

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
May 20, 2010**

The May 20, 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 - ABSENT
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Starr called the meeting to order at 8:04 am. County Attorney David Baumgarten was present for discussion.

Chairperson Starr explained that the purpose for the meeting was to consider the Coalition for Lifts on Snodgrass' (CLS) request to send correspondence to US Forest Service Chief Tom Tidwell asking him to review the decisions made by Forest Supervisor Charlie Richmond and Deputy Regional Forester Jim Peña relative to Crested Butte Mountain Resort's (CBMR) application for lift-served skiing on Snodgrass Mountain.

Commissioner Channell stated that the Board had taken the position that formal requests will receive formal responses as a courtesy. He thanked all persons for the input, regardless of which side of the issue they were in support of. He felt that the circumstances had not changed for the Board since the first request to submit correspondence to Mr. Richmond and, because of this, the Board must remain neutral on the issue because of the Board's quasi-judicial capacity. The requirements are specific and mandate that the Board not form a position on an issue if it may be asked to perform judicially. He also acknowledged that there has been disagreement on the issue, even among legal minds, regarding whether or not the Board should remain neutral.

Commissioner Swenson reminded the audience that the Board previously sent correspondence to Mr. Richmond clarifying the Board's neutrality prior to his decision, and then again prior to Mr. Pena's decision. She felt that the Board should send a letter to Chief Tidwell, again clarifying neutrality, so that the absence of correspondence is not perceived inappropriately.

Chairperson Starr stated that evaluation of the request came down to respecting the integrity of the process since the Board may end up performing in a regulatory capacity. Since no details had changed since the last time the Board was asked to weigh in on the issue, he agreed that the Board should remain neutral. He stated his hope that the community will remain civil on the issue while maintaining unity on other important issues within the community.

Ms. Mindy Sturm felt that the Board's neutrality appeared negative. She expressed concern that, if the process were not supported, CBMR could close or greatly decrease operations.

Mr. Steve Schechter felt that the Board should remain neutral. He also felt that CBMR's ski lift ticket prices are not affordable to local citizens.

Ms. Nancy Essex, CLS Chairperson, stated that the CLS was not requesting the Board to abandon neutrality; however, she felt that neutrality was perceived by the Friends of Snodgrass to mean that the Board believes in Mr. Richmond's decision. She clarified that the CLS would like the Board to submit correspondence to Chief Tidwell asking him to review the case based on a great deal of public concern that the process may not have been followed correctly. She provided draft correspondence for Board consideration and noted that Chief Tidwell would not have access to the previously submitted Board correspondence unless he opts to review the matter.

Ms. Kiki Dotzler acknowledged that there are two sides of this issue. She felt though, regardless of what citizens would like, that Snodgrass Mountain is not suitable for ski lifts due to many ecological concerns.

Mr. Jim Sharpe quoted an economic study performed by the Center for Applied Research by stating that the proposed expansion onto Snodgrass Mountain would result in less than a 1% increase in the local economy.

Mr. Jeremy Rubingh agreed with Mr. Schechter's comments and felt that CBMR would increase the support from the community if CBMR's marketing team would create pricing suitable for local citizens. Lastly, he stated his support of all prior Board statements on this issue.

Mr. Gary Rainwater stated that he had spoken with Mr. Richmond about this issue and that Mr. Richmond felt as though the Board had expressed an opinion.

Mr. Richard Carter felt that there had not been sufficient opportunities for public opinion to be heard. He felt that the Board could remain neutral while also expressing that public comment is necessary.

Mr. Michael Kraatz requested that any correspondence maintain neutrality while asking Chief Tidwell to look at the process that was followed.

Mr. Gary Dotzler commended the Board for maintaining neutrality. He did not feel that another letter was necessary.

Ms. Mindy Costanzo felt that citizens need to recognize where the local tax base is as a large portion of local taxes paid comes from local tourism.

Ms. Sue Navy felt that all previous decisions reached in this issue are valid. She stated her support of keeping Snodgrass lift free. She also felt the community should stop arguing and proceed with marketing the positive aspects of the community.

Ms. Glo Cunningham agreed with Board's neutral position and stated that citizens have had many years to provide input.

Mr. Chris Kopf felt that expansion onto Snodgrass Mountain would be a huge component of local tourism.

Ms. Darcy Gillespie felt that neutrality could be misconstrued.

Commissioner Channell stated his agreement with sending correspondence to restate the Board's neutral position. He read aloud Ms. Essex's draft correspondence with proposed edits.

Commissioner Swenson and Chairperson Starr felt that it was important to clarify the Board's neutrality because Chief Tidwell will not see the Board's previous letters unless he chooses to review the case. They agreed to the content of the correspondence and the proposed modifications.

Commissioner Channell noted that the components of the draft letter included the application, that it is Chief Tidwell's decision whether or not to review the issue, it reaffirms the Board's neutrality based on a potential quasi-judicial capacity, it acknowledges the history of the paper trail, it avoids asking Chief Tidwell to review or to not review the case, and it recognizes the discrepancy in community opinion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to send a letter to Chief Tidwell with those components and that we direct staff to ensure that Chief Tidwell receives this letter today. Chairperson Starr asked that citizens relay concerns to CBMR which would give CBMR the opportunity to improve its business. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:00 am.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk