

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

The March 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 8:03 am.

AGENDA REVIEW: County Manager Birnie informed the Board that Tourism Association Executive Director Jane Chaney was unavailable to attend the meeting, so the Gunnison River Valley Local Marketing District item would need to be rescheduled. As well, SB 108 had been signed by the Governor on 3/2/09, so there was no need for discussion on that issue.

MINUTES APPROVAL: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the February 24, 2009 Special Meeting minutes and authorize signatures. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the consent agenda. Motion carried unanimously.

1. VALE Grant Contract; 4/19/09 - 12/31/09; \$17,875
2. Colorado Division of Wildlife Impact Assistance Grant
3. Grant Application; Caring for Colorado; Two-Year Grant

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

OUT-OF-STATE TRAVEL REQUEST; NATIONAL CONFERENCE ON TOBACCO OR HEALTH; PUBLIC HEALTH EDUCATOR MARGARET WACKER; PHOENIX, AZ; 6/9/09 - 6/12/09: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve up to \$1,100 for Margaret Wacker's out-of-state travel to the National Conference on Tobacco or Health in Phoenix. Motion carried unanimously.

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

1. Housing Needs Assessment. County Manager Birnie stated that this process was continuing and that there were no other updates available.
2. Federal Aviation Administration (FAA) Reauthorization Bill. County Manager Birnie reported that this bill was currently being routed through Congress and that the ARFF standards issues had come up again. Airport Manager DeVore provided draft correspondence in opposition of those standards via email on 2/27/09; County Manager Birnie forwarded that email to the Board on 3/2/09. **Moved** by Commissioner Starr, seconded by Commissioner Channell to sign a letter substantially as presented to us after revisions have been made to it. Motion carried unanimously. Once finalized, the correspondence is expected to be sent to the County's congressional delegation.
3. Strategic Business Plan Update. County Manager Birnie stated that the Sheriff's Office had elected not to partake in this process due to a current ongoing CBI investigation taking substantial staff time; however, County Manager Birnie stated his hope that the Sheriff's Office would eventually go through this planning process. Next up will be the Treasurer's Office, the County Attorney's Office, Information Technology, and Emergency Management, following a slightly different model during the week of March 16th.
4. Energy Planning Grant. County Manager Birnie informed the Board that Office for Resource Efficiency Executive Director Gesa Michel had requested that he ask DOLA for an extension to the Energy Planning Grant. The grant will now extend through the end of the year.
5. Senior Transportation Update. County Manager Birnie informed the Board that the County was ready to hand over the program to the Health Care Center. A centralized dispatch system will be used, which will provide greater transportation access. The current drivers, County employees, would probably not be included in the new program, which may operate seven days per week. Discussions were ongoing with Mountain Express related to managing transportation in the north end of the valley and agreements were in the process of being drafted by the County Attorney's Office.

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

1. North Gunnison Sewer Update. Assistant County Manager Crosby informed the Board that an Environmental Assessment would need to be completed, which would likely set the County back 40 hours of labor and between 30 to 60 calendar days. She stated her optimism that work could

begin in mid-April as bids were beginning to arrive. The loan application process will continue and she requested \$200,000 in supplemental funding from DOLA, which would bring grant funding to approximately 60% of the project.

2. Gunnison Basin Industrial Park Leases. Assistant County Manager Crosby stated that some leases would be ready before the end of the week. Commissioner Starr requested a list of all of the leases after they had been signed by the lessees.

PLANNING RETREAT DEBRIEF; BOARD OF COUNTY COMMISSIONERS DIRECTION: Planning Director Joanne Williams, County Attorney David Baumgarten and Planning Commission member Rich Karas were present for discussion.

Chairperson Swenson noted that the retreat facilitator had suggested that the Board offer direction to the Planning Department. Commissioner Channell felt that the facilitator's eight ideas to consider were appropriate.

1. Vision, Plan, or Guiding Principles to Serve as a Compass on Priority Planning Issues. The Board agreed that a group or subcommittee should be created to tackle these issues. County Attorney Baumgarten felt that a comprehensive plan was necessary, but County Manager Birnie and the Board felt that this would be a longer-term goal. With regard to the comprehensive plan, Commissioner Starr felt that the County may be too diverse for just one plan and that the subcommittee should possibly evaluate the appropriateness of having five different area plans. He also felt that this subcommittee would evaluate the guiding principles and long-term planning comprehensive plans, the vision, the vision prioritization, and regulations for the current corridor plan. Commissioner Starr volunteered to serve on the subcommittee, which could also include Planning Director Williams, Geographic Information Systems Manager Mike Pelletier, and one or two members of the Planning Commission. A work session to discuss these issues was scheduled for 4/7/09 at 10:30 am.
2. Planning Commission Handbook. Planning Director Williams informed the Board that she had been researching handbooks assembled for other counties in order to assess what may be appropriate for a local handbook. She also stated that she had begun assembling this type of information a couple of years prior to the recent retreat. County Attorney Baumgarten felt that the Handbook should be mandatory reading for persons applying for membership on the Planning Commission. Planning Director Williams felt that the Handbook could be completed and available for review by the Planning Commission and adoption by the Board within approximately a month. The Board scheduled a work session to review the draft on 4/28/09 and then adoption on 5/5/09.
3. Annual Retreats with Board, the Planning Commission and Staff. Commissioner Channell felt that this should be scheduled for as soon as possible after new appointments are made annually. The Board agreed that the third Friday in March would be optimal for the annual retreat. Commissioner Channell felt that the recent retreat was very beneficial and that the facilitator did a good job. Commissioner Starr felt that the Board should send a letter of appreciation to the facilitator and the Board agreed. Planning Director Williams felt that holding regular meetings between the Board and the Planning Commission would be useful to the Planning Commission members as the members have expressed an interest in having this type of communication with the Board as many as three to four times annually. Commissioner Channell agreed that this would be beneficial since communication was specifically discussed during the recent retreat. County Manager Birnie agreed that these meetings should occur frequently and Planning Director Williams suggested that these meetings be part of the regular Planning Commission meetings since the members have already held those days aside. The Board agreed to hold meetings with the Planning Commission in June, September, and December, along with attending an annual retreat.
4. Staff Reports with Substantive Analysis and Assessment of Compliance with Standards. Chairperson Swenson felt that this would be beneficial at the beginning of discussions. Planning Director Williams requested Board support during periods of applicant impatience with the amount of time necessary to work through the elements of an application, especially if an external entity negatively affects a completion date. Planning Director Williams explained that she had been working on process forms that could simplify and speed up the process. The Board agreed that Planning Commission findings should be attached to standards within the LUR.
5. Annual Work Program for Staff and Planning Commission. Chairperson Swenson asked for continued updates on this issue. Commissioner Channell and Commissioner Starr felt that the Annual Work Program would be useful in setting goals for the year, but that it should be separate from the quarterly meetings. Planning Director Williams noted that the Planning Commission members would benefit from discussions with the Board throughout the year.
6. Regular Planning Commission Meetings without Cases to Discuss Planning Issues and Operations. Commissioner Channell felt that these meetings would be useful in improving the level of application review efficiency to create more time for staff, the Planning Commission and the Planning Department.
7. Regular Training of Planning Commission and Staff. Chairperson Swenson felt that additional training was necessary for all Planning Commission members and for the Planning Department staff. She stated concern that comments and attitudes expressed by some Planning Commission

members suggested that the Board was somehow personally opposed to the Planning Commission members. She felt that the Planning Commission members should have an understanding of how the Board expects them to act while representing the County and the Board during public meetings and that roles and responsibilities needed to be outlined. Commissioner Channell agreed with her assessment.

8. Site Visits to Communities Facing Similar Issues. The Board felt that the Planning Commission should take annual road trips, regardless of the perceived need, to other areas of the State to delve into and evaluate processes and Planning Commission actions in other communities. The Board requested that Planning Director Williams assemble information relative to costs and training for these types of site visits.

Planning Director Williams thanked the Board, County Attorney Baumgarten and Assistant County Manager Crosby for their time during the retreat and to County Manager Birnie for authorizing the retreat funding.

BREAK: The meeting recessed from 10:13 until 10:23 am.

OUT-OF-STATE TRAVEL REQUEST; ANNUAL WEATHER MODIFICATION ASSOCIATION CONFERENCE; ANAHEIM, CA; SENIOR ACCOUNTANT JANE WYMAN; 4/21/09 - 4/25/09; \$1,675: Moved by Commissioner Channell, seconded by Commissioner Starr to approve up to \$1,700 for out-of-state travel for Jane Wyman to attend the Weather Modification Conference in Anaheim. Motion carried unanimously.

SENATE BILL 09-108 DISCUSSION; DRAFT CORRESPONDENCE: This discussion was cancelled during Agenda Review.

WASHINGTON GULCH TRAVEL MANAGEMENT; MARY FRAME SNOWCAT USE REQUEST: Ms. Frame was present for discussion.

Commissioner Starr informed the Board that the Washington Gulch Travel Management Working Group had recently convened to discuss this issue and that there was good representation at the meeting. He reported that the Working Group felt that this request would be appropriate for the current winter season, but that there were no specific recommendations given. The Working Group was concerned about the potential for ruts or grooves being caused by the snowcat, which could cause snowmobile operators to veer off of the road and onto private property; however, the Working Group felt that this could be mitigated by the use of a tiller. Commissioner Starr reported that Assistant Public Works Director Allen Moores was present for the meeting where he stated that the Public Works Department would not be agreeable with machines being parked at the trailhead. Ms. Frame agreed with the stated representations from the Working Group's meeting.

Ms. Frame stated that she does not own a snowcat, but a machine that she previously owned has been offered to her so that she can transport supplies or family members to her property. The machine in question does not have a tiller attached. Ms. Frame could not provide definite usage plans as she was unsure as to how often she would want or need to utilize a snowcat.

County Attorney Baumgarten explained that the Board had the opportunity to create a resolution outlining conditions by which a person may use County Roads. He also noted that the Washington Gulch area had not historically allowed snowcat usage as the Working Group had previously determined that snowcat usage would be incompatible for the area. Snowmobile usage and skiing has been allowed.

Commissioner Starr expressed his opinion that tracks causing deep ruts would hamper snowmobile and skier use. Ms. Frame felt that the wide easement would encompass the snowcat width and still allow for other uses.

Commissioner Starr felt that a permit would be difficult to grant without set parameters. Ms. Frame stated that the Forest Service had only required a date range and did not require any other specifications. The Board agreed to the following conditions relative to a one-season permit:

1. A maximum number of 10 round-trip travels will be allowed to occur between 11/1 through 5/1 of each year, with a total of four trips to be allowed for the remainder of the current winter season. By the authority of the Public Works Director, the snowcat season may be extended through 5/31 of any season during which special weather-related circumstances exist. The Public Works Director may also approve any emergency usage outside of the parameters of the permit.
2. No snowcat parking will be allowed at the trailhead.
3. A drag or tiller bar will be required on any snowcats used.
4. No snowcat side travel en route to or beyond Elkton will be allowed.
5. Snowcat usage will be monitored via snowcat user logs and Meridian Lake Management Company reports.
6. Any snowcats will be utilized exclusively by members of the Frame family.
7. There will be no commercial usage of any snowcats used.

8. Skiable terrain and tracks will remain the highest priority.
9. The Working Group will reconvene at the end of each season for which a snowcat permit was granted in order to determine the success of the previous permit and the viability of granting future permits.

Ms. Frame reported that Assistant Public Works Director Moores felt she could pursue the permitting process each year in September, which would coincide with the time of year that the County takes action on private plowing requests.

Attorney Luke Danielson, representing the Hagler family, was present and informed the Board that the Hagler family would like to cooperate with the Frame family; however, he noted that the Hagler's would prefer that motorized use be limited to Kebler Pass in order to ensure that the area remain skier friendly without icy ruts. Attorney Danielson and the Hagler family would prefer to take part in future discussions as they have concerns related to possible commercial usage of the area. Attorney Danielson confirmed that the Hagler family would be in agreement with the stated conditions to permit(s) granted in this case.

Annual permit requests would be submitted to Assistant County Manager Marlene Crosby in the form of a narrative. A Special Meeting was scheduled to take place on 3/10/09, beginning at 1:30 pm, to approve a resolution that will be drafted by County Attorney Baumgarten.

NORTH VALLEY SUBDIVISION SEWER: Assistant County Manager Crosby was present for discussion and provided draft correspondence for review and approval. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize signature and transmission of the letter to Jack Kirtland expressing our request that the funding for the North Valley Subdivision sewer service be increased by \$200,000. Motion carried unanimously.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: This discussion was cancelled during Agenda Review.

1. Tourism Association Activity Update

LATE RENEWAL PENALTY FEE; DEPARTMENT OF MOTOR VEHICLES: County Clerk and Recorder Stella Dominguez was present for discussion and explained that this issue did not require action due to its inclusion in a Senate Bill that was passed on 3/2/09.

COMMISSIONERS MEETING REPORTS: This discussion began earlier than scheduled due to a break in the agenda.

Commissioner Starr:

1. Rural Transportation Authority.
 - a. Bus Issues. Commissioner Starr informed the Board that one of the busses, the same bus that was determined to have antifreeze in the oil last year, now has a bad engine. He indicated that 120 ppm of sodium chloride had been detected in the oil and that it would cost between \$10,000 and \$12,000 to rebuild the engine. A backup bus has been in operation and ridership continues to grow.
 - b. Retreat. Commissioner Starr informed the Board that discussions were held during the retreat relevant to the need for Airport Manager John DeVore, or another representative from the Gunnison/Crested Butte Regional Airport, attend the RTA meetings that occur in Gunnison. The monthly meeting scheduled for 3/20/09 at 8:00 am will take place in the Boardroom; County Manager Birnie volunteered to discuss possible attendance with Airport Manager DeVore. Commissioner Channell agreed that it should be mandatory for either Airport Manager DeVore or Airport Administrative Director Kathie Lucas to attend. County Manager Birnie stated that he would look into this as the RTA did not have the ability to make commitments for County staff.
2. Congressional Trip. Commissioner Starr stated that this recent trip went well and that a permit system was the primary focus over a fee simple ownership. He also suggested that withdrawal language be expanded to create a presumptive withdrawal for municipal watersheds. During the trip, he met with Congressman John Salazar who is one of the sponsors of the bill being discussed. He also met with representatives from Senator Michael Bennet's office along with Senator Mark Udall and a representative from his staff; these persons were all supportive of the bill.

Commissioner Channell:

1. Stockgrowers' Association Meeting. Commissioner Channell attended this meeting on 3/2/09 on behalf of the Office for Resource Efficiency to discuss the energy planning process going on in the County. He noted that many Stockgrowers' Association members are already utilizing energy-saving methods. Lots of good ideas were discussed during the meeting and Commissioner Channell felt that they were a very savvy group. A sub-committee specifically for agricultural issues will be assembled to include John Scott and Eric McPhail.
2. Mountain View Birthday Party. Commissioner Channell and Commissioner Starr both attended this recent party with Housing Authority Director KT Gazunis to celebrate Jim Moore's 90th

birthday and Helen Holmes 82nd birthday. A good time was had by all. Housing Authority Director Gazunis announced that carpet cleaning would occur during that week and the residents were pleased with the plan.

3. Mandatory Collective Bargaining for Public Safety Personnel. County Manager Birnie asked Commissioner Channell for an update on the Colorado Counties, Inc. position for this bill. Commissioner Channell stated that CCI had not taken a position on this issue since it was not viewed as a local issue. County Manager Birnie felt that this should be evaluated by CCI because this bill would require collective bargaining for our Sheriff's Office. County Manager Birnie will get the specifics of this issue to Commissioner Channell prior to the next CCI meeting.

Chairperson Swenson:

1. Club 20. Chairperson Swenson informed the Board that Amy from El Pomar had contacted her to discuss possible Club 20 reform. She indicated that she would be having similar discussions with all entities that had pulled out of Club 20 and other current key members of Club 20. She informed Chairperson Swenson that she would be providing a report to Club 20 after all information had been collected.
2. Health Partnership Meeting. Chairperson Swenson stated that the meeting in Montrose was well attended with other County Commissioners, except for Hinsdale County. She felt the meeting was very interesting and that some State representatives were in attendance because they are evaluating this partnership to possibly serve as a model for other partnerships. The Environmental Health portion of the partnership has been working very well within the region.

PETITION FOR ABATEMENT OR REFUND OF TAXES; UNIT AT-101 AKA 101 EDGE CONDO, S #525007, #527470; HEIDI JUHL AND RONALD K. WIENDL; TAX YEARS 2007 AND 2008:

County Assessor Kristy McFarland and Senior Appraiser/Analyst George Lickiss were present for discussion. Petitioners Heidi Juhl and Ronald Wiendl were scheduled to be available via telephone; however, there was no answer at the telephone number that was provided. Chairperson Swenson left a voice mail message and provided the boardroom's phone number in the event that the Petitioners would like to return the call and partake in the conversation.

Senior Appraiser/Analyst Lickiss recommended a correction in property value from \$374,000 to \$355,000 and provided market examples of sales from 7/1/04 through 6/30/06 showing three comparable sales as reasoning for this recommendation. Per the amended Petition for Abatement or Refund of Taxes, filed 12/9/08, the Petitioners estimated a property value of \$150,000.

County Assessor McFarland explained that the Petitioners had purchased the property just prior to a tax revaluation, which affected the amount of tax due. Commissioner Channell questioned whether or not a consistent adjustment for short-term conditions would be legal and County Manager Birnie informed him that this would be within the Board's authority.

Moved by Commissioner Starr, seconded by Commissioner Channell to accept the Assessor's recommendation of an actual value of \$355,000. Motion carried unanimously.

COMMISSIONERS MEETING REPORTS (continued):

Chairperson Swenson (continued):

3. Region 10. Chairperson Swenson reported that nearly all offices within the Region 10 had been rented, which should bring approximately \$30,000 income per year. Region 10 may also pursue federal grants or loans to assist with finishing the building project. The Enterprise Zone Report for 2008 showed that business had only been applying for approximately \$500,000 in loans per year, but that the investment made by the businesses back into the community during the first half of 2008 was equal to \$61,921,000 and during the second half was \$42,185,000; this created 610 new jobs within the region. She also informed the Board that the Gunnison Valley Hospital Foundation was participating in a Region 10 contribution project, which will give better tax breaks to the donors of the program.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD Representative Bill Trampe and County Attorney Baumgarten were present for discussion.

CRWCD Representative Trampe provided an update on CRWCD's legislative issue positions. He informed the Board that CRWCD supported SB 199, HB 1289 and SB 195. General support was given for SB 216; however questions remain about whether or not a fee structure would be the best way to fund DWR. No position has been taken on SB 147.

CRWCD Representative Trampe informed the Board that CRWCD was working hard to find a way to attract some stimulus money for use with a western-slope project.

RANCHLAND INITIATIVE DISCUSSION: Gunnison Sage-grouse Conservation Coordinator Jim Cochran, Geographic Information Systems Manager Mike Pelletier, and Stockgrowers' Association President Sandy Guerreri were present for discussion.

Ms. Guerreri stated that she had requested to be on this agenda in order to discuss an education proposal, but that she now felt that the entire Stockgrowers' Association should provide an opinion first. She informed the Board that she was confused and wondered how best to move forward on the public education program.

County Attorney Baumgarten informed the Board that he had previously spoken with Ms. Guerreri about her goals and that, because Ms. Guerreri is not a County staff member, she would like to receive assurance from the County that the County would like to move forward with the public education program. County Manager Birnie stated that the County would need a proposal for the Board to consider as the County did not have the expertise to manage the program.

Ms. Guerreri suggested that, prior to presentation of a proposal, a meeting be scheduled between entities that would be willing to work on the program. Chairperson Swenson agreed that this would be beneficial since discussions are already happening around the community.

Commissioner Starr suggested that we look to how other communities have handled this type of situation. Ms. Guerreri felt that this would be worth exploring if a community could be located with the same types of growth and agricultural issues. County Manager Birnie felt that communities throughout the western United States struggle with these issues.

County Manager Birnie felt that a group could be assembled to gather ideas and to leverage the expertise of the CSU Extension Office. Commissioner Channell questioned what the product of this group would be and Ms. Guerreri stated that the group would be responsible for brainstorming ideas, crafting a proposal for the Board, discovering what each entity could provide to the group, and identifying the stakeholders. The Board agreed that the school district should be included within the group. County Attorney Baumgarten felt that another reason for assembling the group would be to affirm the Ranchland Initiative since the conversations were relatively new.

County Manager Birnie suggested that the Board consider formally adopting a three-prong approach that would include education, land use and emerging issues such as the Gunnison Ranchland Initiative. Commissioner Starr felt that the Board should provide clear direction and Chairperson Swenson agreed that this would illustrate the County's commitment to the Ranchland Initiative.

County Attorney Baumgarten suggested that the Board make a motion that affirms the Board's intent that this group go forward with a three-pronged approach in the Ranchland Initiative; an educational component, a land use component, and an emerging issues component; and that the Board is doing it for two reasons, one being the substance of what the group will come up with and the other being that it clearly states the Board's intent that we go forward. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt the motion as stated by County Attorney Baumgarten. 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 1:02 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk