

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 15, 2009**

The September 15, 2009 Gunnison County Board of County Commissioners meeting was held in the Gunnison County Board of County Commissioners' boardroom in the Gunnison County Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

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

County Attorney David Baumgarten
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:14 am.

AGENDA REVIEW: There were no changes to the agenda.

CONSENT AGENDA: Commissioner Channell requested that Items #3, #7 and #8 be pulled for further discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Items #1 thru #11, except #3, #7 and #8, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Lease Agreement; Xerox; Public Works Department Copier
2. Acknowledgment of County Manager Signature; Grant Acceptance; Temple Hoyne Buell Foundation; Bright Beginnings and the Nurturing Parenting Program; Grant #4995; 9/1/09 thru 8/31/10; \$18,000
3. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Conservation Trust Funds Request Form
4. Acknowledgment of County Manager Signature; Colorado Trust Health Integration Grant for Early Childhood - \$186,869 for 3 years
5. Acknowledgment of County Manager Signature; Federal Forest Payment & Secure Rural Schools and Community Self Determination Act Election Form
6. Acknowledgment of County Manager Signature; El Pomar Foundation General Grant Terms and Conditions; Light Program; \$5,000
7. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Amendment No. 3 to Contract Dated 09/04/2007 Between Jacobs Engineering Group Inc. and Gunnison-Crested Butte Regional Airport Gunnison, Colorado
8. **Pulled for Discussion and Separate Action:** State of Colorado Certification of Eligibility to Receive Conservation Trust Funds (CTF) for Period January 1 to December 31, 2010
9. Ground Lease Agreement; Gunnison-Crested Butte Regional Airport Property; Michael L. Hall
10. Colorado Counties, Inc. 2009 Legislative Committee Member Appointment
11. Ratification of Correspondence; Ms. Connie Hendrix; Mill Site Park Sculpture Garden; Marble, Colorado

CONSENT AGENDA ITEMS #3 & #8: Commissioner Channell requested additional information about the dollar amounts and Chairperson Swenson was able to provide that information. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Items #3 and #8. Motion carried unanimously.

CONSENT AGENDA ITEM #7: Airport Director of Administration Kathie Lucas was available for discussion. Commissioner Channell asked for additional information due to Finance Director Linda Nienhueser's comments on the routing sheet. Airport Director of Administration Lucas explained that this project did not originally expect to receive DOLA funding. This project involves the hardstand and is not dependent on DOLA funds. She did, however, confirm that the utility-line extension project will be dependent on DOLA funding. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Item #7 on the Consent Agenda. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

RESOLUTION; APPROVING SPECIAL DEVELOPMENT PROJECTS RESOLUTION MAPS: County Attorney David Baumgarten was present for discussion.

County Attorney Baumgarten suggested that this be rescheduled until 10/6/09 and the Board agreed.

BOUNDARY LINE ADJUSTMENT; GUNNISON RIVERBANKS RANCH: County Planner Cathie Pagano and applicant Mike Wilson were present for discussion.

Mr. Wilson explained that the boundary lines needed to be changed to reflect what was actually built. County Planner Pagano confirmed that no lenders would be involved in this process. **Moved** by

Commissioner Starr, seconded by Commissioner Channell to approve the amended plat of Gunnison Riverbanks Ranch, dated 8/17/2009, and authorize the Chair's signature. Motion carried unanimously.

CORRESPONDENCE:

1. Gunnison County Sage-grouse Conservation Action Plan. Chairperson Swenson noted that a work session is scheduled for this issue and requested approval of draft correspondence to inform the Strategic Committee of the upcoming meeting dates. The draft correspondence was discussed and modifications were agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize the letter to the Gunnison County Sage-grouse Strategic Committee regarding the Gunnison Sage-grouse Conservation Action Plan as amended. Motion carried unanimously.
2. Letter of Support; GMUG National Forest Application to the Colorado State Historical Fund; Interpretive Exhibits at the Alpine Tunnel. The draft correspondence was discussed and amended. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the letter to the State Historical Fund supporting their action at the Alpine Tunnel as amended and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 8:48 until 8:55 am for a short break and then again from 8:55 until 9:29 am in order to hold the below Public Hearing.

PUBLIC HEARING; ADOPTION OF AN OVERSIZED AND OVERWEIGHT VEHICLE PERMIT FEE SCHEDULE: County Attorney Baumgarten was present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 8:56 am.
2. Public Notice Confirmation. County Attorney Baumgarten confirmed proper public notice and requested that proof of publication in the Gunnison Country Times be made part of the permanent record. As well, a list of approximately 20 trucking companies was added to the record as notice of the Public Hearing was sent directly to those companies.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. County Attorney Baumgarten explained to the Board that a State statute authorizes the Board to issue this schedule, but that it had not been done by Gunnison County in the past. He stated that the County would need to identify the fees that will be required and that overweight is defined as up to 200,000 pounds. He confirmed that the draft resolution had been reviewed by the State for content and figures, is consistent and maximizes the County's opportunity to collect the maximum amount of fees. Fees are currently being collected and this resolution will formalize the process.
5. Applicant Presentation. This was not applicable.
6. Board Questions. Commissioner Channell questioned where these fees will be collected and County Attorney Baumgarten explained that the Public Works Department will be responsible for collecting fees. He also confirmed that the maximum amounts are set by State statute. Commissioner Starr asked if the funds would be segregated, but County Attorney Baumgarten did not know the answer.
7. Public Comments. Chairperson Swenson opened the discussion to public comments at 9:01 am. Gunnison Trucking representative Don Coleman asked whether or not the County was currently collecting these fees and County Attorney Baumgarten explained that they were being collected and that it was possible that they were being collected in excess. Mr. Coleman stated that he had never paid this fee and County Attorney Baumgarten explained that Mr. Coleman may not be operating a truck that qualifies for the fee.

Mr. Coleman requested information on where the fees come from and if the County receives a portion of the State fees that are collected. County Attorney Baumgarten explained that this excludes Federal and State highways and that the County does not receive Federal or State funding in this instance.

Mr. Coleman expressed concern about imposing a new fee during the current economical situation and County Attorney Baumgarten stated that, for this reason, he is pleased that this fee is annually capped.

Mr. Coleman requested information relative to where the collected fees will be spent and the Board explained that all monies will be deposited into the Road and Bridge Fund.

Tom Coleman, also of Gunnison Trucking, stated that he has a truck capable of reaching the 200,000 pound limit and that he already pays \$400 annually to the State for overweight vehicles,

which doubles the fees that he passes on to his construction company clients. He expressed dismay that he did not receive notice of the Public Hearing in the postal mail and County Attorney Baumgarten restated that it was published in the newspaper and sent individually to 20 trucking companies.

County Attorney Baumgarten stated that this fee system is an attempt to have users pay for the related impacts.

Don Coleman stated his concern that this additional permitting requirement will burden the trucking industry. Commissioner Starr explained that the over-length, over-width, and over-height permits on loads or vehicles which do not exceed the legal weight limits is \$250 annually or \$15 for a single trip would not be required as the overweight permit at \$400 would cover those vehicles. The overweight permit for vehicles or loads exceeding legal weight limits of up to 200,000 pounds would annually be \$400 or per trip \$15 plus \$5 per axle. Special permits for structural, oversize, or overweight trips requiring extraordinary action or trips involving weight in excess of 200,000 pounds would impose \$125 plus any costs incurred for single trips requiring extraordinary actions.

County Attorney Baumgarten stated his opinion that this fee was beneficial because of the damage that is caused by overweight vehicles, but that the fees still will not fully compensate the County for the damage that must be repaired. Don Coleman asked for statistical information related to the damage caused by heavy trucks because he felt that the approximate \$9,000 in annual fees will not be able to repair the roads. The Board explained that the Highway Users Tax Fund, which is paid by gasoline purchasers, pays for the Road and Bridge Fund.

Mr. Jim Bowman stated his opinion that only about one-third of the possible trucking companies will purchase the permit. He felt that administration and enforcement will take much of the collected fees and that the trucking companies cannot pay this fee without passing it along to their clients. He felt that the County should be evaluating ways to save the residents from these costs. Commissioner Starr stated that the fees are currently not being systematically collected, which has created a situation where inappropriate persons or entities have been paying for the road repairs instead of those that have been benefitting from that level of use.

Commissioner Channell questioned how often those present for the Public Hearing would fall into this fee category. Mr. Tom Coleman volunteered that his company would fall into this category four or five times per week.

Mr. Don Coleman questioned the need for this fee if it is not mandatory. County Attorney Baumgarten explained that the County sold 81 permits for \$8,100 in 2008. Mr. Don Coleman pointed out that these permits were obviously sold for \$100, not the proposed \$400. Chairperson Swenson noted that most of those permits were sold to companies outside of Colorado or, at least, outside of Gunnison County.

Commissioner Channell asked how many of Mr. Tom Coleman's four or five hauls per week encompassed travel on County roads and Mr. Coleman acknowledged that not all of his trips fit into that category.

Mr. Don Coleman stated his support of the fee, as long as the fee is enforced and sold to everyone that should be purchasing it. Chairperson Swenson said that the Public Works Department will enforce the fee as it keeps track of everyone that travels on the roads.

Commissioner Starr wondered if there was a mechanism within the State that can notify the County when an entity will be hauling in the County and have the user pay the County permit at the same time. County Attorney Baumgarten was not aware of any such mechanism. Commissioner Channell asked County Attorney Baumgarten to determine if the State will alert trucking companies to the fact that they will need to purchase a County permit when they arrive in the County. Mr. Tom Coleman informed the Board that trucking companies are given a booklet from the State that lists all County permitting contacts.

8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. This was not applicable.
10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:29 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; ADOPTING AN OVERSIZED AND OVERWEIGHT VEHICLE PERMIT FEE SCHEDULE: Commissioner Starr felt that the County should impose this fee to help cover the costs of repairing the road damage caused by these users. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-39, a Resolution Adopting an Oversized and

Overweight Vehicle Permit Fee Schedule. Chairperson Swenson thanked everyone for their comments and assured them that the County would work to ensure that this is a fair system. Commissioner Channell noted that this is an issue everywhere, not just within the County, because HUTF funds are decreasing as less fuel is being purchased. He stated that the County needs to do whatever possible to offset the costs incurred. Motion carried unanimously.

BREAK: The meeting recessed from 9:34 until 9:56 am in order to hold the below Public Hearing.

PUBLIC HEARING; REGION 10 APPLICATION FOR COMMUNITY DEVELOPMENT BUSINESS GRANT BUSINESS LOAN FUNDS (CDBG): County Attorney Baumgarten, Region 10 Executive Director Paul Gray and Region 10 Finance Director Paul Dunford were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:34 am.
2. Public Notice Confirmation. Clerk to the Board Haase confirmed proper public notice.
3. Identify Ex Parte Communications. Chairperson Swenson informed the Board that she had briefly discussed this issue with Mr. Gray outside of this meeting.
4. Staff Presentation. This was not applicable.
5. Applicant Presentation. Mr. Gray explained that this Public Hearing was a requirement of the block grant for the Business Loan Fund, which would loan funds to local businesses. The requirements fit very well for economic recovery as Region 10 will apply for this two-year \$500,000 grant, loan out \$420,000, and retain \$80,000 to cover administrative costs. The monies will be loaned to new and existing businesses within the six counties comprising Region 10 with the requirement that 51% of the jobs created must be taken by individuals meeting the low and moderate-income levels identified by that county. The moderate-income cap for a family of four is \$52,900, so it was thought that it would not be difficult to find persons who qualify for the work. The loan rate will be 3.25%, plus up to two additional points depending on the risk factors of the individual borrower. Montrose County will be the grantee and Region 10 will be the sub-grantee administering the program. Region 10 will be responsible for finding the required half in local funds to supplement the loans and the thought is to find a bank partner for loans. There will be two different types of loans - one for less than \$100,000 and one for more than \$100,000. The grant application is for a total of \$500,000; however, if that money is used too quickly, Region 10 can request more money from the State. Region 10 has budgeted to lend half of the funding in this fiscal year and the other half during the next fiscal year. The State is receptive to lending additional funds.

Mr. Gray explained that the requirements for the Public Hearing were as follows:

1. Describe the process, which he did.
2. Announce that this money can be used for planning and feasibility studies, which he did.
3. Announce that the community development and housing needs within the community must be addressed by this program, that it is not the intention of Region 10 to displace any low-income housing by use of these funds, and that a resolution assuring these provisions would be part of the Public Hearing documents.
4. That Region 10 must have received previous CDBG grant funds. Mr. Gray explained that this had occurred as recently as 2002 and that, while the grant did not result in the execution of any loan documents, funds were expended for administration.

Mr. Gary explained that the County must sign the application, if approved; however, the final contract will be signed only by Montrose County. An Intergovernmental Agreement exists between the Region 10 counties that outlines all of the individual counties' responsibilities. The Citizen Participation Plan requires that a subsequent Public Hearing must be held during the grant period in order to receive public comment on how well the grant program is going.

6. BOCC Questions. The Board agreed that this was a good program to pursue. County Attorney Baumgarten confirmed that he had reviewed and approved of all relevant documents.

Commissioner Channell wondered why Region 10 had not worked to provide this program to the community more frequently. Chairperson Swenson explained that Region 10 had been going through a restructuring process, which has taken some focus. Mr. Dunford also explained that Region 10 did not qualify for this program during the last cycle.

Mr. Dunford informed the Board that Region 10 had established a Business Loan Committee and that representatives from Gunnison County serve on that committee. Commissioner Starr wondered if there were any guidelines for distribution of the funds within the six counties and Mr. Gray explained that all funding is appropriated on a first-come, first-served basis.

7. Public Comments. Chairperson Swenson opened the discussion to public comment at 9:56 am; however, there was no public comment provided.
8. Acknowledge Correspondence Received. There was no correspondence identified.
9. Applicant Response. There was no response from the Applicant.
10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:56 am.

REGION 10 APPLICATION FOR COMMUNITY DEVELOPMENT BUSINESS GRANT BUSINESS LOAN FUNDS (CDBG) DOCUMENTS:

1. Application for Community Development Block Grant (CDBG) and Micro Enterprise Program (MEP) Business Loan Funds (BLF). **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the application for the Community Development Block Grant and Micro Enterprise Program Business Loan Funds for Region 10 and authorize signatures. Motion carried unanimously.
2. Applicant Statement of Assurances and Certifications. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Applicant Statement of Assurances and Certifications and authorize signatures with the amendment on Page 2 of 8. Motion carried unanimously.
3. Intergovernmental Agreement; Delta, Gunnison, Hinsdale, Montrose, Ouray and San Miguel Counties. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Intergovernmental Agreement for the Community Development Block Grant program, Business Loan Funds, and authorize signatures. Motion carried unanimously.
4. Residential Anti-displacement and Relocation Assistance Plan. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Residential Anti-displacement and Relocation Assistance Plan agreement and authorize signatures. Motion carried unanimously.
5. Citizen Participation Plan. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Citizen Participation Plan and authorize signatures. Motion carried unanimously.
6. Resolution; Concerning Excessive Force. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Resolution #2009-40, a Resolution Concerning Excessive Force and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 10:01 until 10:10 am for a short break. The meeting recessed again from 10:10 until 10:20 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes), and then again from 10:20 until 10:51 am in order to call to order as the Gunnison County Board of Health (see minutes below).

GUNNISON COUNTY BOARD OF HEALTH: County Medical Officer John Tarr, Health and Human Services Director Brown, and Public Health Director Carol Worrall were present for discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 10:20 am.

ECC HEALTH INTEGRATION GRANT APPROVAL: The Board of County Commissioners approved this at the beginning of the day, but it had to also be approved by the Board of Health. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the ECC Health Integration Grant that we (the Board of County Commissioners) previously authorized or acknowledged the County Manager's signature on. Motion carried unanimously.

NEW STAFFING CHANGES/ERP FUNDING: Public Health Director Worrall informed the Board that the County recently filled two nursing positions with highly qualified individuals. (*Note: ERP Funding was noticed on the agenda; however, it was not discussed during the meeting.*)

H1N1 UPDATES: Public Health Director Worrall gave an overview of the primary efforts of the Public Health Office. The Pandemic Committee was able to set up daily monitoring through the local schools relative to overall absenteeism. County Medical Officer Tarr stated that Crested Butte is opposed to this monitoring because the school staff is nervous about what the statistics may be utilized for by the media. Public Health Director Worrall stated that the media cannot be controlled, but that the Public Health Office must continue to monitor the situation in any way available. County Medical Officer Tarr stated that the intent of collecting the data is to be as transparent as possible with accurate information. The Board questioned whether or not school attendance data is a matter of public record and agreed, if it is not, that it should be. Public Health Director Worrall informed the Board that a \$6,000 grant had been received from the State to assist with monitoring school attendance on a weekly basis.

Public Health Director Worrall informed the Board that work was being done to educate child care center employees. County Medical Officer Tarr added that PIO Margaret Wacker had diligently and aggressively been working to disseminate information. In-home licensed childcare providers are monitored and educated via email.

Public Health Director Worrall stated that it would also be important to educate local employers, including the County, about the importance of ill employees remaining at home and not being required to produce a physician's note upon return to prevent overwhelming the physician offices. Public Health Director Worrall acknowledged that she had not previously discussed this information with County Manager Birnie or Personnel Director Debbie Moore, so Commissioner Channell requested that she do so in order for a staff recommendation to be formulated and presented to the Board of County Commissioners.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Health Meeting adjourned at 10:51 am and the Board of County Commissioners meeting was immediately reconvened.

BREAK: The meeting recessed from 10:51 until 10:59 am for a short break and then again from 10:59 until 11:29 am in order to call to order as the Gunnison River Valley Local Marketing District (see minutes below).

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT (LMD): Tourism Association (TA) Co-Presidents Stephen Pierotti and Wanda Bearth, TA Director Jane Chaney, TA representative Rob Strickland and County Attorney Baumgarten were present for discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 10:59 am.

SEPTEMBER 1, 2009 CORRESPONDENCE FROM THE LMD TO THE TOURISM ASSOCIATION (TA) BOARD OF DIRECTORS: Chairperson Swenson noted that this correspondence was sent out on 9/1/09. She also explained that she and other elected officials within the valley serve on other local boards as ad hoc members.

There was discussion related to partial funding of the TA by Mt. Crested Butte and Tourism Association Director Chaney explained that all of Mt. Crested Butte's current funding commitments to the TA had been appropriated. The TA received an allocation of \$75,000 for the summer, fall and spring marketing programs and events, but was informed by Mt. Crested Butte that other organizations would likely be applying for portions of that \$75,000. The Board felt that this new information conflicted with what had previously been relayed by Mt. Crested Butte Mayor William Buck, so more clarification would be necessary. Per Tourism Association Director Chaney, the TA received \$200,000 from Mt. Crested Butte in 2009 and that, while appreciative of the \$75,000 allocation for 2010, the TA will not be able to establish marketing plans and programs beyond the first three months of 2010 without additional allocated funding. The TA's entire 2010 budgeted expenses are anticipated to be \$850,000.

Commissioner Channell summarized the Board's feelings by stating that conversations would need to take place between the Board and Mt. Crested Butte; however, that there was still a legitimate justification for the 9/1/09 correspondence request to restructure the TA's Board of Directors. Tourism Association Director Chaney did not feel that this request was appropriate since non-profits' budgets and plans are approved annually by elected boards. Chairperson Swenson felt that this discussion would be more appropriately held at the TA board level.

Tourism Association Director Chaney requested guidance from the Board since the TA board votes only to approve minutes and budgets. She felt that other positions should be removed from the TA board if these new positions were added in order to make room for the members without creating a large board. Chairperson Swenson argued that the Board is a major funder of the Chamber of Commerce and votes on their board as an additional level of appropriate checks and balances.

Tourism Association Director Chaney felt that other elected officials in the valley do not share the Board's feeling of wanting to be a voting member of the TA board. TA Co-President Pierotti requested that the Board speak with the municipalities to ensure that each of them is in agreement with the Board's correspondence. The Board felt that attendance at the next TA meeting with the other elected officials would be a beneficial and appropriate venue for the discussion.

Tourism Association Director Chaney felt that the municipalities should be contacted individually before taking this issue to the TA board. She also felt that the correspondence was somehow meant to hold the TA hostage to funding from Mt. Crested Butte. Commissioner Starr stated that there must be reassurance within the valley that the TA and LMD work well together and that the programming is beneficial to the valley since this issue is scheduled to go before the voters in November for reauthorization of the LMD tax. A work session was scheduled for 10/27/09 at 10:00 am.

GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION; EXECUTIVE OVERVIEW, 2ND QUARTER 2009: There was insufficient time for this update during the meeting. The Board

agreed to review the written report provided and then get back to Tourism Association Director Chaney with any questions.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The LMD meeting adjourned at 11:29 am.

SHERIFF'S OFFICE UPDATE; POSSIBLE EXECUTIVE SESSION: Sheriff Rick Murdie, Undersheriff Rick Besecker and County Attorney Baumgarten were present for discussion.

County Attorney Baumgarten requested that the Board enter an executive session to discuss the legal framework of the pending legal issues, not the pending personnel issues, related to the detention center. **Moved** by Commissioner Channell, seconded by Commissioner Starr to go into executive session with Sheriff Murdie, Undersheriff Besecker, County Attorney Baumgarten and the Board to discuss the ongoing situation with the detention center. Gunnison Country Times reporter Will Shoemaker stated his objection to the executive session as he did not feel that it was sufficiently justified. Motion carried unanimously.

The board went into executive session at 11:30 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)(c)(d)(e).*

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 11:51 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.

County Attorney Baumgarten noted that the topics discussed during the executive session were legally discussed per C.R.S. 24-6-402(4)(c)(d)(e), those being:

- C.R.S. 24-6-402(4)(c). Matters required to be kept confidential by federal or state law or rules and regulations
- C.R.S. 24-6-402(4)(d). Specialized details of security arrangements or investigations.
- C.R.S. 24-6-402(4)(e). Determining negotiating strategies and positions and instructing negotiators.

Mr. Shoemaker stated his opinion that the pending criminal charges are not covered under this statute and then requested a copy of the recorded meeting. However, County Attorney Baumgarten informed Mr. Shoemaker that the courts had sealed this case, therefore no digital recording of the meeting was made and details of the discussion could not be released.

AIRCRAFT TESTING CONTRACTS DISCUSSION; QINETIQ AND BOEING: Airport Manager John DeVore and County Attorney Baumgarten were present for discussion.

Airport Manager DeVore informed the Board that Boeing had completed its contracted round of testing during the previous week and that Boeing would like to return in May or June of 2010 for additional testing. Commissioner Starr felt that the public should have the opportunity to provide comments related to the testing and the associated noise prior to executing another contract with Boeing. Commissioner Channell stated that he had only received one complaint relative to flying on Saturdays. Airport Manager DeVore felt that Boeing incurred significant costs to perform the testing in Gunnison County, possibly as much as \$1,000,000 and that this should be considered. The decision relative to Boeing's request was not urgent, per Airport Manager DeVore.

Airport Manager DeVore also informed the Board that QinetiQ had expressed a desire to extend its contracted term past 11/15/09 for testing the surveillance helicopter. He stated that the earliest that testing had begun was at 7:30 am and that this request would extend the contract approximately 30 to 45 days. The decision relative to QinetiQ's request was urgent, per Airport Manager DeVore.

County Attorney Baumgarten suggested that the Board authorize Airport Manager DeVore or County Manager Birnie to sign the extension after it has been drafted by the County Attorney's Office. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the County Manager or his designee to execute an extension for the contract for QinetiQ allowing them to fly until the end of the year 2009, excluding holidays, which we understand may have already been excluded. Motion carried unanimously. A 30-minute Public Meeting was scheduled for 10/13/09 to begin at 3:00 pm so that the Board could receive public input relative to local aircraft testing.

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

COMMISSIONERS MEETING REPORTS:

Chairperson Swenson:

1. Economic Group Meeting. Chairperson Swenson noted that this group has not yet been named, but that she attended the meeting. City of Gunnison Mayor Stu Ferguson and City Manager Ken Coleman were in attendance and she was encouraged by the representation from all positions. The group is acting very thoughtfully and is now working on a mission statement. The group intends to meet monthly with the focus of the next meeting on 10/7/09 being to choose methods by which to achieve stated goals.
2. Park City Visitors. Chairperson Swenson stated that this visit included many wonderful presentations. County Manager Birnie's "Managing for Results" presentation made quite an impact.
3. Gunnison County Sage-grouse Tour. Chairperson Swenson attended this tour on 9/14/09 and informed the Board that Curtis Allen received a beautiful award. The Board may make a site visit to the Miller Ranch, and Chairperson Swenson agreed to work with Division of Wildlife representative J Wenum on the arrangements.

Commissioner Channell:

1. Tourism Association. Commissioner Channell informed the Board that the TA has begun discussions related to pertinent statistical data that can be generated to create and become a repository for other entities.
2. Family Advocacy and Support Team (FAST). Commissioner Channell attended a recent presentation and was amazed by the positive ideas and ethics displayed by the Health and Human Services staff members. Approximately 40 people attended this annual meeting, representing entities like public schools, Gunnison Country Partners, foster care, Gunnison County Substance Abuse Prevention Project and local law enforcement.
3. Annual Snow and Ice Conference. Commissioner Channell stated that this recent conference was a huge success with an increase in vendor participation. Commissioner Channell expressed his appreciation for the Public Works staff, on behalf of all Gunnison County citizens, as this event brings many visitors to our local area for overnight stays.

Commissioner Starr:

1. Butch Clark Project. Commissioner Starr informed the Board that this project is moving forward and that the land may be sold to acquire funds that can be used for affordable housing projects. A relocation of the existing cabin may be possible and is being actively discussed.
2. Rural Transportation Authority Fundraising Subcommittee. Commissioner Starr informed the Board that this subcommittee is seeking additional funding sources.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting recessed at 12:28 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 09-39**

**A RESOLUTION ADOPTING AN OVERSIZED AND OVERWEIGHT
VEHICLE PERMIT FEE SCHEDULE**

WHEREAS, pursuant to C.R.S. § 42-4-510, The Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") has the authority to issue a single trip, a special or an annual permit for oversized and overweight vehicles with respect to highways under its jurisdiction; and

WHEREAS, highways for the purpose of this resolution refers to all public roads within the unincorporated areas of Gunnison County excluding federal and state highways; and

WHEREAS, it has come to the attention of the Board that the cost of maintenance and repair resulting from the impact of oversized and overweight vehicles upon highways can be significant; and

WHEREAS, it has been suggested to the Board that the adoption of an oversized and overweight vehicle permit fee schedule would be a means of supplementing the cost of maintenance and repair resulting from the impact of oversized and overweight vehicles upon highways; and

WHEREAS, the Gunnison County Public Works Department has proposed the following fee schedule for all highways under the jurisdiction of Gunnison County, Colorado:

1. Overlength, overwidth and overheight permits on loads or vehicles which do not exceed legal weight limits:

A.	Annual Permit	\$250
B.	Single Trip Permit	\$15

2. Overweight permits for vehicles or loads exceeding legal weight limits up to 200,000 pounds:

A.	Annual Permit	\$400
B.	Single Trip Permit	\$15 plus \$5 per axle

3. Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of 200,000 pounds:

Single Trip	\$125 plus any cost incurred for moves requiring extraordinary action(s); and
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WHEREAS, the Board believes it would be in the best interest of public transportation to adopt an oversized and overweight vehicle permit fee schedule; and

WHEREAS, all requisites for a local authority to adopt an oversized and overweight vehicle permit fee schedule as identified in C.R.S. §42-4-510 have been satisfied; and

WHEREAS, a public hearing on this matter was held by the Board on this 15th day of September, 2009; and

WHEREAS, the public and motor vehicle owners and operators who would be affected by the adoption of an oversized and overweight vehicle permit fee schedule were notified of the public hearing and encouraged to participate.

NOW THEREFORE, BE IT RESOLVED by The Board of County Commissioners of the County of Gunnison, Colorado that the following oversized and overweight vehicle permit fee schedule be and hereby is adopted, effective upon the execution of this resolution, for all highways, specifically all public roads within the unincorporated areas of Gunnison County excluding federal and state highways:

1. Overlength, overwidth, and overheight permits on loads or vehicles which do not exceed legal weight limits:

A.	Annual Permit	\$250
B.	Single Trip Permit	\$15

2. Overweight permits for vehicles or loads exceeding legal weight limits up to 200,000 pounds:

- A. Annual Permit \$400
- B. Single Trip Permit \$15 plus \$5 per axle

3. Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of 200,000 pounds:

- Single Trip \$125 plus any cost incurred for moves requiring extraordinary action(s).

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-40**

A RESOLUTION CONCERNING EXCESSIVE FORCE

WHEREAS, Region 10 League for Economic Assistance and Planning, Inc. through Montrose County, State of Colorado, has made application for a Community Development Block Grant (CDBG) funds from the State of Colorado for communities including Gunnison County; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statements of assurance and certifications;

NOW THEREFORE, BE IT RESOLVED that pursuant to Region 10 through Gunnison County being granted CDBG funds by the State; the Board of County Commissioners of Gunnison County, Colorado with support from the Gunnison County Sheriff hereby adopts a statement of policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual(s) engaged in non-violent civil rights demonstrations.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

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