

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 2, 2009**

The June 2, 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 Regular Meeting minutes of March 17, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Regular Meeting minutes for April 7, 2009 as submitted and authorize signatures. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda and authorize the appropriate signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement (VALE) Fund; Training/Equipment/COVA Scholarship Application; \$1,525
2. Acknowledgment of County Manager Signature; Road Maintenance Agreement; Gunnison Aggregate Resources, LLC
3. Acknowledgment of County Manager Signature; Oracle Software Agreement; \$5,894.36
4. Acknowledgment of County Manager Approval to Submit Application; Phase AR Local Board Plan
5. Acknowledgment of County Manager Signature; Approved Task Order Contract - Waiver #154; Department of Public Health and Environment; Routing No. 09 FLA 01013
6. Concurrence; Donation of Fee Title Ownership of 507 Acres by the Estate of the Late Raymond Van Tuyl to the Colorado Division of Wildlife, or any Lesser Amount Thereof
7. Correspondence; Colorado Department of Transportation Regional Director Weldon Allen; Appreciation for Hwy 135 Speed Limit
8. Agreement; Mountaineer Electric; Electrical Surge Protection at the Courthouse
9. Contract Amendment #1; Colorado Department of Public Health and Environment PSD-TBI; Contract Routing Number 10-00303
10. Approved Task Order Contract - Waiver #154; Department of Public Health and Environment; Routing No. 10 FAA 00059
11. Resolution; Amending Resolution No: 08-24, a Resolution Approving Changes to the Gunnison-Crested Butte Regional Airport Light Industrial Park Special Area
12. Project Completion Report; Tenderfoot Child and Family Development Center; Contract Number F05CDB04011
13. Release of Development Improvements Agreement; Horse Meadows LLC; Horse Meadows Subdivision; W1/2NW1/4SW1/4, Section 13; NE1/4SE1/4, Section 14; Township 50 North, Range 1 West, NMPM
14. 2009 Memorandum of Agreement; CB/Mt. CB Chamber of Commerce, 2009 4th of July Celebration's Fireworks Display; Community-Based Organization Funding; \$3,000
15. 2009 Memorandum of Agreement; CB/Mt. CB Chamber of Commerce, Visitors Center; Community-Based Organization Funding; \$5,000
16. Memorandum of Understanding; Between Board County Commissioners of Gunnison County, Colorado and Gunnison Valley Family Physicians

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Memorandum of Understanding; Bureau of Land Management (BLM) Resource Management Plan. County Manager Birnie informed the Board that County Attorney David Baumgarten had reviewed the draft MOU for the BLM's Uncompahgre office and that the final version was ready for signature. Geographic Information Systems Manager Mike Pelletier will be the County's point person on this project. The Board agreed that this MOU would be beneficial.
2. Leadership Academy. County Manager Birnie informed the Board that half of the County's managers and supervisors would begin the seven-month Leadership Academy on 6/3/09. The other half are slated to go through the process in 2010. County Manager Birnie felt that this training will address many needs that were identified during strategic-planning sessions. As part of succession planning, a few personnel that have been identified for future managerial positions will attend the training.

3. County Newsletter. County Manager Birnie informed the Board that the newsletter scheduled for release within the next couple of weeks would include an update on the Managing for Results initiative. In future newsletters, County Manager Birnie will discuss individual departmental plans, measurements and progress. Performance information will be included at a later date.

PHILANTHROPY DAYS: This impromptu discussion was held since the meeting was running ahead of schedule. Commissioner Channell and Commissioner Starr both plan on attending this event and Administrative Services Manager Katherine Haase was asked to complete the registration information.

AGENDA REVIEW: County Manager Birnie requested that County Attorney Baumgarten's scheduled litigation update discussion and executive session scheduled for 10:50 am be suspended until the next meeting as County Attorney Baumgarten was not yet prepared to hold the discussion. This general discussion related to all pending litigation involving the County was rescheduled for 6/16/09. During this timeslot, the Board will be able to review the draft County comments to the Environmental Impact Statement scheduled for further discussion at 2:00 pm.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES: Assistant County Manager Marlene Crosby and County Attorney David Baumgarten were present for discussion.

1. Gold Basin Industrial Park; Mountain Wood Supply Lease. Assistant County Manager Crosby presented this lease for discussion and approval. Modifications were discussed and agreed upon. County Attorney Baumgarten agreed to make all agreed upon changes for final lease review and signature later in the meeting.
 - a. Term and Rate. Assistant County Manager Crosby explained that the lease differed from other leases due to an unusual term and rate, though she did confirm that the lease accurately reflected previous conditions and requirements. At the end of the five-year lease term, anytime after 6/1/2012, the County will have the right to renegotiate the lease rate. Assistant County Manager Crosby felt that, upon renegotiation, the County should bring the lease to the fair market value in order to be fair to the other lot leaseholders; she will include a cover letter with the current lease informing Mountain Wood Supply that, by 6/1/2012, the lease will be at the same payment as the other leaseholds.
 - b. Building Timelines. Assistant County Manager Crosby confirmed that building timelines had not been written into any of the leaseholds; however, each of the leaseholds has landscaping plans.
 - c. Continuity of Operations. Commissioner Channell expressed his desire to be mindful of the continuity of operations as leases are renewed to maintain the goal of having a working and operating park. He requested a clause of that nature be included within the lease.
2. Slate River Trail Bridge Update. Assistant County Manager Crosby explained that this bridge connects the trail extending south from Crested Butte into Riverbend and Skyland. The initial proposed bridge was only wide enough for pedestrians, was positioned over the narrowest part of the river, and had issues related to plowing, wetlands, and grading. The Skyland HOA approached her to ask for any leftover available funding after the trail build, which would allow the Skyland HOA to take over the entire project of building the trail and the bridge. Assistant County Manager Crosby supported this request as the Skyland HOA was willing to commit to public access and inclusion of the bridge in the County's trail system. If approved, the project could be completed during 2009 and the County would be responsible for maintaining the trail up to the bridge; the Skyland HOA would maintain the bridge. She confirmed that the Trails Commission would be able to approve the bridge design. The Board agreed that this request was feasible and agreed to allow the Skyland HOA to take over the project.
3. Stimulus Funding Lists. Assistant County Manager Crosby informed the Board that these lists had been released and that the North Valley sewer system ranked high. She anticipated that she would later be able to recommend that the North Valley property owners be assessed at the same rate as the North Gunnison owners, which would be quite a reduction from what had been proposed up to this point.
4. Beautification/Scenic Corridors Committee Event. Assistant County Manager Crosby informed the Board that the recent recycling event had a good citizen turnout and that a lot of tires were turned in.

RESOLUTION; REGARDING SB 08-194 AND THE GUNNISON COUNTY PUBLIC HEALTH AGENCY: County Attorney Baumgarten, Health and Human Services Director Renee Brown, and Nursing Services Supervisor Carol Worrall were present for discussion.

County Attorney Baumgarten explained that this resolution was consistent with previous conversations with the Board. By signing the resolution, the members of the Board of County Commissioners would be designated to serve as the members of the County Board of Health. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-18, a Resolution Regarding Senate Bill 08-194, and the Gunnison County Public Health Agency, as amended, and authorize signatures. Motion carried unanimously.

REQUEST FOR LETTER OF SUPPORT; BEAR RANCH LAND EXCHANGE: Assistant County Manager Crosby, Gunnison County Wildlife Conservation Coordinator Jim Cochran, Trails Commission representative Joellen Fonken, National Park Service and West Elk Byway representative Dave Roberts, Western Land Group representative Todd Robertson, and Bear Ranch representative Rob Gill were present for discussion.

Ms. Fonken submitted correspondence dated 6/1/09 from the Trails Commission. She also confirmed that Bear Ranch and the Bureau of Land Management would work closely on the acquisition and trailhead development on an adjacent portion of land. Bear Ranch proposed offering \$250,000 for use on the Raggeds Trail; however, the Trails Commission proposed that Bear Ranch add the cost of road base to this \$250,000 contribution. The road base would be utilized on Munsey Creek Road up to the Raggeds Trailhead.

Mr. Gill stated that he had met with the landowner to the north of this portion of land and that the landowner is agreeable to begin negotiations to purchase his lot.

Ms. Fonken confirmed that the Trails Commission supported the idea of this being a motorized route as long as a non-motorized trail was adjacent to it. She also explained that she had spoken with Mr. Glass during the previous week to discuss the opportunity for a land trade. Mr. Robertson confirmed that Mr. Glass is pursuing this opportunity.

Mr. Roberts stated that the West Elk Byway group will be relying on the expertise of the Trails Commission during this process.

Commissioner Channell requested information relative to the ongoing maintenance of the road. Mr. Gill felt that the trail would require more than just road base, which Bear Ranch would support the build and maintenance for. Ms. Fonken noted that it would be safe to assume that the Forest Service would maintain the Raggeds Trail since it is on Forest Service property.

Gunnison County Wildlife Conservation Coordinator Cochran informed the Board that this proposed land exchange had been discussed during a recent BLM Southwest Resource Advisory Council meeting and that two issues were presented during that meeting. First, the BLM felt that public access issues would need to be addressed. Second, the BLM did not feel that their involvement to date had been adequate.

Moved by Commissioner Channell, seconded by Commissioner Starr to authorize staff to draft a support letter for the Bear Ranch land exchange that includes comments from the Trails Commission, as discussed in this meeting, and as submitted by the County Attorney's Office, and authorize the signature of the Chairperson to include those comments made today and the comments submitted by the Trails Commission. Motion carried unanimously.

UNSCHEDULED CITIZENS:

1. Rich Karas.
 - a. Demolition Site; North of Garlic Mikes. Mr. Karas informed the Board that asbestos was discovered during demolition of the building just to the north of the Garlic Mikes restaurant. The demolition site has been covered in plastic, but he felt that it was unsightly and could become a health hazard. Mr. Karas asked the County to intervene with this situation; however, County Manager Birnie explained that the State has been involved in this case and that Environmental Health Specialist Richard Stenson had been in regular contact with State officials to discuss the progress. County Manager Birnie also noted that the County would follow-up on this issue since the enforcement deadline of 4/20/09 was not adhered to.
 - b. Energy Action Plan (EAP) Advisory Group. Mr. Karas stated that he had met with the Board on 4/14/09 as a representative of the EAP Advisory Group. During that meeting, the Board had directed staff to formulate a response to the EAP Advisory Group's recommendations. Mr. Karas requested that a work session be scheduled since a response had not been received by the EAP Advisory Group. County Manager Birnie explained that the newly formed Green Team was in the process of reviewing the information and would give a recommendation to the Board in the near future. Mr. Karas noted that helping citizens to climatize their homes was of particular interest to the EAP Advisory Group.
2. Dick Kaiser. Mr. Kaiser requested a waiver from the County in order to avoid removing 35 truckloads of fill adjacent to his property. He noted that the permit mandated that stockpiled fill be removed from the subdivision and he felt that this made no sense. County Manager Birnie explained that there is no waiver process for this portion of the Land Use Resolution and he suggested that the Board not grant any waivers ad hoc. Assistant Public Works Director Allen Moores recommended that no actions be taken by the County until all permits were obtained since the engineers could mandate that Mr. Kaiser remove the fill before approving the site for structural stability. County Manager Birnie felt that there was justification for the regulations as there are alternative methods of stockpiling fill that would be less unsightly. As well, obtaining a Reclamation Permit would allow Mr. Kaiser to stockpile fill on his site.

BREAK: The meeting recessed from 9:56 until 10:04 am for a short break and to hold the below Public Hearing.

PUBLIC HEARING; WAIVER OF STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE REQUIREMENTS; A PARCEL OF LAND PROPOSED FOR FIVE SINGLE FAMILY PARCELS, LOCATED SOUTH OF THE TOWN OF CRESTED BUTTE BETWEEN WHETSTONE MOUNTAIN RANCH AND THE PROPOSED WHETSTONE BUSINESS PARK AT 25135 HWY 135; TED COLVIN / COLVIN PROPERTIES, INC.: County Attorney Baumgarten, Assistant County Manager Crosby, and Colvin Properties, Inc. representative Ted Colvin were present for discussion.

Chairperson Swenson called to order at 10:04 am.

1. Public Notice Confirmation. Mr. Colvin confirmed proper public notice and provided proof of mailing.
2. Identify Ex Parte Communications. Chairperson Swenson informed the Board that she had received a call from Mike Potoker regarding pending waivers and boundary line adjustments related to this matter. She explained to Mr. Potoker that those issues would be handled separately.
3. Staff Presentation.
 - a. Assistant County Manager Crosby reported that a number of meetings were held to evaluate this issue and that her department had reviewed this request for a waiver from the County's standards for a width of an easement. She noted that she was concerned about snow storage.
 - b. Assistant Public Works Director Moores explained that Mr. Colvin was offering to put in a 20'-0" wide road instead of a 16'-0" wide road. Approval of the waiver of standards for the first three lots identified on the plat map would grant Mr. Colvin snow right-of-way input of 10'-0" on the south side of the road, and 15'-0" on the north side of the road with three additional snow-storage areas adjacent to the loop.
 - c. County Attorney Baumgarten suggested that the County first resolve the boundary line issues before proceeding with evaluation of the waiver request since the lot line could alter the number of lots and present a vastly different scenario. County Attorney Baumgarten recommended continuing this Public Hearing to the 6/19/09 meeting. The Board agreed with this recommendation, but elected to receive public comment during the current meeting.
4. Applicant Presentation. Mr. Colvin believed, even though he preferred to keep to a five-parcel maximum, that the case could be presented to outline six total parcels; Chairperson Swenson reminded him that the number of parcels would be resolved at a later date. Mr. Colvin felt that road surfacing of only the first three lots could keep disturbance of the land at a minimum. He stated his intention to pave the roads up to and through the cul-de-sac without stating a commitment for the driveways.
5. BOCC Questions. The Board agreed that a decision on this issue should be suspended until a later date. Commissioner Channell requested that future presentations include maps that would illustrate the lot lines and topography, and Mr. Colvin provided a preliminary site plan. Commissioner Starr requested that staff gather information on the River Rim Subdivision requirements since it had similar characteristics.
6. Public Comments. Chairperson Swenson opened the Public Hearing to public comments at 10:19 am.
 - a. George Gers. Mr. Gers identified himself as a neighboring property owner on the 10'-0" foot side of the road. He stated that he had submitted a letter and requested that the Board consider its contents. He disagreed with allowing the 10'-0" right-of-way since he did not feel that it allowed for enough landscaping or snow storage on that side of the road. He stated his understanding of the request and confirmed his support of the design elements, with the only exception being the 10'-0" right-of-way. He requested that this be increased to 25'-0" feet to allow for snow storage and buffering between the properties with landscaping. He asked that the HOA be responsible for all maintenance of the landscaping. He also felt that the waiver request was not intended to place homes over the bluff and going down the hillside. He worried that building a prominent home on the first lot would be highly visible from the highway.
 - b. Mike Potoker. Mr. Potoker identified himself as an adjacent property owner. He disagreed with the waiver as he felt that the 10'-0" easement with snow pile would not accommodate trees. He also noted that building envelopes are required to be adjusted for steep hills, which he felt applied in this case.
7. Acknowledge Correspondence Received. No additional correspondence was identified.
8. Applicant Response. There was no response given.
9. BOCC Decision. Chairperson Swenson closed the Public Hearing at 10:30 am and immediately reconvened the Board of County Commissioners meeting.

Moved by Commissioner Starr, seconded by Commissioner Channell to continue the Public Hearing on this requested road waiver standard to July 21st at 8:50 am. Motion carried unanimously.

RESOLUTION; WAIVING A CERTAIN PROVISION OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR CREEKSIDE LANE LYING WITHIN CREEKSIDE SUBDIVISION, LOCATED WITHIN SECTION 12, TOWNSHIP 14 SOUTH, RANGE 86 WEST, 6TH P.M., COUNTY OF GUNNISON, STATE OF COLORADO: This issue was rescheduled to the 7/21/09 meeting.

MOUNTAIN WOOD SUPPLY LEASE: County Attorney Baumgarten presented the final version of this lease, which included modifications discussed earlier in the meeting. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Ground Lease Agreement between the County and Mountain Wood Supply and authorize signatures thereon. Motion carried unanimously.

MAESTAS CODE ENFORCEMENT PROCEEDINGS; REQUEST TO INITIATE COURT ACTION: County Attorney Baumgarten, Arrowhead Homeowners' Association representatives Ralph Annbruster, Paul McDermott, Joyce Boulter, and Randy Touslee were present for discussion.

County Attorney Baumgarten, on behalf of the Code Enforcement Group, requested authorization to initiate litigation against Mr. Maestas regarding the presence of a second home on an individual lot in Arrowhead. He explained that the structure had been built without obtaining the required permits and that the Code Enforcement Group had been unsuccessful at convincing Mr. Maestas to dismantle the improvements. He recommended court action in order to get the improvements removed since approvals were required by the HOA and the County. If, and only if, the HOA joins with the County in the litigation, the HOA is prepared to engage separate counsel.

Mr. McDermott stated that this had been an ongoing situation and that the HOA had tried on numerous occasions to gain compliance. He confirmed that the HOA agreed to have County Attorney Baumgarten work with their attorney on this matter.

Commissioner Channell requested information relative to the age of the structure. County Attorney Baumgarten explained that the shell had been built several years ago and that the improvements to the structure were more recent.

Mr. Annbruster explained that Mr. Maestas had originally filed for one permit to build the equivalent of a garage; however, he ended up constructing an entire three-bedroom home with private septic. Numerous meetings have been held regarding compliance and he personally met with Mr. Maestas approximately four years ago. He felt this was a clear violation since two dwellings were present on a parcel of land that had been zoned for single-family homes.

Moved by Commissioner Starr, seconded by Commissioner Channell to move forward and partner with the HOA to pursue litigation. Motion carried unanimously.

LITIGATION UPDATE; POSSIBLE EXECUTIVE SESSION: This item was stricken from the agenda earlier in the meeting. This general discussion related to all pending litigation involving the County was rescheduled for 6/16/09.

U.S. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT (BLM) TRAVEL MANAGEMENT DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS); GUNNISON COUNTY COMMENTS: Geographic Information Systems Manager Mike Pelletier was present for this discussion that was added earlier in the day due to an unanticipated gap in the agenda.

County Manager Birnie presented draft comments and stated that the approach was to state general issues while referencing trail-by-trail information. Geographic Information Systems Manager Pelletier presented draft correspondence scheduled for discussion and approval later in the day. The Board discussed the correspondence and agreed upon modifications.

BREAK: The meeting recessed from 11:07 until 11:19 am.

RESOLUTION; AMENDING RESOLUTION NO: 06-44 AND AMENDMENTS THERETO FURTHER AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION WORKFORCE HOUSING FEE: Gunnison County Housing Authority Executive Director KT Gazunis was present for discussion.

County Manager Birnie explained that, due to differing information in property assessments and building permits and a discrepancy in the method of calculating square footage, computing workforce housing fees had been problematic. The linkage fee resolution first encompassed any structure requiring a building permit.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-19, a Resolution Amending Resolution No: 06-44 and Amendments Thereto Further Amending the Gunnison County Land Use Resolution Workforce Housing Fee as submitted and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 11:28 until 11:39 am in order to call to order as the Gunnison County Housing Authority.

GUNNISON COUNTY HOUSING AUTHORITY: Gunnison County Housing Authority Director Gazunis was present for discussion.

1. Ratification of County Manager Signature; Colorado Division of Housing Application for Loan/Grant Assistance; \$375,000. County Manager Birnie noted that signing this exceeded his authority but that the document could not wait until the next Board meeting. Thus, he signed the document prior to the meeting and requested formal ratification of his signature. Gunnison County Housing Authority Executive Director Gazunis noted that six units will be built via the Mutual Self-Help Program, while the remaining four units may be transferred to either Delta County or Montrose County. The balance of the 31 units planned will be built via the Public-Private Partnership program. **Moved** by Commissioner Channell, seconded by Commissioner Starr to ratify the County Manager's signature on the application to the Colorado Division of Housing for the grant to help pay for infrastructure costs. Motion carried unanimously.
2. Correspondence; USDA/Rural Development Director Jamie Spakow; Self-Help Technical Assistance Grant. Gunnison County Housing Authority Executive Director Gazunis stated that submission of this letter was necessary in order to move forward with funding. She explained that this was part of a multi-step process and that the letter addressed issues beyond what was included with the standardized language. Modifications to the letter were discussed and agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize sending the proposed letter, with one minor adjustment (Commissioner Channell's name was misspelled), to the Director of Housing Programs for Rural Development. Motion carried unanimously.

The Gunnison County Housing Authority meeting adjourned at 11:39 am and the Gunnison County Board of County Commissioners meeting was immediately reconvened.

BREAK: The meeting recessed from 11:39 until 11:45 am for a short break, and then again from 11:46 until 11:51 am to hold the below Public Hearing.

PUBLIC HEARING; COMMUNITY SERVICES BLOCK GRANT: Health and Human Services Director Renee Brown was present for discussion.

Chairperson Swenson called the Public Hearing to order at 11:46 am.

1. Public Notice Confirmation. Health and Human Services Director Brown confirmed that proper public notice had occurred.
2. Identify Ex Parte Communications. There were no ex parte communications identified during the hearing.
3. Staff Presentation. Health and Human Services Director Brown explained that this hearing was being held in order to qualify for \$44,343 in American Recovery and Reinvestment Act (ARRA) funding for a 15-month period. The Health and Human Services Department planned to utilize those funds to offer assessment and perpetual development plans to individuals needing supported assistance in securing employment. These individuals were further classified as adults without dependent children since Temporary Assistance for Needy Families (TANF) funds would assist those individuals with dependent children.

The proposal allocated \$15,000 for tangible services such as rental assistance and emergency transportation. These are the same types of benefits that are available to those citizens who are at 125% of the poverty level. Operational costs were budgeted at \$1,000 and course materials were budgeted at \$2,000. The remaining balance, approximately \$26,000, would be allocated for life-skills coaching, resume preparation, and nutrition and budgeting classes.

Health and Human Services Director Brown explained that her office would probably be partnering with the Workforce Center and that the logistics of the partnership would need to be worked out. Staff time of approximately 19 hours per week would be necessary to run the program.

4. Applicant Presentation. This was not applicable.
5. BOCC Questions. There were no questions posed by the BOCC.
6. Public Comments. There were no public comments received.
7. Acknowledge Correspondence Received. There was no additional correspondence identified.
8. Applicant Response. This was not applicable.

9. **BOCC Decision.** **Moved** by Commissioner Starr, seconded by Commissioner Channell to close the Public Hearing. Motion carried unanimously. Chairperson Swenson closed the Public Hearing at 11:51 am and immediately reconvened the Gunnison County Board of County Commissioners meeting.

Health and Human Services Director Brown informed the Board that the deadline for application was 6/15/09 and that funds would be available for expenditure on 7/1/09.

BREAK: The meeting recessed from 11:52 am until 1:30 pm for lunch.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD Representative Bill Trampe was not available so this discussion was eliminated.

RESOLUTION; APPROVING A CHANGE IN ROAD NAME FOR SADDLE RIDGE RANCH ESTATES SUBDIVISION, SADDLE RIDGE ROAD TO SADDLE RIDGE RANCH ROAD, GUNNISON COUNTY, COLORADO: Assistant Planning Director Neal Starkebaum was present for discussion.

Assistant Planning Director Starkebaum presented this draft resolution for discussion and approval. He also confirmed that the County's emergency services offices were in agreement with the resolution. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-20, a Resolution Approving a Change in Road Name for Saddle Ridge Ranch Estates Subdivision Saddle Ridge Road to Saddle Ridge Ranch Road Gunnison County, Colorado. Motion carried unanimously.

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS; GARLAND PROPERTIES; LOTS EM1 AND E2, PLAT OF LARKSPUR LOCATED WITHIN THE E1/2NE1/4 SECTION 12 T14S, R86W, 6TH PRINCIPAL MERIDIAN, RECEPTION NO: 568254: Gunnison County Housing Authority Executive Director Gazunis, County Attorney Baumgarten, and County Paralegal Rachel Magruder were present for discussion.

County Attorney Baumgarten presented the documents for discussion and approval. Ministerial changes were discussed and agreed upon. County Attorney Baumgarten suggested that his office hold all related documents signed during the meeting until the lot conveyance had been completed. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Amendment to the Declaration of Protective Covenants for the Larkspur Subdivision, authorize signatures on it, and direct staff to hold the executed document for recording until we receive the appropriate documents from Mr. Garland for recording; also to authorize execution by the Chairperson of the amended plat of Larkspur, which does include a couple of ministerial revisions. Motion carried unanimously.

FUNDING REQUEST; GUNNISON COUNTY LIBRARY DISTRICT; BILL AND LINDA GATES FOUNDATION GRANT MATCH; \$6,500: County Manager Birnie explained that the Library District was asking the County for only \$1,500 of the total \$6,500 that the District will need to collect from all of the District's available sources. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve a \$1,500 amount for a portion of a match for the Gunnison County Library District, matching a portion of the Bill and Linda Gates Foundation grant application, from discretionary funds. Motion carried unanimously.

CORRESPONDENCE; REQUEST FOR SUPPORT; THOMPSON DIVIDE COALITION: National Park Service representative Dave Roberts was present for discussion.

County Manager Birnie suggested that the Board enter into an executive session prior to making any decisions on this issue due to potential oil and gas regulation issues. Draft correspondence was discussed and modifications were agreed upon.

Mr. Roberts informed the Board that he had been involved with the Thompson Divide Coalition previously. His impression was that the Coalition was seeking support of a concept to protect the roadless area from oil and gas development at a much greater level than what exists. The Coalition would prefer to work with local representatives to accomplish that goal and asked for a letter of support.

Commissioner Channell stated that the Board would need to hear the positions of other counties having a larger stake in this issue. He stated that Pitkin County had expressed support; however, Mr. Roberts indicated that Pitkin County was not scheduled to sign the appropriate resolution until 6/3/09.

Moved by Commissioner Starr, seconded by Commissioner Channell to approve the letter dated June 2, 2009, as amended, and authorize signatures. The letter indicated no position by Gunnison County until we receive responses from other counties. Motion carried unanimously.

U.S. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT (BLM) TRAVEL MANAGEMENT DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS); GUNNISON COUNTY COMMENTS: Gunnison County Wildlife Conservation Coordinator Jim Cochran, Geographic Information Systems Manager Mike Pelletier, Trails Commission representative Joellen Fonken, Division of Wildlife Area

Manager J Wenum, High Country Citizens' Alliance representatives Sue Navy and Dan Morse, Gunnison Trails representative Dave Weins, National Park Service representative Dave Roberts, and Elk Mountain Hikers Club representative Maureen Hall were present for discussion.

Draft correspondence and the Trails Commission recommendation document were discussed for approval. Several modifications to the recommendation from the Trails Commission were agreed upon after extensive discussion. The modifications were made to the document during the meeting so that the updates were immediate and clear. Ms. Navy wanted to ensure that the Board was in complete agreement with the recommendation of the Trails Commission. The Board confirmed that the discussed recommendations were in alignment with the Board's intentions.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve the last rendition of the letter from the Board of County Commissioners concerning the Gunnison Basin Travel Management EIS, including the changes in the Trails Commission recommendation and authorize signatures. Motion carried unanimously.

ADJOURN: Moved by Commissioner Starr, seconded by Chairperson Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:00 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: 2009-17**

A RESOLUTION AMENDING RESOLUTION NO: 08-24, A RESOLUTION APPROVING CHANGES TO THE GUNNISON/CRESTED BUTTE REGIONAL AIRPORT LIGHT INDUSTRIAL PARK SPECIAL AREA

WHEREAS, on June 10, 2008 by Gunnison County Resolution No: 08-24 the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") approved the name of the Gunnison/Crested Butte Regional Airport Light Industrial Park Special Area be changed to and be known as the Gold Basin Industrial Park Special Area as identified in Appendix "A" attached hereto and incorporated herein; and

WHEREAS, Resolution No: 08-24 referenced two exhibits. "Exhibit A", the site plan titled "Gold Basin Industrial Park Exterior Boundaries" attached hereto and incorporated herein as "Exhibit A" and "Exhibit B", the Gold Basin Industrial Park Special Area Regulations attached hereto and incorporated herein as "Exhibit B"; and

WHEREAS, it has come to the attention of the Board that "Exhibit A" and "Exhibit B", the two exhibits that were referenced in Resolution No: 08-24 were inadvertently not attached to Resolution No: 08-24; and

WHEREAS, it would seem necessary that "Exhibit A" and "Exhibit B" be attached to Resolution No: 08-24 to complete the intent of Resolution No: 08-24.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that Gunnison County Resolution No: 08-24 be amended to include "Exhibit A", the

site plan titled "Gold Basin Industrial Park Exterior Boundaries" and "Exhibit B", the Gold Basin Industrial Park Special Area Regulations; and

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and passed on this 2nd day of June, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-18**

A RESOLUTION REGARDING SENATE BILL 08-194,
AND THE GUNNISON COUNTY PUBLIC HEALTH AGENCY

WHEREAS, the Colorado Legislature enacted and the Governor of Colorado signed into law SB 08-194 concerning public health (the "Act"); and

WHEREAS, the Act requires that Gunnison County establish and maintain a county health agency ("county health agency"), and perform certain other tasks, for the purposes set forth in the Act; and

WHEREAS, the Gunnison County Board of County Commissioners intend to fully and timely fulfill the Board's obligations under the Act;

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

1. The Gunnison County Board of County Commissioner is hereby designated to be the Gunnison County Board of Health ("Board of Health") which shall be the Gunnison County public health agency. The officers of the Board of Commissioners shall constitute the officers of the Board of Health (i.e. chairperson, voce-chairperson); and
2. The Board of Health shall select a "Public Health Director" who shall serve at the pleasure of the Board of Health as an at-will employee of Gunnison County. The current Nursing Services Supervisor shall be the Public Health Director. The Public Health Director shall report directly to the Health and Human Services Director who shall report directly to the County Manager; and
3. The Board of Health shall select and engage in writing a local physician to be the Gunnison County Medical Officer; and
4. The Gunnison County Treasurer shall comply with C.R.S. 25-1-511(1)(2) and (3) by creating a Gunnison County "Public Health Fund" ("Fund") with these characteristics:
 - a. The Fund shall be funded (although not exclusively) from the county general fund; and
 - b. Monies credited to such Fund shall be expended only for the purposes of public health; and
 - c. On or before September 1 of each year, the Board of Health shall estimate the total cost of maintaining the county health agency for the ensuing fiscal year; and
 - d. Gunnison County shall contribute annually a minimum to the Fund a minimum of one dollar and fifty cents per capita unless such minimum is changed by state statute.
5. The Board of County Commissioners and the Board of Health shall emphasize use of SB 08-194 to be authority to adopt Gunnison County ordinances, resolutions or requirements regarding dangerous buildings and public nuisances.
6. Neither the Board of County Commissioners nor the Board of Health shall regulate nuisances within a municipality unless:
 - a. Gunnison County and the municipality have executed a written intergovernmental agreement authorizing Gunnison County to regulate a nuisance within the municipality;
OR
 - b. The exercise of such authority by Gunnison County is necessary for immediate protection of public health or safety.
7. Neither the Board of County Commissioners nor the Board of Health shall be obligated to provide or arrange for the provision of services necessary to carry out the public health laws and rules of the State Board, the Water Quality Control Commission, and the Solid and Hazardous Waste Commission, unless by explicit determination by the Board of County Commissioners or the Board of Health in its respective discretion.
8. No litigation shall be initiated by or on behalf of Gunnison County pursuant to C.R.S. 25-1-514 except by prior authorization of the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and passed on this 2nd day of June, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2009-19**

A RESOLUTION AMENDING RESOLUTION NO: 06-44 AND AMENDMENTS THERETO FURTHER AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION WORKFORCE HOUSING FEE

WHEREAS, pursuant to Colorado Revised Statutes Article 28 of Title 30 (County Planning and Building Code); Article 20 of Title 29 (Local Government Regulation of Land Use); and Article 11 of Title 30 (County Powers and Functions), the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the Board) enacted a Workforce Housing Fee on June 13, 2006 by Resolution No: 06-44; and

WHEREAS on March 4, 2008 and April 1, 2008 the Board amended certain portions of the Workforce Housing Fee also known as the Linkage Fee; and

WHEREAS, it has come to the Board's attention that there may be different formulas utilized in determining the square footage for commercial buildings; and

WHEREAS, it has been recommended to the Board that at such time that there may be a dispute regarding the calculation of square footage for commercial buildings for determination of Workforce Housing Fees, the square footage calculation should be calculated in the same manner and method as the Gunnison County Assessor's Office calculates commercial building square footage for assessments; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that at such time that there may be a dispute regarding the calculation of commercial building square footage for determination of Workforce Housing Fees, the square footage calculation shall be calculated in the same manner and method as the Gunnison County Assessor's Office calculates the square footage for commercial buildings for assessments.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 2nd day of June, 2009, nunc pro tunc June 13, 2006.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09 - 20**

A RESOLUTION APPROVING A CHANGE IN ROAD NAME FOR SADDLE RIDGE RANCH ESTATES SUBDIVISION SADDLE RIDGE ROAD TO SADDLE RIDGE RANCH ROAD GUNNISON COUNTY, COLORADO

WHEREAS, the Saddle Ridge Estates Homeowners Association has requested that the road name of Saddle Ridge Road, as shown on the approved plat of Saddle Ridge Ranch Estates Subdivision, Reception No. 533260, recorded with the Gunnison County Clerk and Recorder on August 1, 2003, be changed to Saddle Ridge Ranch Road; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the road name change of Saddle Ridge Road to Saddle Ridge Ranch Road is hereby approved.

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

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and passed on this 2nd day of June, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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