

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 4, 2009**

The August 4, 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 8:00 am.

AGENDA REVIEW: The 1:30 pm discussion with Dr. Duane Vandebusch was pulled from the agenda.

CONSENT AGENDA: Commissioner Channell requested that Item #6 be pulled from the Consent Agenda for further discussion. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Consent Agenda, minus Item #6. Motion carried unanimously.

1. Acknowledgment of County Manager Approval to Submit; Grant Application; Energy Outreach Colorado; Direct Energy Assistance
2. Acknowledgment of County Manager Signature; Consulting Agreement; Dr. John Tarr; County Medical Officer; 10/1/08 thru 9/30/10
3. Acknowledgment of County Manager Signature; Amendment #3 to No More Worries Agreement; Tyler Technologies, Inc.; Planning Department Software Support
4. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment Immunization Program Amendment 35 Immunization Funds for Local Health Agency Statement of Work; 8/1/09 thru 6/30/10
5. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement Fund Grant Application; \$17,205
6. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; State of Colorado Department of Local Affairs American Recovery and Reinvestment Act Community Services Block Grant Agreement with Gunnison County; \$44,343
7. Grant Agreement; Federal Aviation Administration; Project Number: 3-08-0030-42; Rehabilitate General Aviation Apron; Expand General Aviation Apron, Phase I; and Acquire Snow Removal Equipment, Phase III; \$675,379
8. Contract Amendment #1; Colorado Department of Public Health and Environment; PSD-WIC; Contracting Routing Number 10-00416
9. Memorandum of Understanding; Between the Board of County Commissioners of the County of Gunnison, Colorado and West Region Recipients of the 2008 State Homeland Security Grant Program
10. Grant Agreement; Colorado Department of Transportation, Colorado Aeronautical Board; Construction of GA Concrete Hardstand, and Match on FAA Project to Rehabilitate GA Ramp and Taxiway Alpha A1 to A3
11. Resolution; Requesting Assistance From the Colorado Aeronautical Board and the Division of Aeronautics in the Form of an Aviation System Grant
12. Release of Development Improvements Agreement; Skyland, Third Filing
13. Release of Development Improvements Agreement; Hidden Mine Ranch, LLC
14. Out-of-State Travel Requests; Airport Wildlife Manager's Course; NWAAAE Annual Conference; NBAA; \$7,000

CONSENT AGENDA ITEM #6: Commissioner Channell asked that this be pulled from the Consent Agenda to discuss the additional personnel noted on the agenda routing sheet. County Manager Birnie explained that any additional personnel would be covered by the grant funds received. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #6 and authorize signatures. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORT AND CORRESPONDENCE:

1. Correspondence; Ron Alexander, Colorado Department of Transportation Resident Engineer; Cement Creek Intersection Safety Issues. County Manager Birnie provided draft correspondence for consideration. However, Commissioner Starr felt that all local municipalities should jointly sign just one letter, as was discussed during a recent RTA meeting. The Board agreed to approve signature on either the provided correspondence or the joint correspondence. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the letter. Motion carried unanimously.
2. Climate Communities Correspondence. County Manager Birnie presented correspondence from Climate for Communities and requested permission to add the commissioners' names to the list

referenced within the correspondence that urged climate change legislation within the Senate. **Moved** by Commissioner Channell, seconded by Commissioner Starr to include Gunnison County on the support list for the Climate Communities letter to Barbara Boxer. Motion carried unanimously.

- 3. Support Letter Request; Local Marketing District (LMD) Tax Issue. County Manager Birnie noted that the Board had previously discussed this possibility and asked for direction. Commissioner Channell felt that the County should decide on the most impactful time to release a letter as he felt that the present time was too early. The Tourism Association (TA) has asked to make a presentation to the Board in September, so this may be discussed at that time. A brief discussion was scheduled for the following agenda for action.
- 4. Western State College (WSC) Foundation Grant Application. County Manager Birnie explained that WSC had requested the County's involvement in this process. He noted that he, County Attorney David Baumgarten and Finance Director Linda Nienhueser had discussed this with WSC's bankers and that this will be on an upcoming agenda with further details and a request for approval. County Manager Birnie noted that many details will need to be worked out, such as the risk to the County, before staff can make a recommendation to the Board.

COMMISSIONERS MEETING REPORTS: (This discussion began earlier than scheduled due to a gap in the schedule.)

Commissioner Starr:

- 1. TA Board of Directors; Structure. Commissioner Starr informed the Board that he and County Manager Birnie had met with Mt. Crested Butte Mayor William Buck approximately six weeks ago to discuss Mayor Buck's feeling that there may not be sufficient public representation on the TA board. Commissioner Starr felt that a meeting should be convened with the appropriate parties to decide what the TA board should look like in the future as reorganization of the board may or may not be beneficial. County Manager Birnie will coordinate the meeting.

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

- 1. Gold Basin Industrial Park; Mountain Wood Supply Lease; Possible Executive Session. Deputy County Attorney Tom Dill and County Attorney David Baumgarten were present for discussion. County Attorney Baumgarten suggested entering into an executive session. **Moved** by Commissioner Channell, seconded by Commissioner Starr to enter into an executive session to discuss real estate negotiations with the Board, County Manager Birnie, Assistant County Manager Crosby, Deputy County Attorney Dill, and County Attorney Baumgarten. Motion carried unanimously.

The board went into executive session at 8:33 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)a.*

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 8:57 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.

2. Sportsmen's Association Correspondence. Assistant County Manager Crosby distributed copies of the correspondence received 7/22/09 regarding the water line extension to the Antelope Hills Subdivision. She noted that her office is beginning to look at alternate routes.
3. Taylor Canyon Update. Assistant County Manager Crosby stated that her office is continuing to work closely with the Federal Highway Administration on the reimbursable agreement that she submitted. This project may still be viable for 2010.
4. Ohio Creek Intersection Update. Assistant County Manager Crosby stated that this project should be completed by approximately 8/17/09.

VISITOR; REPRESENTATIVE KATHLEEN CURRY; 2009 LEGISLATIVE ISSUES: This discussion was cancelled since Representative Curry was not able to attend the meeting.

BREAK: The meeting recessed from 9:06 until 9:15 am.

REQUEST FOR COUNTY MAINTENANCE ON COUNTY ROAD #53: Assistant County Manager Crosby and Spring Creek Estates Subdivision HOA representatives Kelly Coons and Brian Haenish were present for discussion. Various other HOA members were in attendance and sat in the audience.

Assistant County Manager Crosby stated that CR #53 and CR #54 are located just off of the Spring Creek Road and that the proposed agreement is typical of what the County has done for many years. The bridge was inventoried as though it were on a County road, which was a mistake because of speed concerns. She confirmed that she had spoken with County Attorney Baumgarten about this situation. She recommended that the County enter into the agreement to either start maintenance just past the bridge, which may be awkward, or accept Jolie Trail with a release of all responsibility and requirements for improvements; the HOA was in agreement with the proposal. Assistant County Manager Crosby stated her expectation that maintenance costs would be minimal and that approximately \$3,000 in HUTF funds would be available.

County Manager Birnie noted that there will be an assumption of responsibility for the bridge unless the contract language is clear. Mr. Haenish explained that the HOA's intention was to eventually perform work on the bridge that would bring it up to compliance with the minimum standards. Assistant County Manager Crosby felt that the bridge will not cause a problem for her equipment.

Commissioner Starr felt that it made more sense to extend the contract to Spring Creek Road as long as the language was sufficient to protect the County from bridge issues. Maintenance and plowing can be rescinded at the discretion of the Board.

Moved by Commissioner Channell, seconded by Commissioner Starr to ask staff to move forward with the action that is requested on the road leading to Spring Creek Estates Subdivision with the language that has been discussed, the details that have been discussed, and with the goal of preparing a resolution for our adoption. Motion carried unanimously.

COMMISSIONERS MEETING REPORTS (continued):

Commissioner Channell:

1. Office for Resource Efficiency (ORE) Board Meeting. Commissioner Channell attended a recent ORE meeting and noted that the most pressing issue from that meeting is the desire on the part of ORE to keep discussions going related to carbon footprint issues and carbon neutrality.
 - a. CROP (Calculate, Reduce, Offset, Produce). ORE encourages use of the CROP review process for suggested programs and applications with ORE providing technical expertise during the process. ORE may give a 30-minute presentation to the Green Team on the CROP process and County Manager Birnie felt that this would help to build the capacity of the Green Team.
 - b. Energy Wise Business Program Expansion. ORE would like to expand the program into the lower valley area.
 - c. Governor's Energy Office Meeting. ORE recently met with GEO Regional Representative Joani Matranga to discuss the regional group of leaders and who would be selected to lead the group. Commissioner Channell felt that he may be selected, but acknowledged that the group would need to meet again for further discussion prior to a selection being made. Commissioner Channell stated his opinion that ORE should be the multi-jurisdictional agency. Chairperson Swenson felt that the group including GCEA, the City of Gunnison and Western State College could be folded into the larger group, if desired. Ms. Matranga has met with the Hinsdale BOCC and confirmed that they are eager to participate in the larger group.
2. Upper Crystal River Caucus. Commissioner Channell informed the Board that this caucus is reorganizing that the Eli Beeding and another senior board member intend to step down from

their leadership roles. Voting was completed and the board has been reorganized, but moderators have yet to be chosen.

Chairperson Swenson:

1. County Animal Shelter Update. Chairperson Swenson informed the Board that she had recently met with Gunnison Valley Animal Welfare League President Laura VanRenselaar. GVAWL continues to work cooperatively with the Paradise Animal Welfare Society (PAWS) and a comprehensive fundraising plan has been established. The utilities for the 3,600 square foot building are within the Capital Improvement Program for 2011. Chairperson Swenson informed GVAWL and PAWS that infrastructure will only be constructed when there is indication that the building will be built within a year or two of that infrastructure construction. Assistant County Manager Crosby estimated that the infrastructure would cost \$250,000. Phase II of the project is expected to include \$46,000 for the City of Gunnison's current operation of additional kennel space. GVAWL is planning additional presentations to the City of Gunnison this fall. Sandy Guerreri has assumed control of the fundraising efforts. Concerns have been expressed by neighbors, so meetings to discuss mitigation efforts with the neighbors will be scheduled.

BREAK: The meeting recessed from 9:57 until 10:17 am.

COMMUNITY BASED ORGANIZATION (CBO) PROCESS DISCUSSION: Assistant Finance Director Ben Cowan and Finance Director Linda Nienhueser were present for discussion.

County Manager Birnie stated that the County is starting the 2010 budget process and requested Board input on any requested modifications to the schedule before CBO letters are mailed.

Chairperson Swenson questioned whether or not the County will be able to fund organizations this year at the same levels as in the past. County Manager Birnie explained that the intent is to try to create a budget that could provide similar granting options. There will be a cap of \$12,500 for requests.

Modifications to the application were discussed and agreed upon. Commissioner Channell proposed granting some funds to the Community Foundation of the Gunnison Valley which would then use the funds to grant to local organizations. However, Commissioner Starr felt that this annual interaction between the Board and the community was important as it serves to keep the Board apprised of non-profit organizations and their issues, which is important because the communities rely greatly on the local non-profit organizations. This conversation may be added to a February 2010 work session.

TRANSPORTATION AND PUBLIC SAFETY IMPACT FEE RECOMMENDATION: Assistant County Manager Crosby was present for discussion.

County Manager Birnie recommended revisiting this proposal in January 2010 as he did not feel that this was the appropriate economic timeframe to instill this fee. The Board agreed.

Commissioner Starr questioned whether or not the County should continue working on this between now and January. County Manager Birnie felt that it would be agreeable to move forward with the groundwork related to commercial applications, if desired. Chairperson Swenson felt that no work should be done now since the Board cannot predict the direction that may be chosen in 2010, but that she would like to revisit this issue at the beginning of the year. Commissioner Starr preferred to move forward just in case the economy bounces back and Commissioner Channell agreed that the groundwork should begin now in case some economic recovery occurs. The Board agreed that staff could continue work on the impact fees for the justice center while also working with the City of Gunnison. The Board requested that a draft proposal be presented in January.

1ST RIGHT OF REFUSAL; PROPERTY FORECLOSURE; DECISION: Gunnison County Housing Authority Executive Director KT Gazunis and Deputy County Attorney Dill were present for discussion.

Moved by Commissioner Starr, seconded by Commissioner Channell to go into executive session with the County Manager, the Housing Authority Director and the Deputy County Attorney for the purpose of discussing legal ramifications of a contract with which we are involved and possibly individual information which should be kept private. Motion carried unanimously.

The board went into executive session at 11:01 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)a.*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Deputy 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: _____

Tom Dill
Deputy 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 11:22 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 authorize staff to negotiate with the lender to determine whether or not an agreement can be reached on the possible purchase of Unit 101 at 25 Elk Avenue pursuant to the terms of the Deed Restriction, that the staff would be the County Attorney, the Housing Authority Director and the County Manager, and authorize the County Manager’s signature on the documents. Motion carried unanimously.

GUNNISON COUNTY ENERGY ACTION PLAN ADOPTION: Assistant County Manager Crosby, County Planner Cathie Pagano, ORE representative Andris Zobs, and citizen Rich Karas were present for discussion.

The Green Team’s proposal was discussed and amendments were agreed upon. Commissioner Channell questioned whether or not the recommendation should include mention of regulatory documents for buildings, such as the LUR, Road and Bridge specifications, etc. County Manager Birnie felt that the plan should be more specific to the regulatory documents in order to provide guidance. **Moved** by Commissioner Channell, seconded by Commissioner Starr to adopt the Gunnison County Energy Action Plan as proposed by the Green Team and amended today. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to endorse the Climate and Energy Action overall plan as proposed by the Climate and Energy Action Committee. Motion carried unanimously.

UNSCHEDULED CITIZENS:

1. Rich Karas. Mr. Karas requested an update from County Manager Birnie regarding an ongoing code enforcement issue. County Manager Birnie agreed to discuss this issue with Mr. Karas outside of the Board meeting.

BREAK: The meeting recessed from 11:37 am until 1:00 pm for lunch.

COLORADO RIVER WATER CONSERVATION DISTRICT (CRWCD) REPORT: CRWCD representative Bill Trampe was present for discussion.

CRWCD representative Trampe informed the Board that the CRWCD board attended a joint meeting with the Southwest board during the previous month; the meeting went very well. He also informed the Board that he met with representatives from Summit County in an effort to improve relationships.

CRWCD representative Trampe stated that the mediation process continues and that good progress has been made. He is hopeful that all of the districts will be able to fully realize how much progress has been made with all of the State instead of focusing on the shortcomings within individual districts. Some aspects of the mediation process will need to be completed by the end of the year in order to avoid litigation.

CRWCD representative Trampe informed the Board that from 5/31/09 thru 6/2/09, Public Opinion Strategies conducted a telephone survey of 500 registered voters within the CRWCD (parts of 15 counties). The survey indicated that the perception of the CRWCD has not changed within the past several years and that only 7% of responders were aware of the CRWCD and its purpose. It also indicated that registered Democrats were more concerned about water issues than the Independents, with Republicans showing the least amount of concern. Older citizens appear to be more concerned than younger citizens. The issue of greatest concern was the current economy with keeping farms and ranches viable coming in second. CRWCD representative Trampe felt that public education continues to

be an important, yet vastly unexercised, tool with regard to issues surrounding Colorado's water policies, rights and uses. Copies of the survey were given to the Board.

CRWCD representative Trampe informed the Board that the CRWCD is restructuring the way that it will accept grant requests in 2010.

CRWCD representative Trampe informed the Board that the CRWCD is playing a major role in the Orchard Mesa Irrigation District Improvement Project and that the CRWCD will likely help Orchard Mesa purchase a portion of land for use as a reservoir.

Lastly, he informed the Board that the IBCC, originally formed to help negotiate agreements between the roundtables, met in Mt. CB on the 7/20/09, but that not much was accomplished. He opined that the CWCB is trying to phase the IBCC out.

VISITOR; WESTERN STATE COLLEGE (WSC) HISTORY PROFESSOR DUANE VANDENBUSCHE; WSC ENROLLMENT: This discussion was stricken from the agenda during the Agenda Review at the beginning of the meeting.

LOT CLUSTER APPLICATION; LOTS 42 AND 43; MERIDIAN LAKE MEADOWS; WILLIAM G AND ANNE R RONAI: Administrative Services Manager Beth Baker was present for discussion.

Administrative Services Manager Baker presented this application for approval and explained that, if approved, this will result in a nearly four-acre parcel. The reasons for the cluster application were not provided by the applicant. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Lot Cluster Agreement and Declaration between the County and William and Anne Ronai and authorize signatures. Motion carried unanimously.

CONDOMINIUM PLAT; THREE RIVERS RESORT CONDOMINIUMS; PHASE 2, UNITS 6, 14, 17-22; THREE RIVERS RESORT, ALMONT: Assistant Planning Director Neal Starkebaum and developer Mark Schumacher were present for discussion.

Assistant Planning Director Starkebaum presented the condominium plat for discussion and approval. All appropriate conditions were reflected on the plat and Assistant Planning Director Starkebaum confirmed that County Attorney Baumgarten had reviewed all documentation. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the first supplemental condo plat of Three Rivers Resort Condominiums and authorize signature on the plat. Motion carried unanimously.

BLUE JAY CONDOMINIUMS/COTTONWOOD GROVE TOWNHOMES; PLANNING COMMISSION RECOMMENDATION FOR THE DEVELOPMENT OF FIVE (5) CONDOMINIUM UNITS AND TEN (10) TOWNHOMES, INCLUDING REPLAT OF PARCELS 2 AND 3; DOS RIOS MOTOR HOTEL SUBDIVISION; LOCATED TWO MILES WEST OF THE CITY OF GUNNISON, SOUTH OF HIGHWAY 50: Assistant Planning Director Starkebaum, developer Mark Schumacher, and applicant's legal counsel David Leinsdorf were present for discussion.

Assistant Planning Director Starkebaum presented the Minor Impact Recommendation from the Planning Commission and explained that this, if approved, will result in five two-story condominium units and 10 townhome units located approximately two miles west of the City of Gunnison. He also stated that this would include a replat of parcels #2 and #3, that the HOAs have been established, and that the Board previously approved a waiver from the Road and Bridge Standards. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-29, a Resolution and Certification of Minor Impact Approval Approving Blue Jay Condominiums and Cottonwood Grove Townhomes Replat of Parcels 2 and 3, Dos Rios Motor Hotel Subdivision Gunnison County, Colorado LUC #2005-84 and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 2:08 until 2:23 pm.

ROAD NAME CHANGES; LOST CANYON RESORT AND WOMBLE TRACTS AREA; FOR PROVISION OF 911 EMERGENCY ADDRESSING: Assistant Planning Director Starkebaum, Geographic Information Services Manager Mike Pelletier, and property owner Albert Roper were present for discussion.

Geographic Information Services Manager Pelletier presented the request and explained that many homes now are accessed off of shared driveways, which can be confusing for Emergency Service vehicles. To alleviate this issue, he proposed that no more than four homes should be accessed from a shared driveway and proposed that two roads be named. With resident input, River Front Road, Roper Lane, Lucile Place, Lucile Lane, and Dragon Lane were so named.

Commissioner Channell and Commissioner Starr noted that Emergency Services had expressed in the past that roads be given names with a greater difference than just designations for Road, Avenue, Lane, etc. However, Geographic Information Services Manager Pelletier stated that Emergency Services had

approved the proposed road names. He also confirmed that there are instances within the County where two roads are identically named, which is problematic and will be modified in the near future. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-30, a Resolution Approving Road Names for the Lost Canyon Resort and Womble Tracts Area Gunnison County, Colorado and authorize signatures. Motion carried unanimously. The Board asked that Geographic Information Services Manager Pelletier send written notification to Emergency Services about the Board's concern related to emergency response on these roads.

COLORADO GUNNISON AND WHITE-TAILED PRAIRIE DOG CONSERVATION STRATEGY; FINAL DRAFT; STAFF COMMENTS: County Attorney Baumgarten, Paralegal Angela Buchanan and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

Gunnison Wildlife Conservation Coordinator Cochran stated that the Division of Wildlife had performed excellently while considering all comments and then revising the plan significantly. Draft comments were discussed and modifications were agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize sending the letter dated July 30, 2009 regarding the Gunnison County response to CDOW's Gunnison Prairie Dog Conservation Plan as revised today. Motion carried unanimously.

LITIGATION UPDATE; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten was present for discussion.

County Attorney David Baumgarten suggested that the Board enter into an executive session. **Moved** by Commissioner Starr, seconded by Commissioner Channell to enter into an executive session to discuss various active litigation with the Board, County Manager Birnie and County Attorney Baumgarten. Motion carried unanimously.

The board went into executive session at 2:54 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.*

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 3:36 pm. Chairperson Swenson confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance, that Deputy County Attorney Tom Dill was included in the executive session, and that no decisions were made.

COUNTY ATTORNEY AND DEPUTY COUNTY ATTORNEY CONTRACT REVIEWS; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and Deputy County Attorney Dill both requested executive sessions. **Moved** by Commissioner Starr, seconded by Chairperson Channell to go into executive session to discuss the two referenced contracts with the Board and each attorney. Motion carried unanimously.

The board went into executive session at 3:38 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.*

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 3:42 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. A separate executive session between the Board and Deputy County Attorney Dill was not necessary and, therefore, was not entered into.

Moved by Commissioner Channell, seconded by Commissioner Starr for an increase in salary in the amount of 5% for the Deputy County Attorney retroactive to July 1, 2009 for the remainder of this year. Motion carried unanimously.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:44 pm.

RIBBON-CUTTING CEREMONY; GOLD BASIN INDUSTRIAL PARK: After adjournment, the Board and County Manager Birnie traveled to the Gold Basin Industrial Park for the ceremony. There were no minutes taken for this portion of the meeting.

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 GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2009-28**

A RESOLUTION REQUESTING ASSISTANCE FROM THE COLORADO AERONAUTICAL BOARD AND THE DIVISION OF AERONAUTICS IN THE FORM OF AN AVIATION SYSTEM GRANT.

WHEREAS, the General Assembly of the State of Colorado declared in Title 43 of the Colorado revised Statutes, Article 10, 1991 in C.R.S. 43-10-101 (the act) "...that there exists a need to promote the safe operations and accessibility of general aviation in this state; that improvements to general aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency..."; and

WHEREAS, the Act created the Colorado Aeronautical Board ("the Board") to establish policy and procedures for distribution of monies in the Aviation Fund and created the Division of Aeronautics ("the Division") to carry out the directives of the Board, including technical and planning assistance to airports and the administration of the state aviation system grant program. SEE C.R.S. 43-10-103 and C.R.S. 43-10-105 and C.R.S. 43-10-108.5 of the Act; and

WHEREAS, any entity operating a public-accessible airport in the state may file an application for and be recipient of a grant to be used solely for aviation purposes. The Division is authorized to assist such airports as request assistance by means of a Resolution passed by the applicant's duly-authorized governing body, which understands that all funds shall be used exclusively for aviation purposes and that it will comply with all grant procedures and requirements as defined in the Division's Grant Program Project Management Manual, 1999. ("the Manual")

NOW, THEREFORE, BE IT RESOLVED THAT Gunnison County, as a duly authorized governing body of the grant applicant, hereby formally requests assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the form of a state aviation system grant. Gunnison County states that such grant shall be used solely for aviation purposes, as determined by the State, and as generally described in the Application.

Each airport-operating entity that applies for and accepts a grant that it thereby makes a COMMITMENT

- a) to keep the airport facility accessible to, and open to, the public during the entire useful life of the grant funded improvements/equipment, or b) to reimburse the Division for any unexpired useful life of the improvements/equipment, or a pro-rata basis.

By signing this grant agreement, the applicant commits to keep open and accessible for public use all grant funded facilities, improvements and services for their useful life, as determined by the Division and state in the Grant Agreement.

FURTHER BE IT RESOLVED, that Gunnison County hereby designates John DeVore as the Project Director, as described in the Manual and authorizes the Project Director to act in all matters relating to the work project proposed in the Application in its behalf, including executions of the grant contract.

FURTHER, Gunnison County has appropriated or will appropriate or otherwise make available in a timely manner all funds, if any, that are required to be provided by the Applicant under the terms and conditions of the grant contract.

FINALLY, Gunnison County hereby accepts all guidelines, procedures, standards and requirements described in the Manual as applicable to the performance of the grant work and hereby approves the grant contract submitted by the State, including all terms and conditions contained therein.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and passed on this 4th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09 - 29**

A RESOLUTION AND CERTIFICATE OF MINOR IMPACT APPROVAL APPROVING BLUE JAY CONDOMINIUMS AND COTTONWOOD GROVE TOWNHOMES REPLAT OF PARCELS 2 AND 3, DOS RIOS MOTOR HOTEL SUBDIVISION GUNNISON COUNTY, COLORADO LUC #2005-84

WHEREAS, Rommjo, LLC, Mark Schumacher, Managing Member, represented by attorney David Leinsdorf, has applied for a land use change permit for the the development of 5 condominiums units, known as the Blue Jay Condominiums and 10 townhome lots, known as the Cottonwood Grove Townhomes, legally described as being located in Sections 28, 33, and 34, Township 51 North, Range 1 East, N.M.P.M., Gunnison County, Colorado. The development is subject to the *Declaration Establishing Blue Jay Condominiums and Cottonwood Grove Townhomes*, dated April 30, 2009, with provisions incorporated to provide for compatibility with the surrounding neighborhoods. Parcels 2 and 3, Dos Rios Motor Hotel Subdivision, will be replatted into two reconfigured lots. The proposed development is shown on the *Map of Cottonwood Grove Townhomes*, dated 10/5/08, prepared by NCW & Associates, Norman

Whitehead, P.E.; and the *Map of Blue Jay Condominiums*, dated 10/5/08, prepared by NCW & Associates, Norman Whitehead, P.E.; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on May 19, 2006 and continued to August 4, 2006; and

WHEREAS, the Gunnison County Planning Commission unanimously approved a Recommendation of conditional approval of the *Blue Jay Condominiums* and *Cottonwood Grove Townhomes* project on February 6, 2009, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on August 4, 2009, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's February 6, 2009 Recommendation, with the following Findings and Conditions of Approval:

Findings:

1. The application, by definition, is a Major Impact Project. At the June 16, 2006 work session, the Planning Commission, at the request of the applicant, reviewed the criteria for classifying impact classification, within *Section 3-111: Classification of Impact*, and unanimously voted to reduce the impact classification of the application to one of Minor Impact. The Planning Commission determined that the proposed development of the condominium/townhome project would generate minor impacts on the demand for public services, impacts to the impact area and environment and minor impacts to all existing and proposed development in the impact area. The classification of the application is Minor Impact.
2. The application is consistent with *Section 6-103: Standards of Approval for Minor Impact Projects*.
3. There is a conflict with the location of proposed Units 4A and 4B, Cottonwood Grove Townhomes and a sewer easement, with sewer line.
4. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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 former *Land Use Resolution*.
5. 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 of Approval:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the plans 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*.
2. A mylar Condominium Map and Townhome Map, in compliance with *Section 6-105; Gunnison County Land Use Resolution*, shall be provided to the Planning Department for review and signature by the Board of County Commissioners.
3. A Condominium or Townhome plat, shall be submitted, upon completion of each building, as the final as-built design of the condominium or townhouse development, showing exact locations, dimensions, sizes, and shapes of structures.
4. The approval shall be memorialized by Board Resolution/Certificate of Minor Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
5. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the infrastructure improvements defined in the following plans:
 - *Site, Grading and Drainage Plan*, dated 11/5/08, NCW & Associates, Inc.;
 - *Utility Plan*, dated 11/5/08, NCW & Associates, Inc.;
 - *Cottonwood Loop Profile*, prepared by NCW and Associates, Inc., dated 11/5/08;
 - *Sewer Profiles*, prepared by NCW and Associates, Inc., dated 11/5/08;
 - *Water System Details*, prepared by NCW and Associates, Inc., dated 11/5/08;
 - *Landscaping Plan*, prepared by NCW and Associates, Inc., dated 11/5/08;
5. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent; such costs as detailed by the applicant's engineer, and that said surety is retained by the County.
6. Prior to Board approval, the applicant shall provide proof of the establishment of the condominium and townhome associations, that will administer or enforce protective covenants. If proof of establishment is not submitted prior to Board approval, establishment shall be guaranteed through provisions in the Development Improvement Agreement, and all relevant documentation creating the organization shall be submitted to the Planning Department.
7. No building permits for Units 4A and 4B, Cottonwood Grove Townhomes, will be issued until such time that the existing sewer line is relocated and the sewer easement is either vacated

or written authorization to construct Units 4A and 4B, Cottonwood Grove Townhomes within the easement, is obtained from the Dos Rios Water and Sanitation District.

8. The applicant shall minimize the cutting of existing trees to the maximum extent feasible.
9. The applicant shall provide three copies of the condominium and townhome maps, fourteen (14) by seventeen (17) inches in size, to the Building Official, for County addressing of the new units, and inclusion into the rural addressing system.
10. The following shall be completed upon recordation of the Condominium and Townhome Maps:
 - 1) The applicant shall provide two copies of the final plat designating County addresses for each unit, to the appropriate office of Qwest.
 - 2) The applicant shall provide one copy of the final plat, designating County addresses for each unit, to the U.S. Postal Service.
11. 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*.
12. 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.
13. 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.
14. 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 the *Blue Jay Condominiums* and *Cottonwood Grove Townhomes* project is approved, subject to each and all conditions iterated within the Planning Commission's Recommendation.

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 Channell, seconded by Commissioner Starr, and passed on this 4th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09 - 30**

A RESOLUTION APPROVING ROAD NAMES FOR THE LOST CANYON RESORT AND WOMBLE TRACTS AREA
GUNNISON COUNTY, COLORADO

WHEREAS, the existing roads providing access to properties in the Lost Canyon Resort and Womble Tracts area do not have names; and

WHEREAS, the provision of road names will provide for accurate 911 emergency service addressing and improved response times by emergency service personnel; and

WHEREAS, the owners of the properties affected by the proposed road names have been involved in the process to name the roads and have provided the proposed names of the subject roads: and

WHEREAS, the road names have been reviewed and approved by the County Emergency Management office; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the road names, as identified on the attached Exhibit A, Map of *Lost Canyon Resort and Womble Tracts Area Road Names*, are hereby approved.

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

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and passed on this 4th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS

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