

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 20, 2009**

The October 20, 2009 Board of Commissioners meeting was held in the Commissioner's Meeting Room at the Courthouse. Present were:

Paula Swenson, Chairperson
Hap Channell, Commissioner
Matthew Birnie, County Manager
Ruth Dukeman, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:02 am.

AGENDA REVIEW: County Manager, Matthew Birnie added a letter drafted to the Forest Service to the County Manager's Report and Correspondence section of the meeting.

MINUTES APPROVAL: **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve the Regular Meeting Minutes from July 21, 2009 and authorize signatures. Motion Carried Unanimously. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve the Regular Meeting Minutes from the August 4, 2009 and authorize signatures. Motion Carried Unanimously.

CONSENT AGENDA:

1. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager's Signature; Public Officials and Employment Practices Liability Application; Flood and Peterson Insurance, Inc.; Gunnison County Housing Authority
2. Acknowledgment of County Manager Signature; HMEP Grant Application; Colorado Emergency Planning Commission; 2010 Grant Cycle; Western Slope Hazmat Exercise Expenses
3. Acknowledgment of County Manager Signature; County Lease-Purchase Agreement and Related Documentation; Wells Fargo Brokerage Services, LLC; Utility Extension Project at Gunnison-Crested Butte Regional Airport
4. **Pulled for Discussion and Separate Action:** Consulting Agreement; CM Mitchell Consulting; Set-Up and Installation of Oracle Database Server; Thru 12/31/10
5. Bid Award for Airport Utility Extension Project to Spallone Construction; \$147,195
6. Resolution; Amending and Clarifying Resolution No. 05-67 Regarding In-Home Carbon Monoxide Detectors
7. Food and Beverage/Retail Lease Agreement; The Gunnisack, LLC; 10/20/2009 thru 5/31/2011
8. Grant Contract; 7th Judicial District Victim Assistance and Law Enforcement Board; Victim Assistance
9. Provider Agreement; Stacey Ponzer; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services
10. Provider Agreement; Monica Bilow; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services
11. Fixed Price Agreement for Cloud Seeding Professional Services; North American Weather Consultants, Inc.; 11/15/09 thru 4/15/10
12. License Agreement; Mattel, Inc.; Non-Exclusive Royalty-Free Worldwide License to Use the Trademarks, Tradenames, Copyrights, Designs, Logos and Likenesses including Names, Accessories and Other Visual or Identifying Representations Associated with Gunnison County and Gunnison County, CO Emergency Management Services
13. Memorandum of Understanding Regarding Provisions of Legal Services; Between the Board of County Commissioners of Gunnison County, Colorado and the Gunnison-Hinsdale Board of Human Services; 7/1/09 thru 6/30/10
14. Agreement; Between the Board of County Commissioners of the County of Gunnison, Colorado and Western State College of Colorado; Prevention Education Coordinator Position; 10/20/09 thru 6/30/10

Commissioner Channell requested discussion for Consent Agenda items 1 and 4.

Moved by Commissioner Channell, seconded by Chairperson Swenson, to approve the Consent Agenda items and authorize appropriate signatures, excluding items #1 and #4 for additional discussion. Motion Carried Unanimously.

Discussion Item #1: Executive Director of the Housing Authority, K.T. Gazunis and Deputy Attorney Tom Dill were present for discussion. Commissioner Channell noted how it appeared that the application was

not complete. It was explained how staff was not aware of any claims history. It was decided that the Attorney's Office staff would complete that section of the application appropriately. The type of insurance being requested on the application was further described. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve Consent Agenda item #1 and authorize signatures. Motion Carried Unanimously.

Discussion Item #4: Commissioner Channell expressed concern that paragraph three of the document described how the document was intended to be a cost estimate and there was not a specific cap to the potential expenses for the project. County Manager Birnie explained how Information Technology, Director Mike Lee (not present) would have the authority to control expenses on the project, and that this is a normal arrangement for IT contracts as they don't know what they'll be facing until they get into the work. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve Consent Agenda item #4 and authorize signatures. Motion Carried Unanimously.

Discussion about the Mattell License Agreement for the Gunnison County logo to be used on an emergency management toy commenced.

SCHEDULING: The upcoming Meetings Schedule was discussed and updated. Scheduling for Board of County Commissioners meetings for 2010 as presented by Administrative Services Manager, Katherine Haase, was approved.

COUNTY MANAGER'S REPORT AND CORRESPONDENCE:

1. **Forest Service Correspondence:** Chairperson Swenson explained complexity about weighing in on the proposed Snodgrass development. She further described the challenges of the County making comments when an application had not been formally submitted into the process. A letter was drafted explaining the concerns and rationale of the process. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve the letter to Charles S. Richmond, Forest Supervisor with a copy to Crested Butte Mountain Resort, Federal Delegates and the local newspapers as amended. Motion Carried Unanimously.
2. **Planning Commission Meeting Update:** County Manager Birnie attended a meeting the previous week. The Planning Commission requested additional dialog with the Board about impact fees and revisiting the Marble SGA.
3. **Pipeline Project:** A document was not yet prepared, but would be provided for review when available.
4. **Planet Foot Print Services:** A contract for services with an Australian based company was underway. Energy Star information would be analyzed and reports created about trends of energy use by the County.
5. **Mountain Express Correspondence:** A request for approximately \$10,000 for the cost for senior transportation maintenance of vehicles was made by Mountain Express to the County in the form of a letter. County Manager Birnie explained that historically these costs had been shared since program inception by Mountain Express. Discussion about the program and services available was further discussed. It was determined that additional communications with Mountain Express, the Senior Resources Office and others would be needed.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:

1. **Right-of-Way Purchase Agreement; Taylor River Ranches; Wilderson; Possible Executive Session:** County Attorney, David Baumgarten participated via telephone conference. Deputy Attorney, Tom Dill, Property Developer counsel, Rufus Wilderson, Assistant County Manager/Public Works Director, Marlene Crosby and Forman I/Special Projects Coordinator, Jim Kent were also present for discussion. Public Works Director Crosby summarized the proposed project. She further commented how recently proposed changes were accepted by the developer. The need for an Executive Session was reviewed and determined not to be necessary. The locations of the proposed permanent right-of-way easements were described using a plat. The ease of completing this project now, versus having to work with 16 different property owners in the future was explained. The Change of alignment to the affected road ways was further detailed. The cost valuation for the chip seal project and the appraised value of the land proposed for the right-of-way easements being in today's dollars for work to be completed in the future was further discussed. The timeline for the chip seal road project was estimated to be late summer 2010. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve the agreement for the chip seal project on Wild Water Way in exchange for the right-of-way properties and authorize County Manager Matthew Birnie to sign the appropriate documents. Motion Carried Unanimously. The timeline for completion of the agreement and future meetings scheduled was reviewed.
2. **Private Plow Request for Kebler Pass:** This item was not prepared for discussion. It was noted how the area requested may be physically inspected during a proposed trip to Marble in the coming weeks.
3. **Sewer Update:** Three manholes on Tomichi Trail will be replaced to supplement maintenance efforts. The project was anticipated to be completed this fall.

4. **Trails Commission; State Trails Grant Application:** At their meeting October 19, 2009 the Trails Commission discussed a grant application for trail work near the town of Crested Butte. The application deadline was October 31, 2009 and requested a County match of in-kind services projected to cost around \$10,000. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to authorize the Public Works Department to perform in-kind proposed project work in support of the Trails Commission State Grant Application.
5. **Greensburg Tour:** During recent personal travels Assistant County Manager Crosby had the opportunity to tour the newly constructed town of Greensburg, Kansas. After being destroyed by a tornado in 2007 the entire community was focusing on efforts to be as environmentally friendly as possible. She shared a souvenir from the experience, a biodegradable, corn plastic pen and insights about selecting buildings sites, reusing materials, lighting techniques, the use of wind power and other features of green technology.
6. **CCI Correspondence:** Recent correspondence highlighting revised HUFT Projections for the 2010 budget change was briefly discussed.

BUCKHORN RANCH, INCLUDING FILING 2B; STATUS OF IMPROVEMENTS AND AFFORDABLE HOUSING UNITS; POSSIBLE NOTICE OF DEFAULT AND DEMAND USE OF SECURITY: County Attorney, David Baumgarten participated via telephone conference. Present were Paralegal, Rachel Magruder and Assistant Public Works Director, Allen Moores. County Attorney Baumgarten explained that a recent site visit was performed on Friday, October 9, 2009. The Project Engineer, a representative for the Developer and several Community Members participated. He explained how the Demand Use of Security documentation was completed by Community Banks of Colorado and Chairperson Swenson and would be secured until November 15, 2010. The formalization of a Notice of Default was sent in the form of a letter. County Attorney Baumgarten summarized the on-site visit and explained how the ball field was seeded, but no irrigation was provided to the area and it was unknown if the seeding efforts would be successful, a rudimentary dirt path led to the facility, a noticeable slope affected the field and the road was not chip sealed, but road base had been applied. Since project completion was still to be identified, the release of funds was not recommended. A meeting to develop a staff recommendation was proposed with: Public Works Director, Marlene Crosby, Assistant Public Works Director, Allen Moores, Paralegal, Rachel Magruder, County Manager, Matthew Birnie and County Attorney, David Baumgarten. Then a meeting with developers could be scheduled to create a single document addressing the areas of concern. It was thought that four weeks would be adequate time to complete the meetings and provide a report to the Board. It was noted how County Attorney Baumgarten understands how some citizens may feel the requests for the standard specification are too strict and others may feel they are not strict enough. Chairperson Swenson requested that conversations begin as early as possible, allowing adequate time for the project to stay on task toward completion.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to adjourn. Motion carried unanimously. The Gunnison Board of County Commissioners meeting adjourned at 9:17 am.

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES (SEE SEPARATE MINUTES)

GUNNISON COUNTY HOUSING AUTHORITY BOARD

CALL TO ORDER: Chairperson Swenson called the meeting to order at 10:15 am. Housing Specialist Mary Vader was present for discussion.

RESOLUTION; ADOPTING HOUSE RULES, MOUNTAIN VIEW APARTMENTS: Housing Authority Executive Director, Gazunis explained that the proposed rules had gone through several drafts and were reviewed by the tenants of the building. She highlighted changes including those made to the pet policy and how visitors with pets were now required to sign in and out when entering and leaving the building. It was further noted that only those tenants who planned to have a pet would have the pet rules addendum included with their lease agreement, as there was no need for every resident to have the amendment if they were not planning to have a pet.

Discussion about the smoking policy and how designated outdoor smoking areas were near the main entrances and exits to the building commenced. Making the building a non-smoking facility was implemented several years ago and some tenants were grandfathered into the old policy and still allowed to smoke in their units. Other potential locations that could be designated for smoking areas were further deliberated. Housing Authority staff will research the topic in more detail. Specifically, if the logistics for a gazebo or other like structure would be possible. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve Resolution 2009-45, A Resolution Adopting House Rules for Mountain View Apartments. Motion carried unanimously.

PROPERTY IMPROVEMENT UPDATE: An update about recent improvements to the facility was provided. A sprinkler system was installed. Cleaning and/or replacement of the common area carpet was discussed and a request included in the upcoming budget cycle.

COMMUNITY GARDEN: Chairperson Swenson asked the Housing Authority staff if they had any information about the community garden located in Bill Ender's Park, directly behind the Mountain View building, as several tenants had inquired about gardening. Administrative Assistant III, Ruth Dukeman was able to provide information as she is a co-organizer of the garden. It was decided to include information about how to participate in the garden in an upcoming Mountain View newsletter.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to adjourn. Motion carried unanimously. The Gunnison County Housing Authority meeting adjourned at 10:32 am.

CALL TO ORDER: The Board of County Commissioners of Gunnison County, Colorado Meeting was then immediately called to order by Chairperson Swenson.

BOUNDARY LINE ADJUSTMENT; W2W2, SECTION 26, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH PM; MATTHEW WIENER – PRESENTED BY COUNTY PLANNER CATHIE PAGANO:

Mr. Dick Bratton was also present for discussion. Planner I, Cathie Pagano presented information about the boundary line adjustment request and how this change would consolidate two smaller parcels into one larger parcel before the issuance of permits by the County. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, to approve the boundary line adjustment and authorize signatures. Motion carried unanimously.

GUNNISON SAGE-GROUSE ACTION PLAN ADOPTION: Gunnison County Wildlife Conservation Coordinator, Jim Cochran was present for discussion. Chairperson Swenson, who is also a member of the Gunnison Basin Sage-grouse Strategic Committee who drafted the proposed Action Plan, commented how the recommendations from the Board were all included in this draft except for the wording about undesired plants. The Committee decided that weed control was a stronger stance on the problem than the verbiage recommended by the Board. A typographical error and the assignment of responsibility of action items to a person, team/agency or group was noted by Commissioner Channell and will be corrected in the Action Plan. He further commented how the verb usage was not consistent throughout the document, it was noted that text was included from many different individuals and could be corrected in a future revision of the document. **Moved** by Commissioner Channell, seconded by Chairperson Swenson, for adoption of the Gunnison County Sage-grouse Conservation Action Plan as drafted and amended by the Gunnison Basin Sage-grouse Strategic Committee. Motion carried unanimously.

Gunnison County Wildlife Conservation Coordinator, Cochran requested that a portion of an upcoming Work Session be scheduled for planning the implementation strategies of the Plan. Commissioner Channell expressed his concerns about other outlying populations that may not have Local Working Groups or other organizations to support those bird populations. Gunnison County Wildlife Conservation Coordinator, Cochran advised that a recent announcement for a coordinator for the Crawford population was made and other populations were of concern. He further explained how the biological future of the species was agreed to be in the Gunnison Basin, yet how other population areas were being considered and further detailed work being done and organizations and agency efforts in place.

BREAK: The meeting recessed from 10:52 am until 11:02 am.

WARRANTS AND TRANSFERS – PRESENTED BY FINANCE DIRECTOR LINDA NIENHUESER:

Finance Director Linda Nienhueser presented the Cash Transfer Authorization report for September 2009, a County Taxable Sales Report ending September 22, 2009, and the monthly Warrant Report for discussion and approval. **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to approve the Warrant Report dated October 20, 2009 in the amount of \$1,401,135.53. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to authorize the Cash Transfer in the amount of \$2,600,014.51. Motion carried unanimously. How tax revenues were down approximately 5% was noted. Discussion about the reporting cycles and the effects of the quarterly reporting on those numbers was reviewed.

TREASURER'S REPORT – PRESENTED BY COUNTY TREASURER MELODY MARKS:

Treasurer Melody Marks presented the Treasurer's Monthly Report for September 2009 and Treasurer's Quarterly Interest Report for July – September, 2009 for discussion and acceptance. Discussion about different departments having different amounts invested, investment transfers and how new banks were taking over the business operation of failed institutions that previously held investable assets for the County commenced. **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to accept the Monthly Treasurer's Report for September 2009 and authorize the Chairperson's signature. Motion carried unanimously.

COLORADO COUNTIES, INC. (CCI) MEETING REPORTS: Commissioner Channell provided an update from a meeting attended on Friday October 9, 2009. He explained how out of the 64 counties in Colorado all but 12 were represented. Specific topics, committees developed and upcoming legislation was reviewed and discussed. Commissioner Channell then overviewed the process for future legislation and the upcoming CCI meeting schedule.

FUNDING REQUEST; 4H FOREVER FUND: Efforts were made to contact the 4-H office without success. This topic was tabled for a future meeting as few details were supplied.

UNSCHEDULED CITIZENS:

Homeland Security Coordinator, Joanne Stone was present and announced her upcoming retirement. She explained how Montrose will be designated as the fiscal office in the future. She presented information about accomplishments in her career and highlight how approximately 7 million dollars in funds were brought into the region by her efforts. Homeland Security Coordinator, Stone complimented the Gunnison County staff, specifically Linda Nienhueser for their efforts and exemplary service to the Western Region.

COMMISSIONERS MEETING REPORTS

COMMISSIONER CHANNELL:

Airport Testing: Citizens continue to make comments. It was noted how there are citizens who live very close to the airport who support the testing and enjoyed the aircrafts and those with the opposing opinion. Additional input was still being received and compiled for consideration.

Pandemic Response Planning Committee (PRPC): Commissioner Channell reported about this group meeting weekly about H1N1 community response. He further reviewed local efforts to control the spread of the virus with public communications about preventative efforts. How the population was being monitored through attendance at RE-1J School District and at Western State College campus was presented. Vaccine efforts were well underway with Public Health holding regular clinics and awaiting additional supplies of vaccine to continue efforts was noted. The importance of preventative efforts was emphasized.

Tourism Association (TA): Commissioner Channell reported on the ongoing discussion at TA meetings about Mt. CB funding for the LMD. An upcoming Work Session agenda item was scheduled to discuss this topic in more detail.

Gunnison County Substance Abuse Prevention Program (GCSAP): A recent renewal of a grant award to support the project was highlighted. Parents in Crested Butte were reported to be embracing efforts and planning for upcoming GCSAP events. A social hosting ordinance holding those adults responsible for knowing about underage drinking taking place in their home was proposed for the City of Gunnison. A new program titled, Get Real was in development for implementation at the High School.

Hidden Gems Wilderness: Eagle County hosted a public meeting with maps and requested input from the public about this proposed legislation. It was noted how much of the correspondence received was not applicable to the Gunnison area. A potential for future meetings and events about this topic was reviewed.

CHIARPERSON SWENSON:

Region 10: Region 10 received grant for \$500,000 to support their small business loan program. Membership benefits were reviewed. County Manager, Birnie asked about the potential of a loan program for the upcoming election ballot measure about energy efficiency grants and Region 10 providing loan administration to citizens for the program. Chairperson Swenson would communicate proposal of the idea to Region 10 representatives.

Mountain View Event: Attendance at a recent event allowed interaction with the tenants of the facility. Many expressed how they are very pleased with current Housing Authority staff members.

Chamber of Commerce, Ask a Commissioner Night: Chairperson Swenson expressed her disappointment with only a single participant asking about Community Based Organization funding. Upcoming Chamber events were presented.

Gunnison Basin Sage-grouse Strategic Committee: At their October meeting a Sub-Committee was designated to develop ideas for implementation of Action Item 8. A list of potential attendees to the upcoming work session was reviewed to include Wildlife Conservation, Planning, GIS staff members and others.

Retired Senior Volunteer Program (RSVP): Chairperson Swenson reported how she and Commissioner Channell were able to attend the recent RSVP banquet. She was encouraged to see many retired community members supporting local events.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Swenson, to adjourn. Motion carried unanimously. The Gunnison Board of County Commissioners meeting adjourned at 12:28 pm.

Paula Swenson, Chairperson

ABSENT

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Ruth Dukeman, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk