 2009 Continuation Application; Cancer, Cardiovascular Disease and Pulmonary Disease Competitive Grants Program; \$81,222
2. Acknowledgment of County Manager Signature; State Tobacco Education & Prevention Partnership (STEPP) Grant Application; 2009-2010; \$53,972
3. Acknowledgment of County Manager Signature; Prevention Services Division Budget Forecast Form; Colorado Children's Trust Fund
4. Acknowledgment of County Manager Signature; Provider Agreement; Voices for Children; Supervised Visitation to Individuals and Families Referred from the Gunnison County Department of Health and Human Services
5. Acknowledgment of County Manager Signature; Contract Agreement Between Board of County Commissioners of Gunnison County, Colorado, and BBC Research & Consulting; Housing Needs Assessment
6. Acknowledgment of County Manager Signature; Memorandum of Agreement; Gunnison County Library District
7. Resolution; Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions
8. Resolution; Directing the Gunnison County Treasurer to Distribute Specific Ownership Tax Monies Among Various County Funds
9. Resolution; Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; \$2,000
10. Intergovernmental Agreement Concerning Wastewater Treatment for Gold Basin Industrial Park; Between the Board of County Commissioners of the County of Gunnison, Colorado and City of Gunnison, Colorado
11. Operating Agreement; Mesa Airlines, Inc.; 12/1/08 thru 11/30/10
12. Baggage Delivery Service Agreement; Gunnison-Crested Butte Regional Airport; Patrick and Adam McKee d/b/a The Delivery Company; 1/1/09 thru 4/30/10
13. Intergovernmental Agreement; Between the Board of County Commissioners of Gunnison County, Colorado, and the Board of County Commissioners of Hinsdale County, Colorado, Regarding the Provision of Human Services to the Residents of Each County
14. Contractor Agreement; Cindy Smock, MA, LPC, CACIII; Certified Substance Abuse Counselor Supervision; 2/9/09 thru 4/30/09
15. Grant Application; Gunnison Hinsdale Early Childhood Council; \$163,015
16. Contractor Agreement; Molly Diachok-Mugglestone; Gunnison County Substance Abuse Prevention Project
17. Amendment 2 to Grant Award 7EM76327; State of Colorado Governor's Office of Homeland Security; Original Contract CLIN #00906; Amendment CLIN #09-00069
18. Agreement Between Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging; Homemaker Services; \$2,911
19. Grant Agreement; Gunnison-Crested Butte Regional Airport; Project #3-08-0030-41; Contract #DOT-FA09NM-1015; Acquire Snow Removal Equipment, Phase II, Carrier Vehicle with Blower, Broom, and Plow Attachments, \$324,621
20. Gunnison/Hinsdale County Purchase of Service Agreement; Literacy Action Program; Support Immigrant and Refugee Families Initiative; 1/1/09 thru 6/30/09

21. Agreement for Services; Western Slope Maintenance; Cleaning/Janitorial Services for Public Works Facility
22. Ground Transportation Agreement Dolly's Mountain Shuttle, LLC
23. Ground Transportation Agreement Crested Butte Shuttle Company, LLC
24. 2008 Indirect Cost Negotiation Agreement; Colorado Department of Public Health and Environment
25. 2009 Memorandum of Agreement; Habitat for Humanity of Gunnison Valley, Inc.; Linkage Fee Funding; \$7,500
26. 2009 Memorandum of Agreement; Paradise Animal Welfare Society; Community-Based Organization Funding; \$500
27. 2009 Memorandum of Agreement; Gunnison Council for the Arts, d/b/a Gunnison Arts Center; Community-Based Organization Funding; \$2,000
28. 2009 Memorandum of Agreement; Gunnison Conservation District; Community-Based Organization Funding; \$2,000
29. 2009 Memorandum of Agreement; Gunnison Valley Observatory; Community-Based Organization Funding; \$1,000
30. 2009 Memorandum of Agreement; CASA of the Seventh Judicial District, Inc., d/b/a Voices for Children; Community-Based Organization Funding; \$1,000
31. 2009 Memorandum of Agreement; Cattlemen's Day, Inc.; Community-Based Organization Funding; \$10,200

CONSENT AGENDA ITEM #5: Commissioner Channell requested further discussion on this item; in particular, he questioned executing a contract with a set dollar amount, but with a vague scope of work. County Manager Birnie explained that Housing Authority Director KT Gazunis was in agreement with the contract because needs assessments follow a standard methodology and use a similar core of work from one vendor to another. He also confirmed his trust in Housing Authority Director Gazunis' perspective and stated that the vendor should be contracted immediately in order to begin assembling information. Commissioner Channell stated his concern that the scope of the project could be limited in the future due to entering into the contract at this point. Commissioner Starr stated his hope that the current economy would be taken into account within the needs assessment.

CONSENT AGENDA ITEM #9: Commissioner Channell asked for clarification on this item. County Manager Birnie explained that these expenses were incurred when the County appealed the State permit in 2008.

CONSENT AGENDA ITEM #10: Commissioner Channell asked for an explanation of the wastewater treatment fee and who pays the fee. Assistant County Manager Crosby explained that the fee was not for wastewater and would be payable by the occupant on a quarterly basis.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve Items #5, #9 and #10 on the Consent Agenda and authorize the appropriate signatures. 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. Bureau of Land Management; Resource Management Plan. County Manager Birnie informed the Board that the County had been invited by the BLM to be a cooperative agency in the Uncompahgre Field Office's renewal of the Resource Management Plan. The plan is currently out of date and staff recommendation is that we do participate as a coop agency. He stated that a Memorandum of Agreement (MOA) had been received and asked for permission to sign the MOA. He further explained that Geographic Information Systems Manager Mike Pelletier will be the point person and that Gunnison Sage-grouse Conservation Coordinator Jim Cochran and Planning Director Joanne Williams would be involved at different times. The Board agreed that his signature on the MOA would be appropriate.
2. BOCC Strategic Plan. County Manager Birnie stated that a status review was scheduled for 2/9/09 that would include an overall status of the plan and recommended amendments to the plan. He noted that many items had been accomplished while other items may require a different approach and other items may need reworked.
3. Civility Project Workshop and Presentation. County Manager Birnie explained that Community Foundation of the Gunnison Valley Executive Director Pam Montgomery had expressed interest in giving a presentation to the Board and holding a workshop with senior staff members. He stated that no direct costs would be involved. The Board requested that an hour-long workshop be held during a senior staff meeting.

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

1. Weed Cooperator's Workshop. Assistant County Manager Crosby stated that 30 attendees from a diverse group took part in the workshop, which exceeded expectations. She also noted that neither the City of Gunnison nor CDOT were represented, so she planned to get into touch with

them individually. Consultant Melanie Rees suggested that the County move forward with prioritization on a geographic basis. The next phase will be to meet with private sprayers to ensure that regions are not being sprayed more than one time while others are not sprayed at all, which has been a consideration.

2. Resource Advisory Committee (RAC). Assistant County Manager Crosby stated that she had attended a RAC meeting, a mechanism by which Title II funding is managed, with the Forest Service in Delta during the previous week. Assembling the group will be time intensive, and may take up to six or seven months to establish. In this region, Saguache and Gunnison Counties would be the largest funders of an RAC as they contain the largest amount of Forest Service land.
3. Region 10. Assistant County Manager Crosby stated that this meeting was well attended. During the meeting, she learned that CDOT was preparing priority A, B and C lists with the highest priority projects, such as the Austin to Hotchkiss shoulder project on State Highway 92, appearing on the A list. Also during the meeting, a discussion was held about enhancement money because Region 10 expects to receive additional funding for this region. However, Assistant County Manager Crosby felt that the County should not add new enhancement projects to the list until the existing projects have been funded.
4. Strategic Business Plan; Public Works. Assistant County Manager Crosby stated that the SBP for Public Works was in the final stages of completion.

COUNTY ROAD 42 EXTENSION DISCUSSION: Assistant County Manager Crosby, Assistant Public Works Director Allen Moores and Gunnison Sage-grouse Conservation Coordinator Cochran were present for discussion.

Assistant County Manager Crosby explained that the CR 42 extension would involve jurisdiction and pattern of ownership issues. Gunnison Sage-grouse Conservation Coordinator Cochran presented a map that illustrated the land in question. He also explained that the subdivision on the map included approximately 40 lots, as established in the 1970's, with limited access and that the portion of land extending into Saguache County encompassed many of recent development activities.

Assistant County Manager Crosby stated that the Bureau of Land Management (BLM), the Division of Wildlife (DOW) or Gunnison County would need to assert ownership of the road in order to take action to allow plowing by permit and to protect wildlife habitat. Since the DOW would be at a considerable distance from the road and while the BLM would have road-closure issues, Assistant County Manager Crosby recommended that the County assume ownership of the road. Gunnison Sage-grouse Conservation Coordinator Cochran, Assistant Public Works Director Moores, and County Attorney Baumgarten were said to be in agreement with this ownership assumption.

Assistant County Manager Crosby noted that the road is partially closed from March 1st through June 15th of each year and that the County would need to work closely with the BLM on that closure. She also stated that the County currently performs cursory maintenance on the road at least once per year, without plowing, and that the BLM was supportive of the County taking ownership.

Property owner Gene Hollenbeck stated that residents were plowing last winter into the late hours, which he felt was not appropriate. He also felt that speed should be controlled on the road.

The Board agreed that it would be in the best interest of all parties involved if the County were to assume ownership of the road and asked Assistant County Manager Crosby to pursue the option. Commissioner Channell expressed concern about the property owners' expectations for road maintenance if the County assumed ownership, and Assistant County Manager Crosby acknowledged his concern, but further noted that it needed to be balanced with wildlife habitat concerns. She also felt that her Strategic Business Plan would define the level of service for all roads, including this road, which would help to remove this type of expectation by the public. Chairperson Swenson felt that the future staff proposal should include service level definitions.

BREAK: The meeting recessed from 9:10 until 9:29 am in order to hold the below Public Hearing.

PUBLIC HEARING; REQUEST FOR WAIVER OF STANDARDS; BEAR RANCH, LLC; AND RESOLUTION; WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR THE ACCESS ROAD TO THE BEAR RANCH PARCELS LOCATED IN TOWNSHIPS 12 AND 13 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN: Assistant County Manager Crosby, Assistant Public Works Director Moores, attorney Mike Dawson, engineer Roger Neal and Project Manager Tom Newland were present for discussion.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed proper notice.
2. Identify Ex Parte Communications. There were no ex parte communications identified.

3. Staff Presentation. Assistant County Manager Crosby presented a draft resolution for discussion and stated that Assistant Public Works Director Moores had performed the groundwork for this issue. She explained that the property lies to the north of Kebler Pass and that minimization of impacts to the road was the goal. The original application was for an agricultural road.
4. Applicant Presentation. Mr. Newland stated that the agricultural road construction had begun, but that Bear Ranch would now like to modify the plan in order to maximize agricultural resources, maintain aesthetic appeal, and preserve the environmental aspects of the property for wildlife. Mr. Newland presented drawings indicating that the ranch would begin at County Road 12 and lead into eight total lots with closely clustered building envelopes. Per Mr. Newland, Bear Ranch would like to reduce the road width from 26'-0" to 24'-0", reduce the radius in the switchback from 80'-0" to 70'-0", and reduce the right-of-way width from 60'-0" to 30'-0" for a portion of the approximate 3.7 mile road into the subdivision. Mr. Newland felt that these measures would reduce the cut and fill alongside the road by the switchback.

Mr. Neal stated that the proposal was intended to reduce impacts to the greatest degree while still falling within the standards. He also stated a preference to reduce the road width even further to 21'-0" or 22'-0", if allowable.

Mr. Newland explained that the additional access from the north, not shown on the map, was not optimal.

5. BOCC Questions. Commissioner Channell requested additional information about the reduction of the radius from the switchback and questioned whether or not the road width would need to increase. Mr. Neal explained that it would require a greater width.

Commissioner Starr noted that the recorded plat included 12 total lots and asked for confirmation that this would be decreased to a total of eight lots; Mr. Newland confirmed this modification.

Commissioner Starr requested justification for having a narrow easement within the subdivision. Mr. Newland explained that the residences would be clustered closely to promote a family environment. He also noted that this would reduce the necessary access roads from two to one.

County Manager Birnie requested a staff opinion on the reduction in road width and Assistant Public Works Director Moores stated that the request to reduce to 24'-0" would be agreeable, but that any less width would not be agreeable. He also stated that allowing this reduction would provide relief to the Applicant, while also meeting the County's needs.

Commissioner Channell asked whether or not the property will be gated and Mr. Newland explained that it would be.

6. Public Comment. There was no public comment provided.
7. Acknowledge Correspondence Received. No additional correspondence was received. Assistant County Manager Crosby informed the Board that one of the local property owners had telephoned with a request for details related to traffic, values, environmental benefits and visual benefits. The property owner had no other questions and did not express any concerns.
8. Applicant Response. There was no response from the Applicant.
9. BOCC Decision. Chairperson Swenson closed the Public Hearing at 9:29 am and immediately reconvened the Board of County Commissioners Regular Meeting.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-03, A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for New Construction of Roads and Bridges for the Access Road to the Bear Ranch Parcels Located in Townships 12 and 13 South, Range 89 West of the Sixth Principal Meridian and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 9:32 until 9:50 am.

GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE; ORGANIZATIONAL AND PROCEDURAL GUIDELINES REVIEW: Gunnison Sage-grouse Conservation Coordinator Jim Cochran was present for discussion.

Gunnison Sage-grouse Conservation Coordinator Cochran presented draft guidelines for discussion and approval.

Commissioner Starr requested population data and Chairperson Swenson noted that all figures would be included within an upcoming Public Hearing. Chairperson Swenson also explained that the Gunnison Basin Sage-grouse Strategic Committee approved Goal #4 by a vote of 11-to-1.

County Manager Birnie stated his impression that a significant amount of funding for this program is received by the County because of the desire to preclude listing the species as endangered.

High Country Citizens' Alliance correspondence to the Board, dated 2/2/09, was read aloud and submitted into the record. Within that correspondence, HCCA requested that Goal #4 be removed from the plan and, if it were not removed, that the request to do so be included in the plan to show that not all parties were in agreement. Commissioner Starr commended High Country Citizens' Alliance for their continued involvement with the species.

Commissioner Starr questioned whether or not the local efforts have been successful and felt that listing the species as endangered may benefit the program via federal funding. County Manager Birnie felt that measuring the success of the program would be difficult since the County cannot measure how the populations may have changed had the program never been put into place.

Amendments were discussed and agreed upon; however, Chairperson Swenson felt that the modifications should route through the Committee for a recommendation prior to Board adoption.

REQUEST FOR CHANGE OF NAME; SHADY ISLAND SUBDIVISION; EXISTING CLIENS ROAD TO MYSTERY LANE: Assistant Planning Director Neal Starkebaum was present for discussion.

Assistant Planning Director Starkebaum explained that this subdivision plat was approved by the Board in April of 2008; however, before the final plat could be signed, Cliens Road was renamed to Mystery Lane. He informed the Board that the subdivision would prefer the name of Mystery Lane, for which developer Bill Lacy provided a modified second page to the plat for approval. **Moved** by Commissioner Starr, seconded by Commissioner Channell to allow amendment of the Shady Island plat by replacement of the second page of the plat, with the only change on that page being the substitution of the name "Mystery Lane" for "Cliens Road". Motion carried unanimously.

OUT-OF-STATE TRAVEL REQUEST; AIRPORT STAFF TO ATTEND THE NATIONAL BUSINESS AVIATION ASSOCIATION CONFERENCE; OCTOBER 2009; ORLANDO, FLORIDA: Airport Manager John DeVore was present for discussion.

Airport Manager John DeVore presented this \$2,500 funding request, but noted that this request was only relevant to booth space as providing travel-cost estimates would be premature. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve \$2,500 for convention space at the NBAA Conference in October. Motion carried unanimously.

County Manager Birnie asked that the Board preliminarily approve the travel request. Airport Manager John DeVore noted that he would prefer to stay at a hotel within walking distance to the conference in order to avoid costly parking fees. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize funds within the budget already for this trip, subject to the (County) Manager's final approval. Commissioner Channell seconded. Motion carried unanimously.

PROPOSED CENTRAL PLAINS COMPACT FOR COLORADO WATER SUPPLY: Gary Hausler was present for discussion while CRWCD Representative Bill Trampe and attorney John McClow were in the audience.

Mr. Hausler gave a PowerPoint presentation entitled, "A Sustainable Source of Water for the Western United States". He stated that he had no financial interest in this project, which he felt could take up to 30 years to materialize and would not solve short-term water-shortage issues.

Mr. Hausler stated that the Colorado River currently produces approximately 12,000,000 to 14,000,000 acre feet of water per year, but that the National Academy of Science predicts substantially less flows in the future due to climate change. He also reported that the Colorado Statewide Water Supply Initiative anticipates an increased demand of 630,000 acre feet per year by the year 2030. He then proposed that Colorado meet this demand with relief from the Mississippi River at Hickman, Kentucky, which runs in excess of 240,000,000 acre feet per year with a margin of measurement greater than 2,400,000 acre feet per year.

In order to accomplish this, Mr. Hausler suggested that Colorado, Kansas, Missouri, and Nebraska consider negotiations for Congressional approval of the "Central Plains Compact". In this scenario, water would start at Hickman, KY and travel to the vicinity of Monument Hill between Denver and Colorado Springs. Reservoirs would be created along the 1,200-mile alignment. This would require 7,000 feet of total lift and 18-foot diameter pressure pipe combined with open canals. To generate the capacity required for this project, 1,600 megawatts of new power would need to be generated, which is more than the capacity of Tri-State Electric. Right-of-way would be acquired via eminent domain and

purchased at market rates. The total estimated cost for permitting, right-of-way, engineering, and construction was stated to be \$22,500,000,000 with debt service of \$1,460 per acre foot per year and operating costs of \$1,450 per acre foot per year.

Mr. Hausler explained that the water is administered by the US Army Corps of Engineers under the Law of Riparian Rights, owned by the United States, and can be provided to states for agricultural, municipal, industrial, or environmental uses. He also felt that federal funding and new technology would not be necessary.

Mr. Hausler felt that permitting and environmental concerns would present challenges that could take 25 to 30 years to work through. The next step in this process would be to conduct a Reconnaissance Level Study by a recognized engineering firm in order to confirm the concepts and cost estimates presented. The study could be funded by the State Water Supply Reserve Account, as provided in SB 06-179. Study topics would include the physical and legal availability of the water, permitting, water demand and quality, right-of-way alignment, conveyance types and sizes, power requirements, project costs, and confirmation of the schedule.

Commissioner Starr questioned whether or not this would help to prevent flooding of the Mississippi River and Mr. Hausler explained that it would not help as only a minimal amount of water would be removed.

Commissioner Starr questioned the possibility of and method for storing water at this end; Mr. Hausler stated that he had not yet addressed those issues, but that he believed an existing capacity existed around the State.

Commissioner Channell asked about support from the basin roundtables and Mr. Hausler informed the Board that this presentation had received a great deal of interest and that additional presentations were scheduled.

Mr. Hausler stated that the Reconnaissance Level Study would require a sponsor in order to receive SB 06-179 funding. He agreed to provide an update to the Board at a later date.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD Representative Bill Trampe was present for discussion.

CRWCD Representative Trampe thanked the Board for the approval of his selection before the last CRWCD meeting. He noted that other entities are also experiencing problems with appointment schedules.

CRWCD Representative Trampe, who was in the audience for the previous discussion led by Mr. Hausler, stated general support of the presentation.

CRWCD Representative Trampe reported the CRWCD quarterly meeting was held during the previous week, during which time current legislation items were discussed. The CRWCD is supportive of HB 1017 and HB 1129, while there was no position taken on HB 1062. The CRWCD is opposed to HB 1142 and will continue to monitor HB 1067 and HB 1159. The CRWCD is supportive of House Joint Resolution 1002. SB 15 and SB 80 are being supported while SB 95 is being opposed. The CRWCD is attempting to remain neutral during negotiations related to SB 247.

CRWCD Representative Trampe informed the Board that CRWCD had adopted a mission statement. That mission reads, "To lead in the protection, conservation, use, and development of the water resources of the Colorado River basin for the welfare of the District, and to safeguard for Colorado all waters of the Colorado River to which the state is entitled."

CRWCD Representative Trampe stated that the CRWCD would be considering John McClow's appointment to the Colorado Water Conservation Board. He urged the Board to give this appointment strong consideration.

COLORADO WATER CONSERVATION BOARD APPOINTMENT RECOMMENDATION: Attorney John McClow, CRWCD Representative Trampe, and Upper Gunnison River Water Conservancy District representative Gary Hausler were present for discussion.

Mr. Hausler stated that the UGRWCD passed a resolution endorsing support of attorney McClow's appointment to the CWCB.

Attorney McClow confirmed that he had applied for this appointment and then requested the Board's endorsement. He reported that Representative Curry, Senator Schwartz, Congressman Salazar, and Delta County had already stated support for this appointment; other support is expected. Attorney McClow stated his belief that he would serve the area well and that he hopes to make a significant contribution given his qualifications.

Commissioner Starr was impressed by the support received. He had worked closely with attorney McClow during the previous Black Canyon River Water Quantification litigation and stated his strong support of this appointment. Commissioner Channell agreed that attorney McClow's impressive track record could not be overlooked. **Moved** by Commissioner Channell, seconded by Commissioner Starr that this body ask staff to craft a strong letter of endorsement for John's appointment to the Colorado Water Conservation Board. Motion carried unanimously.

LAKE FORK RESORT GARBAGE DUMP; POSSIBLE INSPECTION: Deputy County Attorney Dill and County Paralegal Angela Buchanan were present for discussion.

County Paralegal Buchanan informed the Board that this issue was reported through the Code Enforcement Group. She provided photographs of the property that were taken in July of 2008 and explained that the Code Enforcement Group had not received any response to a request for State inspection. She asked for Board support of State inspection since the Code Enforcement Group had little authority. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize staff to transmit a letter to the Colorado Department of Health strongly urging their inspection of this septic site as soon as possible. Motion carried unanimously. Commissioner Starr felt that the Code Enforcement Group had improved the County's credibility in code-violation scenarios as he has had positive feedback from citizens.

LUNCH BREAK: The meeting recessed from 11:41 am until 1:12 pm.

LENA COSTANZO'S 106TH BIRTHDAY; CELEBRATION AND PROCLAMATION: Ms. Lena Costanzo was present, along with many family members and citizens.

Commissioner Channell read correspondence received from well-wishers; the letters were entered into the record. City of Gunnison Mayor Stu Ferguson presented a Proclamation, approved by the City of Gunnison, declaring 2/4/09 to be Lena Costanzo Day in the City of Gunnison. Commissioner Starr then read a draft Proclamation by the Board, further declaring 2/4/09 to be Lena Costanzo Day in Gunnison County. **Moved** by Commissioner Channell, seconded by Commissioner Starr to proclaim February 4, 2009 to be Lena Costanzo Day in the County of Gunnison. Motion carried unanimously.

A celebration befitting Ms. Costanzo's life and contributions to Gunnison County ensued.

PROCLAMATION; 2009 TOPIC OF ONE BOOK, ONE VALLEY TO BE PRESIDENT ABRAHAM LINCOLN: Gunnison High School Principal Andy Hanks, Gunnison High School Librarian Lyda Hardy, Gunnison County Library District board member Larry Meredith, Western State College Head Librarian Nancy Gauss, and Gunnison County Library representative Kim McNamara were present for discussion. *(Note: Due to extended festivities in the boardroom for Ms. Costanzo's birthday, the meeting from this point forward was held in the Commissioners' office, which is located adjacent to the boardroom. There was no recording device available.)*

Commissioner Starr read a draft proclamation. **Moved** by Commissioner Channell, seconded by Commissioner Starr to proclaim the 2009 topic of One Book, One Valley to be President Abraham Lincoln. Motion carried unanimously.

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

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:01 pm.

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 THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2009-03**

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR THE ACCESS ROAD TO THE BEAR RANCH PARCELS LOCATED IN TOWNSHIPS 12 AND 13 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN

WHEREAS, a written petition by Bear Ranch, L.L.C., a Colorado limited liability company (herein "Bear Ranch") was received by the Board of County Commissioners of Gunnison County, Colorado (herein the "Board"), requesting a waiver of the Gunnison County Standard Specifications For New Construction of Roads and Bridges (herein the "Standards and Specifications") for the access road to the parcels at Bear Ranch located in Townships 12 and 13 South, Range 89 West, 6th P.M.; and

WHEREAS, the request is to waive the following:

1. Section 4.3.1.C: Standards for Curvature. To reduce the Standards for Curvature from 80 feet to 70 feet for one switchback specifically from Station 25+40 to Station 27+62 as identified on the plans titled "Final Plan Documents for Bear Ranch Access Road", created by Roger D. Neal, P.E., High Country Engineering, Inc., dated December 19, 2008 (herein "Road Plans").
2. Section 4.4.1: Typical Sections. To reduce the typical section from 26 feet to 24 feet on the entire road specifically from Station 0+58 to Station 186+47 as identified on the Road Plans.
3. Section 4.4.2: Right-of-Way Width. To reduce the right-of-way width from 60 feet to 30 feet specifically from Station 175+93 to Station 186+47 as identified on the Road Plans.

WHEREAS, the Board has conducted a duly noticed public hearing regarding that petition.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO HEREBY FINDS that Bear Ranch 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 public 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:

- a. Section 4.3.1.C: Standards for Curvature. The Standards for Curvature are reduced from 80 feet to 70 feet for one switchback specifically from Station 25+40 to Station 27+62 as identified on the plans titled "Final Plan Documents for Bear Ranch Access Road", created by Roger D. Neal, P.E., High Country Engineering, Inc., dated December 19, 2008 (herein "Road Plans").
- b. Section 4.4.1: Typical Sections. The typical section is reduced from 26 feet to 24 feet for the entire road specifically from Station 0+58 to Station 186+47 as identified on the Road Plans.
- c. Section 4.4.2: Right-of-Way Width. The right-of-way width is reduced from 60 feet to 30 feet specifically from Station 175+93 to Station 186+47 as identified on the Road Plans.
2. This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.
3. Nothing in this Resolution is, or shall be construed to be, a waiver of the required horizontal sight distance(s) or vertical grades; those requirements have NOT been waived.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 3rd day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY

RESOLUTION NO. 09-04**A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS**

WHEREAS, Colorado Revised Statute 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund "unless such investment is made from specific funds allocated for a definite purpose and so maintained"; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board has previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

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

1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

Reserve Accounts within the General Fund:

Water Resources Protection Reserve

Jail Construction Reserve

Road and Bridge Fund

Conservation Trust Fund

Airport Operations Fund

Sales Tax Fund

Land Preservation Fund

Risk Management Fund

Airport Construction Fund

Capital Expenditures Fund

Reserve Account Within the Capital Expenditures Fund

Public Works Facility Construction Reserve

Solid Waste Fund – Operations

Reserve Accounts Within the Solid Waste Fund:

Landfill Closure Cost Reserve

Construction Reserve

Sheriff's Seizure Fund

Gunnison Housing Authority Fund

Reserve Account within Gunnison County Housing Authority Fund:

Workforce Impact Fee Account

Internal Service Fund III (Employee Benefits)

Gunnison River Valley Local Marketing District

Gunnison Valley Transportation Authority

Gunnison Cemetery District

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.
3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 08-07, Series 2008 is hereby canceled as of January 1, 2009 and the provisions of this resolution shall supersede the previous resolutions.
4. The effective date of this resolution shall be January 1, 2009.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 3rd day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-05****A RESOLUTION DIRECTING THE GUNNISON COUNTY TREASURER TO DISTRIBUTE SPECIFIC OWNERSHIP TAX MONIES AMONG VARIOUS COUNTY FUNDS**

WHEREAS, Gunnison County has or will receive during fiscal 2009 certain monies derived from the payment, pursuant to C.R.S. (1973) 42-3-107, of specific ownership taxes; and

WHEREAS, the impact of this Resolution will only affect the distribution of funds to the Gunnison County General Fund and the Gunnison County Road and Bridge Fund; and

WHEREAS, after apportionment pursuant to C.R.S. (1973) 42-3-107, such monies have traditionally been divided between the General Fund and the Road and Bridge fund of Gunnison County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that, effective immediately from the date this Resolution is passed by such Board, that the Treasurer of Gunnison County shall distribute and deposit such monies as Gunnison County receives after apportionment from such specific ownership taxes pursuant to C.R.S. (1973) 42-3-107 as follows: to the Gunnison County General Fund sixty-five percent (65%); to the Gunnison County Road and Bridge Fund thirty-five percent (35%). The effective date of this Resolution shall be retroactive to January 1, 2009 and shall be valid for each year subsequent to the passage of this resolution until repealed or amended by this Board.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 3rd day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009 - 06**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION
FUND FOR WATER RESOURCE PROTECTION PURPOSES**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted Resolution No. 90-2, A Resolution Creating A Water Resources Protection Fund; and

WHEREAS, such Resolution No. 90-2 states that funds from the Water Resources Protection Fund may be used for water resources upon majority vote of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that certain expenditures are necessary for the participation of Gunnison County in joint use of water rights.

NOW THEREFORE, it is resolved by the Board of County Commissioners that the Board authorizes expenditure of funds from the Water Resources Protection Fund for:

1. Engagement of additional consulting services from Tyler Martineau, Water Resource Engineer, for the Lucky Jack Project/Keystone Mine Discharge Permit renewal and in the additional amount of \$2,000.00.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 3rd day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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

**PROCLAMATION
FEBRUARY 4, 2009
"LENA COSTANZO DAY"**

WHEREAS, Lena Costanzo, along with her beloved husband Frank, greatly promoted and positively affected economic development within Gunnison County, Colorado by urging the establishment of J.C. Penney, Safeway, and many hotels, including the Costanzo Tourist Apartments, within Gunnison County during the 1930's; and

WHEREAS, Lena Costanzo's creativity and tireless dedication to economic development gifted a sense of hope to those citizens of Gunnison County who, during times of immense financial hardship, struggled to endure the worst and longest economic collapse in the history of the modern industrial world known as the "Great Depression"; and

WHEREAS, Lena Costanzo, through her countless displays of generosity, compassion, faith, and good will toward mankind throughout her 106 years of life on Earth, has provided a commendable example for generations of Gunnison County citizens; and

WHEREAS, Lena Costanzo is believed to presently be the oldest living citizen, and possibly the oldest citizen that has ever lived, in Gunnison County, Colorado; and

WHEREAS, it is not only the number of years that one lives, but also the quality of life that one brings to others, that are the measure of a person's character and the effect that person has on family and community.

NOW THEREFORE, WE the Commissioners of the Board of County Commissioners of Gunnison County, Colorado by virtue of the authority vested in us by the State of Colorado do hereby proclaim:

FEBRUARY 4, 2009
to be
"LENA COSTANZO DAY"
in the

COUNTY OF GUNNISON, COLORADO

INTRODUCED and approved this 3rd day of February, 2009 by the Board of County Commissioners of Gunnison County, Colorado.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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

**PROCLAMATION
2009 TOPIC OF ONE BOOK, ONE VALLEY
PRESIDENT ABRAHAM LINCOLN**

WHEREAS, February 12, 2009 is the bicentennial of the birth of the sixteenth President of the United States, Abraham Lincoln; and

WHEREAS, President Abraham Lincoln led a remarkable life as evidenced by having been born in a log cabin in Kentucky, attending school for less than one year and reading by firelight in order to gain an education, growing up on the frontier in Indiana and Illinois, fighting in the Black Hawk War, serving in the Illinois State Legislature, practicing law, serving in the United States Congress, and being elected President of the United States; and,

WHEREAS, Abraham Lincoln, as President of the United States, served as Commander in Chief during the course of the Civil War, signed the Emancipation Proclamation, and delivered the Gettysburg Address; and,

WHEREAS, each year the libraries of the Gunnison Valley invite the public to participate in One Book, One Valley in order to improve communication within families, between old and new friends, and across generations and cultural groups through the sharing of literature; to involve all citizens in a positive cultural and recreational endeavor; to promote the use of libraries; and to support literacy.

NOW THEREFORE, WE the Commissioners of the Board of County Commissioners of Gunnison County, Colorado by virtue of the authority vested in us by the State of Colorado do hereby proclaim:

THE 2009 TOPIC OF ONE BOOK, ONE VALLEY
TO BE
ABRAHAM LINCOLN

in the County of Gunnison and encourage every citizen, young and old, to read about the sixteenth President and to participate in One Book, One Valley activities in order to better understand both Lincoln's era and our own time.

INTRODUCED and approved this 3rd day of February, 2009 by the Board of County Commissioners of Gunnison County, Colorado.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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