

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 17, 2010**

The August 17, 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: Deputy County Attorney Tom Dill's annual review scheduled to begin at 10:10 am was cancelled as it was scheduled in error.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes for June 1, 2010, the Regular Meeting minutes for June 15, 2010, the Special Meeting minutes for June 29, 2010, the Regular Meeting minutes for July 6, 2010, the Regular Meeting minutes for July 20, 2010, and the Regular Meeting minutes for August 3, 2010 as submitted and authorize signatures. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Consent Agenda as submitted. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Revised Scope of Work; Caring for Colorado Foundation Grant; Health Navigator; \$49,088
2. Acknowledgment of County Manager Signature; Contractor Agreement; National Association of County and City Health Officials; Emergency Preparedness; \$44,000
3. Acknowledgment of County Manager Signature; Memorandum of Understanding; Midwestern Colorado Mental Health Center; Coordination of Disaster Preparation and Response for Midwestern Colorado Communities
4. Colorado Department of Public Health and Environment, PSD-WIC, FLA, Contract Routing Number 11-20846; Amendment for Task Orders #3
5. Consultant Agreement – Professional Services for Materials Testing and Inspection; Gunnison County Jail & Public Works Facility Project; \$51,660
6. Underground Sewer Line Easement; William R. Goddard, Jr.; Township 50 North, Range 1 West, NMPM, Section 26, NE1/4NE1/4
7. Colorado Department of Public Health and Environment Emergency Preparedness and Response Division Grant Application; \$11,970; 8/10/10 thru 8/9/11
8. Out-of-State Travel Request; National Women and Infant Children (WIC) Association Biennial Nutrition and Breastfeeding Conference; San Diego, CA; 9/21/10 thru 9/23/10; WIC Program Coordinator Kim Bemis; \$1735
9. State of Colorado Online Utility Bill Payment Work Order
10. Colorado Department of Public Health and Environment, Colorado Local Health Department Indirect Cost Negotiation Agreement; 1/1/10 thru 12/31/10

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Bond Ratings from S&P and Moody's. County Manager Birnie informed the Board that the County received an AA rating, which is an excellent rating. County Manager Birnie attributed this to sound financial management. Bonds will be sold next week and the closing is set for 9/22/2010. Both projects will break ground in the middle of September.
2. Correspondence; Quartz Creek Property Owners' Association (POA) Request for Donation of LaVeta Land. County Manager Birnie requested direction from the Board regarding this request. He noted that the County acquired the property through default and that part of it had been used as the Town of Pitkin's dump. The POA did not clearly define an intended use for the land. The Board asked staff to evaluate the request for potential legal issues, whether or not the Town of Pitkin supports the request and what public benefit there might be, if any.
3. Authorization to Sign and Submit Great Outdoors Colorado (GOCO) Grant Applications; Fairgrounds and Whitewater Park. County Manager Birnie explained that the grant applications were not yet complete and that they were due by the end of the month. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize the County Manager to sign and submit the Great Outdoors Colorado grants for the Whitewater Park and the Fairgrounds bathrooms with showers. Motion carried unanimously.

4. Capital Projects Update. County Manager Birnie informed the Board that Buckhorn Geotech had been hired to perform testing. Commissioner Swenson said that Spallone Construction was very pleased with the progress of local contractors being hired. The contract with GE Johnson has been executed, yet a final guaranteed maximum price contract will still need to be executed in the near future.

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

1. Request for Reduction of Landfill Fees; \$7,000; Towner Property Clean-up. Assistant County Manager Crosby confirmed that she had previously spoken with Finance Director Linda Nienhueser about this request and that the Beautification/Scenic Corridors Committee (BSCC) budget has funds that will be available for this project this year. Finance Director Nienhueser recommended discounting the landfill portion of the bill provided that other funding would cover the cost. Assistant County Manager Crosby agreed with the request, but did not recommend discounting the asbestos abatement related portion of the project. The Board questioned the idea of granting this discount for a private project since public funds would be used. As well, the private entity could profit substantially while possibly returning no public benefit. The Board felt that the BSCC could independently decide whether or not to provide funds. Assistant Finance Director Ben Cowan, present for discussion, suggested billing the whole amount without interest and then possibly using BSCC funds as a payment on the account. **Moved** by Commissioner Channell, seconded by Commissioner Swenson, in the case of the landfill fees for the Towner property cleanup, that we (the County) defer the collection of said fees without interest until the closing of the sale of the property or for one year, whichever occurs first. Motion carried unanimously.
2. Release of Gunnison Energy Road Improvement Bond. Assistant County Manager Crosby noted that the details of the \$250,000 cash bond were in the submitted packet materials. She reminded the Board that three bridge projects were paid for with Department of Local Affairs funding, but that one of the bridges already had sufficient structure, which lowered the costs. A speed indicator sign and a message board will be utilized, when appropriate, to alert residents to roadwork issues; Gunnison Energy will fund these tools. The County will bill Gunnison Energy for the magnesium chloride in the coming years; Gunnison Energy will work with SG Interests to pay the County's bill. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to release, in whatever time constraint we have, the unspent portion of the cash bond that was spent by Gunnison Energy and authorize either the County Manager or the Assistant County Manager to sign on those said documents. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize the County Manager or the Assistant County Manager to proceed with a contract document that memorializes the arrangement for the magnesium chloride with Gunnison Energy as a condition of the previous motion. Motion carried unanimously.
3. Resolution; Approving the Adoption of Special Waste Acceptance Protocol, Amendment #4 – Friable Asbestos, Amendments to the Sanitary Landfill Design and Operation Plan for the Six Mile Lane Landfill and the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division Requisites for Amendments and Modification. Assistant County Manager Crosby explained that adoption of this resolution would allow for evaluation on a case-by-case basis without the need for the State to approve each instance. This will also reduce the infiltration of water, enable the placement of inert materials in that corner of the landfill to be covered with dirt, allow for the reduction in size of a new cell, and allow the reuse of an old cell. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-33, a Resolution Approving the Adoption of Special Waste Acceptance Protocol, Amendment #4 – Friable Asbestos, Amendments to the Sanitary Landfill Design and Operation Plan for the Six Mile Lane Landfill and the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division Requisites for Amendments and Modification. Motion carried unanimously.
4. Traffic Concerns on Kebler and Cottonwood Passes. Assistant County Manager Crosby encouraged the Board to note the increased traffic on Kebler Pass as they use the road in the coming days as she felt that the traffic was becoming problematic. She had not yet discussed her concern and the possibility of increased patrols with the Sheriff's Office.

2011 – 2015 CAPITAL IMPROVEMENT PLAN (CIP) ADOPTION: Assistant Finance Director Cowan was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt the 2011-2015 Capital Improvement Plan. Motion carried unanimously. The Board thanked the Finance Office for their hard work.

LETTER OF SUPPORT; TOWN OF CRESTED BUTTE; GREAT OUTDOORS COLORADO (GOCO) GRANT APPLICATION; BIG MINE ARENA PROJECT: Town of Crested Butte Director of Parks and Recreation Jake Jones was present for discussion.

Mr. Jones explained that the Town intended to cover the rink instead of constructing a new rink and that this intention was agreeable by the public. GOCO will grant as much as \$700,000 of a project; this project will cost approximately \$1,100,000. The grant requires a 10% match with 2011 funds. Other

local funds had been requested and approved. He asked for the letter and any in-kind or financial support or ideas. The grant decisions will be announced on 12/8/2010. The Board asked County Manager Birnie to discuss the option of in-kind support with Assistant County Manager Crosby and then report back to the Board. Modifications to the draft letter were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the support letter to Great Outdoors Colorado for the Big Mine Arena Project, as amended, and authorize signatures. Motion carried unanimously.

RESOLUTION; GUNNISON COUNTY ELECTRIC ASSOCIATION WORKFORCE FEE EXEMPTION: County Attorney David Baumgarten and Gunnison County Housing Authority Executive Director KT Gazunis were present for discussion.

County Attorney Baumgarten presented a draft resolution for discussion. Modifications were agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-34, a Resolution Regarding Assessment of the Workforce Housing Fee for Construction of an Addition to Headquarters of Gunnison County Electric Association (GCEA). Motion carried unanimously.

RESOLUTION; AUTHORIZING THE PURCHASE OF 1416 ROCK CREEK, GUNNISON, COLORADO; POSSIBLE EXECUTIVE SESSION. Gunnison County Housing Authority Executive Director Gazunis and County Attorney Baumgarten were present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-35, a Resolution Authorizing the Purchase of 1416 Rock Creek, Gunnison, Colorado. Staff did not recommend entering into an executive session. Motion carried unanimously.

RESOLUTION; AUTHORIZING THE PURCHASE OF 1420 ROCK CREEK, GUNNISON, COLORADO; POSSIBLE EXECUTIVE SESSION: Gunnison County Housing Authority Executive Director Gazunis and County Attorney Baumgarten were present for discussion.

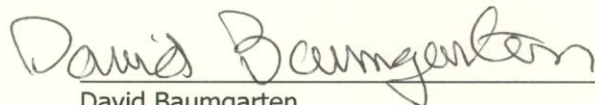
County Attorney David Baumgarten suggested that he and the Board enter into an executive session to discuss the purchase of real property and to instruct negotiators. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to go into the executive session as the County Attorney outlined, and the participants would be the Director of Housing, the County Attorney, the County Manager and the Board. Motion carried unanimously. An electronic audio recording of the executive session was kept.

The board went into executive session at 10:01 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: 10/22/10

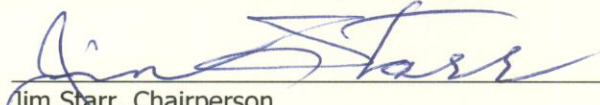


David Baumgarten
Gunnison County Attorney

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: 10/19/2010



Jim Starr, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:11 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.