

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
April 21, 2009**

The April 21, 2009 Board of Commissioners meeting was held in the Commissioner's 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 Starr, seconded by Commissioner Channell to approve the minutes of February 17, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the minutes for the Special Meeting of February 25, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Regular Meeting minutes of March 3, 2009 as submitted. Motion carried unanimously.

CONSENT AGENDA: Commissioner Channell asked to pull Item #1 for further discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Items #2 through #11 and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Gunnison/Hinsdale County Department of Health and Human Services Purchase of Service Agreement; Sherry Ruble Enterprises, LLC; Audit Preparation and Training Related to Program Eligibility and CBMS Functions; Not to Exceed \$5,400; 4/7/09 - 7/31/09
2. Contract Amendment; Carter & Burgess and Gunnison County, Gunnison, Colorado; Amendment #5 to Contract Dated March 9, 2004
3. Agreement; Western Slope Fire & Safety, Inc.; Supply and Install an Automatic Fire Sprinkler System at Mountain View Apartments; \$110,000
4. Agreement; Case Construction Company; Paint Accessible Fire Sprinkler Pipes at Mountain View Apartments; \$11,100
5. Agreement; Superior Alarm & Fire Protection; Install a Fire Alarm System at Mountain View Apartments; \$10,284
6. Agreement; Able Real Estate Services; Section 8/TRACS Processing for Mountain View Apartments; 4/1/09 - 9/30/09
7. Agreement; Phase Con Environmental Consultants; Asbestos Materials Building Inspection Services for Sprinkler System Retrofit at Mountain View Apartments
8. Agreement for Services; Western Slope Maintenance & Janitorial; Janitorial and Cleaning Services for Mountain View Apartments; 3/1/09 - 2/28/10
9. Ground Lease Agreement; John A. Johnson; 4/2/2009 through 4/2/2029
10. Reconveyance of Grant of Easement; Elizabeth E. Fitzpatrick; Lot 3, Three Valleys Subdivision
11. Contractor Agreement; Brooke Harless; Gunnison County Substance Abuse Prevention Project; 3/2/09 - 9/29/09

CONSENT AGENDA ITEM #1: Commissioner Channell requested that this be pulled to verify the discrepancy noted for contract dates. The date had been corrected on the contracts. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #1 and authorize 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. Request for Letter of Support; Western State College (WSC). County Manager Birnie informed the Board that WSC Vice-President for Finance and Administration Brad Baca requested a letter of support for a DOLA grant to assist with funding the construction of the new campus center building. County Manager Birnie previously emailed a draft to the Board for review. Modifications to the draft were discussed and agreed upon.
2. Request for Budget Increase; 7th Judicial District Attorney. Commissioner Starr recused himself from the discussion due to a potential conflict of interest. County Manager Birnie informed the Board that the Counties within the 7th Judicial District had received a request for a \$10,000 budget increase; however, he noted concern with the approach since the State usually funds special prosecutions. County Manager Birnie noted that District Attorney Serra received \$3,000 of the total \$13,000 that was requested from the State. The balance of \$10,000 was being requested from the Counties within the District; Gunnison County's portion would be \$1,600.

County Manager Birnie, while not opposed to this request, expressed concern that, as the State reduces funding in many areas, there could be pressure for Counties to fund the differences. Chairperson Swenson felt that agreement could set a bad precedence while all entities around the State are tasked with budget cuts. County Manager Birnie stated that he had not heard that any of the other Counties were not planning on supporting the request. Commissioner Channell questioned whether or not Counties could contribute partially and County Manager Birnie explained that the County has a statutory responsibility to fund the DA's office, but that the level was not defined. The Board agreed that the County should agree to the funding request, but that the County should also send strong correspondence stating that this contribution will be the last for the calendar year. Commissioner Starr returned to the room at the conclusion of this discussion.

3. Crested Butte Wastewater Treatment Plant Spill. County Manager Birnie informed the Board that this spill into the Slate River occurred on 4/20/09. He confirmed that Environmental Health Specialist Richard Stenson was aware of the situation and that the State of Colorado had been notified. The cause for the spill was unknown.
4. Impact Fee Studies. County Manager Birnie informed the Board that the planner from RPI Consulting would be present during the following week to present the two impact fee studies that were recently completed.
5. Leadership Academy. County Manager Birnie informed the Board that the County would begin to send department directors and supervisors to this seven-month training, occurring during one full day per month, beginning in June. He noted that Eagle County had completed a similar program, which is where he had first heard of it, and that the consultant group had received good reviews. County Manager Birnie felt that this training would provide quality training for management personnel and consistency throughout the organization with respect to how processes are managed. This training will become a requirement for supervisory positions and has been budgeted within the Personnel Department.
6. Consultant Firm to Research Funding Sources. County Manager Birnie informed the Board that he was scheduled to attend a telephone conference on 4/22/09 with the consultant firm in Boston, MA that had been engaged by WSC to help research funding sources. County Manager Birnie expressed interest in energy-efficiency funding sources beyond the Governor's Energy Office, which he has already been working with.
7. General Fund Budget Update. County Manager Birnie explained that the budget was extremely tight because the County did not end the 2008 calendar year as projected. He stated that the auditing firm would be in the Courthouse during the following week and that the County should expect to have a surplus over-budget, based on projections that would help to fund the Housing Authority shortfall. County Manager Birnie noted that he will likely request that the County not take any budget enhancements for 2010.
8. Colorado Counties, Inc. (CCI) Conference. Commissioner Channell asked County Manager Birnie whether or not the Board was budgeted to attend the upcoming conference. County Manager Birnie explained that the Board's budget is not outlined this way, but that attendance would be acceptable. County Manager Birnie is not likely to attend this year due to a scheduling conflict.
9. Request for Letter of Support; Internet Colorado. Chairperson Swenson recused herself for the discussion due to a conflict of interest. County Manager Birnie explained that Internet Colorado had asked for support for a grant application that, if funded, would fund the creation of a wireless mesh web system in Gunnison that would be provided to the public via a subscription service. Commissioner Channell questioned whether or not the County had ever received any similar requests from private entities and County Manager Birnie confirmed that the County had not and that the situation was unusual. County Manager Birnie stated that the proposal would be judged on its merit by the funders. The Board felt that the support letter should be written in a way to support this application along with any other similar adaptation requesting federal money to enhance the local community and businesses. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize staff to draft a letter supporting efforts to bring broadband internet to the City of Gunnison, including the one proposed by Internet Colorado, not to the exclusion of any other private entity who may have a similar request, and authorize signatures on that letter following review by Commissioner Channell and myself. Motion carried (Chairperson Swenson recused herself from the conversation).

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

1. Design Review Committee; Distinguished Wood Supply, Inc. Assistant County Manager Crosby stated that she was slightly ahead of the Planning process, but that she hoped to have the Board's approval by the time that the Planning Department was ready to proceed. She noted that this parcel would eventually include a 5,000-square-foot building with a showroom, but that the current proposal only included the lessee transferring the current operation to the parcel. Commissioner Starr requested additional information related to signage, exterior lighting, stormwater management, and utility connections; Assistant County Manager Crosby explained that these issues would be controlled by outside permits and that the instances must comply with the Gunnison County Land Use Resolution. Modifications to the lease were discussed and agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the

- determination of the Design Review Committee decision for Gold Basin Industrial Park for the business known as Distinguished Wood Supply, Inc. as amended. Motion carried unanimously.
2. North Gunnison Sewer Update. Assistant County Manager Crosby informed the Board that correspondence promising additional \$200,000 in funds was received from DOLA Executive Director Susan Kirkpatrick, which would lower the monthly payment for the residents. Assistant County Manager Crosby explained that the County should wait until after 5/11/09 to set bid dates so that stimulus funding information can be incorporated into any decisions made. She also noted that the pending income survey results would affect the finance rate.
 3. Ohio Creek Intersection Project Update. Assistant County Manager Crosby informed the Board that this project was moving forward and that she is working closely with CDOT.
 4. Riverwalk Bridge Project. Assistant County Manager Crosby reported that this project was moving forward and that plans had been submitted to CDOT. She hoped to be ready to start the bid process a month prior to the CDOT deadline.
 5. Temporary Animal Shelter Project Update. Assistant County Manager Crosby confirmed that this project was moving forward as anticipated.
 6. Grant of Perpetual Easement; North Valley Sewer Line & Lift Station. County Manager Birnie provided this document for discussion and signature. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize signatures on the City of Gunnison Easement Conveyance for the North Valley Sewer Line Lift Station, subject to ratification on 5/5/09. Motion carried unanimously.
 7. Taylor Canyon Project Update. Assistant County Manager Crosby informed the Board that the appraisal for one parcel had been received and was being reviewed. The right-of-way plans have been sent to Crystal Creek and the Federal Highway Administration had not provided an update. Assistant County Manager Crosby felt that this project may still be in line to receive stimulus funding.

ANTELOPE HILLS HOA; REQUEST FOR EXTENSION OF DOS RIOS WATER: Assistant County Manager Crosby, County Attorney David Baumgarten, and Antelope Hills HOA representatives Jim Greer and John McDonald were present for discussion.

Assistant County Manager Crosby informed the Board that she had attended a recent meeting with the Antelope Hills HOA. She requested direction from the Board related to whether or not this project should be supported.

Mr. Greer explained that the HOA had been working on this project since 2006 after being advised that radium levels in the water were too high and were not in compliance with the State standards. He confirmed that radium levels had increased since 2006, even after drilling an additional well in the hopes of diluting the radium. The HOA is now under an order from the State to bring this system into compliance and must take action by 4/30/09 to engage a water engineer to finish the systems report. He noted that the Board did not support a proposed solution to this problem approximately 15 years ago.

Mr. Greer indicated that he had meet during the previous week with representatives from the Colorado Radiological Committee and reviewed their final recommendation. However, he could not support the recommendation because it would create a hazardous waste dump in the area. He also noted that the recommendation would mandate the HOA to convert to a Class A operation system, which is costly.

Per Mr. Greer, since the HOA is not a political subdivision, it cannot apply for grants. He requested the County's assistance with grant application and supplying water quality information to prove to the State that an alternative source would meet the standards. He also requested assistance with obtaining funding for engineering, which would be refunded by grants. The HOA had only \$43,000 to spend on this project.

Assistant County Manager Crosby expressed concern that signatures were requested during the recent HOA meeting. She was also concerned about utilizing the Water Revolving Loan Fund and felt that the USDA loan may be more appropriate because of the level of funding needed; however, a USDA loan would not reimburse for preliminary work. She felt that the County could eventually bill the HOA for one large water bill and then the HOA would be responsible for internal billing since meters would be installed. She was not sure that an engineer could be engaged by the end of the month, but she felt that the State would appreciate the show of progress with a 2011 completion timeframe.

Commissioner Channell stated that he would support this project and the commitment of staff time since public officials are charged with fixing problems from the past, including the costs associated with postponement of fixing those problems.

Commissioner Starr recalled the situation from approximately eight years ago and agreed to support this project to improve the health and welfare of the citizens. He questioned whether or not funding a water engineer was something that the County could commit funds to and Assistant County Manager Crosby explained that the County would first need to receive cost estimates before making a decision.

Chairperson Swenson stated her admiration of the HOA for taking charge of the situation and her support of the request.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize staff to work with the Antelope Hills HOA to determine the assistance that the County can provide to the Association for dealing with this issue of water in a way that is consistent with the State requirements. Motion carried unanimously.

County Manager Birnie requested clarification on whether or not the County should consider a moratorium on development in that area until this situation has been resolved. Mr. Greer explained that he had been suggesting that residents install water softeners, but that he felt a moratorium would be detrimental to property values in the area. Mr. Greer also confirmed that the HOA will not allow residents to tie in to or disconnect from the existing system until the problem is fixed. Assistant Planning Director Starkebaum stated that the Planning Department had been contacted by residents requesting that they be able to disassociate from the HOA's water system. Chairperson Swenson stated that this active HOA board was taking steps to correct the violation and she would not support a moratorium. Commissioner Channell felt that discussion of a moratorium was premature since it had not been brought up prior to the meeting. Commissioner Starr asked that County Manager Birnie discuss this issue with County Attorney David Baumgarten to ensure that the County's exposure was being limited as much as possible.

MOTION TO INITIATE REVIEW AND AMENDMENT OF SPECIAL DEVELOPMENT PROJECT REGULATIONS (SDPR), REQUESTING THE PLANNING COMMISSION TO CONDUCT SUCH PROCESS; AND FORMALLY SUBMITTING PROPOSED AMENDMENTS TO THE PLANNING COMMISSION: County Attorney Baumgarten was present for discussion and informed the Board that Section 7 of the current SDPR document allowed the Board to formally initiate amendments to the regulations. **Moved** by Commissioner Starr, seconded by Commissioner Channell as per Section 7-101 to formally request that the Planning Commission conduct a review of the Gunnison County Special Development Project Resolution draft #4, dated March 13, 2009, together with the document entitled "Errata #1", which is dated March 15, 2009. Motion carried unanimously.

APPROVE BOARD OF COUNTY COMMISSIONER COMMENTS REGARDING DRAFT ASPINALL ENVIRONMENTAL IMPACT STATEMENT (EIS): County Attorney Baumgarten was present for discussion and provided the last drafts that the Upper Gunnison River Water Conservancy District and the Colorado River District would be submitting to the Bureau of Reclamation. He stated that both were similar in reasoning and that both mention that it would probably be inappropriate to discuss marketable yield; the draft EIS did not consider potential sales. He recommended that he be authorized to draft a letter for the Board that would agree with and support both letters. **Moved** by Commissioner Channell, seconded by Commissioner Starr to ask legal staff to draft a letter supporting the positions taken by both the Colorado River District and the Upper Gunnison River Water Conservancy District with regards to the draft Aspinall Environmental Impact Study. Motion carried unanimously.

VISITORS; ENVIRONMENTAL PROTECTION AGENCY (EPA) REPRESENTATIVES; STANDARD MINE CLEANUP: EPA Community Involvement Coordinator Libby Faulk, On-Scene Removal Coordinator Gina Andrews, and Remedial Project Manager Christina Proggess were present for discussion.

Coordinator Andrews presented material related to before and after cleanup of the Standard Mine. She stated that the EPA's work had been completed, but that monitoring of the area for maintenance and revegetation would continue. The EPA would next visit the area in mid-May to assess how snowmelt had affected the cleanup efforts.

Manager Proggess explained that she would be responsible for long-term cleanup whereas Coordinator Andrews was responsible for only the initial cleanup. She will begin to assess contamination locations, types and potential risks. She will then assess cleanup options before taking public comment and implementing the chosen option. The Remedial Investigation/Feasibility Study Report is scheduled to be drafted by January 2010 and finalized by March 2010. Once a final remedy is determined, the State will assume the responsibility for maintenance and the EPA will perform reviews every five years. The design of the final remedy should occur in 2011 with construction of that remedy in 2012.

Commissioner Starr commended the EPA for their work on this project as he felt that this was a great example of how the process should work.

BREAK: The meeting recessed from 10:14 until 10:26 am.

TREASURER'S MONTHLY REPORT: Treasurer's Office representative Darrin Eicher presented the Treasurer's Monthly Report for March 2009, a Quarterly Interest Report for the period January through March 2009, and an Investment Report dated 3/31/09 for discussion and acceptance. He reported that County residents had experienced 51 foreclosures to date, compared to a total of 81 foreclosures during 2008. He also informed the Board that one of the banks that the County held a CD with had gone out of business; the funds are insured by the FDIC, however retrieval of the interest accrued for a short period

of time is uncertain. **Moved** by Commissioner Starr, seconded by Commissioner Channell to accept the monthly Treasurer's report for March 2009 and authorize signatures. Motion carried unanimously.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Cash Transfer Authorization report for March 2009 and the monthly Warrant Report for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Warrant Report through March 24, 2009 in the amount of \$760,272.92. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Cash Transfer Authorization Report for March 2009 in the amount of \$1,771,806.28. Motion carried unanimously.

CORRESPONDENCE; COLORADO WILDLIFE COMMISSION; NOMINATION OF DAUs E-41 AND E-43 (GAME MANAGEMENT UNITS 54, 55, 551) FOR LIMITED ELK LICENSING: Gunnison County Stockgrowers' Association President Sandy Guerreri was present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve our letter to the Colorado Division of Wildlife and the Colorado Wildlife Commission dated April 21, 2009 with regard to the nomination of DAUs E-41 and E-43, Game Management Units 54, 55, and 551 for limited elk licensing and authorize signatures. Commissioner Channell complimented everyone who took part in the thoughtful creation of the correspondence. Commissioner Starr agreed and noted that most of the stakeholders are committed to bringing the population numbers down. Motion carried unanimously. Ms. Guerreri thanked the Board for their assistance with this process.

VISITORS; COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGIONAL DIRECTOR WELDON ALLEN; TRANSPORTATION ISSUES AND FUTURE CDOT PROJECTS: Regional Director Weldon Allen, Regional Program Engineer David Eller, Transportation Commission Chairman Doug Aden, Regional Traffic & Safety Program Engineer Pete Mertes, Assistant County Manager Crosby, City of Gunnison City Manager Ken Coleman, and Mt. Crested Butte Town Manager Joe Fitzpatrick were present for discussion.

Director Allen presented the annual report to the Board via bound information. Commissioner Aden acknowledged Mr. Vince Rogalski for his committed work with the staff.

Commissioner Aden noted that just under \$1,000,000,000 was adopted for the FY 2010 budget period that began on 7/1/09. He felt that this budget would allow purchasing power since it represented much less than what should be spent. He noted, if the State does not find a way to deal with the funding dilemma long term, that there will be consequences. He also felt that the gas tax revenue is not a sustainable long term solution.

Commissioner Aden noted that Colorado was slated to receive approximately \$500,000,000 in ARRA funding, of which approximately \$300,000,000 will be allocated to the highway system. He also noted that additional vehicle registration fees of \$41 per year per vehicle should generate approximately \$255,000,000, as recommended by the Blue Ribbon Transportation Panel. Additionally, the Panel recommended that CDOT needs approximately \$500,000,000 to fix the current infrastructure and approximately \$1,000,000,000 for improvements. Cities and Counties will receive approximately \$56,000,000 and over \$100,000,000 will go to the bridge enterprise, which he felt was a first step toward a sustainable funding solution.

Director Allen stated that Gunnison County only has a few structurally deficient bridges, so the FASTER funds will address most of other bridges in the State while he committed to dedicating funds to maintain Gunnison County's bridges. He reported that CDOT had instituted a hiring freeze and travel restriction for their personnel; administrative cuts have been 10% across the board. Also, State employees will not be receiving any wage increases this year and furlough days may be used in an attempt to save funds that can be utilized on programs.

Director Allen informed the Board that CDOT would be working on the classification list in May or June to reprioritize projects into either A, B or C, with projects on the A list being the most important. Gunnison County does not have any projects on the A list at this time.

Engineer Eller informed the Board that the Tomichi Creek Bridge, mostly completed in 2008, would be finished by May or June of this year. Assistant County Manager Crosby noted that the two Hwy 92 projects are very important to the Board's constituents, but did not go into detail about those projects.

Director Allen requested that copy costs be waived for public services, which he noted was statutorily agreeable, and County Manager Birnie asked him to contact either Geographic Information Systems Manager Mike Pelletier or County Clerk and Recorder Stella Dominguez to discuss this issue.

Commissioner Channell requested an update on the Hwy 50 corridor projects and Engineer Eller explained that they were 70% designed and that the next step would be to assess purchasing right-of-way if there is enough money to do so.

City of Gunnison City Manager Ken Coleman requested information relative to the local bus service and the unsafe boarding locations, particularly whether or not the potential exists to develop pull outs to create a safer environment. Director Allen stated that some transit grants may assist with this and Commissioner Starr agreed to have Rural Transportation Authority Executive Director Scott Truex follow up on this issue.

City of Gunnison City Manager Coleman encouraged CDOT to facilitate the approval process of bridges, such as the one included in the proposed trail system, so that the trail can proceed quicker. He also encouraged CDOT to engage in the highway access management planning issues relevant to Gunnison Rising as this annexation will have multiple entry/exit points off of Hwy 50. Director Allen confirmed that CDOT would prefer to work on these issues before construction begins.

BREAK: The meeting recessed from 12:18 until 1:20 pm for lunch and to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

WEST SLOPE REPRESENTATIVE FOR SENATOR MARK UDALL: Senator Udall representative Gaspar Perricone was present for this unscheduled discussion.

Mr. Perricone presented general information to the Board. Commissioner Channell stated that small local governments are being cut out of direct distribution of funds and Mr. Perricone asked if the commissioners felt as if they were not given an adequate seat at the table. Commissioner Channell stated his impression that this was relevant to the distribution process itself.

County Manager Birnie stated that closing campgrounds due to US Forest Service funding issues affects our County more than most. Commissioner Starr felt that out-of-work construction workers could be put to work on getting the campgrounds open again, which would help our community. Mr. Perricone requested that the Board keep Senator Udall's office up to date on the County's thoughts and concerns on this issue.

BREAK: The meeting recessed from 1:33 until 2:32 pm in order to call to order as the Gunnison County Housing Authority Board and then as the Gunnison River Local Marketing District.

GUNNISON COUNTY HOUSING AUTHORITY BOARD: Housing Authority Director KT Gazunis, Painted Sky representative Richard Harding, USDA Regional Manager Patti Snidow, and Rural Community Assistance Corporation (RCAC) representative Craig Neilson were present for discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 1:34 pm. Painted Sky representative Richard Harding, USDA Regional Manager Patti Snidow, and Rural Community Assistance Corporation (RCAC) representative Craig Neilson were present for discussion.

MUTUAL SELF-HELP BUILD PROGRAM DECISION: Housing Authority Director Gazunis explained that RCAC could provide assistance via a small grant for technical assistance specific to rural development and mutual self-help. For Lot 22, \$225,000 in funding would be available from the Rural Development Technical Assistant Grant to pay for the administrative overhead of building the structures as a result of an application that the Housing Authority submitted previously for building a total of 10 units (six in Crested Butte and four in Gunnison). She stated that the construction budget was separate and that the lot layout for Lot 22 lends itself to building six houses, which was her intention. With respect to the other four units, Gunnison County could act as a pass-through to another agency in an adjacent county. Mr. Harding confirmed that Montrose County would like to accept some of the 10 units if Gunnison County were willing to part with them. Housing Authority Director Gazunis was comfortable with working with Mr. Harding and Montrose County to accomplish this transfer.

Housing Authority Director Gazunis explained that Chaffee County was building nine units on a lot outside of Salida, with each half of the units priced at 80% AMI and the other half priced at 50% AMI or below. With this example, she recommended building five single-family units with garages in the total Lot 22 mix and then selling them at market price; the additional income would help the program.

Manager Snidow requested clarification from the Board regarding proceeding with building ten units, accepting the grant assistance, and whether or not the Board would like to partner with another agency on some of the ten units. Housing Authority Director Gazunis confirmed that infrastructure costs would be known by the end of the month. Manager Snidow confirmed that grant monies are distributed on a percentage basis as the residences are completed. Commissioner Channell felt that accepting the grant was an easy decision since the other details did not have to be decided on until a later date.

Manager Snidow stated that the owners' incomes will be reevaluated periodically, which could affect percentage rates, and that no down payment was required. Housing Authority Director Gazunis explained that Manager Snidow had access to other programs to assist buyers in the 80-100% AMI range. Housing Authority Director Gazunis felt that advertisement of the properties, along with the financing options, would assist potential buyers.

Moved by Commissioner Starr, seconded by Commissioner Channell to accept the grant for the Mutual Self-Help Build technical assistance from the USDA, pursuant to the terms set forth in the letter dated April 13, 2009; and authorize a letter to be sent acknowledging acceptance of the grant and our commitment to move forward. Motion carried unanimously. A work session was scheduled for 5/26/09 and action was scheduled for 6/2/09.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn. Motion carried unanimously. The Gunnison County Housing Authority meeting adjourned at 2:07 pm.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT (LMD) BOARD: Chairperson Swenson called the meeting to order at 2:07 pm. Finance Director Linda Nienhueser was present for discussion.

Chairperson Swenson noted that Finance Director Nienhueser had reviewed the Marble Tourism Association's (MTA) records extensively and did not find any information to support the purported mismanagement of funds. Draft correspondence and the draft agreement were discussed.

MEMORANDUM OF AGREEMENT; BOARD OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT OF GUNNISON COUNTY, COLORADO AND THE MARBLE TOURISM ASSOCIATION: County Manager Birnie stated that he was unclear as to the issues with the current MTA board. Commissioner Channell explained that concern had been expressed relevant to the potential for a hostile takeover of the MTA since a current board member appears to be bringing on members in an attempt to control the vote.

Chairperson Swenson stated that the County can decide not to fund the MTA if there is question about the competency and/or trustworthiness of the board. She also felt that the County could attach stipulations to the funding, such as ensuring that local businesses have placement on the board. County Manager Birnie supported this path and requested a list of funding conditions be introduced as follows:

1. That each business that collects the tax has one membership;
2. That the organization be open to members possessing a sales tax license in the Upper Crystal River Valley;
3. That meeting dates, times, locations and agendas be published;
4. That the membership elect the board; and
5. That the board members are MTA members in good standing.

County Manager Birnie will have a contract drafted, which includes the above stipulations, prior to setting a meeting with the MTA. The Board agreed to cease funding until further notice. The draft letter was discussed and amended. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the correspondence. Motion carried unanimously.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The LMD meeting adjourned at 2:32 pm and the Board of County Commissioner's meeting immediately reconvened.

REQUEST FOR LETTER OF SUPPORT; WESTERN STATE COLLEGE (WSC): Moved by Commissioner Starr, seconded by Commissioner Channell to approve the letter of support for the Western State College DOLA application for Energy Impact Assistance Funding, authorize signatures, and have a final review during the work session on Tuesday. Motion carried unanimously.

TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF): Moved by Commissioner Channell, seconded by Commissioner Starr to authorize to request TANF funds from other counties with eligible surplus and authorize the Chairperson's signature. Motion carried unanimously.

UNSCHEDULED CITIZENS:

1. Monica Piergrossi; Western Voices PA, Inc. (WVPA). Ms. Piergrossi informed the Board that WVPA was working closely with all local water organizations regarding hydraulic fracturing to urge Representative John Salazar to reintroduce a bill that would bring drilling processes back under the EPA/Safe Drinking Water Act. Ms. Piergrossi stated that WVPA is asking counties to submit letters of support to Representative Salazar with the hope that he will reintroduce this bill by June. The Board felt that a resolution would be in order for a May agenda; County Attorney David Baumgarten will be asked to write the resolution.

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. Legislative Updates.
 - a. Affordable Housing Working Group. Commissioner Channell informed the Board that he had volunteered for an affordable housing working group. A lengthy discussion about affordable housing programs was held during a committee meeting relevant to what may be happening elsewhere and what potential legislation might be desirable. The meeting

was generic with representatives from mainly the mountain communities. Surveys will be updated and expanded relative to what programs and funding are being utilized in other communities. The group would prefer for the State homebuilders' associations and realtors to be included in the discussions. They also intend to examine the current level of authority that the counties have as well as what types of legislation may be needed.

- b. HB 1250. Commissioner Channell reported that this bill passed the House and was currently in the Senate. Senator Penry offered to co-sponsor this bill because he wanted the ability to amend it. Senator Penry appeared at the meeting via telephone to ask the group about what they would want to see included in the bill. This draft legislation now requires a 50/50 split between counties and schools. While Senator Penry first proposed a 25/25 split with 50% left to be negotiation, this is currently being discussed at a 10/10/80 split. Mediation may be sought if disagreement continues. Senator Penry agreed that the bill would sunset if full funding didn't occur.

Commissioner Starr:

1. Mountain Express Board. Commissioner Starr reported that this group met on 4/20/09 to discuss summer bus service to Gothic as staff members were under the impression that Mountain Express could not continue service since they might be defined as a charter service. The Rocky Mountain Biological Laboratory and some groups in Crested Butte have been discussing this issue and were all supportive of the continued service. It is believe that this service would be defined as public transit, not charter service.

BREAK: The meeting recessed from 3:02 until 3:04 pm in order to hold the below Public Hearing.

PUBLIC HEARING; COLORADO LIQUOR RETAIL LICENSE APPLICATION; TAYLOR PARK MARINA, LTD: County Clerk and Recorder Stella Dominguez, and Diane and Coy Marriott were present for discussion.

Chairperson Swenson opened the Public Hearing at 3:02 pm.

1. Public Notice Confirmation. County Clerk and Recorder Dominguez confirmed proper public notice in the April 9, 2009 newspaper and signage posting by Ms. Marriott.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. County Clerk and Recorder Dominguez explained that the Taylor Park Marina, LTD currently had a 3.2% liquor license and that this was a new application. This will be operated like a liquor store.
4. Applicant Presentation. There was no applicant presentation.
5. BOCC Questions. Commissioner Channell asked if the Cranor family had expressed any concern and Ms. Marriott confirmed that they had not.
6. Public Comment. There was no public comment provided.
7. Acknowledge Correspondence Received. No additional correspondence was received.
8. Applicant Response. There was no response from the applicant.
9. BOCC Decision. Chairperson Swenson closed the Public Hearing at 3:04 pm and immediately reconvened the Board of County Commissioners Regular Meeting. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the retail license application to Colorado Liquor for the Taylor Park Marina, LTD. Motion carried unanimously.

COMMISSIONERS MEETING REPORTS (continued):

Commissioner Starr (continued):

2. Request for Letter of Support; Conservation Leaders Network (CLN). Commissioner Starr explained that the CLN had asked for support via correspondence that he received. He agreed to forward the letter to the Board and to County Manager Birnie for discussion at a future meeting.
3. Gunnison Basin Industrial Park Ribbon Cutting. Commissioner Starr proposed that the County hold a ribbon-cutting ceremony and the Board agreed that this would be worthwhile event. This was tentatively scheduled to occur in June or July.

Commissioner Channell (continued):

2. Relay for Life. Commissioner Channell reported that he may not be able to attend this event and that he may send a replacement walker due to a serious family commitment.

Chairperson Swenson:

1. Animal Task Force. Chairperson Swenson stated that meetings were continuing and that the Gunnison Valley Animal Welfare League and the Paradise Animal Welfare Society were working together closely on the County-wide animal shelter project.
2. Gunnison County Sage-grouse Strategic Committee. Chairperson Swenson reported that the Committee had submitted correspondence regarding limited elk licensing. Committee member Russell Japuntich had just concluded a two-year study, which will be attached to the letter. The Committee was reportedly pleased with the latest presentation of the Travel Management Plan.

During a recent meeting, City of Gunnison Director of Community Development Steve Westbay was present to refine the City's comments regarding the proposed Gunnison Rising annexation.

- 3. Habitat for Humanity Ground Breaking Ceremony. Chairperson Swenson noted that this ceremony was well attended and that she had the opportunity to meet with the families that will be residing in the new structure. After the ceremony, some of the Habitat for Humanity board members visited with her about the potential for future builds and she told them that the County would have to first evaluate the total cost of Lot 22.
- 4. Region 10. Chairperson Swenson reported that Region 10 was moving forward with finding funding sources to help more small businesses. Some of the funding should be in place by the start of next summer.

Commissioner Channell (continued):

- 3. City of Gunnison Public Hearing; Proposed Gunnison Rising Annexation. Commissioner Channell attended this recent meeting at the multi-purpose building. He noted that the discussion was specific as to whether or not the annexation would meet statutory requirements.
- 4. Aspinall Draft EIS Meeting. Commissioner Channell reported that he attended this recent meeting, but that it was not very well attended by citizens. No input was given, so discussion about general water issues began at which time Commissioner Channell left the building.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. The meeting adjourned at 3:32 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk