

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 18, 2010**

The May 18, 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 1:53 pm.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the March 16, 2010 Regular Meeting minutes. Motion carried unanimously. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the minutes of the Special Meeting of March 30, 2010. Motion carried unanimously. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes of April 20, 2010. Motion carried unanimously. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the minutes for the Special Meeting of April 27, 2010. Motion carried unanimously. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the minutes of the Regular Meeting on May 4, 2010. Motion carried unanimously. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Special Meeting minutes for May 5, 2010. Motion carried unanimously.

CONSENT AGENDA: Moved by Commissioner Channell, seconded by Commissioner Swenson to approve the Consent Agenda. Motion carried unanimously. Commissioner Channell thanked staff for the continued use of the agenda routing form.

1. Acknowledgment of County Manager Signature; Grant Application Submission; Community Foundation of the Gunnison Valley; \$6,000
2. Acknowledgment of County Manager Signature; CSBG ARRA Contract Amendment; State of Colorado, Department of Local Affairs
3. Acknowledgment of County Manager Signature; Business Certification; Governor's Energy Office Grant Application; 4.1 kW Photovoltaic System for Housing Authority Building; \$25,000
4. Acknowledgment of County Manager Signature; Purchase Order; Health and Human Services Department; Tuberculosis Program Community Services Provided; \$4,400
5. Acknowledgment of County Manager Signature; Grant Application; Gunnison Valley Bright Beginnings Funding; \$4,400
6. Ratification of Correspondence; Letter of Support; Western State College of Colorado Woody Biomass Boiler System; NEED Program; Governor's Energy Office
7. Approved Task Order Contract – Waiver #154; Routing No. 11 FLA 16395; Colorado Department of Public Health and Environment, Prevention Services Division; \$75,711
8. Amendment for Task Orders #4; Colorado Department of Public Health and Environment PSD-CFPI, FLA, Contract Routing #11-15891; 6/30/10 thru 6/30/11; \$58,274
9. Lease Agreement; Gunnison County and Xerox; Replacement Copy Machine and Printer
10. Grant Fund Request; Gunnison County Department of Health and Human Services; \$11,906
11. Provider Agreement; Gunnison County and Healthy Smiles Dental Hygiene Care, Inc.; Professional Services Regarding Dental Hygiene Care Consistent with the Scope of Work in the Health Integration Grant Funded by the Colorado Trust Foundation
12. Colorado Department of Public Health and Environment, PSD-STEPP, FLA, Contract Routing Number 11-12562; Amendment for Task Orders #2; Increase of \$8,915
13. Resolution; Establishing a Travel Policy and Setting a Mileage Rate

PUBLIC WORKS AND JAIL PROJECTS; SCHEMATIC DESIGN PRESENTATION: Project One Integrated Services Senior Project Manager Mike Mismash, AECOMM representatives Andy Cupples and Dave Voda, Blythe Group Principal Roy Blythe and Director of Architecture Mike Archbold, Maintenance Design Group Senior Project Manager Steve Silkworth, Sheriff Rick Murdie, Undersheriff Rick Besecker, Assistant County Manager Marlene Crosby, Fleet Manager Lee Partch and County Attorney David Baumgarten were present for discussion.

Mr. Mismash informed the Board that the jail design had been refined since the last presentation. There will be a mandatory meeting on 5/19/10 for the six Construction Managers / General Contractors on the shortlist.

Mr. Cupples informed the Board that the jail facility would be pushed north on the lot to the farthest extent possible to allow for parking at the southern end. He gave an update on the interior design and noted that it was designed to focus on the ease of operation with as little jail staff as possible.

Mr. Cupples showed elevation drawings of each side of the jail facility and confirmed that the design did not exceed the 35-foot height limit. The facility will be constructed using simple steel framing.

Chairperson Starr questioned whether or not it was appropriate for the Emergency Operations Center to be located within the jail facility. County Manager Birnie felt that it would make sense because all appropriate personnel would be located within the building.

Mr. Silkworth gave a short presentation on the design of the public works facility. Lot 1 is approximately 15.8 acres in size and Lot 8 is approximately 4.6 acres in size. The recycling center operations will be located on Lot 8; functions such as administration, engineering and vehicle maintenance will be located on Lot 1. Mr. Archbold showed elevation drawings of each side of main building at the complex.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Annual Visit to Rocky Mountain Biological Laboratory. This was scheduled for 7/12/10 from 2:00 until 5:00 pm.
2. Annual Visit to Marble and Somerset Area. This was scheduled for 8/26/10.

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

1. Mt. CB Law Enforcement Contract Extension. This contract has been signed by Mt. Crested Butte and should be available for Board consideration soon.
2. DOLA Direct Distribution of Factor Weights. County Manager Birnie informed the Board that a response is due on 5/21/10 and, although he does not feel as though it will change anything, he would like to submit a response stating that the County would like to see the proposal considered differently.
3. Capital Projects Website. County Manager Birnie explained that The Blythe Group had activated the website, but that the public portion had not yet been completed. He will ensure that the Board has access to the active website.

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

1. North Valley Sewer Update. Assistant County Manager Crosby informed the Board that representatives from the Colorado Water and Power Authority and the Colorado Department of Public Health and Environment were scheduled to inspect the project on 5/19/10. The system has been tested and is ready for operation. Region 10 will not be able to provide financial assistance to the residents.

BUCKHORN RANCH, FILING 2B; UPDATE; POSSIBLE ACTION; ISSUANCE OF NOTICE OF DEFAULT; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten, Gunnison County Housing Authority Executive Director KT Gazunis, Assistant Public Works Director Allen Moores, Paralegal Rachel Magruder, property developer Dr. Richard Landy and property owner Grant Bremer were present for discussion.

County Attorney Baumgarten stated that his office identified all work remaining to be completed at Buckhorn Ranch, not at Stallion Park. The HOA agreed with the assessment. The Ninth Addendum was drafted with completion dates for remaining elements; however, Dr. Landy has refused to sign the agreement. County Attorney Baumgarten confirmed that Dr. Landy had approached him earlier in the day with contractual information related to some of the outstanding requirements. County Attorney Baumgarten recommended that the Board authorize him to proceed with pulling security in order to get the improvements completed if Dr. Landy does not execute the addendum within the next 72 hours.

Property owner Grant Bremer informed the Board that his water line in the road froze again this past winter, causing a financial burden on his family. While his pipes are now insulated, he expressed that other homeowners may experience issues with non-insulated pipes. County Attorney Baumgarten explained that the water line is the responsibility of the Water and Sanitation District. Dr. Landy did not feel that this was a problem since his engineer is aware of and managing the issue.

Dr. Landy stated that he did not sign the addendum because he felt that the portion related to the ball field does not involve the County.

Moved by Commissioner Swenson, seconded by Commissioner Channell that Dr. Landy deliver to us (the County) an executed Ninth Addendum to the Buckhorn Improvements Agreement for Buckhorn Ranch, Filing 2B with executed contracts making the County a third party beneficiary within 72 hours; and if he does so, the Chairperson has the authority to sign the document. Failing to do so, we direct the County Attorney's Office to take all appropriate steps including a Letter of Default to take money from the security to accomplish those tasks to those specifications. Motion carried unanimously.

LOT CLUSTER APPLICATION; LOTS 1, 2, 3, 19, 20 AND 21, BLOCK 3, MARBLE SKI AREA, FILING NO. 5; BORDERED BY LOT 1, BLOCK 4 AND LOT 1, BLOCK 3, MARBLE SKI AREA FILING NO. 5; AUSTIN R. BROOKS: Planning Services Manager Beth Baker and County Attorney Baumgarten were present for discussion. County Attorney Baumgarten recommended pulling this from the agenda because some of the necessary documents were not ready for Board approval. This discussion was rescheduled to 6/1/10.

BREAK: The meeting recessed from 4:09 until 4:15 pm.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Warrant Report dated May 18, 2010 and the Cash Transfer Authorization dated April 2010 for discussion and approval. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the warrants through April 20, 2010 in the amount of \$1,012,459.18. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the cash transfer for April 2010 in the amount of \$1,766,582.87. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the April 2010 Treasurer's Monthly Report for discussion and acceptance. The report was not ready for acceptance, so the discussion was rescheduled.

RESOLUTION; APPOINTING MEMBERS TO GUNNISON COUNTY BOARDS AND COMMISSIONS: County Attorney Baumgarten was present for discussion.

Modifications to the drafted resolution format were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to use the amended document format as a template each and every time a board or committee appointment is made. Motion carried unanimously.

WATER WATER RIGHTS (HARTMAN #1, HARTMAN #2, GUNNISON COUNTY MUNICIPAL PIPELINE); AUTHORITY TO ENGAGE OUTSIDE COUNSEL; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and Assistant County Manager Crosby were present for discussion.

County Attorney Baumgarten referred the Board to the details in his email correspondence to the Board on 5/14/10 and requested authority to engage outside legal counsel and an engineer to manage the issues regarding the Hartman #1 and #2 ditches and the Gunnison County municipal pipeline. He recommended three individuals with whom he has had experience. He could not provide any cost estimates during the meeting. The Board agreed to allow County Attorney Baumgarten to proceed.

UNSCHEDULED CITIZENS:

1. Nancy Essex; Coalition for Lifts on Snodgrass. Ms. Essex requested that the Board submit correspondence encouraging Forest Service Chief Tom Tidwell to review the decision made by the Forest Service regarding its decision related to lift-served skiing on Snodgrass Mountain. She based her request on her opinion that the process had not been conducted fairly. The Board agreed to remain neutral and scheduled a Special Meeting for 8:00 am 5/20/10 to discuss the option of submitting formal correspondence. County Attorney Baumgarten suggested that legal advice be given during an executive session, but the Board decided not to go into executive session since the topic had not been publicly noticed.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. The meeting adjourned at 5:26 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. 2010-16**

**A RESOLUTION ESTABLISHING A TRAVEL POLICY
AND SETTING A MILEAGE RATE**

WHEREAS, C.R.S. 30-11-107(1)(t) authorizes the Board of County Commissioners of Gunnison County, Colorado to set, by resolution, mileage for all county officers, employees, and agents in an amount not less than twenty cents per mile nor more than a rate equal to the standard mileage rate allowed pursuant to 26 U.S.C., sec. 162, as amended, and regulations promulgated thereunder, for each mile actually and necessarily traveled while on official county business; and

WHEREAS, C.R.S. 30-2-103 authorizes the Board of County Commissioners to determine, by resolution, actual and necessary maintenance expenses for county commissioners, together with such mileage as determined by the Board, when engaged in business on behalf of Gunnison County; and

WHEREAS, the Board, on February 23, 2000 adopted, by motion, Policy Statement No. 002; a copy of which is attached hereto and incorporated herein; and

WHEREAS, the Board intends to adopt Policy Statement No. 002 by resolution;

NOW THEREFORE, the Board of County Commissioners of Gunnison County, Colorado formally adopts, by this Resolution, Policy Statement No. 002.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 18th day of May, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

Policy Statement No. 002
Adopted by the Board of County Commissioners on February 23, 2000

Travel Policy

Gunnison County's policy is to reimburse employees for meal, travel and lodging expenses incurred in the performance of official business. If a department has special circumstances not addressed in these policies, the elected official or department head needs to submit the unusual circumstances in writing to the County Manager for approval.

Meals

Modestly priced meals will be reimbursed when travel-related, at a per diem of \$36 per day or less if the department head makes a determination that receipts for actual cost will be required. Travel-related meals without receipt will be reimbursed for partial days at \$8.00 for breakfast, \$10.00 for lunch and \$18.00 for dinner including tip.

(Exceptions will be made for high cost areas as long as approval is obtained *in advance* from the County Manager)

Lodging

The actual cost of a hotel or motel room (single occupancy) will be reimbursed when incurred in the course of official county-related business travel. Employees are requested to obtain a County warrant for payment of hotel rooms accompanied by a County tax exemption certificate or a credit card can be used if the business will accept the tax exemption certificate, in order to avoid paying sales and/or lodging taxes. The tax exemption certificate can be obtained from the Finance Department.

Transportation

Personal Vehicle

County employees will be reimbursed for use of their personal vehicles for official, documented county business at the current approved IRS rate. Such documentation shall include the date, location, mileage and purpose of the business travel.

Public Transportation

Reasonable commercial ground, air and rental transportation costs will be reimbursed for official travel between airports, hotels, conferences or meeting places. Receipts must be provided.

Vehicle Rental

Costs for rental car for County-related business will be paid by the County as an alternative to the use of personal vehicles or public transportation.

Airfare

The County will pay airfare costs for County-related business. Employers making travel reservations should take care to seek the lowest possible fares by making advance reservations whenever possible. If the employee chooses to travel by car when the employee can fly for less, only the lesser-cost figure will be reimbursed. Lodging and meal costs incurred during travel by car will not be reimbursed unless these costs, along with mileage, are less than airfare plus ground travel at the destination.

Out of State Travel

The County Manager and the Board of County Commissioners must approve all out of state travel prior to occurrence. The department head should submit the purpose of the travel, total cost and benefit to the County. ELECTED OFFICIALS AND THEIR STAFFS ARE EXEMPTED FROM THIS REQUIREMENT as long as adequate travel funds are available as approved during the budget process and the out of state travel for staff is approved by the appropriate elected official.

Registration Fees

Reimbursement will be made for registration fees for conferences or meetings and training classes related to the employee's official duties with the approval of the department head or elected official.

Requests for Reimbursement

All requests for reimbursement pursuant to this policy must be made on appropriate form with essential documentation and signed by the department head or elected official. Expense forms may be obtained from the Finance Department.

Advances

Estimated travel related expenses may be requested in advance with the approval of the department head or elected official using appropriate forms.