

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

The July 21, 2009 Board of Commissioners meeting was held in the Commissioner's Meeting Room at the Courthouse. Present were:

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

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:06 am.

AGENDA REVIEW: There were no changes to the agenda.

CONSENT AGENDA: Commissioner Starr asked to pull Consent Agenda Items #12 and #17 from the agenda. Commissioner Channell agreed that Consent Agenda Item #17 warranted further discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda, except for #12 and #17, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of Acting County Manager Signature; Grant Award; Colorado Department of Education; Early Childhood Systems Building Grant; July 1, 2009 thru June 30, 2012; \$154,951
2. Acknowledgment of Acting County Manager Signature; Memorandum of Understanding; Board of Trustees of Gunnison Valley Hospital, on Behalf of the Gunnison Living Community (GLC); Transportation of Seniors
3. Acknowledgment of County Manager Signature; HIPPA Business Associate Agreement; MD Insurance Solutions, Inc.
4. Acknowledgment of County Manager Signature; Memorandum of Understanding; Between the State of Colorado Department of Human Services and the Board of County Commissioners of Gunnison County, Colorado; 7/1/09 thru 6/30/10
5. Acknowledgment of County Manager Signature; Legal Search Engine Upgrade Contract; Westlaw
6. Acknowledgment of County Manager Signature; State of Colorado Department of Local Affairs Housing Choice Voucher Contract; Gunnison County Housing Authority; Thru 6/30/2010
7. Acknowledgment of County Manager Signature; Grant Application; PSSF Funding; Vehicle Purchase for Case Work Staff to Travel for Scheduled Visitations
8. Ratification of Correspondence; American Legion Post 54 and Veterans of Foreign Wars Auxiliary 4051; Appreciation for Donation of Decorations and Awards of the U.S. Armed Forces Poster
9. Ratification of Funding Approval; 2009 Junior Livestock Auction; 4-H Forever Fund Match of up to \$4,000.00
10. Modification No.1 to Participating Agreement Between USDA Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest and the Gunnison County
11. Consulting Agreement; Dr. John Tarr; County Medical Officer
12. **Pulled for Discussion and Separate Action:** Agreement to Purchase; Southern Peaks; Therapeutic Residential Child Care Facility
13. 2009 Competitive Cycle Grant Contract; Community Foundation of the Gunnison Valley; Gunnison County Health and Human Services, Temporary Assistance to Needy Families; \$5,150
14. 2009 Competitive Cycle Grant Contract; Community Foundation of the Gunnison Valley; Gunnison County Health and Human Services, Bright Beginnings Program; \$3,600
15. 2009 Competitive Cycle Grant Contract; Community Foundation of the Gunnison Valley; Gunnison County Health and Human Services, Multi-Cultural Resource Office / Light Program Vouchers; \$3,500
16. Regional Host Agency/Regional Affiliate CBB Memorandum of Agreement; Bright Beginnings Program
17. **Pulled for Discussion and Separate Action:** Grant of Perpetual Easement; Valco, Inc.; Water and Sewer Lines
18. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract
19. Caring for Colorado Foundation Grant Agreement; Access to Health Care Project; \$49,088
20. Purchase of Service Contract; Regional Mental Health Services; Midwestern Colorado Counties (MCC) and Midwestern Colorado Mental Health Center, Inc.; 6/1/09 thru 5/31/10
21. Purchase of Service Contract; Regional Substance Abuse Services; Midwestern Colorado Counties (MCC) and Managed Service Organization (MSO); 6/1/09 thru 5/31/10
22. Grant Contract; Energy and Mineral Impact Assistance Program; EIAF #6641; Gunnison County Assessor Software Purchase

CONSENT AGENDA ITEM #12: Commissioner Starr asked that this be pulled from the Consent Agenda for discussion due to the term being 6/30/08 through 7/1/09. County Manager Birnie confirmed that the dates were accurate, but that the contract was not received with sufficient time to finalize it prior to the beginning of the term. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Item #12 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #17: Commissioner Starr asked that this item be pulled from the Consent Agenda to discuss the number of residential units planned and their corresponding locations. Chairperson Swenson explained that the 110-acre property, which is split into two separate parcels, is currently listed for sale, that it has not yet been planned, and that any future buyer(s) would be required to go through the County's land use change process. Commissioner Starr expressed concern related to eventual density; however, Assistant County Manager Crosby explained that the capacity is considered to be unlimited. Commissioner Starr questioned the terminology referencing the County and Assistant County Manager Crosby agreed to confirm the language with County Attorney Baumgarten. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Item #17, subject to the County Attorney's final approval, and authorize signatures. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Colorado Department of Local Affairs Grant Application; Permit-Tracking and Database Management Software; Planning Department. County Manager Birnie explained that this application for \$196,000 was due on 8/1/09, but that it was not yet complete. He requested permission to submit the application when ready. Commissioner Channell questioned how these types of applications are being reviewed during the economic downturn and County Manager Birnie explained that Tier III grants are not being implemented and that there will only be two grant cycles this fiscal year. County Manager Birnie felt that the smaller grants may be granted widely rather than limited to larger sums on larger projects. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize the application to the Colorado Department of Local Affairs for permit-tracking and database-management software for the Planning Department in the range of \$196,000 and authorize the County Manager's signature on the application. Motion carried unanimously.
2. Out-of-State Travel Request; Gunnison County Wildlife Conservation Coordinator Jim Cochran and County Attorney Baumgarten; Butte, Montana. Gunnison County Wildlife Conservation Coordinator Cochran was present for discussion and explained that the associated travel costs would be paid by the Sonoran Institute. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Wildlife Coordinator and the County Attorney to travel out-of-state to Butte, Montana for a presentation at the expense of the Sonoran Institute. Motion carried unanimously.
3. Forest Payments Plan Meeting with Gunnison RE1J School District Superintendent Jon Nelson. County Manager Birnie informed the Board that he had met with Mr. Nelson to discuss 2009 funding that should be distributed in August. He also requested that the Board designate a commissioner to serve on the negotiating team with him and Assistant County Manager Marlene Crosby. Commissioner Channell volunteered for the position. **Moved** by Commissioner Starr, seconded by Chairperson Swenson to authorize the County Manager and the Assistant County Manager to be the County's representatives in the subject negotiations. Motion carried unanimously.
4. Community Development Block Grant (CDBG) Application Sponsorship; Six Points. County Manager Birnie explained that Six Points had asked the County to sponsor and apply for CDBG so that Six Points could purchase land to the west of the Community Center and then build a new facility. Six Points had sufficient funding for the land purchase. Commissioner Channell questioned ownership of the land since the County would have to own the land in order to apply for the grant. County Manager Birnie stated that he had visited with Gunnison County Housing Authority Executive Director KT Gazunis about this issue since this would include HUD funding and was informed that this would not be in competition with anything that the Housing Authority was planning to apply for in the near future. The amount of the grant application was not known; County Manager Birnie simply wanted to get a sense of whether or not the Board was inclined to support the request. The Board agreed to proceed with the application.
5. Jail Site Selection. County Manager Birnie informed the Board that he would be meeting with Sheriff Rick Murdie and the members of the former Jail Selection Committee sometime during the following week in order to gather information prior to the site selection discussion scheduled for 8/25/09.

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

1. Antelope Hills Water. Assistant County Manager Crosby informed the Board that Gunnison Country Times reporter Will Shoemaker had submitted questions to her regarding Antelope Hills. She intends to inform Mr. Shoemaker that the questions are being worked through and that information at this point would be premature. She met with the Sportsman's group last Tuesday and confirmed that the group will be reviewing alternate locations. Commissioner Starr requested information about the sage-grouse lek situation because the water line may interfere and questioned whether or not the County would want a lot of development like this in the County, rather than in the City of Gunnison, because of infrastructure issues. Assistant County Manager Crosby noted that the County would not have to decide on the size of the lines until the excavation begins. Commissioner Starr noted that the land values will increase after installation

of the line. He also stated that Antelope Hills needed immediate service, but that the County should consider future uses as well. Assistant County Manager Crosby assumed installation of the water lines will require a minor impact land use application.

2. Colorado Department of Health Visit to the Landfill; Air Pollution Permit. Assistant County Manager Crosby informed the Board that a budget amendment would be necessary this year because the County exceeded the allowed volume of trash in the original cell. This overage will require a Title IV Air Pollution permit which will include approximately \$25,000 in annual testing expenses with the first year costing approximately \$10,000. Assistant County Manager Crosby intended to pay for this out of the Construction Fund, which would be allowable only by completing a budget amendment.
3. Colorado Department of Transportation Grant. Assistant County Manager Crosby informed the Board that she had been notified by Brian Killian that Gunnison County will receive \$386,295 in 2010 grant funding for use on the trail that will connect with the north bridge. She noted that there may be money remaining from the north bridge allocation, so she previously spoke with Finance Director Linda Nienhueser about allocating funds for the match out of the current fund balance.

BREAK: The meeting recessed from 9:03 until 9:06 in order to hold the below Public Hearing.

PUBLIC HEARING (CONTINUED FROM 6/2/09); WAIVER OF STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE REQUIREMENTS; A PARCEL OF LAND PROPOSED FOR FIVE SINGLE FAMILY PARCELS, LOCATED SOUTH OF THE TOWN OF CRESTED BUTTE BETWEEN WHETSTONE MOUNTAIN RANCH AND THE PROPOSED WHETSTONE BUSINESS PARK AT 25135 HWY 135; TED COLVIN / COLVIN PROPERTIES, INC.: County Attorney David Baumgarten, Assistant County Manager Marlene Crosby and developer Ted Colvin were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:03 am.
2. Staff Presentation. County Attorney Baumgarten informed the Board that he and Planning Director Joanne Williams have met to discuss this issue as well as a separate pending issue related to the rearrangement of the number of parcels. This issue had been approached as an administrative review initially; however, County Attorney Baumgarten and Planning Director Williams both agreed that this should be reviewed at a higher level due to the number and nature of comments received. He suggested that the County accomplish that review prior to the revisiting the road standards issue. He also suggested that the Public Hearing be closed and reopened at a more appropriate time.
3. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:06 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

TREASURER'S MONTHLY REPORT: Treasurer Melody Marks presented the Treasurer's Monthly Report for June 2009, a semi-annual financial statement for 1/1/09 thru 6/30/09, a Quarterly Interest Report for April thru June 2009, and an Investment Report dated June 30, 2009 for discussion and acceptance. **Moved** by Commissioner Channell, seconded by Commissioner Starr to accept the Treasurer's report as of June 30, 2009. Motion carried unanimously.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Cash Transfer Authorization report for June 2009 and the monthly Warrant Report for discussion and approval. She also provided a County Taxable Sales report for discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Warrant Report dated July 21, 2009 in the amount of \$1,624,031.80. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize the Cash Transfer for June 2009 in the amount of \$3,061,311.61 and authorize signatures. Motion carried unanimously.

CAPITAL IMPROVEMENT PLAN (CIP); DRAFT PRESENTATION: Assistant Finance Director Ben Cowan and Treasurer Marks were present for discussion.

Assistant Finance Director Cowan explained that the only significant change between the last draft and the provided draft of the CIP was to add the animal shelter infrastructure information and associated projected costs. He noted that the ranking of projects was subjective and dependant on many factors such as schedules or grants. Commissioner Starr asked that the County add enhanced safety of the Cement Creek Road from CB South Entrance to Hwy 135 to the list of ranked projects. County Manager Birnie noted that this could be added, but not without staff input and analysis. Commissioner Channell noted that he would support adding this item to the list at the appropriate level. The Board requested that the CIP be scheduled for adoption on 8/4/09. County Manager Birnie could not commit to that date, but agreed to attempt it.

OFFICE FOR RESOURCE EFFICIENCY (ORE) GRANT APPLICATION; ENVIRONMENTAL PROTECTION AGENCY: Assistant Finance Director Cowan was present for discussion.

County Manager Birnie noted that no further information about this application was available. Commissioner Channell informed the Board that ORE representatives Andris Zobs and Maya Silver had approached him with this issue because a governmental agency would need to be the grant applicant, although they were ambivalent about whether or not ORE wanted to move forward. However, they did not feel as though pursuit would be a waste of time because the gathered information could be used in a future grant application. Commissioner Channell noted that much of this grant funding would be used to pay a coordinator, but that he had since spoken with Joani Matranga with the Governor's Energy Office to discuss the proposed regional coordinator position. Commissioner Channell stated that he had reminded Mr. Zobs that these types of requests cannot be given to the County without sufficient time in which to review the request. Commissioner Channell asked that County Manager Birnie draft correspondence to ORE expressing the Board's concerns to serve as a guideline for future requests and the County's willingness to work with ORE.

GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE; VACANCIES, APPOINTMENTS AND CORRESPONDENCE: Gunnison County Wildlife Conservation Coordinator Jim Cochran was present for discussion.

Draft correspondence to Gary Hausler was discussed and modified. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the amended letter to Gary Hausler. Motion carried unanimously.

Bureau of Land Management and US Fish and Wildlife Service committee member vacancies were discussed and correspondence from both entities was provided by Gunnison County Wildlife Conservation Coordinator Cochran. Per the correspondence, Dan Reinkensmeyer would be appointed to the alternate USFWS position and Brian St. George would be appointed to the regular BLM position; Russell Japuntich would assume the alternate role. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint the named individuals to represent the agencies also named. Motion carried unanimously.

The Gunnison County vacancy was also discussed. Chairperson Swenson stated that she had spoken with Jon Mugglestone about his interest in serving on the committee and Mr. Mugglestone agreed to the appointment as long as the County continued to pursue filling the permanent position so that he could assume the alternate position. Advertisement for the position will occur in November with appointment scheduled for February 2010.

BREAK: The meeting recessed from 9:53 until 10:15 am.

GUNNISON VALLEY OBSERVATORY (GVO); PROGRAM UPDATE: Staff Accountant Maureen Eden was present for discussion.

Staff Accountant Eden informed the Board that the observatory was gaining in popularity and that visitors in excess of 50 on any given night must be turned away. The observatory was visited by over 900 patrons last summer; the current summer was projected to see an increase above previous figures.

Staff Accountant Eden provided tax returns, bylaws, business plan and budget information relative to the observatory. She also confirmed that the bylaws had been submitted to the Internal Revenue Service for approval, which is a condition of the observatory's 501(c)3 status. By September 30th of each year, the Board should receive the newest tax return and business plan, if amended.

Staff Accountant Eden informed the Board that a \$4,600 MetRec grant was awarded, which will allow for a total of 13 guest speakers. She also noted that the Gunnison Car Club will be granting funds, but that the amount won't be known until later in the summer.

Staff Accountant Eden informed the Board that observatory representatives gave a presentation to the 4th graders at Gunnison Community School this past spring, which is part of GVO President Mike Brooks' overall outreach plan.

Staff Accountant Eden explained that the GVO board was comprised of seven designees and four at-large members. She informed the Board that National Park Service representatives can no longer sit on local boards, so this seat was lost. The GVO board will be undergoing some changes, which will necessitate a bylaw modification during the next year.

Staff Accountant Eden stated that her assigned tasks relative to the observatory had been completed. She thanked the Board for the opportunity to serve during the previous period and then requested that the County appoint a new representative during the upcoming appointment cycle. She relayed that Assistant Planning Director Neal Starkebaum and Assistant Public Works Director Allen Moores had both expressed interest in this position in the past. The Board thanked her for performing an awesome job during her tenure.

LETTER OF SUPPORT; MARBLE CHARTER SCHOOL; GOCO GRANT APPLICATION: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the letter of support to Great

Outdoors Colorado with copies going to the Marble Charter School and the Town of Marble for their joint grant application to fund playground equipment. Motion carried unanimously.

CORRESPONDENCE; FRANK KUGEL: Draft correspondence was reviewed for approval. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the letter to Frank Kugel congratulating him and his staff on a very successful Gunnison River Festival. Motion carried unanimously.

RESOLUTION; APPROVING MAIL BALLOT FOR THE NOVEMBER 3, 2009 COORDINATED ELECTION: Gunnison County Clerk and Recorder Stella Dominguez was present for discussion.

Commissioner Starr informed the Board that he had spoken with both the Mayor and the Mayor Pro-Tem in Crested Butte and that they expressed no objections to this issue. Gunnison County Clerk and Recorder Dominguez confirmed that Colorado Statute allows for polling places and mail-in ballots for voters who had requested to participate in the permanent mail-in ballot program. The Board asked that she provide tracking in the future related to the specific ballot items compared to the numbers of mail-in ballots received. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Resolution #2009-27, a Resolution Approving Mail Ballot for the November 3, 2009 Coordinated Election and authorize signatures. Motion carried unanimously.

VISITOR; BUREAU OF LAND MANAGEMENT (BLM) FIELD MANAGER BRIAN ST. GEORGE; PROGRAM DISCUSSION: BLM Field Manager St. George was present for discussion.

BLM Field Manager St. George introduced himself to the Board via some biographical information. He stated his intention to remain open and attentive to expressed concerns while taking the rest of the summer to become accustomed to his new role prior to formulation of strategies.

Commissioner Channell stated his hope that the cooperation between the BLM and the County regarding issues such as road closures and wildlife issues would continue. He also informed BLM Field Manager St. George of a developing initiative to possibly use woody biomass as a heat source for buildings, beginning with Taylor Hall on the Western State College campus.

BLM Field Manager St. George confirmed that cooperation on road closures would definitely continue. Also, he informed the Board that he had hired a new forester and that woody biomass projects would be considered as they fit within the current Presidential administration's energy plan.

Commissioner Channell stated that he had talked to Randy See, which is Senator Benett's aide, about encouraging the Federal government to possibly lengthen forest contracts that are now maximized at 10 years. Commissioner Channell opined that lengthening this period to 20 years would help private suppliers invest in equipment.

BLM Field Manager St. George stated that his top priority would be to finish the plans for travel management and grazing management.

GUNNISON COUNTY STRATEGIC PLAN; UPDATE AND ADOPTION:

County Manager Birnie presented the draft update to the Gunnison County Strategic Plan. Ministerial and layout modifications were discussed and agreed upon.

Commissioner Starr stated that this document continues to be a great and necessary effort that will enable the County to make efficient and effective use of resources. County Manager Birnie thanked the Board for their commitment to the plan. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt the updated Gunnison County Strategic Plan including the amendments set forth in the document and those discussed today, dated July 21, 2009. Motion carried unanimously.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. Natural Resources Conservation Service (NRCS) Tour. Commissioner Channell informed the Board that he had taken the tour of the projects, which included a visit to Eagle Ridge Ranch where NRCS representative John Scott illustrated the reduction of soil erosion on Ohio Creek banks. He noted that the tour included a discussion by Gunnison Wildlife Conservation Coordinator Cochran regarding a sage-brush mowing project that will provide greater proteins for the sage grouse.
2. Energy Efficiency Community Block Grant Meeting. Commissioner Channell informed the Board that Governor's Energy Office Regional Representative Joani Matranga attended the meeting. Many stakeholders attended the meeting with representation from the local municipalities, GCEA and ORE. All entities are struggling to determine the best method of forming a meaningful multi-

jurisdictional energy authority that will be able to take the leadership on grant applications and to speak on behalf of the Gunnison valley.

3. GCSAPP Meeting. Commissioner Channell attended the monthly meeting. A grant application decision is scheduled for August; a favorable decision could help to sustain the program. The group is heavily publicizing the issue of adult liability for underage drinking and they will continue to work with alcohol suppliers on educating the public via posters in retail locations.
4. Green Team Meeting. Commissioner Channell accepted an invitation to speak about woody biomass projects during a recent Green Team meeting. ORE representative Andris Zobs created the PowerPoint presentation and attended the meeting to aid in discussion. Commissioner Channell also provided information relative to the Gilpin County site visit to the Green Team.
5. Earthship Build; Erik Krawczyk. Commissioner Channell informed the Board that Mr. and Mrs. Krawczyk are building an earthship-style home in the Gold Basin area and that they are experiencing problems related to financing. Commissioner Channell stated his hope that the public and private sectors will broaden their views related to energy efficiency issues.
6. Community Foundation of the Gunnison Valley; Volunteer of the Year Banquet. Commissioner Channell informed the Board that this well-deserved honor was recently awarded to Rich Karas.
7. Colorado Counties, Inc. (CCI). Commissioner Channell attended the Public Lands, Agriculture/Wildlife and Rural Affairs, and Land Use Natural Resources CCI committee meetings on 7/17/09. He noted that renewal of an initiative to request the State legislature to evaluate the management and regulatory authority for 35+ acre parcels dominated the conversations. He reported that much of CCI believes that Counties have more regulatory authority than is realized and/or utilized. Possible bill sponsors have been contacted and County Attorney Baumgarten offered to work on this issue with Commissioner Channell. A work session was scheduled for 9/8/09 in order to provide guidance to Commissioner Channell on how he might best represent the County during future CCI committee meetings.
8. HB 08-1350 Meeting. Commissioner Channell informed the Board that he attended this meeting in Vail with Rich Karas and Andris Zobs to hear Boulder County staff members lead a discussion on HB 08-1350. Boulder County roughly based their model on what had been used in Berkely, CA. Boulder County has 40 potential energy upgrades for citizens to choose from, which they attributed to the close cooperation between the Boulder County offices of the Assessor, the Treasurer, the Board of County Commissioners, and the County Attorney. This \$40,000,000 program was approved by the Boulder County voters in 2008, and \$6,000,000 worth of requests were received in the first wave of the program. The program includes a very extensive workshop for applicants prior to application, encouragement of energy audits, and different regulations for commercial and residential applications. Boulder County is evaluating methods to regionalize the program into neighboring counties.

Commissioner Starr:

1. Gunnison Valley Rural Transportation Authority (RTA). Commissioner Starr attended a recent RTA meeting. The Cement Creek intersection and bus service were both discussed, but no decisions were made. However, the group did agree to submit joint correspondence from the RTA and the local municipalities to the Colorado Department of Transportation requesting a reduction in speed limit at the intersection, construction of improved lighting, and installation of a cross-walk area. Commissioner Starr stated that he would have the letter within a couple of days and requested that the Board discuss signing onto it.
2. Mountain Express Meeting. Commissioner Starr attended this meeting to discuss bus service in the Crested Butte area for senior citizens. He confirmed that Health and Human Services Director Renee Brown and Senior Resources Coordinator Karin Stewart were present for the discussion. He informed the Board that Mountain Express is currently paying for the service, but that it is not within their charter. There was agreement to meet again with an expanded group of representatives from the local municipalities. Funding needs to be clarified and made reliable for the future success of this program.
3. Meeting with USDA Forest Service Supervisor Charlie Richmond. Commissioner Starr recently met with Mr. Richmond to discuss the following issues:
 - a. District Ranger Position. This vacancy will be readvertised for 30 days as of 7/1/09. Mr. Richmond felt that this position is important enough to suspend hiring a replacement until a high-caliber applicant has been presented.
 - b. Geothermal Development Issues. Mr. Richmond has requested additional funding, either for an EA or an EIS, for the area near the Juanita Hot Springs location. Additional information will follow if the funding is made available.
 - c. Snodgrass Mountain. Mr. Richmond informed Commissioner Starr that the Master Development Plan and application had been filed by CBMR, which could take up to four months to evaluate for completeness. Mr. Richmond would prefer a joint-review process. Commissioner Starr stated his preference to have the review process completed by the end of the calendar year. The average time for ski-area expansion after approval is between three and four years.
 - d. Workers' Conservation Corp. Mr. Richmond informed Commissioner Starr that, although the GMUG had not received any stimulus funding, he agreed to keep this potential program on the table while pursuing other funding sources. The program, if successful, would keep more campgrounds open while offering employment opportunities.

- e. Forest Travel Plan. Mr. Richmond hopes that this will be completed by January 2010.
 - f. Elk Hunting Issue. Mr. Richmond agreed that early-season use of motorized vehicles should be considered, so he agreed to include this factor in the Travel Management Plan.
4. Community Foundation of the Gunnison Valley; Volunteer of the Year Banquet. Commissioner Starr attended this banquet and agreed with Commissioner Channell that Rich Karas' award was well deserved. He also noted that Virginia Jones received the first-ever Lifetime Achievement Award.
 5. Trailhead Museum. Commissioner Starr visited this museum in its temporary location in the Penelope's building in Crested Butte. This children's museum is hoping to break ground on a new 12,000 square-foot facility next month.

Chairperson Swenson:

1. Letter of Support for Telecommunications. Chairperson Swenson informed the Board that this program is starting to gain momentum and that her husband, Jason Swenson, would be traveling to Albuquerque soon. The grant decision should be available in September.
2. Cattlemen's Days 4H Livestock Sale & Jake Wilmore Park. Chairperson Swenson informed the Board that she attended this event and that the park turned out nicely.
3. Limited License Elk Hunting; Chamber of Commerce. Chairperson Swenson informed the Board that the Chamber of Commerce had been petitioned by 25 members to take a formal stance on the limited license elk hunting issue. Ballots will be going out to the Chamber's board members.
4. 4th of July Celebration; Chamber of Commerce. Chairperson Swenson stated that downtown Gunnison was extremely busy during the recent festivities and that the downtown businesses worked closely with the Gunnison Rotary Club on the events. The funds generated should greatly exceed expectations.
5. Gunnison County Sage-grouse Strategic Committee. Chairperson Swenson stated that the recent meeting was very productive. A grazing subcommittee is working to finalize the use of funding issues. The Sage Grouse Action Plan is due to be complete in August.
6. Gunnison Arts Center (GAC). Chairperson Swenson informed the Board that the GAC is entering a strategic planning process to decide on goals and the future outlook.

Commissioner Channell (continued):

1. Tourism Association (TA). Commissioner Channell attended a recent meeting during which the Local Marketing District renewal was discussed. The TA is in the process of organizing a steering committee on the issue.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Board of County Commissioners Regular Meeting adjourned at 11:57 am.

LUNCH: The series of meetings broke for lunch from 11:57 am until 1:01 pm.

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES: *(See separate minutes.)*

GUNNISON COUNTY BOARD OF HEALTH: Health and Human Services Director Renee Brown was present for discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 1:09 pm.

FORM 1014-6: SUBSTITUTION OR WAIVER OF MINIMUM REQUIREMENTS FOR A PUBLIC HEALTH DIRECTOR: County Manager Birnie informed the Board that the minimum requirements for the Public Health Director needed to be changed to reflect Nursing Services Supervisor Carol Worrall's experience in lieu of her education. Moved by Commissioner Channell, seconded by Commissioner Starr to approve the substitution of minimum requirements for a Public Health Director pursuant to Form 1014-6. Motion carried unanimously.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Health meeting adjourned at 1:12 pm.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: County Attorney David Baumgarten was present for discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 1:12 pm.

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 noted that this notification is not due yet as it could wait approximately a month; however, he felt that there was no advantage to waiting. He explained that this would formally notify the Clerk and Recorder that the Local Marketing District intends to put an issue on the ballot. Passage of the resolution would mean that the Fair

Campaigns Practice Act would begin to apply. The draft resolution was discussed and agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-1, a Resolution Submitting to the Eligible Electors of the District at the General Election to be Held on November 3, 2009, A Ballot Issue and Title Concerning the Extension of the District's Marketing and Promotion Tax; And Authorizing Actions Regarding the Conduct of Such Election. Motion carried unanimously.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The Gunnison River Valley Local Marketing District meeting adjourned at 1:23 pm.

(Following the series of meetings above, the Board began a work session at 1:30 pm. See separate agenda for details.)

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-27**

A RESOLUTION APPROVING MAIL BALLOT FOR THE
NOVEMBER 3, 2009, COORDINATED ELECTION

WHEREAS, C.R.S. 1-7.5-101, et. seq., permits the Board of County Commissioners of the County of Gunnison, Colorado to determine that an election shall be by mail ballot; and

WHEREAS, the Board has determined that a mail ballot for the November 3, 2009, coordinated election will be beneficial to the voters, cost effective and appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that, pursuant to C.R.S. 1-7.5-101, et. seq., the November 3, 2009, coordinated election in Gunnison County shall be by mail ballot.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell and adopted this 21st day of July, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
RESOLUTION NO. 2009-1**

A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2009, A BALLOT ISSUE AND TITLE CONCERNING THE EXTENSION OF THE DISTRICT'S MARKETING AND PROMOTION TAX; AND AUTHORIZING ACTIONS REGARDING THE CONDUCT OF SUCH ELECTION.

WHEREAS, the Gunnison River Valley Local Marketing District (the "District"), in Gunnison County, Colorado, is a political subdivision and body corporate duly organized and existing under the Constitution and laws of the State of Colorado, including particularly the Local Marketing District Act, Title 29, Article 25, of the Colorado Revised Statutes (the "Act"); and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado serves as the ex officio Board of Directors of the District (the "Board"), and each member of the Board has been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for the extension of any expiring tax; and

WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District's electors on limited election days; and

WHEREAS, November 3, 2009 is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the interest of the District and the public interest and necessity demand that the District seek voter approval to continue to levy its marketing and promotion tax on the purchase price for rooms or accommodations pursuant to Section 29-25-112 of the Act at a rate not to exceed 4% beyond its current expiration of January 1, 2011; and

WHEREAS, the Board will hold its election on November 3, 2009 as a coordinated mail ballot election pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, inclusive, of the Colorado Revised Statutes (the "Code"); and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of such election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT, IN GUNNISON COUNTY, COLORADO:

Section i) All action heretofore taken (not inconsistent with the provisions of this Resolution) by the District and the officers thereof, directed toward the Election (defined herein) and the objects and purposes herein stated is, ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Code.

Section ii) Pursuant to the Code and other applicable laws of the State of Colorado, the Board hereby determines that a coordinated mail ballot election shall be held on November 3, 2009 (the "Election"), at which time there shall be submitted to the eligible electors of the District the question set forth in Section 4 hereof. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the "Agreement") between the District and the County Clerk of Gunnison, County, Colorado (the "County Clerk"), who shall conduct the Election on behalf of the District. The officers of the District are hereby authorized to enter into the Agreement with the County Clerk pursuant to Section 1-7-116 of the Colorado Revised Statutes.

Section iii) The Board hereby designates the County Clerk as the Designated Election Official for purposes of performing acts required or permitted by law in connection with the Election.

Section iv) The following ballot title and issue, in substantially the form set forth below, are hereby referred to the eligible electors of the District:

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT BE AUTHORIZED TO CONTINUE TO LEVY THE MARKETING AND PROMOTION TAX ON THE PURCHASE PRICE FOR ROOMS OR ACCOMMODATIONS PURSUANT TO SECTION 29-25-112, C.R.S., AT A RATE NOT TO EXCEED 4%, BEYOND ITS CURRENT EXPIRATION OF JANUARY 1, 2011, TO PROVIDE REVENUE FOR OPERATING THE DISTRICT AND FURNISHING SERVICES; AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES FROM SUCH TAXES AND THE EARNINGS FROM THE INVESTMENT OF SUCH TAXES AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section v) The Designated Election Official is authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, but not limited to, mailing, posting and publishing notices of the Election, including the TABOR notice, mailing the mail ballot packets, and entering into necessary agreements to provide for the same. Pursuant to Section 29-25-112 of the Act, the District shall pay the costs incurred by the Designated Election Official or others to conduct the Election.

Section vi) If a majority of the votes cast on the question of authorizing the District to continue to levy its marketing and promotion tax beyond its current expiration of January 1, 2011 shall be in favor of continuing such tax as provided in the ballot question, then the District, acting through the Board, shall be authorized to proceed with the necessary action to levy the tax in accordance with the ballot question.

Any authority to levy the marketing and promotion tax, if conferred by the results of the Election, shall be deemed and considered a continuing authority to levy such tax so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section vii) Pursuant to Section 1-11-203.5 of the Colorado Revised Statutes, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section viii) The officers and employees of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section ix) All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the District, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section x) All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed.

Section xi) If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section xii) All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion thereof are hereby repealed to the extent of such inconsistency or conflict.

Section 13. This Resolution shall be effective immediately upon its adoption by the Board.

ADOPTED AND APPROVED this 21st day of July, 2009.

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

STATE OF COLORADO)
)
COUNTY GUNNISON) SS.
)
GUNNISON RIVER VALLEY)
LOCAL MARKETING DISTRICT)

I, Stella Dominguez, the duly qualified and acting ex officio Secretary of the Gunnison River Valley Local Marketing District (the "District"), in Gunnison County, Colorado, do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the District at a special meeting held on July 21, 2009.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the special meeting of July 21, 2009, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Paula Swenson, Chair				
Jim Starr, Vice Chair				
Hap Channell, Director				

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Chair of the Board, sealed with the District seal, attested by the Secretary and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Attached hereto as Exhibit A is a copy of the notice of the special meeting of July 21, 2009, which notice was posted at least 24 hours before such meeting as provided by law.

WITNESS my hand and the seal of said District affixed this July 21, 2009.