

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING MINUTES  
December 22, 2009**

The December 22, 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

**GUNNISON COUNTY HOUSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Swenson called the Gunnison County Housing Authority meeting to order at 8:22 am.

**RESOLUTION; AMENDING THE GUNNISON COUNTY HOUSING AUTHORITY BUDGET FOR FISCAL YEAR 2009 AND AMENDING THE APPROPRIATION RESOLUTION:** Moved by Commissioner Channell, seconded by Commissioner Starr to approve Housing Authority Resolution #2009-003, a Resolution Amending the Gunnison County Housing Authority Budget for Fiscal Year 2009 and Amending the Appropriation Resolution and authorize signatures. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The Gunnison County Housing Authority meeting adjourned at 8:23 am.

**CALL TO ORDER:** Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 8:23 am.

**RESOLUTION; AMENDING THE GUNNISON COUNTY BUDGET FOR FISCAL YEAR 2009 AND AMENDING THE APPROPRIATION RESOLUTION:** Moved by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-64, a Resolution Amending the Gunnison County Budget for Fiscal Year 2009 and Amending the Appropriation Resolution, with the addition of the word "revenues" after the word "intergovernmental" in paragraph 4, and authorize signatures. Motion carried unanimously.

**SET 2010 GUNNISON COUNTY MILL LEVY:** Finance Director Linda Nienhueser and Deputy County Attorney Tom Dill were present for discussion.

Finance Director Nienhueser provided mill levy reports, as certified by all taxing entities, to the Board as this material was not included in the meeting packets. Finance Director Nienhueser explained that the average tax payer will pay 43.26 mills and that the County represented 22.07% of that average. Moved by Commissioner Starr, seconded by Commissioner Channell to set the 2010 Gunnison County mill levy as proposed in the document we (the Board) received this morning. Motion carried unanimously.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented the Warrant Report dated December 22, 2009 and the Cash Transfer Authorization dated November 2009 for discussion and approval. Moved by Commissioner Channell, seconded by Commissioner Starr to approve the warrants as of December 22, 2009 in the amount of \$1,405,467.68. Motion carried unanimously. Moved by Commissioner Starr, seconded by Commissioner Channell to approve the Cash Transfer Authorization for November 2009 in the amount of \$2,093,624.45. Motion carried unanimously.

**TREASURER'S REPORT:** County Treasurer Melody Marks presented the November 2009 Treasurer's Monthly Report and an Investment Report dated November 30, 2009 for discussion and acceptance. She noted that there will have been approximately 165 property foreclosure starts so far for 2009 and Deputy County Attorney Dill stated that there had been quite a few settlements involved with those foreclosures. Moved by Commissioner Starr, seconded by Commissioner Channell to accept the Treasurer's monthly report for November 2009 and authorize signatures. Motion carried unanimously.

**CORRESPONDENCE; GOVERNOR BILL RITTER; CONSERVATION EASEMENT TAX CREDIT PROGRAM:** Commissioner Starr informed the Board that he had drafted this correspondence, but that he would need to modify that draft since Governor Ritter had since taken a stance on this issue. This discussion was postponed until the 1/5/10 meeting.

**BREAK:** The meeting recessed from 8:53 until 9:02 am.

**SITE LOCATION FOR GUNNISON VALLEY ANIMAL WELFARE LEAGUE (GVAWL) FACILITY:**

Assistant County Manager Marlene Crosby was present for discussion.

Assistant County Manager Crosby informed the Board that she had visited with GVAWL members and neighbors about this issue, and that GVAWL was prepared to begin the planning process. She requested a formal decision regarding the proposed facility location and staff recommendations.

Assistant County Manager Crosby reported that Gunnison County Wildlife Conservation Coordinator Jim Cochran indicated that the proposed site is agreeable since the closest sage-grouse lek is inactive. Gunnison County Wildlife Conservation Coordinator Cochran recommended the use of a noise barrier with berming and that the shelter animals be confined and under control at all times. He also requested that the facility not care for wild birds.

Assistant County Manager Crosby noted that some of the neighbors were concerned about lighting. However, she explained to them that this will not be an issue due to the enforcement guidelines and the close proximity to the observatory.

Commissioner Channell wondered if there would be sufficient room to create berms on three sides of the location. Assistant County Manager Crosby felt that cost, not space, would be the prevailing factor, and that it would be more cost effective to consider a sound-barrier fence.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize staff to move forward through the County planning process for the site location for the Gunnison Valley Animal Welfare League facility, to be a location on the east side of the irrigation ditch. Motion carried unanimously. Assistant County Manager Crosby clarified that it would be GVAWL, not County staff, that would be going through the planning process.

**SELECTION OF FINANCIAL UNDERWRITER FOR CAPITAL PROJECTS:** Finance Director Nienhueser and Assistant Finance Director Ben Cowan were present for discussion.

Finance Director Nienhueser explained that a recently issued RFP yielded four good contractors to choose from. The selection committee, comprised of Finance Director Nienhueser, Assistant Finance Director Cowan, Deputy County Attorney Dill, Chairperson Swenson and County Manager Birnie, recommended that the Board select Stifel Nicholas. **Moved** by Commissioner Channell, seconded by Commissioner Starr to select Stifel Nicholas as our financial underwriter for upcoming capital projects. Motion carried unanimously.

**CONTRACT; YOUNG AT HEART:** Personnel Director Debbie Moore and Deputy County Attorney Dill were present for discussion.

Chairperson Swenson stated that the commissioners had individually received messages related to this issue during the previous week. She reported that she had met with representatives from Young at Heart on 12/18/09 to discuss the issue of their staff members being contractors or County employees. As a result of that meeting, she proposed that further work be completed prior to redrafting the contract.

County Manager Birnie felt that the proposed contract would not have affected the employees or the services delivered, but he agreed that further discussions were warranted.

Commissioner Channell stated that the Young at Heart bylaws may indicate that the cooks are County employees. Deputy County Attorney Dill provided copies of the Articles of Incorporation, dated in the year 1975. Personnel Director Moore explained that Young at Heart's staff members had all originally signed documents indicating their understanding that they were not County employees and would not adhere to the County Personnel Policies. However, at some time after obtaining those signatures, the County decided to designate the staff members as part-time County employees with limited benefits.

County Manager Birnie explained that this issue is problematic because the workers, currently designated as County employees, are neither hired nor supervised by the County. He also indicated that this issue was not intended to come before the Board at this time as contract negotiations were ongoing.

Chairperson Swenson requested that the final contract include a provision that the workers have insurance coverage that meets the County's guidelines.

**SECOND ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT (DIA) FOR TOMICHI CREEK SUBDIVISION; WEST ELK PROPERTIES, LLC:** Deputy County Attorney Dill, County Paralegal Rachel Magruder and developer Mark Lucas were present for discussion.

County Paralegal Magruder explained that approval of this addendum would memorialize the 12/15/09 discussion. She noted that Mr. Lucas had discussed this issue with the Public Works Department and that it was agreed that the road should be paved when approximately 60% of the building had been completed, which equated to approximately the 12<sup>th</sup> residence.

The Board felt that an absolute deadline should be included and Mr. Lucas agreed since he would want to eventually finish paving even if the first 12 residences were not yet built. Mr. Lucas felt that a five-year deadline would be appropriate and Commissioner Starr requested that this language be included at the end of the first paragraph as, “. . . or 10/1/2015, whichever occurs first”. **Moved** by Commissioner Channell, seconded by Commissioner Jim Starr to approve the Second Addendum to the Development Improvements Agreement for Tomichi Creek Subdivision, as amended, and authorize the Chairperson’s signature. Motion carried unanimously.

**ADDENDUM TO THE FAIRWAY LANE DEVELOPMENT IMPROVEMENTS AGREEMENT; WEST ELK PROPERTIES, LLC:** Deputy County Attorney Dill, County Paralegal Magruder and developer Mark Lucas were present for discussion.

**Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Addendum to the Fairway Lane Development Improvements Agreement as proposed and authorize the Chairperson’s signature. Motion carried unanimously.

**MINUTES APPROVAL:** There were no minutes available for approval.

**AUTHORIZATION FOR GUNNISON COUNTY HOUSING AUTHORITY EXECUTIVE DIRECTOR KT GAZUNIS’ SIGNATURE ON PROPERTY CLOSING DOCUMENTS FOR 25 ELK VALLEY ROAD UNIT 101:** Deputy County Attorney Dill was present for discussion.

County Manager Birnie stated that the Board had previously granted authority to him to purchase the property, a foreclosed unit in Skyland Park, if the terms were reached. He confirmed that the offer was accepted. He explained that he would be out of town on the date of closing, so he requested authorization for Gunnison County Housing Authority Executive Director KT Gazunis to sign the property closing documents. **Moved** by Commissioner Channell, seconded by Commissioner Starr to grant Gunnison County Housing Authority Executive Director KT Gazunis formal authorization to sign all required documents to close on 12/30/09. Deputy County Attorney Dill informed the Board that his office had drafted an appropriate resolution, so Commissioner Channell withdrew his motion and Commissioner Starr withdrew his second of the motion.

A draft resolution was provided for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-65, a Resolution Authorizing the Purchase of Unit 101, Estonian Building, Stallion Park Condominiums, Crested Butte, Colorado and authorize signatures. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:48 am.

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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:

\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**GUNNISON COUNTY HOUSING AUTHORITY  
RESOLUTION NO. 09-003**

A RESOLUTION AMENDING THE GUNNISON COUNTY HOUSING AUTHORITY BUDGET FOR FISCAL YEAR 2009 AND AMENDING THE APPROPRIATION RESOLUTION.

WHEREAS, at the time of the adoption of the budget for Gunnison County Housing Authority for fiscal year 2009 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, revenues can now be identified for such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Gunnison County Housing Authority, that a supplemental budget and appropriation resolution be adopted in the following respects:

The revenues are increased in the amount of \$125,000 from replacement reserve. Expenditures are increased in a like amount for capital expenditures.

The above sums of money, or as much thereof as may be authorized by law and as may be deemed necessary to defray the expenses and liabilities of the Gunnison County Housing Authority, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2008-001 and 2008-002 respectively - for the Gunnison County Housing Authority for the fiscal year beginning January 1, 2009 and ending December 31, 2009; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 22<sup>nd</sup> day of December 2009.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2009-64**

A RESOLUTION AMENDING THE GUNNISON COUNTY BUDGET FOR FISCAL YEAR 2009 AND AMENDING THE APPROPRIATION RESOLUTION

WHEREAS, at the time of the adoption of the budget for Gunnison County for fiscal year 2009 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, revenues can now be identified for such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that a supplemental budget and appropriation resolution be adopted in the following respects:

1. General Fund. The revenues are increased in the amount of \$332,075 from State Health Disparities Grant, Colorado Trust Grant, Temple Buell Grant, Substance Abuse Grant and a transfer from other funds. The expenditures are increased in a like amount for grant expenditures and transfers to other funds.
2. Human Services. The revenues are increased in the amount of \$821,830 from LEAP EBT Revenue, Food Assistance (EBT), Child Care, CWEST/TRAILS, ARRA revenue, HB1451; and unappropriated fund balance. The expenditures are increased in a like amount for EBT assistance and ARRA and HB 1451 expenses.
3. Risk Management. The revenues are increased in the amount of \$18,500 from a transfer from General Fund. The expenditures are increased in a like amount for professional services.
4. Public Health Agency. The revenues are increased in the amount of \$321,439 from intergovernmental revenues, charges for services, miscellaneous revenues and transfers from other funds. The expenditures are increased in a like amount for Health and Public Health related costs.
5. Airport Construction. The revenues are increased in the amount of \$475,223 from FAA Grants, Colorado State Division of Aviation, Passenger Facility Charges and financing proceeds. The expenditures are increased in a like amount for airport construction costs.
6. Public Hospital. The revenues are increased in the amount of \$325,520 from hospital and Health Care Center net patient service and long-term care revenues. Expenditures are increased in a like amount for operating expenditures.
7. ISF-I. The revenues are increased in the amount of \$50,000 from unappropriated fund balance. The expenditures are increased in a like amount for gravel.

The above sums of money, or as much thereof as may be authorized by law and as may be deemed necessary to defray the expenses and liabilities of the County, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2008-58 and 2008-59 respectively - for Gunnison County for the fiscal year beginning January 1, 2009 and ending December 31, 2009; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 22<sup>nd</sup> day of December 2009.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 09-65**

A RESOLUTION AUTHORIZING THE PURCHASE OF UNIT 101, ESTONIAN BUILDING, STALLION PARK  
CONDOMINIUMS, CRESTED BUTTE, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") has reviewed current and potential needs of Gunnison County and acquiring additional real property for affordable housing is in the best interests of the public; and

WHEREAS, pursuant to C.R.S. § 30-11-101 and § 30-11-103, the Board has the authority to purchase and own real property.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Board purchase the real estate described as Unit 101, Estonian Building, Stallion Park Condominiums, Crested Butte, Colorado, pursuant to the Contract To Buy And Sell Real Estate, dated November 30, 2009 and Real Estate Purchase Addendum, between Fannie Mae and Gunnison County. The Board herein ratifies all previous actions performed by the Board and its staff to accomplish that purchase and directs its staff to take all appropriate action to accomplish that purchase. K.T. Gazunis is hereby authorized to execute all necessary documents to accomplish that purchase including but not limited to loans, grants and closing documents.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 22nd day of December, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.