

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 3, 2010**

The August 3, 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 8:05 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Special Meeting minutes for May 25, 2010. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Gunnison County Board of Equalization meeting minutes of July 12, 2010. Motion carried unanimously.

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

1. Acknowledgment of County Manager Signature; Office of Client and Community Relations Grant Application; Gunnison-Hinsdale County Department of Health and Human Services; \$27,301
2. Acknowledgment of County Manager Signature; Gunnison Hinsdale Early Childhood Council; Fiscal Expectations
3. Acknowledgment of County Manager Signature; Purchase of Service Contract; Regional Substance Abuse Services; Between Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services (Midwest Colorado Counties) and West Slope Casa; 6/1/10 thru 5/31/11
4. Acknowledgment of County Manager Signature; Contract for Professional Services; Humphries Poli Architects, P.C.; Historic Structure Assessment of the Ohio City Town Hall; \$15,000
5. Authorization for County Manager Signature; Airport and Engineer's Letter of Recommendation/Award Contract, Notice of Award, Notice to Proceed, and Construction Contract; Gunnison-Crested Butte Regional Airport Fog Seal and Pain Markings Project for Taxiway A
6. Baggage Delivery Service Agreement, Gunnison-Crested Butte Regional Airport; The Delivery Company; 5/1/10 thru 4/30/11
7. Caring for Colorado Foundation Grant Agreement; Access to Health Care Project; \$49,088; 8/16/10 thru 8/15/11
8. **Pulled for Discussion and Separate Action:** Community Foundation of the Gunnison Valley 2010 Competitive Cycle Grant Contract; Gunnison County Multicultural Resource Office; \$3,000
9. Interpreter at Gunnison County Independent Contractor Agreement; Karen Immerso; 7/1/10 thru 6/30/12
10. Resolution; Declining to Act as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects Under Colorado House Bill 90-1033 (C.R.S. 39-22-514, as Amended)
11. Amendment No. One (1) to Contract Dated February 23, 2010 Between Jviation, Inc. and Gunnison County and the Gunnison Crested Butte Regional Airport Gunnison, CO

CONSENT AGENDA ITEM #8: Commissioner Channell asked for additional discussion on this item to ensure that Deputy County Attorney Tom Dill's comments on the agenda routing sheet had been addressed. County Attorney David Baumgarten was present for discussion and stated that the Board could line through the signature line title and write in "Board of County Commissioners". **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #8 as amended. 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. Out-of-State Travel Request; Governing Summit, Cost of Government; County Manager Matthew Birnie; Washington, DC; 9/14/10 thru 9/15/10. County Manager Birnie explained that most of his expenses will be paid by the Summit and that he would only need to pay for meals and ground transportation. He will be gone from the office beginning 9/13/10 through 9/16/10. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the County Manager's out-of-state travel for the Governing Summit in Washington, D.C. Motion carried unanimously.

2. Ratings Agency Presentations. County Manager Birnie explained that these presentations were done during the previous week and that the bond ratings should be back 8/9/10. He noted that the County had never been rated before.
3. GE Johnson Meeting. This non-County meeting will be held this evening and will be an opportunity to disseminate information to the public and to vendors. Commissioner Channell mentioned that he may attend.
4. DOLA Grant Application; Gunnison County Detention Center. County Manager Birnie informed the Board that the grant was submitted last week. The application focused on the ability to move the Sheriff's Office and acquire video arraignment technology. Grant decisions will be posted in December. This is a Tier II grant application, which will require a grant defense session.
5. Nature Conservancy Climate Change Group; Gunnison Wildlife Conservation Coordinator Jim Cochran Participation. County Manager Birnie wanted to make sure that the Board had seen the correspondence, which they had not, so he agreed to resend the information.
6. Strategic Business Plan Update; Customer Satisfaction Surveys. County Manager Birnie explained that many of the departmental plans include measurements for customer satisfaction. Since the Board is listed as a customer in some of the plans, a survey will be sent out within the next couple of months.
7. County Medical Officer's Professional Liability Insurance. County Manager Birnie reported that Dr. Tarr had inquired about the possibility of the County paying for his insurance since he will be retiring from his medical practice. County Manager Birnie felt that the nominal annual cost to the County of approximately \$1,500 was reasonable when considering the level of service that Dr. Tarr provides to the County. Commissioner Channell expressed concern about setting precedence of paying for insurance, though he is pleased with the level of service that the County receives from Dr. Tarr. County Manager Birnie stated that the County already pays for insurance for contract nurses and CTSI has an exclusion for physicians, so there must be a separate policy. The Board agreed that the expense was justified.
8. Vacation. County Manager Birnie informed the Board that he would be leaving for vacation on 8/4/10 and will not be back in the office until 8/12/10. He will not have access to electronic communication devices for most of this vacation.

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

1. Bylaws Amendment; Gunnison Basin Weed Commission. Assistant County Manager Crosby informed the Board that the local municipalities would not be participating in the Commission, but that the Forest Service, Hinsdale County and Saguache County would be participating. The Commission will hold quarterly meetings and ex-officio members will be able to vote. She provided a revised draft of the bylaws that incorporated County Attorney Baumgarten's comments that were listed on the agenda submittal form. Modifications were discussed and agreed upon; Assistant County Manager Crosby agreed to make the changes and then provide an updated version for signature. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve and accept the Gunnison Basin Weed Commission revised bylaws, as amended as discussed today. Motion carried unanimously.
2. County Road 10 Update. Assistant County Manager Crosby informed the Board that paving would begin today, weather permitting.
3. Correspondence from John Norton; Cement Creek. Assistant County Manager Crosby received this correspondence on 8/2/10 regarding traffic, dirt bike and ATV usage on Cement Creek. Neither the Board nor County Manager Birnie had seen the correspondence yet. She will respond to Mr. Norton.
4. Traffic Speed on Kebler and Cottonwood Passes. Assistant County Manager Crosby expressed concern related to the increasing traffic speeds on these passes. She noted that any improvements made to roads will tend to increase traffic speeds and that it is becoming problematic and unsafe. She will discuss the idea of additional patrols with the Sheriff's Office.

LETTER OF SUPPORT; GUNNISON RANGLAND CONSERVANCY; GOCO OPEN SPACE GRANT APPLICATION: County Manager Birnie confirmed that submitting this letter past the grant deadline would be acceptable. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the support letter to Great Outdoors Colorado with regard to GOCO's Open Space grant for a Conservation Easement on Greg Peterson's Razor Creek Ranch. Motion carried unanimously.

COLORADO COUNTIES, INC. (CCI) 2010 LEGISLATIVE COMMITTEE MEMBER APPOINTMENT: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to reappoint Hap Channell as our (the Board's) CCI legislative committee member. Motion carried unanimously.

BREAK: The meeting recessed from 9:04 until 9:11 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE A CERTAIN ALLEY IN THE TOWNSITE OF IRWIN, COLORADO; THE ENTIRE PORTION OF THE ALLEY THAT ABUTS LOTS 1, 2, 3, 4, 5, 6 AND 7 OF BLOCK 32; KARL R. PLAMBECK: County Attorney Baumgarten, Assistant County Manager Crosby and property owner Karl Plambeck were present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 9:04 am.
2. Public Notice Confirmation. Assistant County Manager Crosby confirmed that the Public Hearing was properly noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Assistant County Manager Crosby explained that the County had been working on this issue since last summer. The house on the property was separated from the foundation. Her office will be issuing a permit for improvements in the right-of-way. Mr. Plambeck would like to have the alley vacated so that he can put the deck back on the house.
5. Applicant Presentation. N/A.
6. Board Questions. Commissioner Channell asked the other commissioners whether or not they were in agreement with the public benefit of granting this request; the Board agreed.
7. Public Comments. Chairperson Starr opened the discussion to public comments at 9:10 am; however, there were no comments given.
8. Acknowledge Correspondence Received. Assistant County Manager Crosby received one email requesting clarification, which she provided. There was no other correspondence identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Starr closed the Public Hearing at 9:11 am.

RESOLUTION; VACATING THE ALLEY LYING WITHIN BLOCK 32, TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO: County Attorney Baumgarten, Assistant County Manager Crosby and property owner Karl Plambeck were present for discussion.

Moved by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-28, a Resolution Vacating the Alley Lying Within Block 32, Townsite of Irwin, County of Gunnison, State of Colorado and authorize signatures. Motion carried unanimously.

RESOLUTION; APPROVING THE EXECUTION AND DELIVERY OF LOAN AGREEMENT AND BOND BY THE GUNNISON VALLEY HEALTH HOSPITAL (GVHH): County Attorney Baumgarten, GVHH Administrator Randy Phelps and GVHH Chief Financial Officer Tim Cashman were present for discussion. County Manager Birnie informed the Board that Sherman and Howard prepared the draft resolution. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-29, a Resolution Approving the Execution and Delivery of Loan Agreement and Bond by the Gunnison Valley Hospital and authorize signatures. Motion carried unanimously.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND AND IMPROVEMENT LEASE AGREEMENT, A LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, AN OFFICIAL STATEMENT, AND CERTAIN RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO: County Attorney Baumgarten was present for discussion.

County Manager Birnie explained that this document, relevant to the detention center construction project, defines the parameters in which the lease purchase can be made and that both principal and interest rate had been identified. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-30, a Resolution Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Certain Related Documents by the County; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto. Motion carried unanimously.

BREAK: The meeting recessed from 9:26 until 9:56 am.

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Chairperson Starr:

1. Proposition #101 and Amendments #60 and #61 Meeting. Chairperson Starr attended this recent meeting, as did many other local leaders. He provided copies of the information to the Board. Per a representative from Denver that was in attendance, the passage of any or all of these ballot measures could equate to the loss of about 73,000 jobs in Colorado. The cost for fishing and hunting licenses would also go up. The State is encouraging local entities to prepare alternative budgets for 2011 in the event that any or all of these pass. The City of Gunnison passed a resolution in opposition and the County will consider such a resolution in September.

BREAK: The meeting recessed from 10:04 until 10:08 am in order to hold the below Public Hearing.

PUBLIC HEARING; LIQUOR LICENSE APPLICATION; VIVA! MEXICO, LLC: Gunnison County Clerk and Recorder Stella Dominguez and Viva Mexico, LLC owner Francisco Marquez and Patty Marquez (his daughter) were present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 10:04 am.
2. Public Notice Confirmation. Gunnison County Clerk and Recorder Stella Dominguez confirmed that the Public Hearing had been properly noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Gunnison County Clerk and Recorder Dominguez confirmed that she had not received any written comments or phone calls with regard to this application for a hotel and restaurant liquor license. A physical inspection was completed and the facility is secure.
5. Applicant Presentation. Mr. Marquez stated that he would like to open another location in the state once this location has been established.
6. Board Questions. The Board did not have any questions.
7. Public Comments. Chairperson Starr opened the discussion to public comments at 10:08. No comments were provided.
8. Acknowledge Correspondence Received. There was no correspondence identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Starr closed the Public Hearing at 10:08 am.

COLORADO LIQUOR RETAIL LICENSE APPLICATION; VIVA! MEXICO, LLC: Gunnison County Clerk and Recorder Stella Dominguez and Viva Mexico, LLC owner Francisco Marquez and Patty Marquez (his daughter) were present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the liquor license for Viva Mexico and authorize the Chairperson's signature. Motion carried unanimously.

SIGN VARIANCE APPLICATION; VIVA! MEXICO, LLC: Gunnison County Clerk and Recorder Stella Dominguez, Building Inspector Rich Wojdakowski and Viva Mexico, LLC owner Francisco Marquez and Patty Marquez (Mr. Marquez's daughter and business associate) were present for discussion. Building Inspector Wojdakowski informed the Board that this request was relevant to an internally illuminated sign with 3-D lettering. Currently, the signage allowed is 48 square feet and this application would add another 78 square feet for lettering on the front of the building. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Sign Variance Application for Viva Mexico as submitted. Motion carried unanimously.

PROPERTY FORECLOSURE PURCHASE; ROCK CREEK; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten, Finance Director Linda Nienhueser and Gunnison County Housing Authority Executive Director KT Gazunis were present for discussion.

Gunnison County Housing Authority Executive Director Gazunis explained that a Rock Creek property had been foreclosed on. County Attorney Baumgarten suggested that the Board go into an executive session to discuss the acquisition of real property and to instruct negotiators with a recording being kept of the discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to go into executive session for the reasons stated by the County Attorney, including the Board, the County Attorney, the Director of Housing, the Director of Finance and the County Manager. Motion carried unanimously.

The board went into executive session at 10:21 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)(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 10:43 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. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to instruct the negotiator to negotiate for the purchase of the property in discussion for an amount not to exceed the MLS listed amount. Motion carried unanimously.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD representative Bill Trampe and County Attorney Baumgarten were present for discussion.

CRWCD Representative Trampe informed the Board that a District board meeting was held on 7/20/10 and 7/21/10. During the meeting, the District voiced opposition to Proposition #101 and Amendments #60 and #61. A formal announcement will be made in the near future.

CRWCD Representative Trampe reported that the 10825 process is back on track after recent successful efforts. However, the future of the 1177 process does not look as good. There has been no conclusion yet, but the District will continue to work with it. The 1177 process has had fiscal impacts to the CRWCD board of directors. CRWCD Representative Trampe is concerned that a further decrease in funding may cause the loss of interest of rural communities.

CRWCD Representative Trampe informed the Board that the District's primary budget officer has been out of the office due to health issues. The budget officer's prognosis is uncertain as he is in a coma and not responding to verbal stimuli. The District's staff is struggling to compensate for his absence.

The District will hold a budget workshop on 9/15/10 in Grand Junction with a seminar the following day.

Investigations continue at Wolford Dam. It has been determined that the problem is not an issue with the foundation. The top of the dam no longer meets the qualifications for a spillway, so work will need to be done within the next year to correct the spillway. If major work will be needed on the dam, the District will have to pay for it.

CRWCD representative Trampe emphatically stated his concerns about the future sustainability of water availability and how it may affect agriculture in Colorado if current statewide practices and beliefs do not change. He noted that Denver Water is the leader on the Front Range with respect to change while other water providers have remained stagnant.

UNSCHEDULED CITIZENS:

1. Randy Spydell. Mr. Spydell voiced his concern that the paving of County Road 10 was incomplete. He said that the Board assured him in July that it would be paved by 8/1/10. Commissioner Swenson explained that inclement weather had put the project behind schedule, but that it would begin today, if the weather permits. Chairperson Starr stated that he would like the Board to meet with Assistant County Manager Crosby after the project has been completed to determine whether or not future projects may be handled differently. Commissioner Channell noted that this is the first project that he aware of that has experienced such a delay. Mr. Spydell suggested that contracts state rewards for finishing ahead of schedule and penalties for finishing behind schedule. County Manager Birnie confirmed that there were provisions in the contract, but that they may not have been adequate.
2. Barbara Thompson. Ms. Thompson expressed her opinion that the County procedure for setback requirement variance applications may not be fair. She noted that a notarized letter of consent is necessary from an adjacent property owner, which essentially grants the power of veto to adjacent property owners. As well, she was unclear as to what the consent statement was consenting to. She proposed that public hearings be scheduled with notice to all adjacent

property owners instead of requiring a letter of consent. The Board agreed to ask the Planning Commission and Community Development Director Joanne Williams to look into the process in order to ensure fairness for all parties.

BREAK: The meeting recessed from 11:32 am until 12:18 pm in order to call to order as the Gunnison River Valley Local Marketing District.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: Chairperson Starr, Commissioner Channell, Commissioner Swenson and County Manager Birnie were present for discussion, along with others mentioned in the text below. Clerk to the Board Ruth Dukeman was present for the meeting and completed this portion of meeting minutes.

CALL TO ORDER: The meeting of the Gunnison River Valley Local Marketing District was called to order at 11:33 am.

CRESTED BUTTE MOUNTAIN RESORT FUNDING REQUEST FOR DONATION TO HELP FUND AIR SERVICE PROGRAM: Gunnison County Attorney David Baumgarten, The Chamber for Crested Butte / Mt. Crested Butte Executive Director Richard Bond, Crested Butte Mountain Resort (CBMR) Central Reservation & Revenue Management Director Jeff Moffett and Crested Butte Mountain Resort Vice President of Sales & Marketing Daren Cole were present for discussion. It was clarified that this potential funding request was to increase airline service options into the Gunnison-Crested Butte Airport during the winter months and that the request was being made by CBMR with the support of the Crested Butte / Mt. Crested Butte Chamber of Commerce. It was noted that this project was in collaboration with several other groups including the Rural Transportation Authority (RTA). The importance of maintaining air service to the area in the current economic climate was further discussed with other nearby areas thought to be losing services.

The LMD budget was reviewed. Discussion about the potential for assistance with the funding for this project was deliberated. The reserve allocation was further discussed. County Attorney Baumgarten explained the legal definition and authorities of the LMD. It was explained that this request may be considered outside of those definitions and authorities. The funding available was also reviewed with a funding shortage anticipated. However, the budgetary figures were not yet available. Commissioner Channell expressed concern about the request being from a private for-profit business and preferred future requests to be made by the Gunnison-Crested Butte Tourism Association. Historically that organization had been the mechanism for those types of requests for marketing funding allocations. Marketing plan development and continued collaboration between CBMR, the Crested Butte / Mt. Crested Butte Chamber of Commerce and the Gunnison-Crested Butte Tourism Association were encouraged.

The Board was excited for the potential for increased air service and appreciation was expressed to all involved for their collaborative efforts related to the project.

TOURISM ASSOCIATION ASSESSMENT FUNDING REQUEST: Gunnison-Crested Butte Tourism Association (TA) Marketing Coordinator/Web Master Erica Kelleher and Gunnison-Crested Butte Tourism Association Board members Carolyn Riggs, Steven Pierotti, and Andrea Greene were present for discussion. The LMD funding concerns covered in the previous agenda item were reviewed with a declining income and a potential for increased expenses noted. The budgetary numbers were further deliberated.

After discussion, it was determined that all involved were in support of completing an assessment to allow any recommended changes resulting from the study to be identified and potentially implemented allowing future marketing strategies and fund allocations to be as efficient as possible. Local business owner Mark Schumacher supported the Tourism Association assessment being performed as soon as possible and hoped that the results may have a positive effect on the collaboration efforts between the Gunnison and Crested Butte /Mt. Crested Butte Chamber of Commerce organizations and private businesses.

Commissioner Channell identified a potential funding compromise for the project, with ½ of the needed funding coming from the marketing fund allocation and ½ of the funding from reserves. Further evaluation by the TA and Gunnison County Finance Director Linda Nienhueser (not present) to determine the potential budgetary adjustments needed to support the desired assessment study by an outside profession organization was recommended. Scheduling additional discussion during a future agenda was determined.

The Request for Proposal (RFP) process will begin, as there was a need to understand the exact costs for the assessment services. Commissioner Swenson was called away from the meeting at 12:15 pm. A desire to maintain fiscal health for the organizations was expressed.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the August 3, 2010 meeting of the Gunnison River Valley Local Marketing District. Motion Carried. The meeting adjourned at 12:17 pm.

RECONVENE: Chairperson Starr reconvened the Board of County Commissioners meeting at 12:18 pm.

COMMISSIONER ITEMS (continued):

Chairperson Starr (continued):

- 2. Veltri Property. Chairperson Starr and County Attorney Baumgarten met with the Veltri family over the weekend to discuss the land exchange and the Veltri's request for County assistance. This issue is ongoing.
- 3. Correspondence from Don Wilson; Offer to Sell Property to County. The Board agreed that the County would decline Mr. Wilson's offer since there is no foreseeable need for the County to obtain the property.

Commissioner Channell:

- 1. Health and Human Services Commission Meeting. Commissioner Channell informed the Board that the Commission incorporated the Board's changes into the bylaws. There was lengthy discussion about membership and attendance during the meeting and the discussion is ongoing. The Commission will meet quarterly. Commissioner Channell felt that this is a viable entity.
- 2. Energy Advisory Council. Commissioner Channell attended the recent meeting as scheduled by Community Energy Coordinator Maya Silver. The Council's meeting frequency is being decided upon and Commissioner Channell will continue to attend the meetings.
- 3. Film Shooting in Gunnison County Meeting. Commissioner Channell attended this recent meeting to hear the discussion about films that have been shot within Gunnison County. The Tourism Association may build a website to illustrate the list of projects completed.

Commissioner Swenson:

- 1. None.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of County Commissioners meeting adjourned at 12:37 pm.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Ruth Dukeman, 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: 10-28**

A RESOLUTION VACATING THE ALLEY LYING WITHIN BLOCK 32, TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") by virtue of Colorado law, has the authority to vacate any public road in Gunnison County that is not within the limits of a city or town; and

WHEREAS, the Board has received a petition from an adjacent property owner to vacate the alley lying adjacent to Lots 1 through 7, inclusive, Block 32, Townsite of Irwin, County of Gunnison, State of Colorado (herein the "Alley"); and

WHEREAS, the vacation of the Alley described herein will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or changed or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from said vacation of the Alley; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

WHEREAS, the Board has found that it would be in the best interest of the public to vacate the Alley; the public benefit will be to help buffer and protect the shoreline of lake Irwin from private development; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the alley lying adjacent to Lots 1 through 7, inclusive, Block 32, Townsite of Irwin, County of Gunnison, State of Colorado be and the same hereby is vacated.

FURTHERMORE the vacated alley shall accrue to and vest in the record owners of the adjacent property pursuant to C.R.S. 43-2-301 et seq.

This resolution shall not be effective until it has been recorded with the Gunnison County Clerk and Recorder's Office along with the plat identified herein.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted on this 3rd day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2010-29**

**APPROVING THE EXECUTION AND DELIVERY OF LOAN AGREEMENT AND BOND BY THE GUNNISON
VALLEY HOSPITAL**

WHEREAS, the Board of Trustees for the Gunnison Valley Hospital (the "Issuer") is a duly and regularly created, established, organized, and existing public hospital board created by Gunnison County, Colorado (the "County") pursuant to Title 25, Article 3, Part 3, C.R.S. (the "Hospital Act"), and existing as such under and pursuant to the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to the Hospital Act, the Issuer operates certain hospital facilities and properties (the "Hospital"); and

WHEREAS, pursuant to Section 25-3-304 (4), C.R.S., the Issuer is authorized to issue revenue bonds, secured by any revenues of the hospital other than property tax revenues, upon the approval of two-thirds of the entire membership of the Issuer, subject to a review of such bond issue by the Gunnison County Board of County Commissioners (the "Board"); and

WHEREAS, pursuant to Section 25-3-304 (4)(b), C.R.S., the Issuer has provided to the Board written notice (the "Notice") of a pending revenue bond issue in the aggregate principal amount not to exceed \$7,535,000, and has further provided the Board with the Issuer's resolution (the "Loan Resolution"), a proposed form of Loan Agreement (the "Loan Agreement"), the proposed form of an Interest Rate Exchange Agreement, the proposed form of revenue bond, in the form attached to the Loan Agreement (the "Bond"), and all documents and other information requested in connection therewith; and

WHEREAS, also pursuant to such statute, and except as provided therein, the Bond may not become effective for a period of thirty days following the adoption of the Loan Resolution authorizing such issuance for the purpose of allowing the Board to review such pending Bond issue; during said thirty days, the Board may file a written notice with the Issuer stating that the Board has no objection to the pending Bond issue, and upon receipt of such notice of no objection, the issuance of such revenue bonds shall become effective prior to the expiration of the thirty day period; and

WHEREAS, it is the intent of the County to authorize the execution and delivery of the Loan Agreement and the and the delivery of the foregoing notice of no objection, and to further authorize such issuance and delivery prior to the thirty day period described above so as to facilitate the issuance

of the Bond in a timely fashion, and to that end this resolution shall constitute the notice of no objection referred to in Section 25-3-304 (4)(b), C.R.S.; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

Section 1. Approval of the Loan Agreement and Bond. It is hereby found and determined by the Board that the execution and delivery of the Loan Agreement and the Bond as described in the Notice is necessary and appropriate and in the best interests of the County and the residents thereof, and the issuance of the Bond is hereby approved and authorized. The Board hereby determines that: (i) upon adoption this resolution shall constitute the notice of no objection provided for in Section 25-3-304 (4)(b), C.R.S.; (ii) the Issuer shall be entitled to rely upon executed or certified copies hereof as such notice; and (iii) the Loan Agreement and the Bond may be executed and delivered at any time after the adoption hereof without regard to the thirty day period referred to in such statute. For the purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended, the Board hereby designates the Bond as qualified tax-exempt obligations.

Section 2. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the Issuer and of the County, not inconsistent with the provisions of this resolution, relating to the authorization, execution, and delivery of the Loan Agreement, the Bond, or other documents in connection with the Loan Agreement and Bond, are hereby ratified, approved, and confirmed.

Section 3. Repealer. All orders, bylaws, and resolutions of the Issuer, or parts thereof, inconsistent or in conflict with this resolution, are hereby repealed to the extent only of such inconsistency or conflict.

Section 4. Severability. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution, the intent being that the same are severable.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this August 3, 2010.

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

STATE OF COLORADO)
) SS. CERTIFICATE OF COUNTY CLERK
COUNTY OF GUNNISON)

I, Stella Dominguez, the Clerk and Recorder of Gunnison County, Colorado (the "County"), do hereby certify as follows:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of County Commissioners of the County (the "Board") at a regular meeting held on August 3, 2010.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of August 3, 2010, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Jim Starr, Chair				
Hap Channell, Vice Chair				
Paula Swenson				

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Chair of the Board, sealed with the County seal, attested by the County Clerk and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Attached hereto as Exhibit A is a copy of the notice of the regular meeting on August 3, 2010, which notice was posted at least 24 hours before such meeting as provided by law.

WITNESS my hand and the seal of the County affixed this 3rd day of August, 2010.
Clerk and Recorder, Gunnison County, Colorado

Exhibit A
(Form of Notice of Meeting)

**BOARD OF COUNTY COMMISSERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2010-30**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND AND IMPROVEMENT LEASE AGREEMENT, A LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, AN

OFFICIAL STATEMENT, AND CERTAIN RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Gunnison County, Colorado (the "County"), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the County has the power, pursuant to Sections 30-11-101(b) and (c) and 30-11-104.1, of the Colorado Revised Statutes, as amended, to lease, as lessor or as lessee, real and personal property, together with any facilities thereon, and to enter into lease-purchase agreements for the purpose of financing County buildings or equipment used or to be used for governmental purposes; and

WHEREAS, the County owns, in fee title, certain real property ("Parcel I" and "Parcel II" and collectively, the "Site"), as further described in the Ground Lease (hereinafter defined); and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (the "Board") has determined, and now hereby determines, that it is in the best interest of the County and its inhabitants that the County, as lessor, lease the Site and certain improvements to be constructed and installed thereon (collectively, the "Leased Property") to Zions First National Bank (the "Trustee"), solely in its capacity as trustee under the Indenture described herein, as lessee, pursuant to a Ground and Improvement Lease Agreement (the "Ground Lease"), and lease back the Trustee's leasehold interest in the Leased Property pursuant to the terms of a Lease Purchase Agreement (the "Lease") between the Trustee, as lessor, and the County, as lessee; and

WHEREAS, pursuant to the Lease, and subject to the right of the County to terminate the Lease and other limitations as therein provided, the County will pay certain Base Rentals and Additional Rentals (as such terms are defined in the Lease) in consideration for the right of the County to use the Leased Property; and

WHEREAS, the County's obligation under the Lease to pay Base Rentals and Additional Rentals shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or a multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness or any multiple fiscal year financial obligation, nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, the Trustee will enter into an Indenture of Trust (the "Indenture"), pursuant to which the Trustee will execute and deliver one or more series of certificates of participation, dated as of their date of delivery, in an aggregate principal amount not to exceed \$18,500,000 (the "2010 Certificates"); and

WHEREAS, the net proceeds of the 2010 Certificates will be used to construct and install certain improvements on the Site, including (a) a public works complex on Parcel I, (b) a detention facility on Parcel II, and (c) such other capital improvements as the Board may from time to time determine to locate on any portion of the Site (subsections (a), (b), and (c) of this recital being collectively referred to herein as the "Project"), and the Project will constitute a portion of the Leased Property; and

WHEREAS, the 2010 Certificates represent undivided interests in the right to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided and shall not directly or indirectly obligate the County to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect; and

WHEREAS, there has been presented to the Board and are on file at the County offices the proposed form of the following: (a) the Ground Lease; (b) the Lease; (c) the Continuing Disclosure Certificate (the "Disclosure Certificate") with respect to the 2010 Certificates; and (d) the Preliminary Official Statement (the "Preliminary Official Statement") with respect to the 2010 Certificates; and

WHEREAS, capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Lease; and

WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2 of the Colorado Revised Statutes, as amended (the "Supplemental Act"), provides that a public entity, including the County, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO:

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board or the officers or agents of the Board or the County relating to the Ground Lease, the Lease, or the construction or installation of the Project is hereby ratified, approved and confirmed. The designation of the Preliminary Official Statement by the County Manager as a "nearly final Official Statement" for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission is hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The Board hereby finds and determines, pursuant to the Constitution and laws of the State of Colorado, that the construction and installation of the Project and the financing of the costs thereof pursuant to the terms set forth in the Ground Lease and the Lease is necessary, convenient, and in furtherance of the County's purposes and is in the best interests of the inhabitants of the County and the Board hereby authorizes and approves the same.

Section 3. Supplemental Act; Parameters. The Board hereby elects to apply all of the Supplemental Act to the Ground Lease and the Lease and in connection therewith delegates to each

of the Chair of the Board (the "Chair") and the County Manager the authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Colorado Revised Statutes, as amended, in relation to the Ground Lease and the Lease, and to execute a sale certificate (the "Sale Certificate") setting forth such determinations, including, without limitation, the rental amount to be received by the County from the Trustee pursuant to the Ground Lease and the term of the Ground Lease, and the rental amount to be paid by the County pursuant to the Lease and the term of the Lease, subject to the following parameters and restrictions: (a) the term of the Ground Lease shall not exceed beyond December 31, 2050; (b) the aggregate principal amount of the Base Rentals payable by the County pursuant to the Lease shall not exceed \$18,500,000; (c) the maximum amount of Base Rentals payable by the County in any fiscal year shall not exceed \$1,560,000; (d) the Lease Term shall not exceed beyond December 31, 2040; and (e) the maximum net effective interest rate on the interest component of the Base Rentals relating to the 2010 Certificates shall not exceed 5.50%, net of any federal subsidy received with respect to all or any portion of the 2010 Certificates.

Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to each of the Chair and the County Manager the authority to sign a contract for the purchase of the 2010 Certificates or to accept a binding bid for the 2010 Certificates and to execute any agreement or agreements in connection therewith. In addition, each of the Chair or the County Manager is hereby authorized to determine if obtaining an insurance policy for all or any portion of the 2010 Certificates is in the best interests of the County, and if so, to select an insurer to issue an insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment. Each of the Chair or the County Finance Manager is hereby authorized to determine if obtaining a reserve fund insurance policy for the 2010 Certificates is in the best interests of the County, and if so, to select a surety provider to issue a reserve fund insurance policy and execute any related documents or agreements required by such commitment.

Section 5. Approval of Documents. The Ground Lease, the Lease and the Disclosure Certificate, in substantially the forms presented to the Board and on file with the County, are in all respects approved, authorized and confirmed, and the Chair is hereby authorized and directed, for and on behalf of the County, to execute and deliver the Ground Lease, the Lease and the Disclosure Certificate in substantially the forms and with substantially the same contents as presented to the Board, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this resolution.

Section 6. Approval of Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to the Board and on file with the County, is in all respects approved and authorized. The Chair is hereby authorized and directed, for and on behalf of the County, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement on file with the County, with such changes as may be approved by the County Manager. The distribution of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the 2010 Certificates is hereby ratified, approved and authorized.

Section 7. Authorization to Execute Collateral Documents. The County Manager is hereby authorized to execute and deliver, for and on behalf of the County, any and all documents, instruments and other papers, and to perform all other acts that he deems necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution. The County Clerk and Recorder (the "Clerk") or Deputy County Clerk and Recorder (the "Deputy Clerk") is each hereby authorized and directed to execute and deliver any and all additional certificates and to attest all signatures and acts of any official of the County in connection with the matters authorized by this resolution and to place the seal of the County on any document authorized and approved by this resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the aforementioned shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof and thereof.

Section 8. No General Obligation Debt. No provision of this resolution, the Ground Lease, the Lease, the Indenture, the 2010 Certificates, the Preliminary Official Statement, or the final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the then current fiscal year. The County shall have no obligation to make any payment with respect to the 2010 Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the County in accordance with the provisions of the Lease. Neither the Lease nor the 2010 Certificates shall constitute a mandatory charge or requirement of the County in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory debt limitation and shall not constitute a multiple fiscal year direct or indirect County debt or other financial obligation whatsoever. No provision of the Ground Lease, the Lease or the 2010 Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the County within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. Neither the Lease nor the 2010 Certificates shall directly or

indirectly obligate the County to make any payments beyond those budgeted and appropriated for the County's then current fiscal year.

Section 9. Reasonableness of Rentals. The Board hereby determines and declares that the Base Rentals do not exceed a reasonable amount so as to place the County under an economic compulsion to renew the Lease or to exercise its option to purchase the Trustee's leasehold interest in the Leased Property pursuant to the Lease. The Board hereby determines and declares that the period during which the County has an option to purchase the Trustee's leasehold interest in the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. The Board hereby determines that the amount of rental payments to be received by the County from the Trustee pursuant to the Ground Lease is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Ground Lease.

Section 10. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the County acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal, interest or prior redemption premiums on the 2010 Certificates. Such recourse shall not be available either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the 2010 Certificates and as a part of the consideration for their sale or purchase, any person purchasing or selling such 2010 Certificate specifically waives any such recourse.

Section 11. Repealer. All bylaws, orders, and resolutions of the County, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution of the County, or part thereof, heretofore repealed.

Section 12. Severability. If any section, subsection, paragraph, clause or provision of this resolution or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the County during the Lease Term and provisions for the conveyance of the Leased Property to the County under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 13. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 3rd day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

STATE OF COLORADO)
) SS. CERTIFICATE OF COUNTY CLERK
COUNTY OF GUNNISON)

I, Stella Dominguez, the Clerk and Recorder of Gunnison County, Colorado (the "County"), do hereby certify as follows:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of County Commissioners of the County of Gunnison, Colorado (the "Board") at a regular meeting held on August 3, 2010.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of August 3, 2010, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Jim Starr, Chairperson				
Hap Channell, Vice Chairperson				
Paula Swenson, Commissioner				

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Chair of the Board, sealed with the County seal, attested by the County Clerk and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Attached hereto as Exhibit A is a copy of the notice of the regular meeting on _____, 2010, which notice was posted at least 24 hours before such meeting as provided by law.

WITNESS my hand and the seal of the County affixed this 3rd day of August, 2010.

Clerk and Recorder, Gunnison County, Colorado

EXHIBIT A
(Attach copy of notice given prior to the August 3, 2010 meeting)