

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
March 2, 2010**

The March 2, 2010 Board of Commissioners meeting was held in the Commissioners' Meeting Room at the Courthouse. Present were:

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

CALL TO ORDER: Chairperson Starr called the meeting to order at 8:04 am.

AGENDA REVIEW: The agenda was approved as circulated.

MINUTES APPROVAL: Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Special Meeting Minutes of February 9, 2010 as presented. Chairperson Starr abstained from voting because he was not present at the meeting held February 9th. Motion Carried. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the County Board of Equalization (CBOE) meeting minutes from February 9, 2010 as presented. Chairperson Starr abstained from voting because he was not present at the meeting held February 9th. Motion Carried. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Special Meeting Minutes from February 23, 2010 as presented. Motion Carried Unanimously.

CONSENT AGENDA: Commissioner Channell requested Consent Agenda Item #16 be pulled for further discussion. Moved by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Items #1 through #15 and authorize applicable signatures. Motion carried unanimously.

1. Ratification of County Manager Signature; Grant Application; Airport Improvement Program (AIP); Taxiway Rehabilitation Project; \$565,208
2. Authorization for County Manager Signature; Grant Agreement; Gunnison-Crested Butte Regional Airport; Project Number 3-08-0030-43, Contract Number DOT-FA10NM-10xx, DUNS Number 13-319-5220; Rehabilitation of Portion of Taxiway A (A1 to A3)
3. Out-of-State Travel Request; Northwest Federal Aviation Administration Conference, Seattle, WA; Aviation Snow Symposium, Buffalo, NY; Oshkosh Advanced Electronics, Oshkosh, WI; ARFF Trainings, Salt Lake City, UT and Helena, MT; ARFF Schools, Dallas, TX and Salt Lake City, UT and Helena, MT
4. Gunnison Basin Sage-grouse Strategic Committee Appointments; US Forest Service Nomination of John R. Murphy as a Regular Member and Matt Vasquez and an Alternate Member
5. Acknowledgment of County Manager Signature; Colorado Department of Education; Request for Targeted TA Funds Submitted by the Early Childhood Council; Supplemental Budget Funding; \$4,700
6. Acknowledgment of County Manager Signature; Letter of Agreement; Nick O'Neill; Materials, Labor, Supervision, Supplies and Equipment to Implement a Budgeting Class Program; 3/1/10 thru 7/31/10
7. Acknowledgment of County Manager Signature; Letter of Agreement; Cassie Brown; Materials, Labor, Supervision, Supplies and Equipment to Implement a Budgeting Class Program; 3/1/10 thru 7/31/10
8. Acknowledgment of County Manager Signature; Application to Perico Life Insurance Company for Aggregate and Specific Stop Loss Insurance
9. Acknowledgment of County Manager Signature; Grant Reapplication; Colorado Children's Trust Fund, Prevention Services Division; Continuation of the Nurturing Parenting Program
10. Ratification of Lot Cluster Agreement and Declaration Gunnison County, Colorado; Nina S. Spitzley Trust
11. Release of Development Improvements Agreement; Glen A. Fogle and Kristi J. Fogle; 36 Gothic Road, Crested Butte, CO 81224
12. Gunnison/Hinsdale County Purchase of Service Agreement; Colorado Works Program; Hinsdale County School District RE 1; 3/1/10 thru 6/30/10
13. Consulting Agreement; ICB Consulting, Inc.; Professional Services Regarding Microsoft Windows and Office 2007 Training
14. Ratification of Correspondence; HB 10-1279; Senator Suzanne Williams; Representative Buffie McFadyen
15. Resolution; Amending Certain Charges and Fees for Integrated Solid Waste Services Effective February 16, 2010
16. **Pulled for Discussion and Separate Action:** Colorado Division of Wildlife Impact Assistance Grant Application

CONSENT AGENDA ITEM #16: Discussion ensued about Consent Agenda Item #16. It was further explained by County Manager Birnie that this item was related to funding associated with the Assessor's Office. Moved by Commissioner Channell, second by Commissioner Swenson to approve Consent Agenda Item #16 and authorize signatures.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. **Energy Performance Contracting Update:** Information was presented about a meeting that was held with our energy services company, Ennovate. Discussion about the different features of each project package available, the costs associated and benefits of each different level of

service available for consideration commenced. It was noted that many County buildings were already very efficient. The Board expressed their support of the program.

2. **Carbon Neutrality Task Force Staffing:** Because this group would be developing policy the need to have a clerk for note taking was desired. The Office for Resource Efficiency (ORE) was also willing to provide staffing assistance if needed. Pay was discussed with a potential budget of no more than \$1,000 with the additional details related to the position to be addressed. Looking internally for resources was presented as this expense was not included in the budget.
3. **Evaluation of Federal Leasing for Geothermal Development:** The potential elimination of Geothermal Revenue Sharing and Energy Block grant funding was presented.
4. **Construction Project Update:** Information was presented to the Board concerning their desire for upcoming projects to be LEED certified. The credentials needed, the potential increase in costs and how the standards could be included in projects without certification were further discussed. It was requested that the Board consider the options and additional discussion may be scheduled for a future meeting.
5. **Financial Management Policies:** It was announced that a draft version of Gunnison County Financial Management Policies were scheduled for presentation, discussion and adoption will be scheduled for an upcoming meeting.
6. **Letter of Support; Gunnison Public Library; Bill and Melinda Gates Foundation Grant:** Discussion about the correspondence commenced. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve a letter of support for the Gunnison Library District to the Colorado State Library funding program. Motion Carried Unanimously.

COLORADO STATE FOREST SERVICE; ANNUAL FIRE OPERATIONS PLAN; PRESENTED BY: DISTRICT FORESTER, TIM CUDMORE: Gunnison County Emergency Coordinator Scott Morrill, Undersheriff Rick Besecker and County Attorney David Baumgarten were present for discussion. District Forester Cudmore provided an introduction about his position and changes to the Colorado State Forest Service Annual Fire Operations Plan. He explained how two historic documents were combined into a single plan. Operational and legal sides of the plan were combined into a single smaller plan for consideration. Charts, forms and information were included for reference as appendices and attachments versus being included in the main body of the document. Specific changes to the plan were highlighted. Potential funding options were further discussed. As the document was still in draft form and it was thought that several changes may still be needed the process for formal approval by the Board was discussed.

OUT-OF-STATE TRAVEL REQUEST; WEATHER MODIFICATION ASSOCIATION ANNUAL MEETING IN SANTA FE, NM; 4/20/10 THRU 4/24/10; SENIOR ACCOUNTANT JANE WYMAN; \$1,435: Senior Accountant Jane Wyman was present for discussion. It was confirmed that funds were allocated in the budget for this trip. **Moved** by Commissioner Swenson, seconded by Commissioner Channell for approval of the Out-of-State Travel request for Jane Wyman to travel to Santa Fe, New Mexico and for expenses not to exceed \$1,500.00.

COLORADO COUNTIES INC. (CCI) REPORTS: Commissioner Channell reported on upcoming legislation. He gave details about a bill that would allow for Forest Service improvement boundaries to be adjusted reflecting the area being improved versus the entire forest. He explained how funding allocations for public lands were distributed and that representation for the Western States in Washington, D.C. is critical.

An animal welfare bill was being reviewed that would change how smaller counties contract with non-profit groups for animal care. It appeared as though the proposed requirements included in the legislation present major challenges for non-profit groups. CCI was taking a firm opposed position to the legislation.

SB 98 Conservation Trust Fund was adding weed eradication funding to list of expenses. This addition would allow weed treatments to be included in projects.

The right to float bill was generating concern from the agricultural community that property rights were being compromised. It was reported that many interested parties in this legislation were well represented. CCI was taking a formal position to monitor the bill. The status of the Colorado Municipal League (CML) position on this legislation was unknown.

Concerns related to the State budget issues were shared. There may be a need to close state parks if stimulus dollars were unavailable to fill the budget deficit.

The Gas Commission was working to reduce their backlog and processing time. Due to the state hiring freeze, staffing limitations were posing an issue to the new procedures.

The Mining Division was involved in hearings related to uranium resources. It was thought that current operations might be less economically viable than historic operations in the state. Truck travel impacts through Gunnison County related to this development will be evaluated by the Attorney's Office. It was thought there were uranium ore processing mills in Pueblo, Colorado and Eastern Utah that could cause additional truck traffic through the county.

Appreciation was expressed by Commissioners Starr and Swenson for Commissioner Channell's extensive efforts and meeting attendance in this area.

A recent abatement or refund of taxes hearing that resulted in a reclassification of property was discussed as an example of the concerns about agricultural classification. Concerns were expressed about the criteria related to agricultural properties. This case was proposed to be used as an example in hopes of influencing future legislation related to fair taxable values.

HISTORIC PRESERVATION COMMISSION APPOINTMENT OF LAURA EASLEY: Discussion ensued about adding a special position to the Historic Preservation Commission. **Moved** by Commissioner Channell, seconded by Commissioner Swenson that due to her outstanding contribution as a regular board member, the Gunnison Board of County Commissioners appoints Laura Easley to the Historic Preservation Commission for a two year, alternate, emeritus position. This position has full voting rights in the event one of the regular board members is absent. Motion carried unanimously.

BREAK: The meeting recessed from 9:40 am until 9:50 am.

COLORADO RIVER WATER CONSERVATION DISTRICT (CRWCD) REPORT: CRWCD representative Bill Trampe and County Attorney David Baumgarten were present for discussion. Mr. Trampe presented an update on CRWCD positions on water related legislation:

HB 1162 Concerning payments to contractors was opposed, as it appeared that this legislation would influence the ability to manage projects.

HB 1250 Related to construction funding. Was currently supported.

HB 1327 General Fund augmentation, CRWCD staff member's initial recommendation was for opposition. After additional discussion, it appeared that support was warranted as there may be fund augmentation available through the efforts.

SB 27 Fines for unauthorized use of surface water. Initially, it appeared that this legislation could give an engineer the authority to impose fines when water was being used without permission. After research was performed tracing the proposal back to the foundation of the legislation it was determined that this bill should be supported.

SB 165 Consideration for geographic areas versus individual wells was proposed. This legislation was supported.

Mr. Trampe advised that the CRWCD typically met every two weeks to review legislation. Lobbying efforts were questioned by Commissioner Channell. It was reported that lobbyist were typically present at Director Meetings.

Discussion about the potential for legislation involving the Pagosa Springs court decision commenced. It was noted that there did not appear to be any formal actions taken to date and that CRWCD staff was performing research related to the topic. It was thought that it could allow communities to plan water related issues for more than 50 years and that conditional water rights could be affected.

A report was provided on mediation efforts. Thoughts for the purchase of a power plant and the related water rights were presented. The costs associated with the project, creation of a special district, potential partners and the benefits associated with the proposal were presented.

REQUEST FOR FUNDING; GUNNISON ROTARY CLUB; 4TH OF JULY FIREWORKS PRESENTATION: Rotary members Don Wills and Pam Christian, as well as County Attorney Baumgarten were present for discussion. Mr. Wills explained that the Rotary Club was requesting funding for the community event as the club appeared to have a budget deficit. Ms. Christian was new to town and had recently joined the organization, offering to be the lead organizer for the event. Historically, this responsibility was the duty of the president-elect and changed every year. It was thought that by having a single go-to-person could provide continuity to the event. The budget was discussed with contributions being made by other municipalities. The club was also planning to solicit for funds from local business and contributors. The event was intended to create funds for the scholarship fund however, since moving the venue from the Western State College Bowl it had struggled to break even. Chairperson Starr proposed a matching effort from the Board to support the fund raising efforts. A contribution was proposed from the discretionary fund. The balance available in the fund for the remainder of the year was reviewed.

Moved by Commissioner Swenson, seconded by Commissioner Channell to allocate up to \$4,000 in matching funds raised by the Gunnison Rotary Club, excluding the funds already pledged by City of Gunnison. Pledges will be supplied to the Gunnison County Finance Department before funds will be allocated toward the event. Motion carried unanimously.

REQUEST FOR ASSISTANCE; MEAT DONATION PROGRAM: Assistant Public Works Director Allen Moores, County Attorney David Baumgarten and Paralegal Rachel Magruder were present for discussion. Mr. Moores requested staff assistance from the Attorney's Office to form a non-profit organization in hopes of moving a meat donation program forward. The program's intent was to harvest over abundant elk populations and have the meat processed for donation to help those in the community with a need for food. The amount of staff time needed was reviewed. Mr. Moores presented information about community members willing to serve as the officers for the organization and the details of the program. How the meat could be distributed by the Food Bank, if there were community organizations already

established that could take on this project and the protocol for distribution of the meat were further discussed.

Support for developing a program and appreciation to the County Attorney's Office for taking on the additional duties were expressed by the Board. A request was made that, during the organization formation process, staff to be thinking about development of an inclusive and flexible protocol for meat distribution.

PUBLIC HEARING; STREET VACATION REQUEST; MICA LANE; REQUESTED MADE BY MIKE AND CONNIE LANE:

Sheri Rubin a realtor representing the both the Lane's and the Brook's, Mike Lane, Assistant Public Works Director Allen Moores and County Attorney David Baumgarten were present for discussion.

Chairperson Starr opened the Public Hearing at 11:09 am.

1. Public Notice Confirmation. It was confirmed that proper legal notice was provided.
2. Identify Ex Parte Communications. There was response to a letter from Bill Saxon.
3. Staff Presentation. Assistant Public Works Director Moores presented information about the location of the site, proposed lot clustering and information related to the request. County Attorney Baumgarten explained how there were several unanswered questions related to which parcels were proposed for lot clustering, the ownership of a proposed open space, driveway easements and septic system permits. County Manager Birnie reminded staff to consider community fire suppression planning efforts indicating that there may be concerns about the driveway(s) meeting the needs of First Responders.
4. Applicant Presentation. Ms. Rubin provided insights into a recent survey performed; ISDS applications submitted and explained the willingness of the parties involved for project success. Discussion about the expectation for road maintenance in the challenging geologic conditions commenced. Public benefit was deliberated. The benefit to the public for road vacation for the proposed route that was platted many years ago to service many small individual lots that would now be consolidated into larger buildable lots was explained. It was expressed how there was a desire to including verbiage in the documentation for clarification for future property owners explaining that the homeowners association, not Gunnison County, was responsible for the road maintenance in the area.
5. BOCC Questions. Questions related to the topic were included in the staff and applicant presentations.
6. Public Comment. There was no public comment provided.
7. Acknowledge Correspondence Received. Correspondence related too this matter was received from Bill Saxon.
8. Applicant Response. There was no additional applicant response provided.
9. BOCC Decision. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to continue the Public Hearing on April 20, 2010 at 11:30 am. Motion carried unanimously.

Chairperson Starr closed the Public Hearing at 11:35 am and immediately reconvened the Board of County Commissioners Regular Meeting.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Swenson:

Gunnison Basin Sage-grouse Strategic Committee: Colorado Division of Wildlife was considering the State level endangered species listing of the Gunnison Sage-grouse. 123 other species were also recommended for consideration prohibiting the immediate consideration of the grouse.

Ranching Round Table: A discussion about ranching with local community leaders was held February 17, 2010. A smaller group was scheduled to meet again on March 3, 2010 to determine what activities could be planned. It was noted that many participants embrace the ranching community, yet have a minimal understanding about ranching practices and the business of ranching. Like in the Gunnison Chamber of Commerce, ranching economic information was scheduled to be provided in the Crested Butte and Mt. Crested Butte Chamber of Commerce.

Economic Group: A recent meeting was held with previous members of the futures group. Organizational goals and future strategies were topics to be discussed at an upcoming meeting.

Gunnison Valley Animal Welfare League: Sandy Guerrieri is working with the League to increase fund raising efforts. County staff is starting to work through planning process for a new facility. It was reported that the Paradise Animal Welfare Society (PAWS) from Crested Butte was participating in project planning conversations for the proposed Gunnison facility and that their Crested Butte project was on schedule for construction.

Chamber Board Meeting: Discussion about the Gunnison Valley Rural Transportation Authority (RTA) to visit with local business about marketing strategies commenced. The use of the monies generated and efforts for increased airplane reservations were topics thought to be included in the meetings. Discussion about scheduling meetings with the Board and the Tourism Association related to similar topics commenced.

Region 10: Enterprise zone funding investment opportunities grew with \$93 million dollars of funds kept in Gunnison County. With the advice of the organization, a local mining company discovered that they were able to use tax credits to upgrade their existing operations for very clean coal and opted to close a mine in another state.

Commissioner Swenson was called away from the meeting for a family emergency at 11:47 am.

Commissioner Channell:

Tobacco Prevention Meeting: A presentation by Gunnison High School seniors was reported. It included information collected from a survey about interactions with retailers, reported cigarette and chew alternatives, dissolvable tobacco and electronic style cigarettes. It was proposed by Commissioner Channell to use the term nicotine versus tobacco. Concerns were discussed how the industry is offering alternative methods of delivery of the drug. The public health concern was further discussed. It was reported that local High School usage numbers appear to be stable in the 18% range with other community demographic areas dropping to 14%. The Multicultural Center was circulating tobacco prevention materials and information. The problem of illegal sale to minors, but legal position was discussed.

El Pomar Event: A dinner was attended with fund raising efforts being donated to Public Health programs, the Jubilee House and other local entities. It was noted that the organizational strategy included regional distribution of monies, allowing smaller communities and larger metropolitan areas to share in the funding benefits.

Mt. Crested Butte Performing Arts Center: Commissioner Channell met with a consulting group that was hired by the Mt. Crested Butte performing arts group to perform a feasibility study for fund raising efforts and development of the estimated \$20 million dollar project.

Chairperson Starr:

Clark Project: The formation of a permanent board of directors and an advisory board for the project was planned. The organization had formally incorporated with the State of Colorado. The status of a recently submitted application for 501c3 status was pending. Gunnison County Housing Authority staff members were involved in the ongoing efforts, as well as several Housing Advisory Board members.

Gunnison Valley Rural Transportation Authority (RTA): Meetings were being scheduled with business owners for feedback on RTA services and a proposed tax funding increase. Concerns were expressed that the reduction in RTA funding for airline programs were affecting the overall success of the area. RTA service focus and challenges may need to be further explored.

Meeting with the Planning Commission: A meeting was held to cover planning strategies. PAWS was scheduled for an upcoming public hearing with the Planning Commission related to their proposed facility in Crested Butte. Gunnison County Electric Association (GCEA) was working with the Colorado Department of Transportation (CDOT) to assure adequate access to the facility. A lease agreement was anticipated and the modular units were in storage prepared for construction in the spring.

ADJOURN: Moved by Commissioner Channell, seconded by Chairperson Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:10 pm.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Ruth Dukeman, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk