

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

The July 7, 2009 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Paula Swenson, Chairperson
Jim Starr, Vice-Chairperson
Hap Channell, Commissioner

Matthew Birnie, County Manager
Ruth Dukeman, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER, GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT (LMD) BOARD: Chairperson Swenson called the meeting to order at 8:02 am.

NOTIFICATION TO COUNTY CLERK OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT'S INTENT TO PARTICIPATE IN THE NOVEMBER 2009 COORDINATED ELECTION:

County Manager Birnie received advice from the consultant recommending completing drafting a Resolution addressing the intent and presenting it for Board review and consideration before the July 24, 2009 deadline. County Manager Birnie will also draft correspondence to County Clerk and Recorder, Stella Dominguez, to communicate the intent of participation and the future resolution. **Moved** by Commissioner Channell, seconded by Commissioner Starr, for the appropriate staff to draft a Resolution of Notification of Gunnison River Valley Local Marketing District's intent to participate in the November 2009 Coordinated Election. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Channell, to adjourn the Gunnison River Valley Local Marketing District (LMD) Board meeting. Motion carried unanimously. The LMD meeting adjourned at 8:03 am.

CALL TO ORDER, GUNNISON COUNTY BOARD OF COMMISSIONERS: Chairperson Swenson called the Board of County Commissioners of Gunnison County, Colorado meeting to order at 8:03 am.

AGENDA REVIEW: At the instruction of the requestor a letter of support for a Gunnison Legacy grant application to Great Outdoors Colorado pertaining to the final conservation easement on the Robbins Ranch in Steuben Creek was removed from the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to approve the minutes of the Regular Meeting of May 5, 2009 as submitted. Motion carried. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to approve the minutes of the Regular Meeting of May 19, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to approve the minutes of the Regular Meeting of June 2, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to approve the minutes of the Regular Meeting of June, 16, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to approve the minutes of the Special Meeting of June 23, 2009 as submitted. Motion carried unanimously.

CONSENT AGENDA:

1. Acknowledgment of Acting County Manager Signature; Agreement; Gunnison Watershed School District RE1J; Use of Gunnison County's Commercial Driver's License Skills Testing Facility
2. Acknowledgment of Acting County Manager Signature; Agreement; Mountain Express; Use of Gunnison County's Commercial Drivers License Skills Testing Facility
3. Acknowledgment of Acting County Manager Signature; Colorado Department of Transportation Contract; Project C135A-026 (17272); Region 3 DAW 09 HA3 00056; ID #271000964
4. Acknowledgment of County Manager Signature; Colorado Prevention Partners 2009-2010 No Cost Extension Grant Application
5. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement (VALE) Fund, Grant Contract #VA-09-24; Training/Equipment/COVA; \$1,525
6. Ratification of Resolution #2009-23; a Resolution Approving a Contract with the Colorado Department of Transportation Regarding a Funding Contribution for the Reconfiguration of the Existing Ohio Creek Road Access to State Highway 135, and Authorizing the County to Complete the Work
7. Colorado Water Congress; Wayne N. Aspinall Water Leader of the Year Award Nomination Form; William "Bill" Trampe
8. Agreement; Jim Thomas Construction, Inc.; Roof Repairs above the Courtrooms at the Gunnison County Courthouse
9. Airport Rental Car Operator Agreement; Gunnison Crested Butte Regional Airport; Avis Rent A Car System, LLC
10. Airport Rental Car Operator Agreement; Gunnison Crested Butte Regional Airport; MICAR, Inc. dba Budget Rent A Car of Gunnison
11. Agreement for Services; Rocky Mountain Ecological Services, Inc.; Develop the Marble Area/Upper Crystal River Community Wildfire Protection Plan
12. Joint Grant Application; City of Gunnison (acting as the fiscal agent) and Gunnison County; Edward Bryne Memorial Assistance Grant; \$15,749
13. Memorandum of Understanding; Montrose County; Subcontract; Nurse Home Visitor Program

14. Agreement Between Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging; Senior Transportation; \$7,000
15. Agreement Between Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging; Homemaker Services; \$6,000
16. Agreement Between Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging; Senior Resources; \$25,000
17. Resolution; Approving Mail Ballot for the November 3, 2009 Coordinated Election
18. Third Amendment to Development Improvements Agreement; Riverwalk Estates, LLLP
19. 2009 Memorandum of Agreement; Rotary Club of Gunnison Colorado, District 5470; Community-Based Organization Funding; \$5,000
20. 2009 Memorandum of Agreement; Crested Butte Wildflower Festival; Community-Based Organization Funding; \$500
21. Notice of Award; Concrete Works of Colorado, Inc.; Improvements to the Gunnison-Crested Butte Regional Airport, AIP Project No. 3-08-0030-42; \$524,255
22. Amendment No. 2 to Contract Dated 09/04/2007 Between Jacobs Engineering Group, Inc. and the Board of County Commissioners of Gunnison County on behalf of the Gunnison-Crested Butte Regional Airport Gunnison, Colorado
23. Resolution; Designating the Fairview Peak Fire Lookout to be a Gunnison County Historic Landmark
24. Resolution; Designating the Alpine Guard Station to be a Gunnison County Historic Landmark

Moved by Commissioner Starr, seconded by Commissioner Channell, to remove Consent Agenda items numbered 8, 9, 10, 14, 15, 16, 17 for further discussion.

Commissioner Starr recused himself from discussion about Consent Agenda number 8, an agreement with Jim Thomas Construction, Inc. for Roof Repairs above the Courtrooms at the Gunnison County Courthouse as they may be a potential conflict of interest. Commissioner Channell expressed concern about the wording in paragraph 17 of the agreement concerning warranty information. County Attorney David Baumgarten was present for discussion and explained the details of warranty coverage. It was discussed how the Attorneys Office could prepare a document further explaining warranty coverage for reference. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to authorize appropriate signatures on the agreement. Motion carried.

Finance Director Linda Neinhauser, Airport Manager John Devore and Airport Director of Administration, Kathie Lucas were present for discussion about Consent Agenda items 9 and 10 concerning Airport Rental Car Operators Agreements. The specifics of the payment within the agreement were deliberated. Details about performance indicators, flight schedules and passenger numbers were discussed. **Moved** by Commissioner Starr, seconded Commissioner Channell, to approve the two contracts amending section 3.3.6 to a three consecutive month time frame versus a two month consecutive timeframe. Motion carried unanimously.

Discussion about Consent Agenda items 14, 15, and 16 concerning agreements for funding from Region 10 League for Economic Assistance and Planning, Inc. commenced. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to approve Consent Agenda items 14, 15 and 16 and authorize appropriate signatures. Motion carried unanimously.

Consent Agenda item number 17 A Resolution Approving Mail Ballot for the November 3, 2009 Coordinated Election was removed and was requested to be rescheduled for a future agenda allowing time for discussion with other municipalities to commence. Commissioner Starr asked that the number of ballots cast in person for Precinct 3, for the last three elections be compiled for review.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. **Budget Consulting Workshop:** County Manager Birnie explained how the Administration group would be working with a consultant to develop the budget. The workshop was designed to equip the team with tools to design a process for transparent and performance related measures within the budgeting process.
2. **Upcoming Citizen Survey:** It was announced that pre-notice postcards had been sent from the vendor to survey participants in the coming week and the Survey would be sent soon after. Questions included were related to County services, policy and road conditions. It was noted that close to 1200 surveys were anticipated to be sent to community members.
3. **County Policy Update:** A policy guide containing the last 21 years of Board actions was being compiled by Administration staff. The next step was to index the information into a useful document easily accessed. Commissioner Channell commented that older policies would need to be systematic reviewed before countywide implementation. County Manger Birnie further noted that an annual review process would also be recommended.
4. **Green Team Update:** County Manager Birnie explained how Green Team Committee members had developed a draft recommendation on an Energy Action Plan that was ready for senior management review. This topic was requested to be scheduled for presentation in an upcoming Work Session.

ASSISTANT COUNTY MANAGER’S REPORTS AND PROJECT UPDATES: Assistant County Manager/Public Works Director Marlene Crosby was present for discussion.

1. **Pedestrian Bridge Update:** Assistant County Manager Crosby detailed how Stimulus Dollars allocated to the project would be delayed until later in the year. She further expressed hope that the project would be completed before the harsh winter weather. Road closure and access to the river while the project was being completed was reviewed. It was expected to be a phased project with a single firm taking the lead.
2. **Gunnison River Festival:** The success of the event was highlighted. Assistant County Manager Crosby advised feedback from Festival organizers was excellent. She further mentioned how rocks needed to be adjusted within the river park to accommodate the larger water flow and to allow adequate time for the participants to perform. Commissioner Channell expressed his appreciation to Assistant County Manager Crosby and her Staff as he also received community feedback about this event’s success. Parking concerns and potential path improvement was noted for future River Park enhancements.
3. **American Public Works Association:** It was reported that the American Public Works Association (APWA) was organizing a feasibility study for development of a certification program to acknowledge Public Works Directors. An invitation was extended to Public Works Director Crosby to attend the meetings pending the exact details for out of state travel.
4. **Weed Control Update:** Commissioner Channell asked for an update on the Weed Control Backlog. It was reported that by the end of the first week of the season that 40 properties had received analysis and treatment. Additionally, close to a 100 permits were also issued. The program will be including a digital photograph of the properties to track the effects of the program.
5. **Ohio Creek Intersection Update:** The project was reported to be on schedule. Several citizens reported confusion with the detour in the first several days. Measures were taken to communicate traffic routes to travelers, including road side signs advising information of the closure.

BRIEFING ON THE GUNNISON BASIN INDUSTRIAL PARK; LEASING AND LEGAL ISSUES; POSSIBLE EXECUTIVE SESSION:

County Attorney David Baumgarten was present and requested an Executive Session to brief the board on legal issues. **Moved** by Commissioner Channell, seconded by Commissioner Starr, to go into Executive Session for a briefing on the Gunnison Basin Industrial Park leasing and legal issues. Participants were Chairperson Swenson, Commissioner Channell, Commissioner Starr, County Attorney David Baumgarten, County Manager Matthew Birnie and Assistant County Manager Marlene Crosby.

The board went into executive session at 9:13 am. *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.*

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

The Board came out of executive session at 9:39 am. 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.

Moved by Commissioner Starr seconded by Commissioner Channell to direct negotiators to continue in good faith to work out unresolved issues as previously agreed to with the reality that the temporary lease ended when the permanent lease was signed in 2005 and that the initial 5 years of the permanent lease commenced in 2005 and to move forward in hopes of resolving outstanding issues.

Citizens present were encouraged to work with staff to resolve issues.

SIGN VARIANCE REQUEST; WESTERN HORIZON RESORTS – PRESENTED BY COUNTY BUILDING INSPECTOR RICH WOJDAKOWSKI:

County Building Inspector Rich Wojdakowski, and Western Horizon Resorts Owner, Jim Loken were present for discussion. County Building Inspector Rich Wojdakowski explained how contact was made with Western Horizon Resorts on June 11, and June 17, 2009 to explained how two of their signs were in violation of the established County Code and how a variance request would be needed for them to remain. Mr. Loken requested a variance to alert travels about the resorts location. He explained his concerns for large RV's needing adequate space to turn around, if the turn to the resort was missed. He further explained how the signs would be temporary, designed for the busiest 5 months of the year for RV travelers.

Commissioner Starr asked if Colorado Department of Transportation (CDOT) signs placed in the right-of-way, also known as Tourist Oriented Directional Information (TODI) signs would be applicable for this business. The process of obtaining the signs was being researched by the applicant. County Building Inspector Rich Wojdakowski was able to provide insights in how the applicant would be able to obtain the signs in the future. Discussion supporting a temporary variance permit with the condition set for Western Horizon Resorts to reach a permanent solution by potentially using the road side signs commenced.

Moved by Commissioner Starr, seconded by Commissioner Channell, to allow the variance to exceed the 30 day limit for temporary signs, allowing two signs, a variance to the one sign per use established in the code, and allowing the off premise use of the one sign through September 30, 2009 only, noting that the criteria for the variance had been met in this situation for the designated time period only. With a further understanding that there was an expectation to obtain Tourist Oriented Directional Signs (TODS) in the future as part of meeting the criteria as established. Motion carried unanimously.

BREAK: The meeting recessed from 10:06 am until 10:14 am.

TWO-LOT SUBDIVISION APPLICATION; SUNDANCE RIVERFRONT SUBDIVISION; TIMOTHY MICHALEK, REPRESENTED BY MICHAEL DAWSON; 8218 HWY 135, 3.183 ACRES IN NE4SE4, SEC 33, 51N1E – PRESENTED BY COUNTY PLANNER CATHIE PAGANO:

Planner I, Cathie Pagano, and Attorney Michael Dawson representing Timothy Michalek were present for discussion. The minor impact recommendation was presented and reviewed noting how road improvements were the responsibility of the property owner and the home owners association. This update to the road maintenance would be included on the amended plat. Commissioner Channell asked for clarification about the dates for the Sage-grouse conservation review. Planner, Cathie Pagano would review the timeframe when the application was submitted and verify with Gunnison County Wildlife Conservation Coordinator, Jim Cochran to assure that all needed reviews had been completed.

The requested revisions to the plat were reviewed showing how a lot was extending into what is now part of the river. The buildable area of the lot was also reviewed emphasizing how the current structures are not within the proposed building envelope and may affect future improvements to the property, citing an example of how if a portion of the structure was damaged by natural causes it could potentially be rebuilt in the exact same location, if removed as part of a remodeling project, it may need to be moved within the building envelope.

Moved by Commissioner Starr, seconded by Commissioner Channell, to approve Resolution No. 24 Series 2009 A Resolution Approving Land Use Change Permit No. 2008-22, A Land Use Change Permit For The Timothy L. Michalek Family Trust for the Subdivision Of A 3.18-Acre Parcel Into Two Lots and authorize appropriate signatures including Chairperson Swenson's signature for the revised plat of the Sundance Riverfront Subdivision. Motion carried unanimously.

RESOLUTION; AMENDING A PORTION OF RESOLUTION NO. 03-62, A RESOLUTION DESIGNATING THE NORTH FORK VALLEY COAL RESOURCE SPECIAL AREA AND ADOPTING THE COAL RESOURCE SPECIAL AREA COAL MINING REGULATIONS:

County Manager Matthew Birnie presented information related to how the proposed Resolution would align with the existing lease permit. Technical details were discussed relating to the methane capture

and uses of the gas. As it appeared the intention was to use the methane for generation of electricity; discussion about placement of the gas pipeline into and the power line out of the facility was further deliberated. It was decided that additional review of the proposal was needed. This topic was tabled for staff to review verbiage within the proposal for presentation at a future meeting.

REQUEST FOR LETTER OF SUPPORT; DARIEN RANCH LAND EXCHANGE:

Discussion as to modifications to a drafted letter to Senator Mark Udall supporting the Darien Ranch Land Exchange commenced. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to authorize signatures on the letter in support of the Darien Land Exchange. Motion carried unanimously.

ADOPTION OF THE PLANNING COMMISSION VISION SUB-COMMITTEE PLAN:

County Manager Matthew Birnie explained how the vision statement could align with the Countywide Strategic plan and asked about the intent of the scope of the statement. Discussion as to the alignment and adoption of a strategic planning model was to have verbiage consistency throughout the County.

Deliberation as to the existing priorities, methods of measure and alignment to the plan commenced. Commissioner Channell questioned if there was a need to refocus the original intent of the vision statement or have it be expansive. Adoption of the vision statement was proposed, with the remaining information being integrated into the Strategic Plan after community survey results are available.

The discussion led to the naming of the Planning Department changing to the Community Development Department as this area in addition to setting standards and adding services, encompasses building, environmental health, and other areas that have influence to our community as a whole. Use as a countywide vision statement was proposed. Discussion as to the definition of a vision statement and differences to a mission statement was reviewed. Wording was proposed and evaluated for effectiveness.

Moved by Commissioner Starr, seconded by Commissioner Channell, to approve the following as the Gunnison County Vision Statement: Gunnison County cherishes its sense of community and place. We strive to preserve and promote the well-being of the County's citizens, natural environment and rural character. We will deliver services and set standards that reflect our values and preserve our unique quality of life for present and future generations to enjoy. Motion carried unanimously.

MASTER SERVICES AGREEMENT; COLORADO CUSTOMWARE, INC.; ASSESSOR'S OFFICE SOFTWARE – PRESENTED BY COUNTY ASSESSOR KRISTY MCFARLAND:

County Assessor, Kristy McFarland and IT Director Mike Lee were present for discussion. The revisions made to a proposed contract were reviewed. Authorization and signature from County Manager Birnie for the amended contract and the DOLA grant contract were requested.

County Assessor Kristy McFarland outlined how the current system was becoming outdated as support for the application was phasing out and would no longer be available. She further explained how finding hardware for the office was a challenge, as new technology was not compatible with the older software. She further explained the extensive analysis performed narrowing the selection to two software systems available for Colorado. Then how the process selected the system that best meet the needs of the staff and citizens. She further explained that cost comparison for overall maintenance and annual support contracts were similar between the two companies. Integration functions with the Treasurer's Office as a feature of the proposed system was highlighted, mentioned that it was slated for release in 2010. Grant funds will support the purchase and allow the allocation of budgeted funds to be redistributed to other areas of need.

Moved by Commissioner Starr, seconded by Commissioner Channell, to authorize County Manager Matthew Birnie to sign the Crawford Contract for the Real Ware Software with Colorado Customware, Inc. subject to County Manger and County Attorney review and approval for an amount not to exceed \$250,604.00. Motion carried unanimously.

Moved by Commissioner Starr, seconded by Commissioner Channell, to authorize County Manager Matthew Birnie's signature for the largest amount possible on the DOLA grant contract for the Colorado Customware, Inc with County Manager and County Attorney's Office review and approval. Motion carried unanimously.

The timeline of the new application installation was reviewed with a potential live date of February 15, 2010.

BREAK: The meeting recessed from 11:28 am until 11:40 am.

LINKAGE FEE WAIVER REQUEST; CRESTED BUTTE SOUTH METRO WASTEWATER EXPANSION; JACK DIETRICH:

Housing Authority Director, K.T. Gazunis, and County Attorney David Baumgarten were present for discussion. Housing Authority Director K.T. Gazunis explained how on June 22, 2009 Mr. Dietrich stopped into the Housing Authority Office and explained the history of this topic and asked for assistance with how to request a waiver.

County Attorney David Baumgarten explained how this type of request has not yet been made. Discussions about the purpose of the fee, impacts projects have on the community and the types of entities contributing to the fund ensued.

The fee amount relative to overall project cost was calculated determining that the linkage fee was a small percentage of the overall project cost. It was further noted how enforcement of the fee could be a separate discussion from determining if governmental or quasi governmental entities should contribute. It was determined that the governmental sector should contribute to the fund, just as commercial and residential projects would and how this project as well as upcoming County projects would be subject to the linkage fee contribution. It was explained how development requires additional people to service the structure being built and that affordable housing is needed regardless of the type of structure being built.

LUNCH BREAK: The meeting recessed from 11:58 am until 1:01 pm.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT – PRESENTED BY CRWCD REPRESENTATIVE BILL TRAMPE: Mr. Trampe was not present for a report.

UNSCHEDULED CITIZENS:

Food Pantry: Carl and Ruth Long wanted to express their sincere appreciation to the Board for a contribution of \$2,400 to allow the Food Pantry to continue in their current location. They further reported that contributions appeared to be adequate allowing the food pantry to continue operation until the end of the year in the same location.

Crested Butte South Metro Wastewater: Jack Dietrich representing the Crested Butte South Metropolitan Wastewater expansion project arrived to discuss an earlier agenda item requesting a linkage fee waiver. He explained as a tax collecting entity, he was hopeful a waiver would be granted for the project. Chairperson Swenson summarized the earlier discussion explaining that a waiver for governmental entities would not be applicable. Mr. Deitrich expressed his disappointment and highlighted efforts taken in hopes of helping growth in the community. He further explained the hardship the fee would be to the tax funded project as initial communications indicated that it would be waived and was not budgeted. Chairperson Swenson further explained how an upcoming County project would also be assessed the fee and how the collection of the funds would help municipalities address housing needs in the future.

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. **Rural Philanthropy Days:** Commissioner Channell highlighted how the sessions were well attended and provided an introduction into the non-profit world and community building, endowment and real estate planning as well as information about development and preservation of agriculture.
2. **Western State College:** Is moving forward on plans to include a woody bio mass system in an upcoming Taylor Hall remodeling project scheduled to break ground in 2010, with a slated completion date in 2012. Plans were to include an area that would be accessible to large equipment as part of the building design. Concern had been expressed that the local private sector may not be able to support a supply of clean materials.
3. **National Weather Service:** Was working on a project using a mobile weather unit and radar project to be located in three different locations in the Gunnison Basin to collect data in hopes of gathering more detailed information. Logistics were explained how gathering radar data in the lower valleys was challenging.
4. **Health and Human Services Crossroads Presentation:** A human development model and curriculum was presented and explained how it could be incorporated into County departments and schools. The program was designed to empower people to take advantage of their own personal opportunities. With a cost around \$50,000 it was felt to be an interesting program with potential. They further supported the idea that fostering foster care families need community support and the help of mentor families. Family Advocacy Support Team (FAST) and the fit of the Crossroads program into that program was also discussed.
5. **Habitat for Humanity:** Commissioner Channell participated in a recent build project. With 25-30 participants the tasks were completed successfully.

6. **Jakes Corral:** A new park being constructed in the Rodeo Grounds was a flourishing project with Commissioner Channell helping a little to organize volunteers.
7. **Gunnison River Festival:** Opening comments to the well attended event were provided by Commissioner Channell. It was decided to send a letter of congratulations to the organizers. Informal conversations with participants led to a request for adding a permanent pavilion to the park for future events.
8. **Community Foundation of the Gunnison Valley:** A retreat was attended. Conversations focused on non-profits and their operation budget concerns. Many non-profits were reporting endowment funds and grants for special projects, but the challenges of keeping doors open and keeping the staff paid were paramount. The overall wealth of organizations appeared to be growing. However, operation budgets were facing increased strain. Representation of the organization includes both part-time and full-time residents with fund raising growing outside of the community.
9. **U.S. Forest Service:** Meetings were attended to address specific concerns with public access to Forest Service lands containing popular biking trails near Crested Butte. Meetings were scheduled to find solutions, it was noted if a recent survey of the properties in question are correct then mechanism were already in place to resolve the problem. Wetlands consideration and the value of the land may need further evaluation.
10. **Town of Telluride:** Is soliciting for support to add an additional judge in the Four Corners area. A nomination was made for a single candidate.
11. **Public Hearing Protocol:** Modification to the poster in the BOCC meeting room was proposed. Modifying the first topic to Open Public Hearing, keeping all other steps the same and changing the last item to Close Public Hearing was proposed. The Board agreed to the change.

Commissioner Starr:

1. **Rural Philanthropy Days:** Commissioner Starr expressed how many participants were appreciative that the event was hosted here in Gunnison County and the benefits of sharing the wealth of knowledge in our community. He further explained how the non-profit sector was showing the effects of the economy, and how that reflects strain on the community.
2. **Aeronautics Radar Project:** An example of a situation when a aircraft left the radar tracking equipment in the Northwest and how this project was able to provide tools to help locate the plane was provided. The additional technology being tested and proposed for the Gunnison area would allow better radar functionality for aircraft flying in the mountainous areas.
3. **Trial Participation:** Commissioner Starr reporting being summoned to a recent trial, however the issue was resolved without his participation. Overall, it was a learning experience for how land owners can correctly demonstrate eligibility for tax credits.
4. **4th of July Parade:** Commissioner Starr and Commissioner Channell participated in the festive event in Crested Butte and received excellent feedback from citizens for their entertaining costuming.

Chairperson Swenson:

1. **Gunnison Basin Sage-grouse Strategic Committee Meeting:** Chairperson Swenson reported that a proposed grazing research project was slated to receive funds from a supported bill currently moving through the process at the State. She further advised that an action plan was gaining momentum and was moving forward on schedule.
2. **Rural Philanthropy Days:** Chairperson Swenson participated in the event with the Department of Health and Human Services as a recipient of funds. The event was well attended and an excellent presentation by Mr. Haga highlighted County services and the expenses related to those services provided in our community.
3. **Chamber of Commerce Meeting:** Ride-the-Rockies event sponsors complimented Gunnison's hosts as one of the best stops on the ride.
4. **Golf Tournament:** A recent breast cancer golf tournament raised more funds than expected.
5. **Governor's Visit:** The Governor was in the Gunnison area to tour the Hartman's Rock's Recreation Area. The event was well attended. The Bureau of Land Management (BLM) is hopeful for additional funds for development of recreational areas. Western State College of Colorado (WSC) was also hoping to be the recipient of funds to help with the budget shortfalls.
6. **Mayors/Managers Meeting:** Was hosted in Pitkin in the Town Hall. Renovations were close to completion on the building. The event also included a tour of the School House Museum. Mt. Crested Butte reported additional base area improvements. The representation from different community entities and members was noted.

COUNTY MANAGER MATTHEW BIRNIE PERSONNEL EVALUATION; POSSIBLE EXECUTIVE SESSION:

The board went into executive session at 2:12 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.*

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

The Board came out of executive session at 3:19 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. Meeting adjourned at 3:24 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Ruth Dukeman, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 24 SERIES 2009

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-22
A LAND USE CHANGE PERMIT FOR THE TIMOTHY L. MICHALEK FAMILY TRUST
FOR THE SUBDIVISION OF A 3.18-ACRE PARCEL INTO TWO LOTS

WHEREAS, The Timothy L Michalek Family Trust has submitted an application to subdivide a 3.18 acre parcel into two parcels, each approximately 1.5 acres in size. There is an existing single family residence and shed on the proposed Lot 1; there is an existing greenhouse on the proposed Lot 2. The applicant is proposing the subdivision of the parcel and the allowance for a single-family residence and secondary residence on each lot. The proposed building envelopes are noted on a site plan dated October 10, 2008. The applicant proposes that each lot be served by an individual well and individual sewage disposal system. The parcel on which the Land Use Change is proposed is north of the City of Gunnison in the Lost Canyon area. The parcel is legally described as 3.183 acres in the NE4SE4 Section 33, Township 51 North, Range 1 East, N.M.P.M.; the physical address is 8218 Highway 135.; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on December 19, 2008 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. The proposed lot sizes are substantially similar to and compatible with other lots in the area and meet the locational and residential density standards.
3. The applicant will utilize individual wells for the water supply.
4. The applicant has signed augmentation agreement with the Upper Gunnison River Water Conservancy District for both individual wells in (Identification No. MLR-EW-04-43b and MLR-EW-04-43a).
5. The augmentation agreement is valid for one single-family residence on each lot; any future development of secondary residences may require additional augmentation water.
6. The applicants have been granted, by the Gunnison County Board of Commissioners, "A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by the Timothy L. Michalek Family Trust for Access Over and Across The Womble Tracts to Property Located at 8218 Highway 135, Almont, Colorado," recorded in the office of the Gunnison County Clerk and Recorder, Resolution No. 2008-27, Reception No. 584600.
7. The subject parcel is in occupied sage grouse habitat.
8. The applicant has stated that no livestock shall be permitted to be kept on the subject property.
9. The subject parcel is adjacent to an existing agricultural operation.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

CONDITIONS:

1. The applicant shall comply with all terms and conditions of Gunnison County Board of Commissioner Resolution No. 2008-27, recorded in the Gunnison County Clerk and Recorder's Office at Reception No. 584600.
2. Prior to action on this application by the Gunnison County Board of Commissioners the applicant shall record a deed restriction that requires the applicant and/or the owners of either subject lot to be paying participants in any organization (e.g., a local improvement district or homeowners association) which is developed to address road work and bridge funding.
3. A property owner is required to construct and maintain fencing in order to keep livestock off the subject property.
4. No livestock shall be kept on the subject property.
5. If demolition of any existing structures is required a demolition permit shall be obtained from the State of Colorado prior to any demolition commencing.
6. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
7. Loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are required to insure that negative affects from pets do not occur. This includes construction workers pets.

8. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
11. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
12. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-22, for the Timothy L. Michalek Family Trust is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

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 7th day of July, 2009.

BOARD OF COUNTY COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-25

A RESOLUTION DESIGNATING THE FAIRVIEW PEAK FIRE LOOKOUT
TO BE A GUNNISON COUNTY HISTORIC LANDMARK

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado ("Board"), has provided, pursuant to Resolution 93-32, Resolution 05-28 and Resolution 05-35, for the preservation of the cultural, historic, and architectural history within Gunnison County; and

WHEREAS, application has been made for designation of the Fairview Peak Fire Lookout located in Section 17, T51N, R4E, Fairview Peak, Colorado as a Gunnison County historical landmark; and

WHEREAS, the review process required by Resolution 93-32, Resolution 05-28 and Resolution 05-35 has been conducted and concluded completely and appropriately by the Gunnison County Historic Preservation Commission; and

WHEREAS, the Board has determined, pursuant to Resolution 93-32, Resolution 05-28 and Resolution 05-35, that all of the procedural and substantive prerequisites of designating the Fairview Peak Fire Lookout have been met;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Fairview Peak Fire Lookout is designated as a Gunnison County Historic Landmark, and further, that this Resolution be recorded in the records of the Gunnison County Clerk and Recorder, as the landmark designation certificate specified by Resolution 93-32, Resolution 05-28 and Resolution 05-35.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 7th day of July, 2009.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-26

A RESOLUTION DESIGNATING THE ALPINE GUARD STATION
TO BE A GUNNISON COUNTY HISTORIC LANDMARK

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado ("Board"), has provided, pursuant to Resolution 93-32, Resolution 05-28 and Resolution 05-35, for the preservation of the cultural, historic, and architectural history within Gunnison County; and

WHEREAS, application has been made for designation of the Alpine Guard Station located in Sections 13 & 24, T46N, R5W, Sheep Mountain, Colorado as a Gunnison County historical landmark; and

WHEREAS, the review process required by Resolution 93-32, Resolution 05-28 and Resolution 05-35 has been conducted and concluded completely and appropriately by the Gunnison County Historic Preservation Commission; and

WHEREAS, the Board has determined, pursuant to Resolution 93-32, Resolution 05-28 and Resolution 05-35, that all of the procedural and substantive prerequisites of designating the Alpine Guard Station have been met;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Alpine Guard Station is designated as a Gunnison County Historic Landmark, and further, that this Resolution be recorded in the records of the Gunnison County Clerk and Recorder, as the landmark designation certificate specified by Resolution 93-32, Resolution 05-28 and Resolution 05-35.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 7th day of July, 2009.