

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
June 16, 2009**

The June 16, 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 8:33 am.

**AGENDA REVIEW:** The 11:15 am item was removed from the agenda because it was not yet ready for Board review and approval.

**MINUTES APPROVAL:** **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the Regular Meeting of April 21, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the May 26, 2009 Special Meeting as submitted. Motion carried unanimously.

**CONSENT AGENDA:** Commissioner Channell requested that Item #10 be pulled for further discussion. He also indicated that Item #11 had a typo; that error was later fixed. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda, excluding Item #10, and authorize appropriate signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Vendor Disclosure Statement; Contract Performance outside the United States or Colorado; Nurturing Parenting Program
2. Acknowledgment of County Manager Signature; Approved Task Order Contract - Waiver #154; Department of Public Health and Environment; PSD-STEPP; Routing Number 08 FAA 000023
3. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice Statement of Grant Award; Juvenile Diversion Program; Grant #10-DV-7-4; 7/1/09 thru 6/30/10; \$20,000
4. Acknowledgment of County Manager Signature; Contract and Terms of Agreement; Fisher Consulting Group & Moffet Consulting; 2009 Gunnison County Leadership Academy (GCLA)
5. Acknowledgment of County Manager Approval to Submit; Grant Application; Community Services Block Grant, ARRA; 7/1/09 thru 9/30/10; \$44,343
6. Acknowledgment of County Treasurer Signature; Advantage Account Agreement, Entity Data Sheet, and Customer Account Transfer; SIGMA Financial Corporation; Investment Advisement for the County Treasurer's Office
7. Correspondence; Colorado Department of Transportation Regional Director Weldon Allen; Hwy 50 Speed Limit
8. Out-of-State Travel Request; ICMA Annual Conference; 9/11/09 – 9/17/09; Montréal, Québec; County Manager Matthew Birnie
9. Provider Agreement; Griffith Centers for Children; Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services; 6/1/09 thru 6/30/10
10. Amendment to Memorandum of Understanding Regarding Provisions of Legal Services; Gunnison-Hinsdale Board of Human Services
11. Resolution; Vacating Antlers Bluff, Fawn Drive and a Portion of Deer Trail, Block 2, Marble Ski Area, Crystal River Filing, Marble, Colorado
12. Savant Master Software License Agreement; Symantec Endpoint Anti-Virus Software; 7/1/09 thru 6/30/10; \$2,500 Annually for 150 Licenses

**CONSENT AGENDA ITEM #10:** Commissioner Channell had asked that this be pulled to discuss the increase in rates. County Attorney Baumgarten explained that this new contract language was appropriate since the average number of cases has increased. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #10 and authorize signatures. Motion carried unanimously.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

**BREAK:** The meeting recessed from 8:52 until 9:21 am in order to hold the below Public Hearing.

**PUBLIC HEARING; REQUEST FOR WAIVER OF GUNNISON COUNTY STANDARDS AND SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES; TAYLOR RIVER RANCH SUBDIVISION; SECTIONS 17, 20, 21, 28, 29 AND 33, TOWNSHIP 15 SOUTH, RANGE 84 WEST, 6<sup>TH</sup> PM; SECTION 8, TOWNSHIP 51 NORTH, RANGE 2 EAST NMPM:** Assistant County Manager Crosby, County Attorney Baumgarten, and applicant Jerry Burgess were present for discussion.

Chairperson Swenson opened the Public Hearing at 8:52 am.

1. Public Notice Confirmation. Assistant County Manager Crosby informed the Board that this was noticed in the newspaper. Certified mailings were sent out 12 days in advance, which did not meet the requirement of 14 days; however, she had proof that all but one resident received the notice. The one remaining resident, Rikki Santarelli, received a personal phone call from Assistant County Manager Crosby; he indicated his support of the waiver to Assistant County Manager Crosby during that telephone conversation. County Attorney Baumgarten agreed, after hearing the details above, that this Public Hearing was appropriately noticed.
2. Identify Ex Parte Communications. There were no communications identified.
3. Staff Presentation. Assistant County Manager Crosby explained that the Taylor River Ranch is planning to complete two bridges, one steel and one timber, that will cross each other. The Ranch would prefer to have 16'-0" bridges, which would be sufficient for safety and allowance of emergency vehicles, rather than the required 24'-0" width required in the County's standards. Assistant County Manager Crosby stated that her department was in support of the request. No comments or questions were received by her department related to these bridges. The bridges were proposed to be 32'-0" feet long and 26'-0" feet long.
4. Applicant Presentation. Mr. Burgess explained that a total of 27 approved lots will be accessed by these two bridges and the connecting County road. He noted that the current bridge is too old for repair and will be replaced.
5. BOCC Questions. Commissioner Channell questioned the County's stance related to technical unfeasibility since the request was based on esthetic concerns. Assistant County Manager Crosby explained that the language within the Gunnison County Land Use Resolution was modified on 5/20/08 and that the portion related to technical feasibility was modified to require only a detailed description of the request. Additionally, waivers could be warranted by site specific conditions which create an unusual aspect or feature not shared by property in general. County Attorney Baumgarten felt that this request qualified under the new language because the property is a large open meadow. Assistant County Manager Crosby agreed that this subdivision was quite different and that a waiver would be appropriate in order to maintain the character of the surroundings. County Attorney Baumgarten stated that this property is a large existing ranch that is very visible from the public highway. He also felt that narrowing of the bridge would keep with maintaining the esthetic aspect. Mr. Burgess felt that the narrower bridge would also assist with slowing traffic.

Commissioner Channell questioned the appropriateness of the standards since the County is repeatedly asked to waive portions of them. Assistant County Manager Crosby noted that parts of the County are radically different and need to be evaluated differently. County Attorney Baumgarten felt that this particular property in this particular location would warrant the waiver. County Manager Birnie felt that if standards are routinely waived that the standards may warrant modification.

6. Public Comments. Chairperson Swenson opened the Public Hearing to public comment at 9:10 am, but there was no public comment provided.
7. Acknowledge Correspondence Received. There was no correspondence received.
8. Applicant Response. There was no response by the Applicant.
9. BOCC Decision. Chairperson Swenson closed the Public Hearing at 9:21 am and immediately reconvened the Gunnison County Board of County Commissioners meeting.

**Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-22, a Resolution Waiving a Certain Provision of the Gunnison County Standard Specifications for New Construction of Roads and Bridges for Two Bridges Lying Within Taylor River Ranch Subdivision, Located Within Sections 17, 20, 21, 28, 29 & 33, Township 15 South, Range 84 West, 6<sup>th</sup> P.M. and Section 8, Township 51 North, Range 2 East, N.M.P.M., County of Gunnison, State of Colorado, as amended and authorize signatures. Commissioner Starr requested that the amended language include the slowing of traffic as a method of achieving greater safety, that there is limited private traffic crossing, and that it maintains the character and visual esthetics of the property on which it is located. Motion carried unanimously.

**BREAK:** The meeting recessed from 9:23 until 9:25 am in order to hold the below Public Hearing.

**PUBLIC HEARING; RETAIL LIQUOR STORE LICENSE; TAYLOR PARK MARINA, LTD; DIANE AND COY MARRIOTT; 21700 COUNTY ROAD 742:** Gunnison County Clerk and Recorder Stella Dominguez was present for discussion.

Chairperson Swenson opened the Public Hearing at 9:23 am.

1. Public Notice Confirmation. Gunnison County Clerk and Recorder Dominguez confirmed proper public notice.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Gunnison County Clerk and Recorder Dominguez explained that she already brought this issue to the Board in April, but that a timeline was not met. No comments were received by her office.
4. Applicant Presentation. There was no applicant present for discussion.
5. BOCC Questions. There were no questions posed by the Board.
6. Public Comments. Chairperson Swenson opened the Public Hearing to public comment at 9:25 am. There were no public comments given.
7. Acknowledge Correspondence Received. There was no correspondence identified as having been received.
8. Applicant Response. There was no applicant present for discussion.
9. BOCC Decision. Chairperson Swenson closed at 9:25 am and immediately reconvened the Gunnison County Board of County Commissioners meeting.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the liquor license application for the Taylor Park Marina, LTD for 21700 County Road 742 as submitted and authorize signatures. Motion carried unanimously.

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

1. North Valley Sewer Update; Authorization for Signature on Documents. Assistant County Manager Crosby introduced North Valley HOA representative Neal Kovach and welcomed him to the meeting. She reminded the Board that the loan had previously been approved, but suspended because it was thought that Stimulus Funds would come in for this project. In the interim, the State's water-quality control office decided that the County would need to complete an Environmental Assessment. She noted that the final comments were submitted to the State on 4/24/09 and that she was later informed on 5/6/09 that this would be publically noticed. However, yesterday she received an email from the State indicating that the Fonzi report was not done and was not anticipated to be complete for a couple of weeks.

Assistant County Manager Crosby requested permission to put the project out to bid while the County waits for the Fonzi report as waiting could result in the project completion being extended for another 60 days.

Assistant County Manager Crosby informed the Board that the State decided to fund this project with \$474,000, which was the entire amount requested by the County. In addition, \$200,000 was awarded from the Department of Local Affairs; however, the original request to the State was not amended so that leftover funds would be available to manage issues and cover higher contract bids. She confirmed that the North Valley sewer was at the top of the stimulus funding list and would be fully funded in the form of a loan with a zero percent interest rate. This meant that 100% of the \$474,000 would be principally forgiven and that there would be no 20-year payback.

Assistant County Manager Crosby recommended amending the boundaries of the North Gunnison District to be included with this project. Quarterly user fees would be \$138.75.

Mr. Kovach thanked Assistant County Manager Crosby for her time on this issue. He was very pleased with the new fee schedule. Assistant County Manager Crosby felt that the project could begin no later than August or September.

2. Out-of-State Travel Request; National APWA Congress; Columbus, Ohio; September 2009; Assistant County Manager Marlene Crosby; \$1,500. Assistant County Manager Crosby explained that she normally budgets for one road and bridge staff member along with one fleet staff member to attend this conference. However, since she included two staff members at a recent

training, she intended to travel alone to this conference. During the conference, she will be giving a presentation on "What to Do When It Rains", which would delve into preparing for times when budgetary cuts create issues. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Out-of-State Travel Request from Marlene Crosby. Motion carried unanimously.

3. North Gunnison Pedestrian Bridge Project Update; Authorization for Signature on Documents. Assistant County Manager Crosby explained that the Colorado Department of Transportation and the Forest Service conferenced yesterday on this issue. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize signature on the documents by the County Manager or the Assistant County Manager after being reviewed by County Attorney Baumgarten. Motion carried unanimously.
4. Ohio Creek Intersection Improvements Project; Authorization for Signature on Documents with the Colorado Department of Transportation. Assistant County Manager Crosby requested that she be given authorization for signature on these documents as well. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize signature on these documents (by County Manager Birnie or Assistant County Manager Crosby) after County Attorney Baumgarten completes his review. Motion carried unanimously.
5. Taylor River Road Project Update; Authorization for Signature on Reimbursable Agreement Documents. Assistant County Manager Crosby said the Federal Highway Administration (FHA) changed the way in which it will handle this project and that the FHA was willing to enter into a reimbursable agreement with the County that would outline reimbursement on a 30-day basis for the costs associated with project planning. She requested a reimbursable amount of \$500,000 for appraisals, review appraisals, title research, any additional survey costs, and attorney time for outside attorneys to negotiate/draft documents and be present at the closing. Staff time may be reimbursable if properly documented, but she did not include this in the proposal. The Board asked her to track staff time so that costs can be reimbursed by the FHA. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize the County Attorney to draft the contracts with the providers of services and to authorize the Assistant County Manager or the County Manager to sign the documents that County Attorney Baumgarten drafts. Motion carried unanimously.
6. Cattlemens' Days. Assistant County Manager Crosby reported that Cattlemens' Days had applied for a liquor license in order to be able to serve beer during the scheduled events. She informed the Board that she submitted a letter of approval to Cattlemens' Days for only one year as the County may want to pursue this option in the future.
7. Gold Basin Industrial Park. Assistant County Manager Crosby informed the Board that the landscaping would be completed within a week. A site visit was scheduled for 7/21/09.

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

1. 1872 Mining Law. County Manager Birnie informed the Board that he had been contacted by High Country Citizens' Alliance Public Lands Director Dan Morse who requested a new resolution to supplement Resolution #2007-33. County Manager Birnie felt that another resolution would be unnecessary and the Board agreed that a letter of support attached to Resolution #2007-33 should be sufficient. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Chairperson to sign a letter communicating our continued position concerning the needed reformation to the 1872 Mining Law. Motion carried unanimously.
2. Hydraulic Fracturing. County Manager Birnie informed the Board that he had received correspondence from La Plata County Commissioner Wally White regarding this issue. Legislation has been introduced and Commissioner White requested a letter of support from the Board. A work session on this issue had already been scheduled to take place on 7/14/09, so the Board agreed to revisit this request on 7/21/09.
3. County Courthouse Office Space Request. County Manager Birnie informed the Board that Chief Probation Officer Carol Warner contacted him about the possibility of acquiring more office space in the Courthouse due to the addition of another probation officer. County Manager Birnie felt that the County may have to remodel the County courtroom since it is larger than it needs to be. He felt that other similar requests should be evaluated while taking into consideration that a new detention center will eventually be built.
4. Gunnison County Strategic Plan Update. County Manager Birnie stated that he had met individually with Commissioner Starr during the previous week to go over the Strategic Plan. He met with the executive staff on 6/15/09 to discuss further changes. The most current version

should be available by the end of the week. This issue was scheduled on the 7/21/09 agenda. He requested that the Board provide comments as soon as the updates are ready.

5. Department of Local Affairs Grant; Assessor's Office Software. County Manager Birnie informed the Board that this grant was awarded, but not for the whole amount requested of just under \$200,000. He noted that the County will likely submit an application for new Planning Department software in the next cycle.
6. Managing for Results Initiative Update. County Manager Birnie stated that the County is ahead of the planned implementation as twice as many departments have gone through the process as were planned for this time. The County engaged a budget officer from Nashville to come to Gunnison County during the second week of July. This budget officer will work with the Administration offices and Assistant County Manager Crosby on the Budgeting For Results process. County Manager Birnie stated his impression that the MFR process and the Leadership Academy are assisting staffers to realize the scope of the County.
7. Memorandum of Understanding; Marble Tourism Association (MTA). County Manager Birnie reported that he had spoken with MTA President Nate May on 6/15/09 about this MOU that was originally sent to Mr. May in April. Mr. May confirmed receipt of the document. This issue is scheduled for the 7/14/09 agenda.

**BREAK:** The meeting recessed from 10:13 until 10:17 am for a short break and then again from 10:17 until 11:09 am to call to order as the Local Marketing District.

**LOCAL MARKETING DISTRICT (LMD):** County Attorney Baumgarten, Mt. Crested Butte Town Manager Joe Fitzpatrick, and Tourism Association (TA) representatives Wanda Bearth, Jane Chaney, Rob Strickland, and Joellen Fonken were present for discussion.

**CALL TO ORDER:** Chairperson Swenson called the meeting to order at 10:17 am.

1. LMD Tax Measure Legal Issues. County Attorney Baumgarten reviewed his memorandum with the Board, which outlined the below questions as posed by the TA.
  - a. Will there be any kind of petition that needs to be signed to get an extension of the lodging tax on the ballot? County Attorney Baumgarten did not feel that any kind of petition would be needed to get an extension of the lodging tax on the ballot.
  - b. Are there any "legal" issues that need to be addressed by the County Attorney?
    - i. Cost of Election. County Attorney Baumgarten informed the Board that the pertinent district would need to pay the costs incurred by the County to conduct the election.
    - ii. Tourism Association Expending Funds to Campaign. County Attorney Baumgarten felt that the TA should not expend funds and should not campaign.
    - iii. Resolution(s) Supporting the Measure. County Attorney Baumgarten felt that the LMD and TA boards could pass separate resolutions urging citizen support.
    - iv. Summary. County Attorney Baumgarten felt that government money and resources should not be used and that supporters should act during their personal time. Ms. Chaney stated that she completely supported County Attorney Baumgarten's opinion and informed the Board that the TA will put together a steering committee to begin to evaluate aspects of the TA.
2. Tourism Association; 1<sup>st</sup> Quarter 2009 Update.
  - a. Travel Industry Information. Commissioner Channell asked about the Orbitz Worldwide, Inc. net revenue for 2008 of \$180 million and Mr. Strickland explained that this was from all revenue sources. Commissioner Channell requested a year-to-year comparison relevant to Expedia.com, but Ms. Chaney was not able to locate any supplemental information. Ms. Chaney confirmed that the Economic Tourism Activity information was relative to the State only.
  - b. Public Relations. Commissioner Channell requested additional information relative to the Sample of Media hits, particularly how the TA can determine whose marketing effort resulted in these figures. Ms. Chaney felt that it was fairly simple to match the articles with press releases since much of the verbiage is repeated. She informed the Board that the TA will work with Focus to begin a program for evaluating the public relations value of print advertisement.
  - c. Website Marketing. Mr. Strickland explained that various website landing pages help to gauge the effectiveness of each type of marketing media. He also reported that the airline information page was the most visited page on the TA's website, second only to the home page. With regard to Facebook ads, Commissioner Starr wanted to know the point at which this type of marketing would be eliminated if not providing results. Mr. Strickland explained that he was no longer working with this type of marketing, but is instead relying on the energy within the community to spread the word. Ms. Chaney acknowledged that this type of marketing would be difficult to define and measure.

- d. Quarterly CBMR Marketing Staff. Ms. Chaney noted that the TA will begin holding quarterly marketing meetings with Crested Butte Mountain Resort this month.

**ADJOURN:** The LMD meeting adjourned at 11:09 am.

**RESOLUTION AND REQUEST FOR SUPPORT; THOMPSON DIVIDE COALITION:** The Board agreed to table this discussion until further information is received from the Thompson Divide Coalition. County Attorney Baumgarten agreed that taking a stance on this could be perceived as prejudgment related to oil and gas development. Commissioner Channell worried that not rescheduling this discussion could imply non-support of the County. Commissioner Starr needed more information before deciding on this issue.

**TWO-LOT SUBDIVISION APPLICATION; SUNDANCE RIVERFRONT SUBDIVISION; TIMOTHY MICHALEK, REPRESENTED BY MICHAEL DAWSON; 8218 HWY 135, 3.183 ACRES IN NE4SE4, SEC 33, 51N1E:** This item was deleted from the agenda during the Agenda Review discussion.

**BREAK:** The meeting recessed from 11:14 until 11:33 am.

**CORRESPONDENCE; SGT CRAIG ISHAM; WAR SERVICE AND GIFT OF COLORADO STATE FLAG:** Warren and Meloney Isham were present for discussion. Commissioner Channell read aloud the letter addressed to the Isham's son, Craig. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the letter and authorize signatures thereon. Motion carried unanimously.

**VISITORS; COLORADO INACTIVE MINES RECLAMATION PROGRAM SR. PROJECT MANAGER STEVE RENNER AND PROGRAM SUPERVISOR LORETTA PINEDA; PEANUT MINE RECLAMATION AND FUTURE PROJECTS WITHIN GUNNISON COUNTY:** Geographic Information Systems Manager Mike Pelletier and Colorado Inactive Mines Reclamation Program Sr. Project Manager Renner were present for discussion along with Program Administrator Loretta Pineda and Gunnison Project Manager Tara Tafi.

Mr. Renner explained that his office is responsible for safeguarding abandoned mines, environmental restoration construction at abandoned and inactive mine sites, and consulting with the Environmental Protection Agency at the Standard Mine Superfund near Crested Butte. He gave a PowerPoint presentation related to the work that has been completed and the work that is planned to occur over the next couple of years in the County.

The Oliver and West Elk Mines are the only burning mines in the County, while statewide there are a total of 34. Some of the upcoming projects mentioned were the War Eagle Mine Safety Closure Project, the Sillsville Mine Safety Closure Project and the Enterprise Bond Forfeiture Project.

Mr. Renner showed an industry-acclaimed nine-minute video of the Peanut Mine reclamation process. The video highlighted the reasons for and the successes of the reclamation. Mr. Renner informed the Board that interpretive signage was placed in the Peanut Mine area just yesterday.

**BREAK:** The meeting recessed from 12:08 until 1:34 pm for a lunch break and to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes). The meeting recessed again from 1:34 until 2:30 pm in order to convene as the Gunnison County Board of Health.

**GUNNISON COUNTY BOARD OF HEALTH:** Health and Human Services Director Renee Brown, Nursing Services Supervisor Carol Worrall, Finance Director Linda Nienhueser, Senior Accountant Jane Lee, and Dr. John Tarr were present for discussion.

**CALL TO ORDER:** Chairperson Swenson called the meeting to order at 1:34 pm.

1. Acknowledgment of Chairperson; Paula Swenson. **Moved** by Commissioner Channell, seconded by Commissioner Starr to acknowledge the Chairperson as Paula Swenson, the Vice-Chairperson as Jim Starr, the Public Health Director as Carol Worrall, and the County Medical Officer as John Tarr. Motion carried unanimously.
2. Acknowledgment of Vice-Chairperson; Jim Starr. See above.
3. Acknowledgment of Public Health Director; Carol Worrall. See above.
4. Acknowledgment of County Medical Officer; Dr. John Tarr. See above.
5. Designation of 2009 Meeting Dates. This will be quarterly during the last month of each quarter. The next meeting is scheduled for September 15, 2009. **Moved** by Commissioner Starr, seconded by Commissioner Channell to designate the third Tuesday of each last month of the calendar quarter as our official meeting dates. Motion carried unanimously.
6. Designation of 2009 Agenda Posting Locations. **Moved** by Commissioner Channell, seconded by Commissioner Starr to designate our agenda posting locations as being the same as the Board of County Commissioners agenda posting locations. Motion carried unanimously.
7. 2010 Budget. County Manager Birnie explained that an estimate was required prior to 9/1/09, which would occur prior to the next regularly scheduled meeting. Finance Director Nienhueser

- explained that she created the necessary processes within her department to track revenue and expenses for the Board of Health. **Moved** by Commissioner Channell, seconded by Commissioner Starr to roll the budget process for the Gunnison County Board of Health into the Gunnison County regular budget process so that we are in compliance with State statutes. Motion carried unanimously.
8. Rural Philanthropy Days. Health and Human Services Director Brown informed the Board that the bus tour was scheduled to stop at the Family Services Center during this event. Presentation materials were ready for distribution on behalf of the region, not just the County. Health and Human Services Director Brown will have staff members available to discuss programs during the roundtable discussions. Dr. Tarr will be attending on behalf of the Gunnison Valley Health Foundation.
  9. West Central Partnership. Health and Human Services Director Brown informed the Board that she recently had dinner with the new State Public Health Director who was very complimentary of the Partnership. Nursing Services Supervisor Worrall informed the Board that the Partnership paid to have 5,000 brochures printed, primarily for visitors to our region, which outlined health concerns specific to the region.
  10. Environmental Health and Health Education Proposals. Health and Human Services Director Brown stressed the need for regional environmental health coordination.
  11. CCI / CALPHO Update. Health and Human Services Director Brown stated that eight different pieces of current legislation affect the Health Care Affordability Act for Colorado Citizens. She will be tracking the legislation and will provide updates as necessary.
  12. Food Handlers' Classes by Environmental Health. Nursing Services Supervisor Worrall informed the Board that a Hepatitis A exposure scenario occurred approximately three months ago in Denver. The scenario involved an individual working in the produce section of a grocery store that was infected and not advised by his/her physician to stay home. This instance resulted in the need for over 5,000 costly injections. Food handler courses are performed over the course of one evening at minimal cost through the CSU Extension office. Nursing Services Supervisor Worrall also reported that 150 food-facility inspections were performed for Gunnison County last year. Health and Human Services Director Brown noted that there is not enough capacity to inspect food facilities at special events. County Manager Birnie felt that licensing and inspection fees should fund the program. Health and Human Services Director Brown stated that some regulations had recently changed, which should help the situation. County Manager Birnie suggested pursuing this issue through Colorado Counties, Inc. if needed.
  13. H1N1 Update. Dr. Tarr explained that the first cases were reported on CNN on 4/23/09. The following Monday, he met with Nursing Services Supervisor Worrall, Emergency Manager Scott Morrill, and others to begin monitoring the situation. Within two days, the Incident Command Center was activated. When the initially reported mortality rates seemed to be skewed, the group decided to reduce tracking. As a result of this incident, the ICC decided to enhance public education infrastructure. Also identified as problematic was the fact that the local newspapers are published only one time per week. As well, the hospital would not be able to work with a surge of patients. Dr. Tarr suggested a matrix to the Pandemic Committee that would further classify scenarios and outline the response needed from the community. He felt that the local reaction was effective and appropriate; State agencies have been complimentary of our local response. Dr. Tarr confirmed that no local cases of H1N1 were diagnosed. Officials have not been able to explain why the mortality rate in Mexico was so much higher than in the rest of the world. Emergency Manager Morrill recommended further Incident Command training so that personnel do not wear out too quickly.
  14. Gunnison County Immunization Rates. Nursing Services Supervisor Worrall presented immunization rate information for two-year old children in Gunnison County spanning the years 2001 through 2009. She noted that 82.4% of Gunnison County children are fully immunized; however, she acknowledged that a child that does not receive any immunizations would not be tracked by this data. Dr. Tarr informed the Board that children have been proven to have the capability of accepting hundreds of immunizations, which does not support isolated theories that children may be over-immunized.

**ADJOURN:** **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:30 pm. Chairperson Swenson immediately reconvened the Gunnison County Board of County Commissioners meeting.

**LITIGATION UPDATE; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten proposed that an executive session be held between the Board, County Manager Birnie and himself in order to discuss ongoing litigation and to receive advice from the County Attorney. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to enter into the executive session as proposed by County Attorney Baumgarten. Motion carried unanimously.

The board went into executive session at 2:31 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)b.*

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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 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: \_\_\_\_\_

\_\_\_\_\_  
Paula Swenson, Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 3:18 pm. Chairperson Swenson 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.

**APPOINTMENT; GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD; EDDIE BALCH:** **Moved** by Commissioner Channell, seconded by Commissioner Starr to appoint Eddie Balch to the remainder of the seat on the Environmental Health Board vacated by Dr. Ted Violett. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to ask staff to compile a letter to Dr. Ted Violett thanking him for his lengthy service on the Environmental Health Board and wishing him well with his health issues, and authorize signatures. Motion carried unanimously.

**VELTRI/U.S. FOREST SERVICE SURVEY AND LAND ISSUES; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten explained that the work performed for the Ranchland Initiative yielded three components, one of which, entitled, "Emerging Issues" provided for citizens to request assistance from the County. He informed the Board that the Veltri family had approached his office during the previous week to request assistance. He felt the request deserved consideration under the Emerging Issues component.

County Attorney Baumgarten explained that a recent survey performed by the Forest Service had incorrectly assumed that a piece of land adjacent to the Veltri property was, indeed, owned by the Veltri family. As well, the survey placed the majority of a bike trail on the Veltri property than on the Forest Service property. Lastly, an issue regarding whether or not some special-use permits, involving approximately 50 to 60 acres, will be renewed between the Veltri family and the Forest Service.

County Attorney Baumgarten noted that he had not gone into deeper discussion on these issues since he did not have approval from the Board to do so. He requested permission to open discussions with the Veltri family and the Forest Service in order to gather information. He would then present the information to the Board at a later date for review and decision.

Commissioner Starr felt that involvement was appropriate and important to not only the Veltri family, but also to the users of the trail. Commissioner Channell also felt that involvement was appropriate as County Attorney Baumgarten's immediate role would only be that of a fact-finder. Chairperson Swenson agreed with all statements.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the County Attorney to take what steps he deems appropriate, given our conversation today, to obtain further facts about this situation, keeping in close contact with the Veltris and with the Federal agencies involved, and report back to us as soon as he thinks it's reasonable to do so with the results. Motion carried unanimously.

**FIREWORKS DISPLAY REQUEST FOR APPROVAL; GUNNISON ROTARY CLUB:** Airport Operations Foreman Walt Cranor was present for discussion.

County Attorney Baumgarten explained that this contract differed from previous years in that it was more explicit toward responsibilities. He also felt that this would serve as the appropriate template for years to come. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Temporary Road Use Agreement as submitted for the agreement between the Rotary Club and the County for fireworks display on the 4<sup>th</sup> of July, 2009 and authorize signatures. Motion carried unanimously.

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

**COMMISSIONERS MEETING REPORTS:**

**Commissioner Channell:**

1. Airport Operations Conference. Commissioner Channell reported that the conference was well attended and included more vendors than in other years.
2. Western State College (WSC) Community Student Engagement Committee. Commissioner Channell has been meeting with this group. Input from this group will be submitted as part of the WSC Strategic Plan.
3. Hospital Tri-State Care Flight Services Meeting. Commissioner Channell informed the Board that this organization works out of Montrose to provide helicopter service. The service will be available to Gunnison Valley Hospital 30 minutes faster than when it originated from Grand Junction. Flights can still be made into St. Mary's in Grand Junction, if desired.

**Commissioner Starr:**

1. Colorado Counties, Inc. Summer Conference. Commissioner Starr stated that he would reproduce his notes for the other Board members as the notes were quite lengthy. He informed the Board that the recent session was very educational and utilized a different format.
  - a. Economic Stability. Commissioner Starr opined that Gunnison County is handling the current economic situation better than most other counties in the State. He also felt that counties seem more worried about 2011 than 2010, largely due to property tax revenues and dwindling stimulus funding.
  - b. Reduced Workforce. Commissioner Starr informed the Board that those counties that had reduced their workforce recommended that other counties institute policies prior to making any reductions. County Manager Birnie explained that this was a factor in pushing ahead with the budget analysis as the County's current budget process does not address the option for reductions in workforce. He felt that the programs should be analyzed for effectiveness prior to making any recommendations as he stated his hope to create a performance-based financial-decision making process. He noted that he would not support an overall cut since he didn't think that type of decision making would be sound. Lastly, he did not foresee a crisis in 2009 or 2010 for Gunnison County, but he was admittedly worried about 2011 and beyond.
  - c. Public Relations. Commissioner Starr attended this discussion with three or four Public Relations officers from larger counties. From this meeting, he felt the need to improve our County's program to convey the County's achievements and updates to citizens. He asked the Board to consider steps that the County could take toward improvement in this arena, such as scheduling the regular "Unscheduled Citizens" discussion to the same time during every meeting with an expanded timeframe. County Manager Birnie agreed to compile information related to hiring someone to handle press releases.
2. Temporary Animal Shelter Facility. Commissioner Starr informed the Board that he met with Assistant County Manager Crosby and several Paradise Animal Welfare Society board members, via telephone, to discuss the next steps in the process. Assistant County Manager Crosby provided the format for the lease.
3. Gunnison Valley Rural Transportation Authority (RTA).
  - a. Crested Butte Mountain Resort (CBMR). Commissioner Starr informed the Board that funding mechanisms for calendar year 2010 were discussed during a recent meeting, at the request of Crested Butte Mountain Resort. Since this was the third such discussion, the RTA board decided that the level of conversation had been sufficient. CBMR stated intention to approach the Town of Mt. Crested Butte to request admission tax money for one-flight program, which would take funding away from the Tourism Association.
  - b. Air and Ground Transportation Funds. Commissioner Starr informed the Board that the RTA is considering application of a formula that would separate ground-transportation funds from air-transportation funds, which allow for each of those sectors to plan for longer than one year in the future. However, this may limit the ability of the programs to share funds during shortfalls.
  - c. Cement Creek Road Intersection. Commissioner Starr informed the Board that Jim Schmidt had submitted a letter regarding the safety of the Cement Creek Road intersection. There was a clear consensus of the RTA board that this intersection will need to be evaluated in the near future. Commissioner Starr stated that CB South is willing to enter into negotiations to provide funding. He also proposed that the County consider purchasing, at a cost of approximately \$100,000, an adjacent piece of land to use as a temporary pull off for the RTA busses. County Manager Birnie felt that bus safety was applicable to those persons walking on Cement Creek Road and not to the

intersection. He also felt that the alignment of the intersection should not be considered a safety issue.

**Chairperson Swenson:**

1. Mayors/Managers Luncheon. Chairperson Swenson attended this recent meeting on 6/4/09 and provided the following updates:
  - a. Mt. Crested Butte. April 2009 sales tax collections were down by 49.5%, which did not represent a huge dollar figure. A change to the admission tax will be pursued for the fall.
  - b. Western State College (WSC). Tours in the new Student Center, which will include a movie theatre, will soon begin. WSC Associate Vice-President of Student Affairs Gary Pierson will assume the role vacated by WSC Vice-President of Student Affairs Sherryl Hall-Peterson upon her imminent retirement. Commissioner Channell noted that a reception will be held on 6/24/09, beginning at 5:00 pm at the President’s house on campus. The Board agreed to send correspondence to Ms. Peterson congratulating her on her retirement and wishing her well.
  - c. Library District. The recent citizen survey yielded a great response; however, the Library District has decided not to pursue building a new facility this year. Paul Duba has resigned his position as the Literacy Action Program Coordinator and the Board agreed that correspondence to Mr. Duba would be appropriate.
  - d. Upper Gunnison River Water Conservancy District. The District reported that Blue Mesa Reservoir was within four feet of spilling, while the Taylor River was within three feet of spilling.
  - e. Gunnison Valley Hospital. The recent citizen survey will be discussed during the next meeting of the Hospital Board of Trustees. Revenues were up by \$300,000 during the first quarter.
2. Gunnison Valley Health Foundation Golf Tournament. Chairperson Swenson participated in this tournament. As a result of the event, enough funding was raised to keep Ms. Holder in medical school.

**COUNTY ATTORNEY DAVID BAUMGARTEN PERSONNEL EVALUATION; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten was present for discussion.

Chairperson Swenson informed County Attorney Baumgarten that each commissioner had individually filled out evaluation forms, which were later compiled. County Attorney Baumgarten requested an executive session. **Moved** by Commissioner Channell, seconded by Commissioner Starr to go into executive session, to include the Board and the County Attorney, for purposes of conducting a personnel evaluation. County Attorney Baumgarten agreed that the matter be conducted in an executive session.

The board went into executive session at 4:16 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)f.*

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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 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: \_\_\_\_\_

\_\_\_\_\_  
Paula Swenson, Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 5:05 pm. Chairperson Swenson 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.

**ADJOURN:** Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:05 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: 09-21**

A RESOLUTION VACATING ANTLERS BLUFF, FAWN DRIVE AND A PORTION OF DEER TRAIL, BLOCK 2,  
MARBLE SKI AREA, CRYSTAL RIVER FILING,  
MARBLE, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") has received a request from River Dance Ranch, L.L.C. , owner of certain lots within Block 2, Marble Ski Area, Crystal River Filing, Marble, Colorado, to vacate certain streets as more specifically described as follows:

All of Antlers Bluff, including the cul-de-sac; All of Fawn Drive, including the cul-de-sac; That portion of Deer Trail commencing from the western boundary of the Raspberry Creek Easement as it intersects the southern boundary line of Deer Trail then traveling easterly along the southern boundary of Deer Trail to the southwest corner of Lot 53 then traveling westerly across Deer Trail to the southeast corner of Lot 74 then traveling south then westerly along the northern boundary of Deer Trail to the western boundary of the Raspberry Creek Easement then southerly to the southern boundary of Deer Trail,

All lying within Block 2, Marble Ski Area, Crystal River Filing, Marble, as identified on the plat titled "Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado" recorded on December 11, 1970, bearing Reception No: 282561,  
County of Gunnison,  
State of Colorado.

WHEREAS, the Board, by virtue of Colorado law, has the authority to vacate any street in Gunnison County that is not within the limits of a city or town; and

WHEREAS, the Board has determined that the streets requested to be vacated are not necessary for public access to privately-owned property; and

WHEREAS, a public hearing has been held regarding this matter and the Board has found that it would be in the best interest of the public to vacate the roads identified above;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following streets be and the same hereby are vacated:

All of Antlers Bluff, including the cul-de-sac; All of Fawn Drive, including the cul-de-sac; That portion of Deer Trail commencing from the western boundary of the Raspberry Creek Easement as it intersects the southern boundary line of Deer Trail then traveling easterly along the southern

boundary of Deer Trail to the southwest corner of Lot 53 then traveling westerly across Deer Trail to the southeast corner of Lot 74 then traveling south then westerly along the northern boundary of Deer Trail to the western boundary of the Raspberry Creek Easement then southerly to the southern boundary of Deer Trail,

All lying within Block 2, Marble Ski Area, Crystal River Filing, Marble, as identified on the plat titled "Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado" recorded on December 11, 1970, bearing Reception No: 282561,  
County of Gunnison,  
State of Colorado.

FURTHERMORE, it is the specific intent of the Board that the above described vacated streets should accrue to and vest in the record owners pursuant to the provisions of § 43-2-302, C.R.S.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 16th day of June, 2009, nunc pro tunc March 17, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2009-22**

A RESOLUTION WAIVING A CERTAIN PROVISION OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR TWO BRIDGES LYING WITHIN TAYLOR RIVER RANCH SUBDIVISION, LOCATED WITHIN SECTIONS 17, 20, 21, 28, 29 & 33, TOWNSHIP 15 SOUTH, RANGE 84 WEST, 6<sup>TH</sup> P.M. AND SECTION 8, TOWNSHIP 51 NORTH, RANGE 2 EAST, N.M.P.M., COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, a written petition by Schmueser Gordon Meyer on behalf of Jackson- Shaw/ Taylor River Ranch, L.L.C. a Colorado limited liability company was received by the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board"), requesting a waiver of a certain provisions of the Gunnison County Standard Specifications For New Construction of Roads and Bridges (hereinafter the "Standards and Specifications") for the construction of two bridges lying within Taylor River Ranch Subdivision located within Sections 17, 20, 21, 28, 29 & 33, Township 15 South, Range 84 West, 6<sup>th</sup> P.M. and Section 8, Township 51 North, Range 2 East, N.M.P.M., Gunnison County, Colorado.

WHEREAS, the request is to waive a requirement of Section 4.8.6: Bridges and Low Water Crossings, specifically for two bridges to be constructed along Wildwater Way across the newly constructed fishing stream, with a width of 16 feet rather than 24 feet.

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

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO HEREBY FINDS that Jackson- Shaw/Taylor River Ranch, L.L.C. has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions which create an unusual aspect or feature not shared by property in general, including the open space and ranching character and aesthetics of the parcel and Taylor River Ranch Subdivision; and
2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic. There will be a limited amount of traffic using the bridges, and the bridges in fact will reduce traffic speed due to the narrowing; and
3. The waiver will not adversely affect public health and safety; and
4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and
5. The waiver will not cause substantial injury to the environment; and
6. The waiver will provide the reasonable equivalent of the Standards and Specifications.

THEREFORE, the Board of County Commissioners of the County of Gunnison, Colorado resolves as follows:

1. The standard for width of newly constructed bridges as identified in Section 4.8.6: Bridges and Low Water Crossings of the Gunnison County Standard Specifications For New Construction of Roads and Bridges is hereby reduced from 24 feet to 16 feet for the construction of the two bridges along Wildwater Way across the newly constructed fishing stream lying within Taylor River Ranch Subdivision.
2. This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.
3. Nothing in this Resolution is, or shall be construed to be, a waiver of the required horizontal sight distance(s) or vertical grades; those requirements have NOT been waived.
4. This waiver is conditioned upon the bridge approaches being properly signed as one lane bridges.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 16th day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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