

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
November 17, 2009**

The November 17, 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

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 8:04 am.

**AGENDA REVIEW:** There were no changes to the agenda.

**MINUTES APPROVAL:** **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Regular Meeting minutes of September 1, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the meeting minutes for September 15, 2009 as submitted. Motion carried unanimously.

**CONSENT AGENDA:** Commissioner Channell requested that Consent Agenda Item #3 be pulled for further discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Items #1, #2, #4, #5 and #6, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of Public Works Director Marlene Crosby; Agreement for Physical Capacity Profile Testing; Gunnison Valley Hospital and Gunnison County; 10/29/09 thru 10/29/2010
2. Acknowledgment of County Manager Signature; Master Services Agreement; Colorado CustomWare, Inc.; Treasurer's Office Software
3. **Pulled for Discussion and Separate Action:** Letter of Support; HB 1451 Collaborative Management Program; Application for Grant Funding through the Edward Byrne Memorial Justice Assistance Grant
4. PUC Passenger Carrier Operator Agreement, Gunnison-Crested Butte Regional Airport; AEX, Inc., dba Alpine Express
5. Contract Agreement; Spallone Construction, Inc.; Utility Line Extension at Gunnison-Crested Butte Regional Airport
6. Consulting Agreement; Cochran Fish and Wildlife Consulting, LLC; Professional Consulting Services of James O. Cochran Regarding Wildlife Species Conservation Matters

**CONSENT AGENDA ITEM #3:** Commissioner Channell asked that this item be pulled from the Consent Agenda for further discussion. Modifications were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #3 as amended. Motion carried unanimously.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. Boards and Commissions Interview Schedule; February 2010. The 15-minute interviews were scheduled to take place on February 8, 10 and 11.

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

1. Ennovate Meeting. County Manager Birnie informed the Board that he met with Ennovate on 11/16/09 to discuss the performance contract details. He noted that the County experienced difficulty in generating interest in this project with contractors because many energy-saving projects were completed about 10 years ago. The County Courthouse currently meets the Energy Star rating requirements, which is unusual since jail facilities are normally not certifiable.
2. Rural Transportation Authority; George Krawzoff. County Manager Birnie informed the Board that Mr. Krawzoff, from TransitPlus and acting as a consultant for the RTA, had requested that the County supply correspondence related to the land-use change process and the timing of the park-n-ride.
3. Personnel Policy; Illness. Chairperson Channell requested an update on this issue and County Manager Birnie explained that the County had not experienced any problems with excessive absences due to the flu. Some staff members have been sent home and the sick leave transfer policy will be utilized if necessary.

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

1. North Valley Sewer Update. Assistant County Manager Crosby informed the Board that this project is moving forward. She will be contacting property owners this week to inform them that they will not need to pay tap fees until 4/1/10 because the lift station might otherwise be put in

too close to the opening of the Cranor Hill Ski Area. There will be exploratory digging because the line locations have not been fully agreed upon.

2. Antelope Hills Water Update. Assistant County Manager Crosby informed the Board that the USDA would like for the County to consider all alternatives and perform the preliminary engineering for all of those alternatives before the USDA will assist with deciding on the appropriate path to take. However, Assistant County Manager Crosby noted that she was not in favor of incurring those costs. This will be ready for submission to the USDA sometime in the middle of December.
3. Tomichi Village Update. Assistant County Manager Crosby informed the Board that this project was progressing. She explained that the Planning Commission did not agree with the Planning Department's opinion as the Planning Commission did not find any reason why this project couldn't be considered for an administrative review.
4. Gunnison River Festival Funding Request. Assistant County Manager Crosby informed the Board that the Festival had applied for annual CBO funding and she encouraged the Board to give strong consideration to the application as the County owns the white-water park. She noted that the Festival is working with the Upper Gunnison River Water Conservancy District on a diversion to get more water going through the park.
5. Ohio City Town Hall Building Renovation Update. Chairperson Channell requested an update and Assistant County Manager Crosby explained that the State's Structural Assessment Grant for historical buildings normally only provides \$10,000, but the two top bidders requested \$15,000. Because of this, she may either contact the State to request more funding or the bidders to request that the bids be lowered.
6. Ohio Creek Intersection Project Update. Assistant County Manager Crosby informed the Board that CDOT signed off on this project on 11/6/09. She temporarily installed fencing because citizens were parking in the area. Top soil and seeding will be completed today.
7. Crystal Creek Right-of-Way. Assistant County Manager Crosby informed the Board that she would be bringing this issue to the Board by the beginning of December.
8. Bob Harris Reassignment. Assistant County Manager Crosby informed the Board that Bob Harris had stepped away from the position of foreman, but that he would remain with the crew on a modified basis. Blane Mazzuca has been chosen as the new District 1 foreman.
9. Traffic Issues. Assistant County Manager Crosby provided correspondence to the Board regarding speeding and other traffic issues on Cement Creek Road. The correspondence was signed by many residents along Cement Creek Road. She explained that much of this road is under the Sheriff's control and that, with proper enforcement, the County could increase control of dirt bike use on the paved portion of the road. County Manager Birnie noted that he had not seen a high degree of violation in CB South because most street bikes are legal, but he agreed to discuss this issue with the Sheriff's Office. After County Manager Birnie discusses this issue with the Sheriff's Office, Assistant County Manager Crosby will respond to the correspondence.
10. Abatement of Mobile Homes; Beautification/Scenic Corridors Committee. Assistant County Manager Crosby informed the Board that the BSCC met with Planning Department staff, fire officials and Commissioner Swenson. One mobile home had been moved to the landfill during the previous week. Assistant County Manager Crosby was concerned that the plan was based on an outdated building code, which is no longer legally valid. Commissioner Swenson requested that Assistant County Manager Crosby inform the BSCC that the County would be addressing the abatement of dangerous buildings in the first quarter of 2010. Assistant County Manager Crosby also noted that she would share with the BSCC details from the citizens' survey that indicated that this is not a pressing concern.
11. Overweight Vehicle Permit Fee. Chairperson Channell requested an update and Assistant County Manager Crosby explained that the County had three entities pay for this fee.
12. Woody Biomass. Chairperson Channell informed the Board that he had recently visited a woody biomass user in the Granby area and that the system in use was worthy of further discussion. He explained that the site utilizes a Swedish boiler, similar to the one used by Gilpin County. The site in Granby is only using the boiler at 1/3 capacity because they are considering heating other buildings such as the school.

**ACCEPTANCE OF BIOSOLIDS AT THE GUNNISON COUNTY LANDFILL:** Assistant County Manager Crosby was present for discussion and explained that this was discussed during the previous meeting, but that it was not noticed for Board approval. She requested Board approval, pending approval from the State following the 30-day comment period. The rate had not yet been finalized. **Moved** by Chairperson Channell, seconded by Commissioner Starr to accept biosolids at the landfill, contingent upon State approval of such. Motion carried unanimously.

**BREAK:** The meeting recessed from 9:03 until 9:11 am.

**LOT CLUSTER AGREEMENT; LOTS 7 AND 8, ARROWHEAD COMMERCIAL AREA UNIT 1; STEPHEN AND TAMARA BAINES:** Planning Services Manager Beth Baker was present for discussion.

Planning Services Manager Baker explained that the Baines had applied for a permit to construct a storage facility that will cross the lot line. This would require a lot cluster even though the Baines own both lots. Commissioner Channell questioned whether or not any covenants in the Arrowhead area

would restrict commercial space and Planning Services Manager Baker was not sure of the answer. **Moved** by Commissioner Starr, seconded by Chairperson Channell to approve the request for the Lot Cluster Agreement for Lots 7 and 8, Arrowhead Commercial Area Unit 1, as presented, with the understanding that Planning Staff will confirm that the letter dated 9/10/09 represents the opinion of the Property Owners' Association. Motion carried unanimously. The Board signed the document; however, Planning Services Manager Baker agreed that she would not file it until confirmation from the POA had been received.

**PROCLAMATION; DESIGNATING THE MONTH OF JANUARY 2010 AS NATIONAL MENTORING MONTH IN THE COUNTY OF GUNNISON, COLORADO:** **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the proclamation designating the month of January 2010 as National Mentoring Month in the County of Gunnison, Colorado as presented. Motion carried unanimously.

**UNSCHEDULED CITIZENS:**

1. Allen Moores. Mr. Moores addressed the Board as a private citizen regarding the limited draw issue. He stated that his suggestion was based on much research and meetings with many people. He stated that he would like to create a program by which the Stockgrowers' Association, the Division of Wildlife and the County help to feed hungry citizens with one-pound packages of ground meat. To begin this in August 2010, he requested financial support and involvement, particularly via assistance through the County Attorney's Office. He felt that this would be a huge undertaking due to the amount of meat involved, but agreed that he would request assistance from other local organizations. All sportsmen that he discussed this with were reportedly in support of the program. He will also propose this program in December to the statewide Sportsmen's Advisory Group. He has met with staff from Health and Human Services and confirmed that criteria exists that would help to determine who would qualify for this program. Large freezers, such as the ones in use at the Elks Lodge, are being sought for use. The Board felt that this is a great program to pursue and requested that Mr. Moores return with greater detail once costs are known. The Board also requested that this program include Mt. Crested Butte and Crested Butte.

**COMMISSIONERS MEETING REPORTS:**

**Commissioner Channell:**

1. Gunnison County Substance Abuse Prevention Project (GCSAPP) Meeting. Chairperson Channell explained that the recent monthly meeting included a lot of discussion regarding marijuana, the idea of dispensaries moving closer to legalization, and the associated consequences. GCSAPP had not yet decided whether or not to issue a public statement.

**BREAK:** The meeting recessed from 9:30 until 9:42 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

**RESOLUTION; DENYING THE REQUEST BY THE UPPER CRYSTAL RIVER CAUCUS FOR THE DESIGNATION OF THE UPPER CRYSTAL RIVER SPECIAL AREA FOR NATURAL BEAUTY:** Assistant Planning Director Neal Starkebaum was present for discussion.

Assistant Planning Director Starkebaum explained that the LUR mandates that a resolution be formalized for this decision. He confirmed that the draft resolution incorporated the findings of the Planning Commission.

Commissioner Starr stated his opposition because there had reportedly been housing units constructed in the area of 10,000 square feet in size. He felt that the County could not make assumptions. Commissioner Channell asked Commissioner Starr about the resolution and whether his stance was related to the language or the resolution itself. Commissioner Starr explained that the County will set too high of a standard if it sets the proposed criteria for the area. He did not have issue with the language in the resolution, but stated his opposition to signing the resolution.

Commissioner Channell felt that greater consideration of the resolution's language was warranted. This issue was continued to 12/15/09.

**RATIFICATION OF SIGNATURES ON QUALIFIED ENERGY CONSERVATION BOND (QECB) APPLICATIONS:**

1. Energy Efficiency Upgrades for Detention Center and Public Works Facility Projects. **Moved** by Commissioner Starr, seconded by Commissioner Channell to ratify the Chairperson's signature on the QECB applications that were recently submitted by the County and are dated 11/16/09, one for the Gunnison County biomass projects and one for the Energy Smart Loan Program. Motion carried unanimously.
2. Energy Smart Loan Program. (See above for motion.)

**BREAK:** The meeting recessed from 9:50 until 9:54 am.

**POTENTIAL PROPERTY ACQUISITION, POSSIBLE EXECUTIVE SESSION:** Gunnison County Housing Authority Executive Director KT Gazunis and County Attorney Baumgarten were present for discussion.

County Attorney Baumgarten requested that he and the Board discuss three potential property acquisitions during an executive session, pursuant to C.R.S. 24-6-402(4)(a) which allows for discussion in an executive session for the purchase, acquisition, lease, transfer, or sale of any real, personal or other property interest; and C.R.S. 24-6-402(4)(e), which allow for discussion in an executive session for determining negotiating strategies and positions and instructing negotiators. County Attorney Baumgarten stated that this would not be an attorney/client privileged communication, so a recording of the executive session was kept. **Moved** by Commissioner Starr, seconded by Commissioner Channell to go into executive session with the Board, the Housing Authority Director, the County Manager and the County Attorney for the reasons expressed by the County Attorney. Motion carried unanimously.

The board went into executive session at 9:56 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)(e).*

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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: \_\_\_\_\_

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Paula Swenson, Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 10:55 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. An electronic record of the session was made.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the County Manager to enter into negotiations for real property acquisitions in the amount of \$175,000, per transaction, through January 31, 2010. Motion carried unanimously.

**COMMISSIONERS MEETING REPORTS (continued):**

**Commissioner Channell (continued):**

2. West Region 911 Meeting. Chairperson Channell stated that he and Commissioner Swenson, as the only elected officials, attended this meeting during the previous week in the City of Gunnison Council chambers. Also in attendance were Emergency Manager Scott Morrill and other emergency service directors from other counties. Funding issues and 911 services were discussed. Unlike many other states, Colorado does not have a State 911 Board.
3. Great Outdoors Colorado (GOCO) Meeting. Chairperson Channell informed the Board that he and Fairground Manager Melody Roper attended this meeting during the previous week in Grand Junction. He stated that a couple of GOCO board members, a GOCO staff member and the GOCO Executive Director are holding these state-wide meetings in order to gather input on the ultimate revision of GOCO's priorities. Most of the individuals at the meeting were volunteers from non-profit groups. Interest in trails and open space remain constant.
4. Colorado Counties, Inc. Tax and Finance Committee Meeting. Chairperson Channell explained that he attended this meeting via telephone. The meeting was held to review particular problematic proposals, adjustments to the 09-10 budget and the 10-11 budget. A proposal was

discussed that would reduce gambling revenue funding to adjacent counties to assist with impacts.

5. Woody Biomass (continued from earlier in the meeting). Chairperson Channell explained that this 31,000 square foot site uses pellets, so it is cost effective. Elements of this site will be considered as the County finalizes plans to pursue woody biomass heating.

**Commissioner Starr:**

1. Rural Transportation Authority. Commissioner Starr attended the recent RTA meeting and provided the following information to the Board:
  - a. Airport. Air travel bookings for 2009 have decreased. Additional space within the airport terminal will soon be available as one office is being eliminated.
  - b. Ground Transportation. As of today, Mt. Express is the ground transportation operator. A \$72,000 grant was received for a stationary particulate scrubber to be utilized by busses. A policy was adopted for expansion of ground transportation in the future.
  - c. Free Bus. A decision was made at the urging of the WSC representatives to begin bus service from Mt. Crested Butte to Crested Butte to Gunnison, leaving the 4-way stop in Crested Butte at 10:15 pm on Saturday evenings. The \$5,500 cost will require that each of the local governmental entities, along with WSC and CB South, provide approximately \$900 each. County Manager Birnie will determine whether or not the Board has any discretionary funds left in the 2009 budget.
  - d. Park-n-Ride Lot at Cement Creek. Grant money has to be committed by 10/1/10 or it will be forfeited.
2. Gunnison Arts Center 25<sup>th</sup> Anniversary Gala. Commissioner Starr and Chairperson Channell attended this event that was reported to have raised a lot of funding.
3. Mayors/Managers Meeting. Commissioner Starr attended the recent meeting and reported the following:
  - a. City of Gunnison. There was talk of the new refuse program. The use of the ice rink had exceeded all expectations. The Gunnison Rising decision should be available within a few weeks.
  - b. Mt. Crested Butte. Revenues were down by approx 30% in September, but there is hope for a good ski season. At least half of the affordable housing units have sold.
  - c. Crested Butte. Annexation discussions are ongoing, but have been set back. Teams are attempting to book as much time on the ice as possible. The school project is moving forward well.
  - d. Library District. A ballot initiative may be possible for 2010. The Van Tuyl settlement has been finalized. The District expressed a desire to involve Crested Butte and Mt. Crested Butte in library programming as the desire and the need exists.

**Chairperson Swenson:**

1. Cattlemen's Days Committee; Proposed Jail Site. Commissioner Swenson and County Manager Birnie recently met with the Cattlemen's Days Committee to discuss the proposed jail site. Most all attendees were engaged by the end of the meeting. County Manager Birnie articulated well to the group that raising taxes to construct this much-needed jail was just not an option since it had failed in two elections. The meeting ended well and she felt that it will result in increased cooperation between all stakeholders. Discussions are ongoing and the next step in the process is the City's Planning and Zoning Commission Public Hearing scheduled for 12/9/09.

**ADJOURN:** **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:02 pm.

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Paula Swenson, Chairperson

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Jim Starr, Vice-Chairperson

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Hap Channell, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk