

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 16, 2010**

The March 16, 2010 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:

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

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Starr called the meeting to order at 8:01 am.

AGENDA REVIEW: There were no changes to the agenda.

CONSENT AGENDA: Commissioner Channell requested that Consent Agenda Items #15 and #17 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Consent Agenda, excluding Items #15 and #17, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Memorandum of Understanding for Interpretive and Translation Services at the Gunnison Valley Hospital; 1/1/10 thru 12/31/10
2. Acknowledgment of County Manager Signature; Agreement; Professional Services Regarding Transportation of Seniors; Board of Trustees of Gunnison Valley Hospital on behalf of the Health Care Center; \$14,675; 1/1/10 thru 12/31/10
3. Acknowledgment of County Manager Signature; Letter of Agreement; Early Childhood Council Facilitation; Gini Bradley; 3/1/10 thru 7/31/10
4. Acknowledgment of County Manager Signature; Grant Application Submission; VOCA/VAWA
5. Acknowledgment of County Manager Approval to Submit; Grant Application; Caring for Colorado; \$51,768
6. 2010 Memorandum of Agreement; Cattlemen's Days, Inc.; \$10,000
7. Purchase of Service Agreement; Environmental Health Services; Montrose County Department of Health and Human Services; 3/1/10 thru 12/30/10
8. Resolution; Amendment to Resolution No. 09-46 Regarding In-Home Carbon Monoxide Detectors
9. Agreement for Services; Anita White; OMB A-87 Cost Plan Services
10. Project Management Plan; V5 RealWare Implementation; Assessor's Office Software
11. Provider Agreement; Marcie Telander; 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
12. Region 10 Area Agency on Aging Funding Application; Senior Resources Coordinator; 7/1/2010 thru 6/30/2011; \$25,000
13. Region 10 Area Agency on Aging Funding Application; Senior Transportation; 7/1/2010 thru 6/30/2011; \$10,000
14. Region 10 Area Agency on Aging Funding Application; Senior Homemaker Services; 7/1/2010 thru 6/30/2011; \$8,000
15. **Pulled for Discussion and Separate Action:** Contract Amendment #3; Colorado Department of Public Health and Environment; PSD-CFPI, FLA, 10-12795; Decrease in Family Planning Funding by \$26,870
16. Consulting Agreement; New Horizons Computer Learning Center of Denver, Inc.; Professional Services Regarding Microsoft Windows and Office 2007 Training; \$6,500
17. **Pulled for Discussion and Separate Action:** Amendment No. 9 to Colorado Department of Local Affairs Contract EIAF #5294; Gunnison County Impacted Roads and Bridges

CONSENT AGENDA ITEM #15: Commissioner Channell requested additional discussion about this item since it would reduce State revenue for Family Planning programming. The Board agreed that this reduction was unfortunate because the underserved and the unserved population would suffer from the lack of services. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #15 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #17: Commissioner Channell requested additional discussion about this item since there was no routing sheet. Assistant County Manager Crosby explained that this contract to extend the Road Impact Grant to 12/2010 arrived at the end of last week without sufficient time for routing. She explained that this amendment would only affect timing, nothing financial would be affected. She also explained that it needed to be mailed that evening with a letter from the Board granting authority to either County Manager Birnie or Assistant County Manager Crosby to sign these contracts in the future. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #17 and authorize signature of the Chairperson. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. North Valley Sewer Tap Fees. Assistant County Manager Crosby explained that some of the North Valley property owners have expressed concern related to paying the tap fees because home equity loans are now difficult to qualify for; as many as 10 property owners may be affected. She previously discussed a Region 10 Economic Development Loan with Airport Manager John DeVore in which the County could lien a property to collect the utility bill and the loan would be guaranteed by the County. Commissioner Swenson agreed to contact Region 10 Executive Director Paul Gray about this issue, while acknowledging that Region 10 may not be capable of loaning money at this time. Assistant County Manager Crosby agreed to follow-up with Steve Williams.
2. West Elk Byway Committee. Assistant County Manager Crosby informed the Board that she attended a conference call with the West Elk Byway Committee on 3/15/10 to discuss the timing for byway enhancement funding that would require an 80/20 match. The grant application is due 4/1/10. The committee requested a letter of support for establishing a website and updating the 15-year-old Corridor Master Plan. The committee is asking each county to commit up to \$5,000 for the grant match. Assistant County Manager Crosby felt that the letter of support could state that the County would consider the match funding during the budget cycle without a definite commitment. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to support the West Elk Byways Committee's Enhancement Grant Application for an update of the Corridor Master Plan and possible creation of a website and will consider a cash funding match during their 2011 budget deliberations, and that a commissioner will sign a letter of support. Motion carried unanimously.

CARBON POLICY TASK FORCE APPOINTMENTS: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to appoint the Carbon Task Force to include Don McLeod, Chris Menges, Cathie Pagano, Andris Zobs, John Sale, Steve Schechter, Richard Karas and Phillip Supino. Commissioner Channell noted that applicant Perry Anderson understood why he was likely not appointed. Commissioner Channell unsuccessfully attempted to contact applicant Alison Gannett regarding her application as he felt that the Task Force would not be able to benefit from her wealth of experience due to a busy travel schedule. The Task Force will be encouraged to invite outside experts as needed, so Ms. Gannett may be invited to attend meetings. Chairperson Starr felt that invitations should also be extended to Mr. Anderson and/or another member of the Lucky Jack Project. Motion carried unanimously. The Board stated appreciation for the interest shown as the chosen members are knowledgeable and highly technical. Commissioner Channell drafted an initial meeting agenda and asked for input from the Board.

BREAK: The meeting recessed from 8:32 until 8:50 am.

(Note: In order to meet a State of Colorado deadline, the Notice of Intent and Public Meeting; Antelope Hills Water Extension Project discussion below was excerpted, in its entirety, into a separate set of minutes adopted by the Board on 4/20/10. This Public Meeting was opened by Commissioner Starr at 8:48 am and closed at 9:47 am.)

NOTICE OF INTENT AND PUBLIC MEETING; ANTELOPE HILLS WATER EXTENSION PROJECT: Assistant County Manager Crosby, Assistant Finance Director Ben Cowan and engineer Terry Zurger were present for discussion along with many interested parties sitting in the audience.

Assistant County Manager Crosby confirmed that the meeting had been formally noticed in the newspaper. She explained that, within 60 days of submission of the application, this meeting must take place.

Assistant County Manager Crosby stated that the Antelope Hills area had been experiencing water issues for many years and that the Antelope Hills HOA had previously requested that the Board assist the HOA with evaluation of ways to resolve the water issues. The HOA had been working with the Colorado Department of Public Health and Environment (CDPHE) on a possible alternative system, but the system failed to meet requirements. State requirements and deadlines are associated with this project because the current system is noncompliant with regard to radon and excessive fluoride.

Assistant County Manager Crosby stated that County staff members had been evaluating the issue for potential solutions and funding sources. Terry Zurger was selected as the engineer to work with Jerry Green, another local engineer, on the documents that would need to be submitted to the State and to funding partners. All documents expected for discussion during the meeting would be pertinent to the preliminary engineering report, the environmental report, and all documents necessary for compliance with the project's schedule and either USDA or CDPHE funding, though she noted that USDA funding would be preferred since grant funding is generally available and since 40-year financing options would keep the project affordable for the residents.

Assistant County Manager Crosby confirmed that the environmental report included impacts to archaeological sites, flood plain issues, wildlife issues and impacts on growth rates. As required by the USDA, Assistant County Manager Crosby informed the group that the engineering report would go to the State USDA engineer and that the engineering report would include references to the environmental report, which must remain a stand-alone document. The environmental report would include responses from agencies such as the Division of Wildlife.

Assistant County Manager Crosby confirmed that the project would cross private-property lines and that the County has prepared the necessary correspondence.

Engineer Zurger presented the following highlights of the engineering report and invited questions from the Board. He requested that the Board keep in mind that USDA funding is for extension of existing facilities in order to supply water to the Antelope Hills Subdivision and is not intended to promote growth. The calculations include a 1% growth rate of 137 to 146 taps, not to exceed 30% of the existing taps.

1. The shortest route between the water tanks was evaluated and the local property owners were surveyed in order to select the proposed 18,000-foot route.
2. An informal rock survey was completed in order to find the area with the least amount of rock. The survey did not include blow counts or penetration rates. No specific rock types were identified during the survey. The survey will assist with estimating costs because of finding dirt, soft rock or hard rock; hard rock is more expensive per foot.
3. USDA evaluated a similar project and this project was determined to be at equal or less cost.
4. The HOA expressed a lot of concern about having a facility.
5. Cultural and wetlands surveys were completed with all necessary requirements; all requirements were found to be manageable. Gunnison Wildlife Conservation Coordinator Jim Cochran was consulted and confirmed that a final issuance could not be completed until the spring because of sage-grouse and prairie dog issues.
6. Two construction seasons would be preferable. December 11, 2011 is the completion deadline set by the State to be in full compliance.
7. All reasonable alternatives were evaluated and the proposed project made the most amount of sense. Taking no action would not be appropriate in this instance.

HOA representative Jim Greer informed the Board that there had been a lightning strike on the primary well. If the well is a loss, repairs could cost approximately \$80,000. Because of this new development, Mr. Greer stated his hope that this project could be complete within one season. Assistant County Manager Crosby stated that she was unaware of the lightning strike and agreed to include this information in the documentation that will be submitted to the State.

Engineer Zurger confirmed that the proposed project had been discussed with all large and small land owners, including the Bureau of Land Management. This project is within the three-mile planning area, which Engineer Zurger modeled the system to accommodate. The model includes fire flow using an 8" line through the most likely areas. The project, as proposed, is away from the main traffic patterns in order to avoid pavement and traffic.

Assistant County Manager Crosby stated that the alignment would provide the possibility to also serve the existing homes in Gunnison Heights with a total of five online and a potential for four more. The current well may be abandoned. Houses would be metered in the same manner as those in the Dos Rios subdivision.

Engineer Zurger stated that the pump station would be at the bottom by the water tank. This will tie into the line at the mobile home park and storage tanks will be used as fire suppression.

Commissioner Starr wondered if the Board should be considering the aspect of possible over-sizing. Assistant County Manager Crosby stated that any development of large parcels would have to be reviewed by the Community Development Department. She noted that the County would normally have easement-acquisition costs for some land owners and that the cost normally paid for the easements could be used toward the cost of upsizing.

Engineer Zurger stated his hope that the USDA will fund a 6" line, but acknowledged that it may end up being a 4" line. An 8" line does not appear to be fundable.

Assistant County Manager Crosby informed the Board that the total projected cost of \$1,600,000 included all expenses incurred to date. Assuming the lack of availability of grant funding, this would result in an estimated \$250 to \$275 cost per quarter to the residents. Mr. Greer noted that the residents are currently paying \$125 per quarter and that an increased cost would be a burden to the low-income homeowners, yet he acknowledged that the HOA was without choice. He noted that the HOA has had at least four public meetings on this subject and complimented County staff and Assistant County Manager Crosby for the work put into this project.

Commissioner Starr questioned whether or not a one-season construction was feasible. Engineer Zurger explained that it would depend on the size of the contractor that is selected. Mr. Greer thought that as many as three local excavators could bid jointly, and Assistant County Manager Crosby felt that the local contractors would need to work together to present the bid.

Commissioner Starr asked what measures had been taken to ensure that this is a local-bid project. Assistant County Manager Crosby explained that there is no local preference because of the use of Federal funds.

Assistant County Manager Crosby reminded the Board that the \$2.5 million dollar North Gunnison project included \$1 million in grant funding and \$1.5 million in loan funding. Since there is no census data for Antelope Hills, the County requested that this be tied to the City of Gunnison. Her efforts on the current project included supplying a lot of photo documentation of the highest and lowest appraised lot values in Antelope Hills, which she felt increased the possibility of receiving State funding.

Assistant County Manager Crosby stated that the USDA application was submitted on 1/19/2010. She noted that a site visit was requested for November, but that the State did not perform a site visit until 2/18/2010. At that time, the reviewer had not yet reviewed the project maps yet the reviewer assured her that the application packet had been received in Denver. She authorized the design engineering on 3/1/2010, which is not normally completed prior to funding. The Land Use Change application was submitted on 3/12/2010.

Assistant County Manager Crosby stated that she and Finance Director Linda Nienhueser had a telephone conversation with attorney Dee Wisor during the previous week to begin financing discussions. She noted that the BLM will adhere to road-closure dates, which may delay the start of construction until 7/1/2010. She agreed to remind the USDA about the tight timeline and felt that she may request that the Board support her urgency if she does not hear back from the USDA by the end of March 2010.

Mr. Greer stated that Assistant County Manager Crosby began working on the process immediately after the HOA was notified by the State of the subdivision's noncompliance. Assistant County Manager Crosby also thanked Engineer Zurger because he had been expediently working on the surveys.

Commissioner Starr requested an outlook regarding grant possibilities. Assistant County Manager Crosby explained that a great deal of ARRA funding would have to be committed by 9/30/2010. She also felt that the USDA would have regular funding available. A total of 60 applications are to be submitted to the USDA by 7/1/2010, so the County is ahead of that group.

Assistant County Manager Crosby stated that this project would create the Antelope Hills Water Division and that no property owners had expressed opposition to the project.

Commissioner Starr stated that the project appeared to be moving ahead in good fashion. Assistant County Manager Crosby agreed to keep the Board informed.

Commissioner Starr closed the Public Meeting at 9:47 am.

BREAK: The meeting recessed from 9:47 until 10:07 am for a short break and to call to order as the Gunnison County Board of Health (see minutes below).

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

CALL TO ORDER: Chairperson Starr called the meeting to order at 10:07 am.

ACKNOWLEDGMENT OF OFFICERS, PUBLIC HEALTH DIRECTOR AND COUNTY MEDICAL OFFICER: The Board acknowledged all of the positions. Those being Chairperson Jim Starr, Commissioner Hap Channell, Commissioner Paula Swenson, Public Health Director Carol Worrall and County Medical Officer Dr. John Tarr.

DESIGNATION OF 2010 MEETING AGENDA POSTING LOCATIONS: Moved by Commissioner Channell, seconded by Commissioner Swenson that the meeting agenda posting locations for the Gunnison County Board of Health be the same as they are for the Gunnison County Board of County Commissioners, with the addition of the posting bulletin board in the hallway across the hall from Public Health and the administrative meeting board at the hospital. Motion carried unanimously.

COMMUNITY HEALTH TOOL FROM GUNNISON VALLEY HEALTH SYSTEMS: Dr. Tarr explained that this self-administered assessment is being used to provide health assessments to individuals and provide feedback. He has facilitated a work group that includes representation from local community agencies to evaluate commercial online vendors of the assessment tool. Data is aggregated on a confidential basis to furnish data on population health statistics. By repeating the process, changes will be tracked.

Dr. Tarr presented the results of the most recent survey for County health statistics, as prepared by the University of Wisconsin. Gunnison County is ranked 9th in the Health Outcomes and Health Factors categories. Gunnison Valley Health funded the survey, at an approximate cost of \$60,000. The County scored poorly in the Physical Environment category as the number of local liquor stores per capita had to be factored into the report.

BRIEF OVERVIEW OF PUBLIC HEALTH IMPROVEMENT PLAN: Public Health Director Worrall explained that this document was recently released from the State. The Public Health Improvement Act requires creation of a Community Health Assessment and Local Public Health Improvement Plan. This is being addressed through the West Central Public Health Partnership and funded through the Colorado Trust.

Public Health Director Worrall explained that the State wants to create a systemic, statewide process to streamline the fiscal process and contracting. Senior Accountant Jane Wyman accepted Public Health Director Worrall's nomination to assist with the contract verbiage issues. Public Health Director Worrall opined that greater efficiency could free up to one-third of her staff members' time. She is also looking to improve her Public Health workforce through accreditation.

Public Health Director Worrall informed the Board that she is working with the regional community health assessment group. She is also working on agency capacity assessment issues involving core services assessments, staffing, funding, and systems improvement. All of these elements will be included within the local Public Health Improvement Plan.

COMMUNICATION PLAN UPDATE REGARDING THE COUNTY WEBSITE: Public Health Director Worrall stated that information was disseminated daily during the recent epidemic. Because of this, her staff requested authority to modify the County website themselves instead of assigning those duties to Administrative Services Manager Katherine Haase. She had planned to provide the necessary training to Public Health Nurse Liz Thurmond, but software licensing made this unfeasible. She agreed to continue to send these website modification requests to Administrative Services Supervisor Haase or Administrative Assistant Jon Mugglestone as they both have extensive knowledge of the software.

ADJOURN: Chairperson Starr adjourned the Gunnison County Board of Health at 10:45 am and immediately reconvened the Board of County Commissioners meeting.

VISITOR; OFFICE FOR RESOURCE EFFICIENCY (ORE) EXECUTIVE DIRECTOR ANDRIS ZOBS: Mr. Zobs presented the following information.

1. ORE 2009 Annual Report.
 - a. Carbon Tax Research. Commissioner Channell asked whether or not this project, as researched by Western State College students, would continue. Mr. Zobs stated that ORE offers a regular internship.
 - b. Woody Biomass. Commissioner Channell requested additional information relative to the projects. Mr. Zobs explained that Elk Mountain Lodge wants to use a pellet system and that the Town of Crested Butte has a wood-stove ordinance that would apply in this instance, which is a hurdle as emissions are a challenge of woody biomass operations. Western State College also has a project in the works. The Governor's Energy Office grants for woody biomass projects have been suspended until the Environmental Protection Agency settles the emissions issues.
2. 2010 Agreement Between the Office for Resource Efficiency and Gunnison County. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the agreement between the Office for Resource Efficiency and Gunnison County and authorize the Chairperson's signature. Motion carried unanimously.
3. Pitkin County Energy Financing. Mr. Zobs informed the Board that Pitkin County is evaluating a program to establish a line of credit to finance applications with eventual refinancing via a QECC bond when a sufficient number of applications had been submitted. Mr. Zobs wanted to know if similar discussions could be held in Gunnison County. Assuming SB 10-100 passes, Mr. Zobs felt that a multi-jurisdictional proposal would be available by the end of the summer. Chairperson Starr felt that the County should consider all options that would establish an energy-financing program as it would create jobs. Commissioner Swenson felt that the County should take a step back and wait for a staff recommendation during a work session. Mr. Zobs asked the Board if he should begin coordinating discussions with local banking institutions, and the Board requested that he work with County Manager Birnie and Assistant Finance Director Ben Cowan on this issue prior to scheduling a work session.

GUNNISON COUNTY ELECTIONS DEPARTMENT: Gunnison County Clerk and Recorder Stella Dominguez, Elections Technician Diane Folowell and Chief Deputy Clerk Kathy Simillion were present for discussion.

1. March 10, 2010 Public Meeting Comments. Gunnison County Clerk and Recorder Dominguez explained this Public Meeting was held to discuss the fact that the County can now use a mail-in

ballot for primary elections. Only one individual attended the meeting and no comments were received. Gunnison County Clerk and Recorder Dominguez confirmed that the Republican Party Chairperson is in favor of this change. Unaffiliated citizens can vote in the primaries as the Election Department mails to all unaffiliated voters to explain how to obtain a ballot. After approximately six years of inactive voting, the Elections Department reclassifies voters as inactive. This will save approximately \$17,560 over the cost of a polling place election, not including the cost of Elections Department staff time.

2. Resolution: Approving Mail Ballot for the August 10, 2010 Coordinated Election. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-07, a Resolution Approving Mail Ballot for the August 10, 2010 Coordinated Election and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 11:26 until 11:30 am.

UNSCHEDULED CITIZENS:

1. Edwin Foster. Mr. Foster addressed the Board by stating that jobs within the County are scarce as well as his opinion that the County needed a grand-scale project to employ a mass of people. He suggested that the Board investigate the possibility of powering with new turbines, which he felt could employ approximately 400 people. He asked about the possibility of Federal grants.
2. Edwin Foster. Mr. Foster suggested that the current economic downturn should prompt government to reduce services rather than cutting positions, just as private businesses would do. He asked for a freeze on capital projects with independent reviews. Asked the Board to consider what is happening with Correction Corporation of America's decision in Huerfano County to close the detention facility, which is the second highest employer in the county, causing the loss of approximately 180 full-time positions. CCA runs many jails around the State of Colorado and he felt that CCA should be kept at a distance from Gunnison County. The Board informed him that CCA would not be working with the new jail facility. He also questioned the need for many other local expenditures, such as the ice rink and new sheriff vehicles. He stated that the jail had been voted against twice, both the building and the expense of operating the facility. He felt that the citizens voted against financing all aspects of the new detention center.

COMMISSIONERS MEETING REPORTS:

Commissioner Swenson:

1. Economic Group Meeting. Commissioner Swenson attended this meeting along with representatives from the City of Gunnison, the Town of Crested Butte, Gunnison County, the Tourism Association and other local leaders. There have been good discussions, including the need to market the amenities and benefits of living in the local area.

Commissioner Channell:

1. 2010 Census. He got the impression at Colorado Counties, Inc. that a lot of communities are actively marketing the census. He questioned the need for the County to do the same. Chairperson Starr stated that he had penned a letter that will be in next week's newspaper. Commissioner Swenson felt that one or all of the commissioners should broadcast the importance of the census on the local radio airwaves. Commissioner Channell will check to see if WSC students are filling them out.
2. Gunnison County Substance Abuse Prevention Project. Commissioner Channell felt that the energy within the group is good with 19 attendees at the last meeting representing various local agencies. WSC has a new program to raise awareness of alcohol abuse. Other programs are being implemented for school children.
3. Conservation District Banquet. Commissioner Channell and Chairperson Starr attended this banquet and noted that several references were made during the event relative to the appreciation for County support.
4. Nursing Home Willows Master Planning Interviews. Commissioner Channell attended these interviews. Thoughts about duplexes or cottages were discussed for assisted living purposes. He felt it made sense as long as it is an affordable option for residents.

Chairperson Starr:

1. Colorado Legal Services. Chairperson Starr informed the Board that there will no longer be an office in Gunnison as the budget for this service was cut at the Federal and State levels. Potential clients will continue to call the toll-free number. Participation by local attorneys appears to be at a high level.
2. Mayors/Managers. Chairperson Starr provided the following updates received at the recent meeting.
 - a. Library District. Attendance was up 12% in 2009 for a total of 133,000 visitors.
 - b. Pitkin County. All council members were reelected.
 - c. Crested Butte Mountain Resort. They are waiting for USDA Forest Service Supervisor Charlie Richmond's appeal decision, skier days have declined, and \$800,000 will be allocated in the 2010 capital budget.

- d. City of Gunnison. A couple of Gunnison High School students built a park-n-ride station, solar is now working at the aquatic center, January sales tax was down 11%, the automated trash system has been implemented, and a downtown traffic analysis is being completed. City Manager Ken Coleman confirmed his support of moving the Communications Center to the new jail facility.
 - e. RE1J School District. State impacts to the budget will be known on 3/20/10, Crested Butte and Gunnison school calendars will be synchronized, 20% of the existing building retrofits will be done this summer, and the Gunnison Valley School will relocate this month.
 - f. Mt. Crested Butte. January sales tax was down 22%, wedding businesses remain stable and hopeful, \$2,400,000 in road work will be completed in 2010, Arts Center operating costs are being evaluated, and there will not be an election since there are only four applicants for the four positions.
 - g. Upper Gunnison River Water Conservation District. This will be a moderately dry year if the projections hold, Blue Mesa Reservoir will be at 76% capacity in July, Lake Powell is currently at 57% of capacity, and selenium has been detected at 17% in the Gunnison River while only 4.6% is allowed.
3. Crested Butte Animal Shelter Facility. The Planning Commission has conditionally approved the Paradise Animal Welfare Society's application. Relevant agreements will need to be finalized before construction begins this summer.

BREAK: The meeting recessed from 12:13 until 1:04 pm for lunch, and then again from 1:04 until 1:12 pm in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

RECONVENE: Chairperson Starr called the Board of County Commissioners meeting back to order at 1:12 pm.

BOUNDARY LINE ADJUSTMENT; DAVID SMITH; LOT 2, BLOCK 4, ARROWHEAD IN GUNNISON COUNTY: Assistant Community Development Director Neal Starkebaum was present for discussion.

Assistant Community Development Director Starkebaum presented the boundary line adjustment request for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the boundary line adjustment for David Smith for Lot 2, Block 4, Arrowhead in Gunnison. Motion carried unanimously.

BREAK: The meeting recessed from 1:14 until 1:23 pm.

RESOLUTION #2008-64; DETERMINATION OF REMITTANCE USE OPTIONS: Finance Director Linda Nienhueser was present for discussion.

Assistant County Manager Crosby suggested that the Board hold off on a decision until she has had sufficient time to evaluate a possible right-of-way easement issue to spend the funding on. Finance Director Nienhueser said that the funds are in a deposit account accumulating interest. The Board agreed to table the discussion until 4/6/10.

RIGHT-OF-WAY ACQUISITION; TAYLOR RIVER ROAD PROJECT; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and Special Projects Foreman Jim Kint were present for discussion.

Assistant County Manager Crosby requested an executive session and County Attorney Baumgarten agreed since he wanted to instruct the Board on negotiation. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to go into executive session with County Attorney Baumgarten, Jim Kint, Assistant County Manager Crosby and the three members of the Board. Motion carried unanimously.

The board went into executive session at 1:33 pm. *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)(b)(e).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), 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(4), 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: _____

 Jim Starr, Chairperson
 Gunnison County Board of Commissioners

The Board came out of executive session at 2:05 pm. Chairperson Starr 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 stated that the subject matter included instructions to negotiators and an explanation of the legal impacts of some of those negotiations.

RANCHLAND INITIATIVE LAND USE PROCESS; PUBLIC INPUT: County Attorney Baumgarten, Gunnison Wildlife Conservation Coordinator Jim Cochran, Community Development Department Director Joanne Williams, Assistant Community Development Director Starkebaum, Geographic Information Services Manager Mike Pelletier and Planning Commissioners Rich Karas and Ramon Reed were present for discussion.

Geographic Information Services Manager Pelletier explained that he had been directed to obtain input after the last meeting. He met with the Planning Commission and a group of large-land owners. He provided a memorandum that addressed the issues that were raised along with the Ranchland Initiative team's response to those issues. He also provided a response to the Planning Commission.

Issues Raised:

1. Ability to Nullify Step 2 Approval. Large-parcel land owners requested that the process be changed to allow the approval of Step 2 to become void at the request of the landowner prior to submittal of Step 3. Opting out would nullify the work put into creation of the plat. County Attorney Baumgarten did not feel that the discussion was unanimous on either end, while also not addressing the County's ability to skip Step 2. Community Development Department Director Williams said that "perpetual" had not been defined. Chairperson Starr felt that the question of viability at a future date needed discussion and County Attorney Baumgarten felt that the landowner should have the ability to determine viability. There was a great deal of discussion related to the options and the possible benefits and negatives. The Planning Commission opposed the entire plan.

Citizen Lee Spann stated his impression that the County is in the process of removing the incentive to landowners to take part in the program. He also felt that economics of the land must be considered, both current and potential future. Chairperson Starr felt that additional density might be an additional incentive.

Commissioner Swenson liked being able to opt out between Step 2 and Step 3, as long as it was mutually agreed upon between the landowner and the County.

Commissioner Channell felt that the downside of a mutual agreement would be that it would allow veto power, though he still leaned toward some type of mutual agreement scenario.

Gunnison Wildlife Conservation Coordinator Cochran felt that the incentive would be removed if there were a mutual agreement requirement. Commissioner Channell wondered about the effect of a time threshold.

Natural Resources Conservation Service (NRCS) District Conservationist John Scott asked how much money would be involved and Geographic Information Services Manager Pelletier explained that there were no hard costs and that it would depend on the size of the project. He estimated that there would be approximately two weeks of staff time involved, which County Attorney Baumgarten estimated to be between \$10,000 and \$20,000. NRCS District Conservationist Scott proposed having the landowner pay the cost of staff time if opting out. He also felt that the County should revisit with the landowners every 10 years or so to see if the plan is changing due to a change in circumstances. Chairperson Starr felt that the cost could be closer to \$50,000.

County Attorney Baumgarten preferred that there not be an opt-out opportunity since the landowner has the incentive of not incurring engineering costs until Step 3.

Geographic Information Services Manager Pelletier felt that a good compromise was having a minimum timeframe before being able to opt out. Commissioner Swenson also found this suggestion worth further discussion while Commissioner Channell wondered if there should be a standard for opting out. Mr. Spann felt that the value to the County of the open space should be worth the administrative costs.

County Attorney Baumgarten felt that an option should be crafted that is agreeable with the landowners for Board approval. He felt the option should include a minimum number of years, that it has to be initiated by the landowner, and that it must be agreeable with the Board.

2. Density. The current proposal is one per 35 acres. The group discussed using LUR locational standards to justify higher than one per 35 on a property. The Ranchland Initiative team struggled to create a density bonus.

Citizen Sandy Guerrerri felt that it would be an incentive to move the development toward population centers and receive more density.

Commissioner Channell stated that in transferring density, "proximity" would need to be defined. Commissioner Swenson felt that all variables would have to be evaluated on a case-by-case basis.

Mr. Spann stated that the high-dollar values of land are not near service centers. For a landowner, it doesn't make sense financially to trade density to an urban area.

Geographic Information Services Manager Pelletier felt it was important to leave the option open to transfer density in the event that it makes sense in an instance.

3. Length of Document. The Ranchland Initiative team will work to shorten the document.
4. Management Plan. Some landowners are adverse to the term "management plan"; the Ranchland Initiative team will work to make appropriate changes to the document and suggested modifying this to "monitoring plan". The group will talk about a mechanism to find a way for properties to be protected in the interim, possibly via a third-party holder of the conservation easement who would mandate a management plan. Methods and details of monitoring will need to be defined. Mr. Spann felt this was another example of taking incentive away. NRCS District Conservationist Scott felt that the current landowners' actions could be the management plan.

Planning Commissioner Karas asked that County Attorney Baumgarten speak to water rights since maintaining the agricultural status will require water. County Attorney Baumgarten stated that there are lands that are irrigated enough and that the intent of this process is to maintain the historic irrigation levels of use. Each individual case would then need to be evaluated for specific language based on historic usage.

5. Agricultural Viability. Some feel that this term is vague; the Ranchland Initiative team will work on this definition. Commissioner Channell felt that the Assessor's Office land designation criteria might be able to be utilized on this issue. County Attorney Baumgarten felt that we should start with the definition of agricultural land that is used in the LUR. Planning Commissioner Reed felt that we should start with the LUR definition as well.
6. Minimum Project Size. The current minimum size is 70 acres, but many think that this is too small. Others feel that size was less important than land quality. The Ranchland Initiative team suggested keeping this at 70 acres. Gunnison Wildlife Conservation Coordinator Cochran reminded all parties that there is a distinction between viable agricultural land and viable ranching land. The Ranchland Initiative team would review the applications, but Community Development Department Director Williams didn't feel that this was appropriate without a basis on how applications are evaluated. A member of the audience agreed with her by stating that the absence of criteria could give the perception of improper behavior. Geographic Information Services Manager Pelletier felt that basic criteria could be agreed upon.

This discussion was continued to 4/8/10.

HOMELESS FACILITY INITIATIVE; POSSIBLE EXECUTIVE SESSION: Gunnison County Housing Authority Executive Director KT Gazunis, County Attorney Baumgarten, and Mario's Pizzeria former owners Mark and Karen Higgins were present for discussion.

Commissioner Swenson explained that Ms. Higgins is working to assist vulnerable and homeless people within our community. Gunnison County Housing Authority Executive Director Gazunis had also been working on some ideas.

Gunnison County Housing Authority Executive Director Gazunis explained that this initiative would relate to transitional family homelessness, not chronic homelessness. The Department of Health and Human Services has vouchers and funds to help on a temporary basis. She called the State Division of Housing and they said they have grants to help with purchasing facilities to be run by a non-profit entity. The program would specify the length of time that people were allowed to remain in the dwellings. The Housing Authority's role would be as property owner and landlord.

Ms. Higgins stated that she had received a lot of requests over the past many months for assistance for rent and utilities. Many of those in need are Hispanic families comprised of illegal alien parents and legal children. She provides programs to help people get out of the system via resume assistance and such.

Gunnison County Housing Authority Executive Director Gazunis stated that a local church had given out \$75,000 in housing assistance by August of 2009. She wants to look at grant opportunities to purchase properties and has a couple of possible properties in mind. She would first need to hire an inspector to determine how much it would cost to make the dwelling(s) compliant with City of Gunnison standards using local contractors. She requested an executive session to discuss the purchase of real property and give instruction to negotiators. County Attorney Baumgarten explained that this type of session would need to be digitally recorded. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to go into executive session for the purpose of discussing the potential acquisition of real property and giving instruction to our negotiators, and that the session would include the three commissioners, the Assistant County Manager, County Attorney David Baumgarten, Gunnison County Housing Authority Executive Director KT Gazunis, and Mark and Karen Higgins.

The board went into executive session at 4:22 pm. *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).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), 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 none of the discussion during the executive session constituted a privileged attorney-client communication, a record of the executive session was required to be kept and such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), 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: _____

Jim Starr, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 4:42 pm. Chairperson Starr 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.

REQUEST FOR LETTER OF SUPPORT; COCHETOPA TOWERS; GRANT APPLICATION FOR CONSTRUCTION OF COMMUNICATION TOWERS: Planning Commissioner Karas was present for discussion. Commissioner Swenson recused herself due to a potential conflict of interest and left the room for the remainder of the discussion.

Planning Commissioner Karas informed the Board that the Planning Commission approved the Land Use Change. The tower in Gunnison County is located such that it gives coverage in the canyon and toward the City of Gunnison. Towers are visible for a short stretch from the highway. Sage grouse issues were difficult to work through, yet Gunnison Wildlife Conservation Coordinator Cochran agreed with the proposal. This is solar powered, eliminating concerns about raptor perching.

The letter of support is due on 3/18/10. **Moved** by Commissioner Channell, seconded by Chairperson Starr to approve the yet-to-be-written support letter for the grant application regarding ARRA funds in support of Cochetopa Towers and authorize signatures. Motion carried. Commissioner Swenson did not take part in the discussion and vote due to recusal.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:51 pm.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2010-07**

A RESOLUTION APPROVING MAIL BALLOT FOR THE AUGUST 10, 2010, COORDINATED ELECTION

WHEREAS, the Board of County Commissioners of the County of Gunnison, State of Colorado (hereinafter "The Board"), pursuant to Article 7.5, Section 104, of Title 1 of the Colorado Revised Statutes, has the authority to decide whether to conduct a Primary Election by mail ballot; and

WHEREAS, a Mail Ballot election is more cost effective than a Polling Place election; and

WHEREAS, a Primary Election could be cancelled under certain circumstances pursuant to Article 4, Section 104 of Title 1 of the Colorado Revised Statutes; and

WHEREAS, Gunnison County Clerk and Recorder Stella Dominguez has held a Public Hearing as required pursuant to Article 7.5, Section 105(1.5)(b) and Rule 12 of the Secretary of State Election Rules; and

WHEREAS, Gunnison County Clerk and Recorder Stella Dominguez has made a recommendation to the Board that this 2010 Primary Election should be by a Mail Ballot Election; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado;

THAT the August 10, 2010 Primary Election shall be conducted as a Mail Ballot Election, pursuant to Article 7.5 of Title 1 of the Colorado Revised Statutes; AND

THAT the County's Designated Election Official for such election will be Stella Dominguez, Gunnison County Clerk and Recorder.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 16th day of March, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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