

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
September 7, 2010**

The September 7, 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

**GUNNISON COUNTY BOARD OF EQUALIZATION:**

**CALL TO ORDER:** Chairperson Jim Starr called the meeting to order at 8:03 am.

**MINUTES APPROVAL:** Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes of August 2, 2010 and August 17, 2010 for the Board of Equalization, and authorize signatures. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Equalization meeting adjourned at 8:04 am.

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:**

**CALL TO ORDER:** Chairperson Starr called the meeting to order at 8:04 am.

**AGENDA REVIEW:** There were no changes to the agenda.

**MINUTES APPROVAL:** There were no minutes available for approval.

**CONSENT AGENDA:** Commissioner Swenson requested that Consent Agenda Item #3 be pulled for further discussion. Commissioner Channell requested that Consent Agenda Items #5, #6, #8, #11 and #12 be pulled for further discussion. Chairperson Starr requested that Consent Agenda Item #2 be pulled for further discussion. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve Consent Agenda Items #1, #4, #7, #9, #10 and #13. Motion carried unanimously.

1. Ratification of County Manager Signature; Letter of Support; Quiznos Pro Challenge Bicycle Race
2. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Standard form of Agreement Between Owner and Construction Manager as Constructor Where the Basis of Payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price; GE Johnson Construction Company; Gunnison County New Jail Building and New Public Works Building
3. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Equipment Lease-Purchase Agreement; All American Investment Group, LLC
4. Acknowledgment of County Manager Signature; Memorandum of Understanding Between Gunnison County and the USDA, Forest Service Grand Mesa, Uncompahgre and Gunnison National Forest
5. Pulled for Discussion and Separate Action: Amendment to the Memorandum of Understanding Between Board of County Commissioners of Gunnison County, Colorado and Gunnison Family Physicians; Implanon Insertion and Removal, IUD/IUS Insertion and Removals, and Vasectomy Procedures; 6/1/09 thru 5/31/11
6. Pulled for Discussion and Separate Action: Memorandum of Understanding Between Board of County Commissioners of Gunnison County, Colorado and Gunnison Family Medical Center; Implanon Insertion and Removal, IUD/IUS Insertion and Removal, and Vasectomy Procedures
7. US Department of Agriculture Forest Service Communications Use Lease Authority: Federal Land Policy and Mgmt Act, as Amended October 21, 1976; Comstock Communications Site, Lot #2; T15S., R.84W., 6<sup>th</sup> Principal Meridian, Section 29: SW1/4
8. Pulled for Discussion and Separate Action: Second Addendum to the Development Improvements Agreement for Thornton Meadows Subdivision; Deloray, LLC; Extension of Work Completion Date
9. Colorado Department of Public Health and Environment Immunization Program, Amendment 35 Immunization Funds for Local Public Health Agency Statement of Work; Gunnison County Department of Health and Human Services Total for FY 2011: \$9,836
10. Consulting Agreement; Tuck Communication Services, Inc.; Professional Sales and Services of Mitel Telephone Systems; \$166,659
11. Pulled for Discussion and Separate Action: Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; Aaron Clay,

Clay and Dodson, PC; Analysis of Water Rights for Hartman 1 and 2 Ditches and the Filing for Diligence for the Gunnison County Municipal Pipeline

12. **Pulled for Discussion and Separate Action:** Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; Barbara Green, Sullivan Green & Seavy, LLC; Development of Amendments to the Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations for Water Quality Purposes, Specifically Relating to Setbacks from Wetlands and Waterbodies, and Water Quality Non-Point Source Impacts
13. Product and Services Agreement; Microtech-Tel; PRI Phone Service and Long Distance

**CONSENT AGENDA ITEM #2:** Chairperson Starr requested additional discussion related to the hiring of local contractors and service providers. County Manager Birnie explained that all locals would be given the opportunity to submit bids. Since this is a maximum-price guarantee contract, the County cannot mandate that GE Johnson hire any locals. County Manager Birnie will visit with Project One Senior Project Manager Mike Mismash about a possible modification to the contract. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #2. Motion carried unanimously.

**CONSENT AGENDA ITEM #3:** Commissioner Swenson stated that she no longer needed further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve Consent Agenda Item #3. Motion carried unanimously.

**CONSENT AGENDA ITEMS #5 and #6:** Commissioner Channell requested additional information to determine if the County went through the bidding process and if the Gunnison Valley Health Hospital is capable of providing these services. Commissioner Swenson stated that the physicians that practice at the hospital are the same physicians that perform this Public Health service for pre-qualified patients. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Items #5 and #6. Motion carried unanimously.

**CONSENT AGENDA ITEM #8:** Commissioner Channell asked for additional discussion related to the timeline of the project since the first deadline had lapsed prior to submission of a request for another extension. County Paralegal Rachel Magruder and County Attorney David Baumgarten were present for discussion and explained that work is supposed to be complete by the end of the month. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #8. Motion carried unanimously.

**CONSENT AGENDA ITEMS #11 and #12:** Commissioner Channell asked for additional discussion related to the source of funding for these expenditures. County Attorney Baumgarten explained that money is put into the fund automatically every year. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Items #11 and #12. 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. Bond Closing; 9/2/2010. County Manager Birnie informed the Board that the closing went as planned and that the funds have been invested and are ready to be drawn for the capital projects. He also informed the Board that the City of Gunnison has recommended that the communications center not be relocated to the new facility, which he believed would not be problematic as long as a final decision is released quickly. The Emergency Operations Center will still relocate as grant funds are awarded to cover the costs.
2. Citizen Complaint; Jack Dietrich. County Manager Birnie informed the Board that Mr. Dietrich is not pleased with the County's decision to waive the Gunnison County Electric Association's (GCEA) linkage fee. County Manager Birnie explained to Mr. Dietrich that GCEA has a viable program in place. Mr. Dietrich may be attempting to start a program and County Manager Birnie asked Gunnison County Housing Authority Executive Director KT Gazunis to attend Mr. Dietrich's upcoming Property Owners' Association meeting as this issue is on the POA's upcoming agenda.
3. Marble Tourism Association. County Manager Birnie informed the Board that some of the former members of the MTA have retained attorney Marcus Locke and are proposing that the Tourism Association (TA) assume marketing duties for the Marble area. County Manager Birnie discussed this concept with TA Director Jane Chaney, who expressed some concerns but would be willing to take the duty. County Manager Birnie asked if the Board was interested in having Mr. Locke work with Ms. Chaney to pursue this option. County Manager Birnie believed that this practice would market the Marble area much more effectively than it had been in the past. The Board was supportive of the general direction.
4. Gunnison County Incumbency and Signature Certificate. County Manager Birnie requested Board ratification of the form's execution. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the certificate for signatures pertaining to our (the County) trustee on the Certificates of Participation and authorize the Chairperson's signature. Motion carried unanimously.

5. Signature Authorization; Property Closing Documentation; 1416 Rock Creek. County Manager Birnie stated that the Board had previously authorized staff to negotiate for this purchase, but not for signature of the closing documents. The offer was accepted and within the parameters noted in the authorization for negotiation. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize the County Manager or the Housing Director to execute the property closing documents for 1416 Rock Creek. Motion carried unanimously.
6. Gunnison Rising Donation of Conservation Easement on 160 Acres Near Signal Peak. Gunnison Wildlife Conservation Coordinator Jim Cochran was present for discussion and confirmed that this approval is one part of a two-part recommendation from the Sage-grouse Strategic Committee. This land includes active habitat, but the lek is not on the property. This easement is in the far northeast corner of the property. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to support the Conservation Easement by Gunnison Valley Partners on 160 acres of land to be held by the Colorado Division of Wildlife and authorize the Chairperson's signature.

**ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Assistant County Manager Marlene Crosby was not available for discussion.

**BREAK:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to recess the meeting and walk to Legion Park to meet with Senator Udall. Motion carried unanimously. The meeting recessed from 8:59 until 10:10 am so that the Board could meet with Senator Mark Udall and representatives from the Gunnison Country Chamber of Commerce for general discussion at the Legion Park pavilion. County Manager Birnie did not immediately return to the meeting after the break as his attendance at another meeting was mandatory; he returned at 11:15 am as noted in the minutes.

**POWDERHORN AND WEST ELKS WILDERNESS ADDITION LEGISLATION; REQUEST FOR SUPPORT:** Congresswoman Diana DeGette's staff representative Jennifer Clanahan; National Park Service Area Superintendent Connie Rudd, Upper Gunnison River Water Conservancy District General Manager Frank Kugel and County Attorney David Baumgarten were present for discussion.

Chairperson Starr stated that the Board had met with Congresswoman Diana DeGette a couple of weeks ago to discuss this issue and to request additional information.

Ms. Clanahan provided revised maps and explained that her office was waiting to hear from the Bureau of Reclamation before moving forward. She stated that her office had received verbal support of the legislation and that no negative comments had been received. She discussed this issue with all relevant agencies and, while none was permitted to advocate for the legislation, none expressed concerns. She provided a letter of support received from David Gorsuch, a ranch owner in Gunnison County. No other users were available for her to request a position from. Chairperson Starr read out loud the letter from David Gorsuch so that members of the audience could hear its content.

Commissioner Channell stated that it seemed obvious that the public believes this land is worthy of the wilderness designation. Yet he expressed concern related to setting a precedence of not adhering to the proper vetting process. Ms. Clanahan felt that this proposal had been well vetted in the time since it was first brought to the attention of Congresswoman DeGette in 1999.

Commissioner Swenson also expressed concern about the vetting process since, although the Congresswoman had been working on this since 1999, the Board hasn't been asked for a formal position statement until this year and there hasn't been an opportunity for enough public input. She was also concerned about jurisdictional boundaries and didn't want other counties' commissioners regulating Gunnison County's areas. Her strongest concern was that the Board had not yet worked with Gunnison County's own district congressman on this issue, Congressman John Salazar. Ms. Clanahan stated that Congresswoman DeGette and Congressman Salazar had discussed this legislation and that Congressman Salazar wanted to ensure that it had local support before moving forward.

Commissioner Channell stated that he had hoped for more evidence of the grassroots meetings on this issue. Ms. Clanahan stated that approximately 80 people had attended an initial meeting in 1999 at the Courthouse. Chairperson Starr stated that he was present at that time and could not recall the content of the meeting or any stated objections to the content.

Ms. Rudd agreed, without support or opposition for the legislation, that the National Park Service could handle the West Elks addition, if it were designated, but that certain areas would need to be excluded as outlined within her previous correspondence to the Board.

Chairperson Starr agreed that the vetting process was probably not done properly as the public has not yet had the chance to provide comments. He noted that the legislation appears to have overarching general support, but that he remains concerned about the water rights language. Ms. Clanahan stated that the language would not impact these two areas. Mr. Kugel noted that the UGRWCD had been reviewing the language without any specific concerns. Ms. Clanahan stated that her office was in the process of developing language based on new information and Mr. Kugel was pleased to hear this since he had planned to recommend similar changes. With changes, he believed that the UGRWCD board