

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
April 7, 2009**

The April 7, 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 8:01 am.

**AGENDA REVIEW:** There were no changes to the agenda.

**MINUTES APPROVAL:** **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the February 3, 2009 Regular Meeting minutes as submitted and authorize signatures. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Chairperson Swenson to approve the Special Meeting minutes for March 10, 2009. Motion carried. (Commissioner Channell could not vote on the minutes since he was not present for the meeting.) **Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the Special Meeting minutes for March 24, 2009 as submitted and authorize signatures. Motion carried. (Commissioner Starr could not vote on the minutes since he was not present for the meeting.)

**CONSENT AGENDA:** Commissioner Channell requested that Items #7 and #11 be pulled from the agenda. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda and authorize signatures on all items except #7 and #11. Motion carried unanimously.

1. Acknowledgment of Planning Director Signature; Ute Trail Ranch, Site Approval for CDPHE Waste-Water Treatment Works
2. Acknowledgment of County Manager Approval; Department of Local Affairs, Energy and Mineral Impact Assistance Program Application; Gunnison County Hazardous Material ID Kit; \$89,223
3. Acknowledgment of County Manager Signature; Grant Contract; Early Childhood Council, Planning Grant; 1/1/09 - 8/31/09; \$7,375.76
4. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, Colorado Local Health Department Indirect Cost Negotiation Agreement; 1/1/09 through 12/31/09
5. Acknowledgment of County Manager Signature; Reimbursement Agreement; Early Childhood Council Program; Noelle Hagan; 2/1/09 - 6/30/09; Up to \$1,000
6. Acknowledgment of County Manager Signature; Provider Agreement; Marcie Telander, MA, CPG; Screening, Assessment, and Clinical Counseling to Promote Health and Wellness to Individuals and Families Referred from the Gunnison County Juvenile Diversion Program via the Family Advocacy and Support Team (FAST) Staffing Process; 1/1/09 - 12/31/09
7. Acknowledgment of County Manager Signature; Drug Free Communities Grant Application
8. Acknowledgment of County Manager Signature; Colorado County Officials and Employees Retirement Association (CCOERA) Retirement Plan and Trust Agreement; 401(a) Participation Agreement
9. Memorandum of Understanding; Gunnison County Substance Abuse Prevention Program and Gunnison County Commissioner Hap Channell; Services and Responsibilities
10. Out-of-State Travel Request; Housing Specialist Training; \$1,850
11. Amendment to the Memorandum of Agreement Between Gunnison County and Office for Resource Efficiency for Contractor Services for the Development and Implementation of an Energy Action Plan for Gunnison County
12. Proclamation; Designating the Week of May 10 - 16, 2009 as Women's Health Week in Gunnison County
13. Eighth Amendment to the Gunnison County Employee Benefits Plan, as Amended and Restated Effective April 1, 2004
14. Release of Agreement Regarding Repayment of Gunnison County Loan; Charles R. Weidlein; North Gunnison Division of the Gunnison County Sewer District Loan; \$3,000
15. Resolution; Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land"; Silver Springs Ranch, Inc.
16. ~~DELETED (Duplicate): Legal Counsel Engagement Agreement; Sherman & Howard, LLC for the Gunnison River Valley Local Marketing District~~
17. Grant Application; Colorado Health Foundation; Multi-Cultural Resource Office
18. Funding Request; Gunnison Cattlewomen's Association; Agventure Day, April 27, 2009, Fred R. Field Western Heritage Center; Transportation for Crested Butte Schoolchildren; \$180
19. State of Colorado Department of Local Affairs Community Services Block Grant Agreement; Emergency Services, Food, and Housing

**CONSENT AGENDA ITEM #7:** Commissioner Channell asked that this be pulled for discussion due to the fact that the previous director, Jere Thomas, is referenced within the document. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve #7 on the Consent Agenda, pending the correction of the personnel. Motion carried unanimously.

**CONSENT AGENDA ITEM #11:** Commissioner Channell asked that this be pulled for discussion and questioned whether or not it was correct to reference the Colorado Heritage Planning Grant within the document. This item was suspended until later in the day.

**CHAIRPERSON STATEMENT OF AGREEMENT AND VOTE:** Due to being tasked for jury duty, Chairperson Swenson provided a hand-written agreement and vote on the following agenda items:

1. Gunnison Valley Animal Welfare letter of support.
2. 2009 Office for Resource Efficiency agreement.
3. Planning Commission Organizational and Procedural Guidelines amendment. Commissioner Starr noted that he would be proposing substantive changes to this document.
4. Dan Morse letter of support.
5. Colorado Wildlife Commission correspondence.
6. Letter of support for Representative Kathleen Curry and Senator Gail Schwartz.
7. Request for the City of Gunnison to enter into an Avigation Agreement.
8. Local Marketing District legal counsel agreement.
9. Her intention to attend the 7<sup>th</sup> Judicial District meeting on 4/27/09.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated. Chairperson Swenson left the meeting at 8:27 am to report for jury duty.

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

1. Gunnison Valley Animal Welfare League (GVAWL); Shelter Site Discussion; Letter of Support. Assistant County Manager Crosby explained that GVAWL requested an updated letter of support. She also stated that she did not prefer the original site location while a location across the street would work much better; she requested authorization to move forward with planning for the new location. The alternative site was explained to be included within the 160-acre trade in progress with the Federal Aviation Administration and could be accessed by the W Mountain road. She noted that ditch relocation may also be necessary, but that GVAWL was supportive of the location change. Commissioner Channell stated concerns related to necessary noise mitigation and previous requests for master planning the area. Commissioner Starr felt that the Board should perform a site visit to the area; this site visit was scheduled for 4/14/09 at 5:00 pm. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the renewal of the letter of support for the Gunnison Valley Animal Welfare League to continue their fundraising. Motion carried unanimously. (Chairperson Swenson previously indicated an affirmative vote.)
2. Ohio Creek Intersection Parking Facility Update. Assistant County Manager Crosby stated that the County's schedule on this project would need to be modified due to incompatibility with the Gunnison Valley Rural Transportation Authority's (RTA) schedule. Because of this, the parking facility would not be built during the coming summer, but would be built as a separate project during the next spring or summer. Commissioner Starr felt that the new schedule and separating the projects would work better for the RTA. Assistant County Manager Crosby also noted that the Silver Springs Ranch land closing was scheduled for the following day, and that she hoped to have the highway portion of the project out to bid by the following week; the bid would then be awarded during a meeting in May.
3. North Valley Lift Station. Assistant County Manager Crosby reported that the application for the lift station would be submitted before the end of the day to the State, assuming that the appropriate signatures could be obtained. She noted that the application would need to be submitted no later than 4/24/09 in order to be eligible for stimulus funding. She also noted that the lift station location was proposed on the Cranor Hill property and that she felt she could obtain the proper signatures from the City of Gunnison before the submission deadline. The City of Gunnison had requested that all monthly fees be waived, which Assistant County Manager Crosby and Assistant Finance Director Ben Cowan took issue with since the monthly fees pay for the system and it had never been done before. Assistant County Manager Crosby was negotiating with City of Gunnison City Manager Ken Coleman to waive the tap fees and availability fee as long as the City of Gunnison would agree to pay the monthly service fee after connection to the system. While Assistant County Manager Crosby was not in agreement to waive the monthly fees, she felt that it would be a good compromise to waive the initial fees. Commissioner Channell requested an update on grant funding and Assistant County Manager Crosby explained that stimulus funds were uncertain and that she expected to receive word by the end of the day on what the DOLA advisory committee was going to recommend. Planning Director Joanne Williams stated that new regulations will mandate additional approval by the Environmental Health Office, but that she hoped to have that review completed before the end of the day.
4. Resource Advisory Committee (RAC) for Title II Funding Update. Assistant County Manager Crosby informed the Board that all entities within the GMUG were in support of a GMUG RAC.

She also noted that there would not be an opportunity for a Gunnison County RAC or to be part of a RAC with Saguache County. Assistant County Manager Crosby felt that Gunnison County was a good fit for inclusion into the GMUG RAC, if individual County RACs will not be supported. Commissioner Channell asked about the feasibility of creating a Gunnison National Forest RAC and Assistant County Manager Crosby agreed to look into the possibility.

**BUILDING DESIGN REVIEW BOARD; GUNNISON BASIN INDUSTRIAL PARK:** County Attorney David Baumgarten and Planning Director Joanne Williams were present for discussion.

Planning Director Williams explained that this park was created as a Special Geographic Area (SGA) in order to avoid processing it through the LUR process as a major impact application. Part of the SGA designation included the need for design guidelines and she suggested that standards for landscaping, signage, exterior lighting, utilities, and stormwater drainage be outlined so that individual applications could be evaluated consistently, simpler and quicker. She stated her preference to create a checklist form for the Design Review Board to use in evaluating each application.

Assistant County Manager Crosby stated her intention to submit a couple of applications during the meeting; however, without clear direction on the process, she decided to suspend the applications until a later date. She was concerned that the absence of adopted park-wide standards could lead to a hodgepodge of uses.

Commissioner Channell requested information about the existing barbed-wire fencing and Assistant County Manager Crosby explained that it would be removed.

Commissioner Channell requested information related to property security and Assistant County Manager Crosby explained that each lessee would be responsible for their own security.

Commissioner Channell requested information about trash removal and Assistant County Manager Crosby stated that each individual lessee would decide on a method of trash removal.

Commissioner Channell requested clarification on mailbox design and mail delivery; Assistant County Manager Crosby agreed to find out if mail will be delivered to the park. Commissioner Starr questioned the need for a consolidated mail area and Assistant County Manager Crosby agreed to check into it.

Commissioner Channell asked about noise standards and Assistant County Manager Crosby stated that she was not aware of any standards for the park. Planning Director Williams did not believe that there were any noise standards in the LUR relative to the park either, but she felt that the lease should include a stipulation to meet State requirements. She added that decibel limits outlined in the LUR are the same as what the State requires.

Commissioner Channell requested information related to outside storage requirement. Assistant County Manager Crosby explained that the information would be included within the lease, but that she would check on the particulars. Planning Director Williams stated that vehicles are required to be stored within buildings, but she felt that this would not be practical. Commissioner Starr felt that recreational and other types of vehicles should not be stored on site and Assistant County Manager Crosby explained that the leases are specific in allowing only vehicles used by the business. Planning Director Williams noted that parking and loading lots must be identified for each lessee.

The Board asked that Planning Director Williams include portable bathroom usage in the regulations.

Commissioner Channell expressed concern about the visual impacts of gasoline storage tanks and proposed that a height limit should be outlined. Assistant County Manager Crosby felt that not a lot of people prefer to use those types of tanks and Planning Director Williams explained that, if in use, the tank would require screening. Commissioner Starr asked about color regulations and Planning Director Williams explained that Federal laws mandate that the tanks be painted white in order to reflect heat.

Commissioner Starr requested that excavation be included on the checklist. Planning Director Williams stated that the Board would need to approve the site plan and the building permits. Assistant County Manager Crosby agreed to make the requested changes and then submit them to the Board at a later date.

**SETTLEMENT STATEMENT FOR SILVER SPRINGS:** Assistant County Manager Crosby asked for Board approval of the statement. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the 1<sup>st</sup> American Title Insurance Company National Commercial Goods Services Estimated Settlement Statement with Silver Springs Ranch, Inc., a Colorado Corporation and authorize signatures. Motion carried.

**2009 AGREEMENT BETWEEN THE OFFICE FOR RESOURCE EFFICIENCY (ORE) AND GUNNISON COUNTY:** ORE Executive Director Gesa Michel and ORE Building Director Andris Zobs were present for discussion.

Ms. Michel confirmed that the language within Consent Agenda Item #11 was correct. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #11 as submitted and authorize signatures. Motion carried.

Ms. Michel informed the Board that the Energy Wise Business Program had been improved and is much easier to use. She felt the program will also assist businesses with reducing energy use. Commissioner Channell felt that it would be important to get the Gunnison piece of this program moving forward as soon as possible.

Mr. Zobs informed the Board that a Gunnison Valley Energy Fund would need to be created by ORE to pay for energy reduction programs. He also stated that some of ORE's financial partnerships were uncertain due to the current economy and that the agreement between ORE and the County was essential to keep the program running. Lastly, he stated that implementation of the Energy Action Plan will put the County ahead of other Colorado communities, which he felt may help to secure more funding.

Commissioner Channell expressed concern as a commissioner (he also serves on the ORE board) as he felt that ORE should increase a presence in the Gunnison area since many citizens view ORE as a Crested Butte program. Ms. Michel stated that ORE had increased campaigns in the lower valley, primarily by working with churches and Western State College. She explained that an ORE staff member is in Gunnison at least once weekly and that ORE would like to become a resource for the County to develop energy programs. Commissioner Channell questioned whether or not ORE would have the capability of staffing a more visible office in Gunnison and Mr. Zobs felt that this would be a good idea and that ORE would find a way to handle the staffing needs although it would require additional funding sources as ORE's current location in Kelly Hall is provided free of charge. Mr. Zobs questioned whether or not retail sales of energy-efficient lighting could be included in a visible office location. The Board felt that this could be negatively viewed by local businesses.

**Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the 2009 Agreement Between the Office for Resource Efficiency and Gunnison County, as presented and authorize signatures. Commissioner Starr reminded the Board that Chairperson Swenson stated her support of this agreement earlier in the meeting. Motion carried unanimously.

**GUNNISON COUNTY PLANNING COMMISSION ORGANIZATION AND PROCEDURAL GUIDELINES; AMENDMENT REVIEW:** Planning Director Joanne Williams informed the Board that consultant Greg Dale had reviewed this document and that he was impressed by its existence. The draft amendments were discussed and agreed upon. Final review and adoption were scheduled for 5/5/09.

**FUNDING REQUEST; FRIENDS OF SOMERSET; SOMERSET PARK EQUIPMENT AND MATERIALS:** This discussion was moved from earlier in the meeting due to time constraints in the morning.

Assistant County Manager Crosby explained that she had issues with this request because the County was asked only to build the park, not to be perpetually responsible for it. She was concerned that these types of requests would continue annually if precedence were set. Initially, the park was to be funded by \$44,380 in grant money, \$10,000 from the County, and \$3,200 of in-kind contributions from Public Works. However, she reported that her department had expended in excess of \$20,000 of in-kind labor on this park.

The Board agreed that the County should not be expected to annually appropriate money for the park. However, Commissioner Channell felt that contributions could possibly be given for fixed capital costs that would require a match by the community. Commissioner Channell questioned whether or not anything was documented with regard to the original request or in subsequent communication that established responsibility for the park. Assistant County Manager Crosby explained that the grant application did not address continued maintenance responsibility. Commissioner Channell felt that the County should devise a clear relationship from this point forward. Commissioner Channell also felt that storage capability for the tractor should be researched.

Commissioner Channell was not opposed to accepting some responsibility for the park since it belongs to the County. Commissioner Starr asked Assistant County Manager Crosby to find out if this would be in-cycle or out-of-cycle grant funding for DOLA, and how much of a match would be required by DOLA. The Board asked Assistant County Manager Crosby to draft an agreement to memorialize the responsibilities. She will present the draft during the 5/5/09 meeting. Assistant County Manager Crosby agreed that some of these costs would help to protect the County's investment.

Commissioner Channell asked that the Board consider a summertime site visit to the Marble and Somerset areas. Commissioner Starr agreed that this would be beneficial. Assistant County Manager Crosby stated that she would like to show the Board the two new bridges in the area that were funded by DOLA. Commissioner Channell felt it might also be beneficial to have a joint meeting with the Marble Town Council.

Commissioner Channell supplied a copy of the semi-annual report from the Pitkin County Board of County Commissioners that was recently contained within the Marble Valley Echo. The Board agreed that the County should do more to advertise accomplishments and programs. Commissioner Channell wanted to ensure that the Administration Offices are working on a public affairs element.

**CITY OF GUNNISON ELECTION EXHIBIT:** Assistant County Manager Crosby explained that the City requested this from the County, relevant to the Taylor Canyon right-of-way issue. She provided copies of the exhibit that was submitted to the City.

**ANTELOPE HILLS WATER:** Assistant County Manager Crosby explained that Antelope Hills is currently working through a couple of compliance issues, including radon levels. She explained that the Colorado Department of Public Health and Environment performed a study pertinent to small systems that would not be able to afford correction measures. She agreed to keep the Board informed as updates are available.

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

### **COMMISSIONERS MEETING REPORTS:**

#### **Commissioner Starr:**

1. Crested Butte Animal Shelter Facility. Commissioner Starr stated that the Paradise Animal Welfare Society (PAWS) would prefer to build the facility this summer, so Assistant County Manager Crosby will pursue the property lease. He noted that the necessary survey was almost completed and that a land exchange permit would need to be obtained. PAWS will identify an engineer for the ISDS system.
2. Gunnison Valley Economic Futures Presentation in Crested Butte. Commissioner Starr attended this presentation along with approximately 40 other persons. Consultant Paul Holden gave the presentation. It is likely that public sector entities will become involved with economic development since this suggestion received support from City of Gunnison City Manager Ken Coleman and Town of Crested Butte Mayor Alan Bernholtz.
3. Mayors/Managers Meeting. Commissioner Starr attended the recent meeting where he learned that Crested Butte and RTA sales taxes were down, while Mt. Crested Butte sales taxes were up. The new ice rink in the City of Gunnison was thought to bring about \$5,000,000 into the community during the past season. The City of Telluride has laid off six permanent staff members due to a deficit. Airplane flights into and out of Gunnison increased about 6% during the year. Western State College (WSC) president Jay Helman has returned from medical leave and is working part time. WSC has experienced severe budget cuts during a time when state tuition is anticipated to increase. The next Water Workshop is scheduled to take place in the Mountaineer Square during 7/22/09 through 7/24/09. As far as the Gunnison RE1J School District, construction began on the Lake building last week and the Crested Butte project is anticipated for ground breaking on 5/1/09. The District's budget is flat for the next year and there is consideration for the high school to move to a quarterly system in order to allow for more flexibility. In the Town of Pitkin, the town council voted against accepting the County's 10-acre land contribution. Crested Butte Mountain Resort (CBMR) has completed its budget for next year with more emphasis on spending during the summer months and making capital improvements. CBMR noted that, while skier counts were down approximately 13,000 during the past winter, overall ticket revenues were up
4. Butch Clark Land Donation Meeting. Commissioner Starr stated that this well-attended meeting was facilitated by Pam Montgomery. Federal agencies were represented and town representation was anticipated for future meetings. Housing Authority Director KT Gazunis and Geographic Information Systems Manager Mike Pelletier were also in attendance. A leadership team for the project will be formed, and then different groups will be assembled for various aspects of the donation. Commissioner Starr thought that the entire process could take a couple of years to complete.

#### **Commissioner Channell:**

1. Division of Wildlife (DOW) Wildland Presentation. Commissioner Channell attended this meeting and noted that the conversation was very interesting. During the meeting, DOW representative J Wenum defended the modeling and methodology utilized by the DOW.
2. City of Gunnison Public Meeting; Annexation. Commissioner Channell attended this meeting that was specifically held for the purpose of discussing whether or not the annexation meets State requirements. Interesting points were brought up and he thought the meeting was beneficial. Butch Clark challenged the City council to define the timeline of the project. Commissioner Channell acknowledged that his point was well taken as he felt that many citizens would have the same concern.

**BREAK:** The meeting recessed from 11:54 am until 1:00 pm for lunch.

**AVIGATION EASEMENT AGREEMENT; GUNNISON RISING:** Airport Manager John DeVore, County Attorney Baumgarten, City of Gunnison City Manager Ken Coleman, City of Gunnison Director of Community Development Steve Westbay, and developer Dick Bratton were present for discussion.

County Attorney Baumgarten explained that this agreement would be necessary for future airline flights flying over the property as outlined in the agreement. He represented the staff recommendation that the County request that the City of Gunnison include an Avigation Agreement in the Gunnison Rising negotiations. He noted that the Federal Aviation Administration (FAA) supplied the template agreement to be used.

Airport Manager DeVore stated that not filing an Avigation Agreement could be problematic as it may limit the ability of the airport to function in the future. He also indicated that FAA support to fix future problems would be limited or non-existent without the agreement. He requested that the record of the easement be made part of the property deed.

Commissioner Channell asked if this agreement will include a radius and Airport Manager DeVore explained that the recommendation would be to include the entire annexation. County Attorney Baumgarten agreed that this would be the right time to complete this agreement.

Mr. Bratton stated that he would like for this agreement to be completed and recorded for the County, the City and the residents. He felt that if County Attorney Baumgarten, City of Gunnison attorney Rod Landwehr and his attorney meet and discuss the details, that it could be accomplished. County Attorney Baumgarten said he would not like to negotiate the FAA template because he did not want to exclude any FAA requirements that later may affect funding.

Airport Manager DeVore stated that the land, in its current state, does not create any problems for the airport, but the level of proposed density would create problems. Airport Manager DeVore also reported that DIA is experiencing the types of issues that he warned about, even though DIA predated many of the neighboring residential areas.

Commissioner Starr expressed concern that the FAA wanted this applied throughout the annexation area and not for a specific distance from the airport.

County Attorney Baumgarten stated that if the City, County and annexation sway from the FAA template, then all parties would need to understand that they had been put on notice as to how the FAA will stand should there be issues in the future.

Commissioner Channell requested clarification about what in the template may be problematic. Mr. Bratton felt that covering all of the property could cause issues since he did not feel this was in effect in other communities. He also felt that height restrictions could cause issues. Airport Manager DeVore explained that the easement would give the County the right to enter someone's property and, for example, remove trees without first obtaining permission. Airport Manager DeVore also felt that limiting the types of aircraft could be problematic since we don't know what types will be flown in the future.

The Board agreed that the County should respect the nature of the non-negotiable FAA template.

Commissioner Channell questioned whether just the approach zone could be included instead of the whole annexation. County Attorney Baumgarten explained that approach zones can change.

**Moved** by Commissioner Channell, seconded by Commissioner Starr for the Board of County Commissioners to request the City Council of Gunnison require Gunnison Rising to adopt an Avigation Agreement that conforms to the FAA template that is attached as a condition of the annexation and that we (the County) forward the appropriate documents to City Council and City staff. Commissioner Starr confirmed that Chairperson Swenson had previously registered her vote in support of this decision prior to attending jury duty. Motion carried unanimously.

#### **CORRESPONDENCE:**

1. Southwest Resource Advisory Council (SWRAC) Nomination; Support Letter for High Country Citizens' Alliance (HCCA) Representative Dan Morse. Dan was present for discussion. Draft correspondence was discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the letter of nomination and reference for Dan Morse to the Southwest Resource Advisory Council and authorize signatures. Chairperson Swenson indicated her support earlier in the meeting. Motion carried unanimously.
2. 7<sup>th</sup> Judicial District; Edward J. Clayton, III; Court Related Subjects. Chairperson Swenson indicated earlier in the meeting that she intended to attend this meeting on 4/27/09. County Manager Birnie and Commissioner Channell will also attend. The next work session agenda will include a five-minute discussion on topics.
3. Colorado Wildlife Commission; Nomination of DAUs E-41 and E-43 (Game Management Units 54, 55, 551) for Limited Elk Licensing. Draft correspondence was discussed. Commissioner Channell did not feel that the draft correspondence was ready for signature and stated that he would vote

against the approval only because he felt that revisions are necessary to reflect the options available, the complexity of the situation, and to suggest alternative approaches. Commissioner Starr agreed as he felt that many thoughts and ideas had not been expressed in the letter. This discussion was continued to the 4/21/09 meeting. Prior to that meeting, the Board will formulate the changes. The Board discussed that the Stockgrowers' draft letter had submitted by a third party to the newspapers, which may have led to the belief that the Board had already signed the draft.

4. Draft Letter of Appreciation; Representative Kathleen Curry and Senator Gail Schwartz; Leadership Displayed Regarding Oil and Gas Rules. County Attorney Baumgarten explained that the draft correspondence was hand-delivered to him with the request to ask for signatures from the Board. Since the document was crafted as an opinion, County Attorney Baumgarten said he would draft appropriate correspondence for Board signature. This was put on the 4/14/09 Special Meeting agenda for action.

**POSSIBLE EXECUTIVE SESSION; OHIO CREEK RIGHT-OF-WAY LAND PURCHASE NEGOTIATIONS; POSSIBLE ACTION:** Assistant County Manager Crosby requested that she and her Special Projects Foreman, Jim Kint, be included in the Executive Session with the Board and County Attorney Baumgarten. County Attorney Baumgarten requested that the Board enter into an Executive Session to negotiate the purchase of real property. **Moved** by Commissioner Channell, seconded by Commissioner Starr to go into executive session to negotiate the purchase of real property with the Board, County Attorney Baumgarten, Assistant County Manager Crosby and Jim Kint. Motion carried. The executive session was held in County Attorney David Baumgarten's office.

The board went into executive session at 2:00 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)a.*

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Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: \_\_\_\_\_

\_\_\_\_\_  
David Baumgarten  
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), I attest that I am the Vice-Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: \_\_\_\_\_

\_\_\_\_\_  
Jim Starr, Vice-Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 2:25 pm. Commissioner Starr confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

**COMMISSIONERS MEETING REPORTS (continued):**

**Commissioner Channell:**

3. Gunnison Valley Economic Futures Presentation in Gunnison. Commissioner Channell stated that the meeting was well attended. He explained that this self-appointed committee was formed to evaluate the economics of the valley and all ramifications. Grant money has been received for hiring a consultant, Dr. Paul Holden, to perform a meta analysis of data generated by other kinds of efforts. Dr. Holden is an international economist that lives in the local area. Data discrepancies were discussed, but Dr. Holden reminded everyone that he did not generate the initial data.

**GUNNISON PRAIRIE DOG LITIGATION; POSSIBLE MOTION TO INTERVENE; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten and Gunnison County Wildlife Conservation Coordinator Jim Cochran were present for discussion.

County Attorney Baumgarten explained that a lawsuit was filed in Federal court in Arizona approximately a week and a half ago by the Wildlife Guardians group. The lawsuit is a formal complaint asking for relief regarding the Gunnison Prairie Dog. Gunnison County is within the mountain range and the Department of the Interior lists Gunnison County as wanting the listing. County Attorney Baumgarten requested that he be authorized to enter into an intervention to become a formal party in the lawsuit on behalf of the County. If the County becomes an intervener, then it will be privy to conversations. He felt this litigation would be as large a scale as the Black Canyon Quantification.

High Country Citizens' Alliance (HCCA) representative Dan Morse was present and stated that HCCA does not yet have a position on this issue. Gunnison County Wildlife Conservation Coordinator Cochran noted that this has not been discussed during the recent Gunnison Basin Sage-grouse Strategic Committee meeting and that only periodic updates have been given.

Commissioner Starr questioned whether or not the County would obtain outside legal counsel on this issue due to the amount of County Attorney Baumgarten's time this would take. County Attorney Baumgarten felt that the County should not obtain outside counsel or expertise because a lot of the argument does not belong to Gunnison County and that the County will only live through the consequences.

County Attorney Baumgarten noted that sage-grouse population numbers were not listed in the lawsuit and that the lawsuit was instead based on the percentage of decline. The intervention filing deadline was within the next week.

**Moved** by Commissioner Channell, seconded by Commissioner Starr to ask staff to proceed with the draft and filing of the intervention on the litigation involving the Gunnison Prairie Dog. Motion carried.

**ADJOURN:** Commissioner Starr adjourned the Board of County Commissioners meeting at 2:45 pm.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:** Commissioner Starr called the meeting to order at 2:45 pm.

**ACKNOWLEDGMENT OF COUNTY MANAGER SIGNATURE; LEGAL COUNSEL ENGAGEMENT AGREEMENT; SHERMAN & HOWARD, LLC FOR THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:** The scope of Sherman & Howard, LLC's employment contract includes advising the District regarding the procedures needed to properly submit a proposition to the qualified electors of the District to extend the District's existing marketing and promotion tax. Also included with be a draft resolution calling the special election and required election notices and such other departments as requested and provide general election advice regarding compliance with the Fair Campaign Practices Act. **Moved** by Commissioner Channell, seconded by Commissioner Starr to ratify County Manager Birnie's signature on the engagement agreement. Motion carried.

**ADJOURN:** Commissioner Starr adjourned the meeting at 2:46 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: 2009-11**

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND"; SILVER SPRINGS RANCH, INC.

WHEREAS, pursuant to §C.R.S. 30-28-101(10)(d), the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") may exempt a division of land from the statutory definition of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of C.R.S. §30-28-101(10); and

WHEREAS, Silver Springs Ranch, Inc., a Colorado corporation (hereinafter "Silver Springs") owns a parcel of land identified in Appendix "A" attached hereto and incorporated herein (hereinafter "Parcel A"); and

WHEREAS, there is a portion of Parcel A adjacent to the intersection of Ohio Creek and Highway 135 as identified in Appendix "B" attached hereto and incorporated herein (hereinafter "Parcel B"); and

WHEREAS, Silver Springs and the Board have entered into a Donation Agreement for the donation of Parcel B to the Board to provide for realignment of the intersection; and

WHEREAS, the Board believes that the division of Parcel B from Parcel A is not within the purposes identified in C.R.S. §30-28-101(10); and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that pursuant to §C.R.S. 30-28-101(10)(d) the division of Parcel B as identified in Appendix "B", attached hereto and incorporated herein, from Parcel A as identified in Appendix "A", attached hereto and incorporated herein, is exempt from the terms "subdivision" and "subdivided land".

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 7<sup>th</sup> day of April, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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