

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 15, 2010**

The June 15, 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 8:03 am.

AGENDA REVIEW: Commissioner Channell informed the Board that CRWCD Representative Bill Trampe would not be available for his report, so it was removed from the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Special Meeting minutes for June 8, 2010. Motion carried unanimously.

CONSENT AGENDA: Commissioner Channell requested that Consent Agenda Items #1, #7, #8, #13, #17 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Consent Agenda, excluding Items #1, #7, #8, #13 and #17. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Authorization for Geographic Information Systems Coordinator Jeff Guy Signature; Colorado Department of Transportation Special Use Permit #3100126-S; All State Right-of-Way in Gunnison County except 050A MM 190.607 to MM 199.285
2. Acknowledgment of County Manager Signature; Memorandum of Understanding Between Colorado Department of Public Health and Environment, Prevention Services Division, Children with Special Health Care Needs Unit, Traumatic Brain Injury
3. Acknowledgment of County Manager Signature; Acceptance of Proposal; North Star Surveying, Inc.; Jail and Public Works Building Facilities; \$8,442
4. Acknowledgment of County Manager Signature; Approved Task Order Contract – Waiver #154; Department of Public Health and Environment, Routing No. 11 FAA 16637; \$36,027
5. Acknowledgment of County Manager Signature; Lease Agreement; Office for Resource Efficiency; 202 E. Georgia, Gunnison, CO 81230; 6/1/10 thru 12/31/10; \$2,100 (\$300/month)
6. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, Office of Health Disparities, FAA, Contract Routing #11-162-05, Amendment for Task Orders #1
7. **Pulled for Discussion and Separate Action:** Contract; Anchor Point Group, LLC; Fire Management Services; Community Wildfire Protection Plan (CWPP)
8. **Pulled for Discussion and Separate Action:** Contract No. 3000056582, Amendment 2; QinetiQ, Ltd.; Provision of Aircraft Rescue Fire Fighter (ARFF) Coverage
9. Correspondence; Congressman John T. Salazar; Curecanti National Recreation Area
10. Agreement Between Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance and Planning, Inc., Region 10 Area Agency on Aging; Senior Resources Coordinator Services; \$30,000; 7/1/10 thru 6/30/11
11. Agreement Between Gunnison County Board of County Commissioners and Region 10 League for Economic Assistance and Planning, Inc., Region 10 Area Agency on Aging; Senior Transportation; \$15,000; 7/1/10 thru 6/30/11
12. Provider Agreement; Linda Williams; Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County
13. **Pulled for Discussion and Separate Action:** Out-of-State Travel Request; National Business Aviation Association (NBAA) Conference; Atlanta, GA; \$5,500
14. 2010 Memorandum of Agreement; Gunnison Valley Animal Welfare League; Community-Based Organization Funding; \$2,500
15. Amendment to Lease Agreement; Paradise Animal Welfare Society
16. Colorado Historical Society, GCA, Approved Waiver Form #37-D; Contract #2010-HA-024; Historic Structure Assessment of the Ohio City Town Hall
17. **Pulled for Discussion and Separate Action:** Vendor Disclosure Statement; CCTF Grant for Gunnison County Department of Health and Human Services

CONSENT AGENDA #1: Commissioner Channell requested further discussion on this item since CDOT is supposed to be listed on the insurance with the County. He suggested that the Board approve it and then route the information to the Finance Office. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #1. Motion carried unanimously.

CONSENT AGENDA #7: Commissioner Channell requested further discussion on this item so that the County Attorney's notes could be reviewed. County Attorney David Baumgarten confirmed that his notes must be followed. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #7. Motion carried unanimously.

CONSENT AGENDA #8: Commissioner Channell requested further discussion on this item. Airport Director of Administration Kathie Lucas was present for discussion and explained that QinetiQ took some time off and is now ready to resume testing. Commissioner Channell requested that net income versus cost estimates be available the next time this type of contract is set for discussion and approval. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #8. Motion carried unanimously.

CONSENT AGENDA #13: Commissioner Channell requested further discussion on this item. Airport Director of Administration Lucas was present for discussion. Commissioner Channell requested the names of the persons that would attend this conference and Airport Director of Administration Lucas explained that it would be either Airport Manager John DeVore or herself, plus one staff member. She explained that the staff members rotate attendance to allow for sharing experience and knowledge. Commissioner Channell asked County Manager Birnie if there was an analysis on return for these types of purchases. County Manager Birnie stated that there was not, but that this type of analysis is what will ultimately be asked of the departments. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #13. Motion carried unanimously.

CONSENT AGENDA #17: Commissioner Channell requested further discussion on this item related to the utilized acronyms. County Manager Birnie explained that NPP stood for Nurturing Parenting Program. Commissioner Channell requested that acronyms be spelled out on future agendas. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #17. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Capital Projects Update. County Manager Birnie reported that the architect team had begun schematic development. The City of Gunnison has decided to begin design development for possible relocation of the 911 Communications Center. The initial financing documents have been received and are being reviewed by staff.

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

1. Snowcat Access in Elkton Update. Assistant County Manager Crosby explained that Mary Frame has given notice that she will request permission for snowcat access to her property in Elkton. Assistant County Manager Crosby will coordinate this issue with Ms. Frame's legal counselor, Luke Danielson.
2. Lifting the North Valley Building Moratorium. Assistant County Manager Crosby stated that, in 1997, the moratorium was put in place by Board action and that, in 2002, part of it was lifted by County resolution. She suggested creating a resolution to address the creation in 1997, the partial lifting in 2002, and the complete lifting at this time. The Board agreed with her suggestion and placed this resolution on the 7/6/10 agenda.
3. Chainless Race on Kebler Pass Agreement. Assistant County Manager Crosby confirmed that the agreement had been signed by the Crested Butte / Mt. Crested Butte Chamber of Commerce. Commissioner Channell wondered if the County should or has ever contemplated a fee for provision of a temporary road closure; neither Assistant County Manager Crosby nor County Attorney Baumgarten could recall any instances. County Manager Birnie felt that road closures should not be granted without first proving that it would benefit the public, but agreed that this could be granted as these requests are rare. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Chainless Race Agreement with the Crested Butte / Mt. Crested Butte Chamber of Commerce and authorize the Chairperson's signature. Motion carried unanimously.
4. Island Acres Response. Assistant County Manager Crosby stated that she would submit her response to the Board via email later in the day. The formal response is due 6/30/10.
5. Consent Agenda Item #16. Commissioner Channell questioned the purpose for the extended contract term of 2010 through 2012. Assistant County Manager Crosby explained that the assessment contract took longer than expected to complete, which will extend the project.

AUTHORIZATION TO INITIATE QUIET TITLE ACTION FOR ROW FOR TAYLOR RIVER ROAD PROJECT; M.N. DAVIS, DWIGHT M. ROUNDS, RALPH C. ROUNDS, QUATRO AMIGOS, GUNNISON COUNTY DEVELOPMENT CORPORATION AND WHITE WATER CORPORATION: Assistant County Manager Crosby, County Attorney Baumgarten and Special Projects Foreman Jim Kint were present for discussion.

Assistant County Manager Crosby explained that this request encompasses a section of the road through the White Water Estates. Small pieces of right-of-way remain unaddressed as some of the property owners are deceased.

County Attorney Baumgarten agreed that, because there are enough potential owners of this land, the only way to straighten this issue out would be with court intervention to determine ownership of the land. This will be published in the paper for 30 days to ensure that any potential owners have been notified and the entire process, if uncontested, could take up to four months. Assistant County Manager Crosby explained that all right-of-way issues must be settled by 12/31/10. County Attorney Baumgarten felt that Assistant County Manager Crosby's staff had used a considerable amount of diligence to properly ensure that the land is handled properly.

Moved by Commissioner Channell, seconded by Commissioner Swenson to authorize to initiate quiet title action for right-of-way for the Taylor River Road Project including M.N. David, Dwight M. Rounds, Ralph C. Rounds, Quatro Amigos, Gunnison County Development Corporation and White Water Corporation. Motion carried unanimously.

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

County Attorney Baumgarten suggested that he and the Board go into an executive session with County Manager Birnie, Assistant County Manager Crosby and Special Projects Foreman Kint because this issue involves property with nominal value and the State requires the Board to instruct staff on how much value to place on the land. He cited C.R.S. 24-6-402(4)(a)(b)(e) as justification for the session. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to go into executive session for the purposes of discussing the Taylor River Road right-of-way acquisition and to give instruction to staff with the Board, the County Attorney, the County Manager, the Assistant County Manager and the Special Projects Foreman. Motion carried unanimously.

The board went into executive session at 9:15 am. *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: 9/10/10

David Baumgarten
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: 9/7/2010

Jim Starr
Jim Starr, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 9:28 am. 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.

BREAK: The meeting recessed from 9:33 until 10:00 am in order to hold the below Public Hearing:

PUBLIC HEARING (CONTINUED); ADOPTION OF REVISED INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS) REGULATIONS: County Attorney Baumgarten, Community Development Director