

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 21, 2010**

The September 21, 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 8:17 am.

AGENDA REVIEW: There were no changes to the agenda.

CONSENT AGENDA: Chairperson Starr requested that Consent Agenda Item #15 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Consent Agenda, excluding Item #15. Motion carried unanimously.

1. Approval of County Clerk Signature; Addendum to the Warrant, Support, and License Agreement; Hart InterCivic, Inc.; Term Expires 4/18/13
2. Acknowledgment of County Manager Signature; Agreement Between Owner and Engineer for Professional Services; Jerry Greene Consulting Engineering; Preparation of the Preliminary Engineering Report and Environmental Report with Attachments, Preparation of Contract Documents, Contract Administration and Full-Time Resident Inspection; Antelope Hills Water Line Project
3. Acknowledgment of County Manager Signature; Funding Request Form, Conservation Trust Funds; Gunnison County Metropolitan Recreation District; Cycle Ending 9/30/2010; Enhancements/Improvements at the Fairgrounds and/or Trails Enhancements
4. Acknowledgment of County Manager Signature; Statement of Work; Innoprise Software, Inc.; Community Development Permit-Tracking Software Project
5. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, Prevention Services Division, Children with Special Health Care Needs (CSHCN) Unit, Health Care Program for Children with Special Health Care Needs (HCP), Budget Narrative FY11
6. Acknowledgment of County Manager Signature; State of Colorado, Department of Local Affairs; Contract Amendment #1, Encumbrance #L10CSBG19, Original Contract CLIN #09-1142; \$1,838
7. Ratification of Correspondence; Value-Added Development Board, Colorado Department of Agriculture; Support for an Advancing Colorado's Renewable Energy Grant Application; 9/15/2010
8. Ratification of Correspondence; Congresswoman Diana DeGette; West Elk and Powderhorn Wilderness Areas; 9/15/2010
9. Resolution; Concerning Fees Charged by the Gunnison County Sheriff's Office Relating to the Service of Process Pursuant to 2010 Amendments to §30-1-104, 30-1-105.5, 30-1-106, 30-1-107, and 30-1-116, C.R.S. (House Bill 10-1057)
10. Provider Agreement; Wyoming Children's Society; Professional Services Regarding Post Placement Supervisory Services for Children and Youth Referred from Gunnison County Department of Health and Human Services; 11/1/10 thru 12/31/10; \$830
11. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract; Case Management Services and Home Health Oversight for Applicants and Recipients of the Colorado Medical Assistance Program (Medicaid)
12. 2010 Curecanti National Recreation Area Noxious Weed Annual Operating Plan and Contract; Modification #2 under Master Agreement Number H1379080012
13. Grant Contract; Temple Hoyne Buell Foundation; Nurturing Parenting Program; Grant #5432; 9/1/10 thru 8/31/11; \$8,000
14. State of Colorado, Department of Local Affairs; Certification of Eligibility to Receive Conservation Trust Funds (CTF) for Period January 1 to December 31, 2011
15. **Pulled for Discussion and Separate Action:** Resolution; Opposing Proposition 101 and Amendments 60 and 61
16. Out-of-State Travel Request; Required Travel for National Association of County and City Health Officials) Emergency Preparedness Grant; Westin, Rhode Island; 10/19/2010 – 10/22/2010; Public Health Nurse Jean Kelley; \$1,508
17. Contract Agreement; Asphalt Specialists & Supply, Inc.; Gunnison-Crested Butte Regional Airport, Gunnison, Colorado; AIP Project No. 3-08-0030-43; Construction of Airport Improvements Including Rehabilitate Taxiway A (TW A1 to TW A3) and Install Surface Painted Guidance Signs, Runway 6/24 Striping, and Other Incidental Work at the Gunnison-Crested Butte Regional Airport
18. Addendum to the Development Improvements Agreement for Ute Trail Ranch; Ute Trail Ranch Foundation; Extension of Work Completion Date to 6/30/2011
19. Consulting Agreement; Sturgeon Electric Company, Inc.; Professional Network Wiring and Infrastructure Installation

20. CORE Services Program Three Year Plan, SFY 2010-2011, SFY 2011-2012, SFY 2012-2013, for Gunnison and Hinsdale Counties

CONSENT AGENDA ITEM #15: Chairperson Starr asked for additional discussion because he wanted to insert language regarding the detrimental effect to the public within the document. Modifications were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #15, which is Resolution #2010-41, and authorize signatures. 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. Cost of Government. County Manager Birnie informed the Board that his recent travel to Washington, DC to attend this conference, hosted by Governing Magazine, yielded valuable insight and information.
2. Construction Projects Update. County Manager Birnie informed the Board that a total of \$600,000 was awarded to local firms during the first bid package. Almost all local bids were awarded.
3. Tourism Association Assessment. County Manager Birnie informed the Board that targeted firms were sent proposal requests. A subcommittee to evaluate any submitted proposals may be assembled. Commissioner Channell will participate on that subcommittee as a member of the Gunnison River Valley Local Marketing District Board.
4. Governor's Energy Office Funding Update. County Manager Birnie explained that the County submitted a request for a commissioning agent at approximately \$60,000. The County may also be able to apply for a LEED grant this fall. Smaller funding amounts will be available for biomass applications.

THOMPSON DIVIDE COALITION CAMPAIGN: West Elk Scenic Loop and Byway board member Dave Roberts, High Country Citizens' Alliance representative Matt Reed, Gunnison Energy Corporation Director of Environment and Planning Lee Fyock, Thompson Divide Coalition President Jock Jacober and Thompson Divide Coalition board member Marj Perry were present for discussion.

Mr. Jacober stated that maps were created to account for natural phenomenon such as wildlife migration. He confirmed that Garfield County signed a support letter on 9/15/2010. Ms. Perry noted that this is an important corridor as it would be much easier for large animals to migrate if there were no roads. She stated that Garfield and Pitkin County Mule deer populations and health are declining, so migration is an important issue. Mr. Jacober explained that the plan is to withdraw leasing as leases expire and then work with current leaseholders to the betterment of the area.

Commissioner Swenson noted that Gunnison County has oil and gas regulations in place, which the other affected counties do not, so Gunnison County has a permitting process to go through prior to the creation of any wells. She further stated that Gunnison County has regulatory authority on anything within the boundaries of Gunnison County, including Forest Service land.

Mr. Reed felt that the Board has the opportunity to make a meaningful impact to wildlife and land.

Mr. Roberts informed the Board that the Byway Committee would prefer that the corridor protection goals and objectives mirror those of the Coalition.

Mr. Fyock stated that leases are given 10 years to be able to show productivity. As it stands right now, leases can be reoffered.

Commissioner Channell proposed that the County support the legislation. He provided draft correspondence for Board consideration and read it out loud for the audience members. Modifications to the draft correspondence were discussed and agreed upon by Chairperson Starr.

Commissioner Swenson was not ready to send correspondence, not because she did not see the merits of the proposed legislation, but because the County already has local tools in place and because she felt that this legislation may be overreaching in Gunnison County. Commissioner Channell acknowledged her concerns, but felt that sending the correspondence would not threaten the relationship between the County and the current leaseholders in the County. **Moved** by Commissioner Channell, seconded by Chairperson Starr to adopt a position of support and forward the letter as amended. Motion carried. Commissioner Swenson voted against the motion.

CLOUD SEEDING PROGRAM UPDATE: Senior Accountant Jane Wyman and North American Weather Consultants representative Don Griffith were present for discussion.

Mr. Griffith gave a visual presentation of the Cloud Seeding program, including its history and the proposal for the upcoming season from 11/15/2010 thru 4/15/2011 at an estimated total cost of \$92,000.

Senior Accountant Wyman informed the Board that the County carried forward approximately \$6,700 in 2009 funds and that all funding partners except for Crested Butte Mountain Resort and the City of Gunnison are anticipated to provide funding again this year. CBMR and the City of Gunnison both stated support for the program, but neither anticipates having any available funding.

BREAK: The meeting recessed from 10:02 until 10:15 am.

FAIRGROUNDS MASTER PLAN ADOPTION: Gunnison County Director of the CSU Cooperative Extension Eric McPhail, Fairgrounds Manager Melody Roper, Geographic Information Services Manager Mike Pelletier, Facilities Maintenance Supervisor Rich Corbett and Gunnison County Fire Protection District Fire Chief Dennis Spritzer were present for discussion.

Mr. McPhail presented the Fairgrounds Master Plan for consideration. He stated that the document was the result of input from organizations and persons that utilize the fairgrounds as well as a public outreach campaign completed by the Fairgrounds Master Planning Committee.

Chief Spritzer informed the Board that the City of Gunnison and the Fire Protection District would like to obtain the land directly to the south of the current firehouse. County Manager Birnie felt that the County could continue to lease this land in lieu of changing ownership. Chief Spritzer noted that he would rather change ownership because the City and District will likely plan to expand the firehouse structure onto this land. County Manager Birnie recommended suspending any Board decision on this piece of land until all parking issues relative to the PUD process have been resolved.

Moved by Commissioner Swenson, seconded by Commissioner Channell to adopt the Fairgrounds Master Plan, as presented by the task force today, and direct staff to come back with an implementation update. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; LOT 6, CRYSTAL CREEK SUBDIVISION: County Planner Cathie Pagano and John Belkin, attorney representing the applicant, were present for discussion.

County Planner Pagano presented the Boundary Line Adjustment request. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Boundary Line Adjustment of Lot 6, Creek Side Subdivision and authorize the Chairperson's signature on the plat. Motion carried unanimously.

LOT CLUSTER APPLICATION; LOTS 1 & 2 BLOCK 10, MARBLE SKI AREA FILING #2, AND LOT 38, MARBLE SKI AREA FILING # 3; BENJAMIN COLLETT: County Planner Pagano was present for discussion.

County Planner Pagano presented the Lot Cluster Application for consideration. Commissioner Channell wondered whether or not the County would be compounding the problem of development on Serpentine Trail by approval of the application. County Planner Pagano noted that, theoretically, approval will reduce the development because one potential building lot will be eliminated. Commissioner Channell still questioned whether or not the County would be encouraging the development of the lot by approving the cluster. The Board agreed that this type of issue should be discussed during the next joint meeting with the Planning Commission. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Lot Cluster Application, Lots 1 and 2, Block 10, Marble Ski Area Filing #2, and Lot 38, Marble Ski Area Filing #3 and authorize signatures. Motion carried unanimously.

SADDLE RIDGE EASEMENT UPDATE; EXECUTION OF ACCEPTANCE OF DEDICATION OF TRAILS: Deputy County Attorney Tom Dill was present for discussion.

Deputy County Attorney Dill informed the Board that County Attorney David Baumgarten was in agreement with this acceptance and draft resolution. Modifications were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-42, a Resolution Accepting the Dedication of Public Trails Through Saddle Ridge Ranch Estates, as edited. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the August 2010 Treasurer's Monthly Report and an Investment Report dated August 31, 2010 for discussion and acceptance. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to accept the Treasurer's Report for August 2010 and authorize the Chairperson's signature. Motion carried unanimously.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Warrant Report dated September 21, 2010 and the Cash Transfer Authorization dated August 2010 for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the warrants for September 21, 2010 through Warrant #102493 in the amount of \$1,056,550.52. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize the Cash Transfer in the amount of \$2,032,998.57. Motion carried unanimously.

CENTRAL COLORADO LAND EXCHANGE; POSSIBLE STATEMENT: Deputy County Attorney Dill, Park Service Deputy Superintendent Dave Roberts and Trails Commission member Joellen Fonken were present for discussion.

The draft statement was discussed and modifications were agreed upon.

Resident John Lee stated that the trail would be crossing part of his irrigation ditch as well as part of his easement across Bear Ranch. Chairperson Starr acknowledged that this may be an issue, but that this would be discussed at length during any future planning process. It was also thought that the Spring Creek Trailhead might necessitate CDOT involvement.

Resident Ann Rickenbaugh stated that she had not yet seen the document and wondered whether or not the Board would take action on this issue during the meeting. Commissioner Swenson confirmed that Board intended to take action during the meeting.

Paonia resident Ed Marston noted that Bear Ranch had not stated that it won't drill for gas on its land, which he felt would mean that the County will lose money on the exchange. He also stated that the owner of Bear Ranch has violated a court order to keep a road open, and he questioned whether or not the Board has ever spoken with the owner of Bear Ranch publicly. Chairperson Starr noted that he had spoken with County Attorney Baumgarten about the road in question, which is entirely separate from the roads proposed in the exchange. Mr. Marston felt that the road should be considered because of potential access issues.

Ms. Fonken noted that this issue was discussed by the Trails Commission during the previous week. She and other Trails Commission members visited the area recently and agreed that they would like to maintain the easement along CR #2.

Resident Richard Harding stated that he would like to see a reference within the statement that the landowners at Curecanti are being taken into consideration. He explained that he has a right-of-way across that portion of Bear Ranch and wants to make sure it's protected. Deputy Superintendent Roberts confirmed that the Park Service would honor the easement for the Curecanti landowners.

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the public statement concerning the Central Colorado Land Exchange, as edited, and distribute as an op-ed (opinion). Motion carried unanimously.

BEAR RANCH, LLC LAND EXCHANGE AGREEMENT: Deputy County Attorney Dill was present for discussion.

The agreement was discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the agreement regarding the land exchange between Bear Ranch, LLC and Gunnison County, and authorize signatures. Resident Anne Rickenbaugh requested modifications to the agreement or for the easement to be placed in escrow. County Manager Birnie explained that the agreement will become effective with the passage of the law. Motion carried unanimously.

UNSCHEDULED CITIZENS:

1. Jim Simms. Mr. Simms requested time on an agenda to present his insight on the Bear Ranch, LLC Land Exchange. He stated that he opposes the legislation in its current form. Chairperson Starr stated that it would not make sense to schedule now, but that there would be opportunity in the future when the County sees what happens congressionally with this. Commissioner Channell felt that setting a time, possibly during a November work session, for discussion may be beneficial.
2. Randy Spydell. Mr. Spydell voiced his concern that the work on CR #10 is not yet complete. Commissioner Swenson stated that she understands his frustration, but that pertinent staff was not available during the discussion. This discussion was added to the 10/5/10 agenda.

BREAK: The meeting recessed from 12:24 until 1:07 pm for lunch.

COMMISSIONER ITEMS:

Commissioner Swenson:

1. CB South Leash Law. Commissioner Swenson informed the Board that a Sheriff's Office deputy ticketed someone for not having their dog on a leash outside of the CB South boundary. A 60-minute work session on a possible County-wide leash law was scheduled for 11/9/2010.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD representative Bill Trampe was present for discussion.

CRWCD Representative Trampe informed the Board that the District held a budget workshop during the previous week. Revenues are projected to be flat for 2011. Revenues for 2012 and 2013 are anticipated to be tight, estimating between 15% and 30% reduction. Successful mediation efforts have managed to retain funds in the District's capital fund since litigation has been avoided. Staffing levels are currently two full-time positions less than a couple of years ago. The District does not anticipate increasing staff levels in the near future.

There was an Interbasin Compact Committee meeting at end of August. The group is now trying to focus on future accomplishments and a mediator has been hired to push the group in the right direction.

A committee will report on future appropriations criteria at the District's 10/8/10 meeting.

SPONSORSHIP REQUEST; GUNNISON VALLEY ANIMAL WELFARE LEAGUE (GVAWL) FUR BALL: GVAWL President Lora VanRenselaar and GVAWL Vice-President Margaret McCleod were present for discussion.

Ms. VanRenselaar informed the Board that the annual Fur Ball will be held on 10/30/10 at Webster Hall. She requested issuance of a proclamation that 10/24/10 thru 10/30/10 be "Build a Shelter Week". She also requested financial sponsorship of the Fur Ball. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to be a sponsor for the Gunnison Valley Animal Welfare League Fur Ball in the amount of \$1,000. Motion carried unanimously.

SIGN VARIANCE REQUEST; DOS RIOS GOLF CLUB: Building Inspector Rich Wojdakowski, Dos Rios Golf Club Acting General Manager Jim Sparr and Dos Rios Golf Club Vice President were present for discussion.

Building Inspector Wojdakowski presented the request for a variance to Section 13-109 of the Gunnison County Land Use Resolution. The Club requested permission to place an approximate 26-square-foot one-sided sign near the entrance to the Club. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the sign variance application for Dos Rios Golf Club. Motion carried unanimously.

BUCKHORN RANCH DEVELOPMENT IMPROVEMENTS AGREEMENT; REPORT ON PROGRESS; POSSIBLE ACTION; ACCESSING FINANCIAL SECURITY: Deputy County Attorney Dill, Assistant Public Works Director Allen Moores, Gunnison County Housing Authority Executive Director KT Gazunis, developer Dr. Richard Landy and engineer Jerry Burgess were present for discussion.

Assistant Public Works Director Moores informed the Board that the inspection had been completed. He provided the following updates:

- Chip Seal. This has been completed.
- Ball Field. The trail is not up to par as material is sticking up out of the ground.
- Signage. The County has not yet signed off on the signage.
- Weed Control. A significant amount of weed growth in the areas disturbed by construction still exists.
- Stormwater Management. He will need to meet with Mr. Burgess to discuss this issue.
- Wetlands Mitigation. The Army Corps of Engineers is not satisfied with the progress since the requirements for the permit have not been met.

Deputy County Attorney Dill requested that the Board direct the County Attorney's Office to demand the release of the Letter of Credit in an amount necessary to finish the incomplete items. Dr. Landy agreed to this, with the exception of the wetlands mitigation issue since he believed it had been completed years ago. Dr. Landy agreed to handle the signage himself.

Moved by Commissioner Channell, seconded by Commissioner Swenson to authorize staff to pull \$175,500 from the security in order to cover invoices from SGM and Lacy construction, letter of credit number 2372403 with Community Banks of Colorado. Motion carried unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Channell to authorize staff to move forward to ensure that these projects get completed that are still on the checklist and, if that means going out and soliciting bids to get those projects completed, they have the authorization to do so. Chairperson Starr didn't feel that the taxpayers should pay for attaining this compliance and the Board agreed, so the motion was modified to include reimbursement for staff time. Motion carried unanimously.

BUCKHORN RANCH / STALLION PARK AFFORDABLE HOUSING; REPORT ON PROGRESS; POSSIBLE EXTENSION OF FINAL DATE AND SECURITY: Deputy County Attorney Dill, Gunnison County Housing Authority Executive Director Gazunis and developer Dr. Richard Landy were present for discussion.

Deputy County Attorney Dill informed the Board that not all affordable housing units have been completed for which the County is holding approximately \$1,200,000 of security. Per Deputy County Attorney Dill, County Attorney Baumgarten suggested extending the deadline for the work completion date for another year, contingent upon the bank extending the letter of credit. Dr. Landy expressed his desire for the extension. **Moved** by Commissioner Channell, seconded by Commissioner Swenson, contingent upon the Community Banks of Colorado extending their letter of credit #2372402 for a year, to extend the work completion date from September 30, 2010 to September 30, 2011 for the eight yet-to-be-built units. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the Board of County Commissioners meeting. Motion carried unanimously. The meeting adjourned at 2:22 pm.

GUNNISON COUNTY BOARD OF HEALTH: County Medical Officer Dr. John Tarr and Public Health Director Carol Worrall were present for discussion. Clerk to the Board Ruth Dukeman was present and created the following minutes.

CALL TO ORDER: Chairperson Starr called the meeting to order at 2:49 pm.

EPIDEMIOLOGY UPDATE: Public Health Director Worrall provided an update on several local cases of Whooping Cough-Pertussis. She and Dr. Tarr further explained efforts of a local childcare center to prevent further spread of the bacterial infection with parents being called, antibiotic prescriptions recommended and the facility being cleaned. It was reported that there was an increase rate of infection in the State of California with several deaths in small children. A decline in vaccination rates in the Gunnison Valley was noted with a cause for concern related to this outbreak. The rationale that parents have for not having their children vaccinated, authors who recommend a delayed immunization cycle and risks related to autism were presented. The Hospital is preparing communications related to the importance of immunizations in the local media. This situation has resulted in coordination efforts and additional communications between Gunnison County Public Health and local physicians with full support for immunization programs. The importance of immunizations in the population to include adults to help avoid transmission was reviewed.

Reports of cases of Hepatitis A in Grand County were reviewed. It was thought to have been transmitted to over 900 people from a food handler who worked at two separate restaurants. The types of medications administered, localities of the people exposed, including a local person, were presented. The value of food handling classes for food service workers was emphasized. Montrose County may be collaborating with Gunnison County for education outreach efforts. How other counties would be posting education efforts and restaurants that participate in the trainings on their websites was noted.

A recent Salmonella outbreak related to eggs was reviewed with local grocery store vendors removing potentially contaminated products from their shelves. Efforts related to their willingness to exchange recalled eggs were appreciated.

Gunnison County Public Health participated in a pilot project testing for Human Immunodeficiency Virus (HIV). There were five testing sites around the state with 3,048 people tested with no new cases reported.

The State of Colorado offered no-cost vaccines (Gardasil (HPV), MMR, Pnuemovax (Pneumonia shot), Tetanus, Tdap (tetanus with whooping cough & Diphtheria) Menactra (meningitis shot) and Chickenpox) for distribution. These vaccines were not purchased by the State of Colorado using ARRA funds, but 317 funds. Public Health Director Worrall reported over \$8,000 of vaccine being distributed to local health care providers. As part of a grant, local health care providers were also awarded new refrigeration equipment for storage of vaccines. Appreciation to local physicians supporting immunization efforts in the community was emphasized.

PUBLIC HEALTH IMPROVEMENT PLAN UPDATE: Public Health Director Worrall presented details related to an upcoming community health assessment survey. The West Central Partnership will be participating as a test site related to collection of the information. An application was submitted for the Survive and Thrive program, where there would be only three sites in the nation participating. Hopes were expressed that Gunnison County would be selected for participation.

It was reported that Gunnison County Public Health had recently reorganized their office space to be more efficient. Program needs and staffing allocations were reviewed.

CONTRACTS; DR. TARR AND DR. MATTHEWS: Dr. Tarr explained that he is preparing for retirement from private practice and there is a need for supervision of the Physician's Assistant (PA) providing services to Public Health. Dr. Matthews has expressed a desire to provide

supervision to the PA, with hopes that she could begin a transition into Public Health Officer. The fiscal impacts, Dr. Matthew's previous public health commitment and timing for the transition were reviewed.

MASS INFLUENZA CLINIC: An annual mass influenza clinic is scheduled for October 6, 2010 from 2:00 pm – 6:00 pm at the Gunnison County Public Health offices with the drive-through clinic services being offered. H1N1 would be included in the single booster shot. A Point of Distribution (POD) immunization site for City of Gunnison employees will be held on October 14, 2010.

SUICIDE PREVENTION ACTIVITIES: A community group continues to meet with a recent training session provided for QPR (similar to CPR) – Question, Persuade, Refer, a process for laypeople to help identify suicide risk situations and refer the person to the appropriate resources. There are now multiple members in the community that are trained, with trainings scheduled on the Western State College of Colorado campus in the coming weeks. Other trainings are proposed in Gunnison and Crested Butte throughout the fall. Rates of suicide in Colorado are higher than the National average with Gunnison thought to have around seven suicides per year. Suicide attempts may be tracked and reported in the future, as they are currently not being considered in the reported numbers.

An upcoming medication disposal event, coordinated by the Gunnison County Substance Abuse Prevention Project (GCSAPP) was announced.

Community Health Assessment Program: Dr. Tarr provided an update about the implementation of an on-line program. There is a desire to increase the awareness and utilization of local health services by community participation in the assessment. Dr. Tarr presented details related to future funding, promotional efforts and the need for community cooperation for program success.

Concern was expressed about the future of the Bright Beginnings program. It was explained that the program offers educational services with a volunteer visiting the home of new parents and providing educational parenting materials and that it is in need of a fiscal sponsor. Program needs, grant opportunities, storage of materials and organizational support were reviewed. Hope was expressed that the Early Childhood Council could help orchestrate continuation of the program. Inclusion of this topic on another agenda to provide an update during a future meeting was requested.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the Gunnison County Board of Health meeting. Motion carried unanimously. The meeting adjourned at 4:01 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 GUNNISON COUNTY
RESOLUTION NO. 2010 - 40**

A RESOLUTION CONCERNING FEES CHARGED BY THE GUNNISON COUNTY SHERIFF'S OFFICE
RELATING TO THE SERVICE OF PROCESS PURSUANT TO 2010 AMENDMENTS TO §30-1-104, 30-1-105.5,
30-1-106, 30-1-107, AND 30-1-116, C.R.S. (HOUSE BILL 10-1057)

WHEREAS, the fees set forth in this Resolution will supersede the current schedule of fees which the Sheriff's Office is authorized to charge, except that the fees in effect for the Sheriff's Office services provided herein to Gunnison County government offices and agencies which are funded wholly or in part by Gunnison County shall be charged as set forth in Section II, below; and

WHEREAS, the Colorado Legislature enacted certain amendments to §30-1-104, 30-1-105, 30-1-106, 30-1-107 and 30-1-116, C.R.S. in House Bill 10-1057, effective August 11, 2010, concerning certain fees collected by the sheriffs in civil actions and the authorized mileage rate ; and

WHEREAS, House Bill 10-1057 authorizes a Sheriff to establish a zone- or zip code-based mileage fee structure to be set by resolution of a Board of County Commissioners for the County and posted pursuant to §30-1-108, C.R.S.

NOW THEREFORE, BE IT RESOLVED; In accordance with the provisions of §30-1-104, 105.5, 106 and 116 C.R.S., as amended, fees collected by the sheriff or his/her designated representatives, for serving and returning various writ and processes and performing other duties under state law shall be fixed as follows:

I. FEES:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in this section, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than fifteen dollars (\$15.00).
- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, actual expenses not to exceed thirty-five dollars (\$35.00).
- (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00).
- (4) For making a return on a summons in other than a criminal action not served, for each party, twenty dollars; (20.00).
- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50).
- (6) For serving and returning each subpoena in other than a criminal action on each witness; sixty dollars (\$60.00).
- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).
- (8) For making return on a subpoena in other than a criminal action not served, twenty dollars (\$20.00).
- (9) For serving each juror, ten dollars (\$10.00).
- (10) For serving and returning writ of attachment or replevin on each party in counties of every class, mileage, and actual expenses.
- (11) For serving garnishee summons on each party, twenty dollars (\$20.00).
- (12) In making demand for payment on executions when payment is not made, one dollar (\$1.00).
- (13) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred in counties of every class, mileage and actual expenses.
- (14) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred in counties of every class, mileage and actual expenses.
- (15) No custodian shall be appointed by the sheriff to take custody of goods by him or her attached, nor shall any deputy be placed in charge thereof, unless the plaintiff or his or her attorney shall request the appointment of such custodian in writing; such custodian or deputy shall receive twelve dollars (\$12.00) per diem of twelve hours or fraction thereof, which shall be taxed as costs in the case.
- (16) For making and filing for record a certificate of levy on attachment or other cases, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (17) For committing and discharging convicted prisoners to and from the county jail, in counties of every class, a reasonable fee, not to exceed thirty dollars (\$30.00), which fee shall be collected directly from prisoners at the time of commitment, but shall be refunded to any prisoner who is not convicted.

- (18) For serving writ with aid of posse Comitatus with actual expenses necessarily incurred in executing said writ, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00); for serving same without aid in counties of every class, actual expenses, but not more than four dollars (\$4.00).
- (19) For attending before any judge, court not being in session, with prisoners with writ of habeas corpus for each day of twelve hours or fraction thereof, twelve dollars (\$12.00).
- (20) For attending courts of record when in session, per diem of twelve hours, or fraction thereof, in counties of every class, twelve dollars (\$12.00); but the attendance upon the county court shall be certified by the judge of said court at the close of each month.
- (21) For advertising property for sale, besides the actual cost of the advertising, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (22) For making certificates of sale previous to execution of deed, or on sales of personal property, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00)
- (23) For executing and acknowledging deed of sale of real estate, in counties of every class, actual expenses, but not more than forty dollars (\$40.00).
- (24) For taking, approving, and returning bond in any case, in counties of every class, a reasonable fee, not to exceed ten dollars (\$10.00).
- (25) For executing capias or warrant in criminal cases, on each prisoner named therein, in counties of every class, two dollars (\$2.00).
- (26) For transporting insane or other prisoners, besides the actual expenses necessarily incurred, in counties of every class, not less than twelve cents per mile nor more than the maximum mileage allowance provided for state officers and employees under §24-9-104, C.R.S., as determined by resolution of the board of county commissioners of each county or as provided by the charter of a home rule county, and for the services of mittimus or other process order, whether written or otherwise, in transporting prisoners, in counties of every class, not less than twelve cents per mile nor more than the maximum mileage allowance provided for state officers and employees under §24-0-104, C.R.S., as determined by resolution of the board of county commissioners of each county or as provided by the charter of a home rule county; except that such mileage shall be only by one officer and no mileage shall be charged upon the guards attending the officer in charge of custody of the prisoner and further except that the guards attending the officer in charge of the prisoner shall receive, besides the expenses necessarily incurred, the sum of twelve dollars (\$12.00) per diem of twelve hours, or fraction thereof, to be paid out of the county treasury.
- (27) For his or her services in sales of real estate on an execution or decree, order of court, or other Court process, besides actual expenses, in counties of every class on all bids under three thousand (\$3,000.00) twenty (\$20.00); and on all sums bid over three thousand (\$3,000.00), one percent; but such commission shall in no case exceed the sum of one hundred dollars (\$100.00).
- (28) For money collected by sale of personal property, in counties of every class, on all sums bid under five hundred dollars (\$500.00) five percent; on all sums bid over five hundred dollars (\$500.00) five percent; on all sums bid over five hundred dollars (\$500.00) and under one thousand (\$1,000.00) six percent; and on all sums bid over one thousand dollars (\$1,000.00), seven percent; but no fee shall be charged for an auctioneer or other person for making sales of personal property; and in no case shall commission excel the sum of one hundred dollars (\$100.00).
- (29) For money collected or settlements made without sale, after writ of execution, attachment, or replevin has been placed in his/her hands, and levy or demand for payment has been made on the proper party, on all amounts under five hundred dollars (\$500.00), three percent; on all amounts over five hundred dollars (\$500.00) and under one thousand dollars (\$1,000.00), two percent; on all amounts over one thousand (\$1,000.00), one and one half percent; but the fee in no case shall exceed the sum of one hundred fifty dollars (\$150.00); and the plaintiff or any person making any settlement shall be liable to the sheriff for such fees.
- (30) For pursuing and capturing or pursuit without capture, each prisoner charged with the commission of any crime denominated a felony, beyond the limits of the county, all necessary expenses of such pursuit, upon a verified itemized account being presented for the same together with twelve dollars (\$12.00) per diem of twelve hours for the time occupied in such pursuit.
- (31) For serving and returning writ of ne exeat or body attachment, in counties of every class, actual expenses, but not more than twenty dollars (\$20.00).

- (32) For serving copy of execution when making levy on shares of stock under execution, on each party served, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00).
- (33) For making certificates of levy on shares, or otherwise, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (34) For making return on execution, in counties of every class, actual expenses, but no more than sixty dollars (\$60.00).
- (35) For executing certificate of redemption, in counties of every class, actual expenses, but no more than thirty dollars (\$30.00).
- (36) For service and execution of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily incurred in counties of every class, actual expenses not to exceed two hundred (\$200.00), except that the Sheriff may charge for actual expenses in excess of two hundred dollars if the work performed exceeds two hours in duration. A Sheriff may charge a fee under this paragraph (36) after the sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service. Actual transportation costs assessed pursuant to this paragraph shall only be charged once per location for each service or execution.
- (37) Actual Expenses:
Pursuant to §30-1-104(2) C.R.S., as amended, "actual expenses" means those personnel and processing costs incurred in typing, processing, filing, and serving said process papers but does not include mileage.

II. FEES CHARGED TO GUNNISON COUNTY GOVERNMENT OFFICES AND AGENCIES

Sheriff's Office services provided herein to Gunnison County government offices and agencies which are funded wholly or in part by Gunnison County shall be charged as set forth below:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in this section, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than fifteen dollars (\$15.00).
- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, actual expenses not to exceed fifteen dollars (\$15.00).
- (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00).
- (4) For making a return on a summons in other than a criminal action not served, five dollars; (\$5.00).
- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50).
- (6) For serving and returning each subpoena in other than a criminal action on each witness; seven dollars and fifty cents (\$7.50).
- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).
- (8) For making return on a subpoena in other than a criminal action not served, five dollars (\$5.00).
- (9) Mileage for each mile actually and necessarily travelled in serving each writ, subpoena or other process in a criminal action or any action other than a criminal action for Sheriff's Office services provided herein to Gunnison County government offices and agencies which are funded wholly or in part by Gunnison County, twenty cents (\$.20).

III. MILEAGE

A. Criminal Actions:

Mileage for each mile actually and necessarily traveled in serving each writ, subpoena or other process in a criminal action, twenty cents (\$.20).

B. An Action Other Than a Criminal Action:

Mileage shall be charged at the mileage rate authorized for County officials and employees pursuant to §30-11-107(1)(t), C.R.S. as amended, for each mile actually and necessarily traveled in serving each writ, subpoena, or other process in an action other than a criminal action. The Sheriff's Office will post the current mileage rate set by the Board of County Commissioners pursuant to §30-11-107(1)(t), C.R.S. as amended, in a location accessible to the public pursuant to §30-1-108, C.R.S. as amended.

IV. TWO OR MORE PAPERS SERVED ON THE SAME PERSON OR DIFFERENT PERSONS AT THE SAME TIME AND PLACE IN SAME ACTION

Pursuant to §30-1-105.5, C.R.S., as amended, in situations when two or more papers are served on the same person or different persons at the same time and place and in the same action, the Sheriff shall charge the highest individual fee allowable pursuant to §30-1-104, C.R.S. for the first process and an additional ten dollars (\$10.00) for each subsequent process served. The Sheriff shall charge the mileage for the first process.

V. BILLING ACCOUNTS:

Pursuant to §30-1-106(2) and (3), C.R.S., as amended, the Gunnison County Sheriff's Office has the authority to establish billing accounts for licensed attorneys and licensed collection agencies that have a principle office located in the state of Colorado. The Sheriff's Office has the authority to develop standardized procedures for billing the accounts authorized herein, including the ability to suspend the billing privileges of any entity for nonpayment of a fee upon demand or other good cause shown.

This resolution shall take effect November 2, 2010.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 21st day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell –yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2010-41**

A RESOLUTION OPPOSING AMENDMENTS 60 AND 61 AND PROPOSITION 101

WHEREAS, voters will have the opportunity at the November 2 statewide general election to protect fiscal health of their local governments and businesses by defeating Amendment 60 and Amendment 61, and Proposition 101; and

WHEREAS, during this current economic downturn Gunnison County and local businesses have already felt the impact of reduced revenues and an increased need for certain county services; and

WHEREAS, the cost of hunting licenses will likely be increased significantly if Amendment 60 is passed; and

WHEREAS, these ballot measures individually and collectively significantly reduce or otherwise restrict both state and local revenues in a number of different ways including but not limited to: property taxes, specific ownership taxes, telecommunication taxes, state income taxes, state shared revenues to assist counties with local road and transit improvements, and other state grants and loans to help local governments and businesses; and

WHEREAS, the ability for local citizens to finance long-term capital improvements like road and bridge projects, fire stations, community centers, libraries, other public facilities, as well as energy efficiency and renewable energy improvements to existing public facilities, will be dramatically impaired by the restrictions on debt financing as proposed by Amendment 61; and

WHEREAS, services and programs in Gunnison County will be limited or curtailed because of the numerous restrictions and revenue reductions proposed by these three measures such as snow plowing and dust retardant application on County roads, use of local subcontractors and services for County projects; and

WHEREAS, Amendment 60 invalidates ballot decisions made by local voters by allowing voters across the state to overturn previous local ballot questions regarding the amount of taxes voters are willing to pay to fund local services provided by counties, cities, school districts, and special districts; and

WHEREAS, Gunnison County is mindful of the adverse effects possible on special districts (including schools, fire protection, libraries, and water/sewer districts); Western State College; the Colorado Division of Wildlife; and other county enterprise funds including the Gunnison Crested Butte Regional Airport; and

WHEREAS, a number of prominent individuals, newspapers and organizations including Colorado Counties, Inc., Colorado Municipal League, Colorado Education Association, National Education

Association, Colorado Ski Country, and Coloradans for Responsible Reform are voicing opposition to these measures as not being in the best interests of Colorado and of local communities; and

WHEREAS, provisions of state law allow Gunnison County to put forth this resolution as a statement of opposition to the measures known as Amendment 60 and Amendment 61, and Proposition 101;

NOW, THEREFORE, due to the impact of these ballot initiatives on the services provided to the citizens of Gunnison County and the restrictions these initiatives will place on local decisions regarding taxation and debt financing the Board of County Commissioners of Gunnison County opposes Amendment 60 and Amendment 61, and Proposition 101, and urges our citizens to vote against all three ballot measures.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 21st day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

BOARD OF COUNTY COMMISSIONERS OF COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 10-42

A RESOLUTION ACCEPTING THE DEDICATION OF PUBLIC TRAILS
THROUGH SADDLE RIDGE RANCH ESTATES

WHEREAS, on the plat for Saddle Ridge Ranch Estates, recorded in the records of the Office of the Gunnison County Clerk and Recorder on August 1, 2003, bearing Reception No: 533260, there are identified three easements:

- a. a 20' wide access and pedestrian easement; and
- b. a 20' wide public trail easement; and
- c. on sheet 3, General Note 2, a 60' wide public access easement over Saddle Ridge Road, (referred to in this Resolution individually and collectively the "Public Easements"); and

WHEREAS, Section 10.10 of the Declaration of Protective Covenants of Saddle Ridge Ranch Estates, recorded in the records of the Office of the Gunnison County Clerk and Recorder on August 1, 2003, bearing Reception No: 533261, states:

"Section 10.10 Dedication of Trail Easement. A 20 foot wide perpetual easement has been dedicated on the Plat from the western boundary of Saddle Ridge Ranch Estates between Lots 9 and 10 to the cul de sac at the end of the private access road for the purpose of granting access by a trail to either public lands or a dedicated public trail adjacent to Saddle Ridge Ranch Estates on the west accessing Smith Hill, Long Lake, or another similar destination. There is further dedicated on the Plat, as a public trail, a 60 ft wide easement along the private access road from the Gothic County public road to the trail easement. Such easement shall be used for walking or pedestrian use, horseback riding use, bicycling use and cross-country skiing use to access public lands or any dedicated public trail connecting to Saddle Ridge Ranch Estates. Such easement and the dedication thereof shall become effective at such time as the adjacent parcel to the west of Saddle Ridge Ranch Estates is either public lands, dedicated to the public for a public use, or contains a dedicated public trail as described above. Such easement shall be limited strictly to the use as set forth above and may not be used by motor vehicles or automobiles nor the parking thereof."

WHEREAS, the adjacent parcel to the west of Saddle Ridge Ranch Estates has now become public land and the dedication of the Public Easements has now become effective; and

WHEREAS, it is in the best interest of the public for the Board of County Commissioners of the County of Gunnison to accept the dedication of the Public Easements identified on the above referenced plat of Saddle Ridge Ranch Estates and the above referenced Declaration of Protective Covenants of Saddle Ridge Estates.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Public Easements identified on the plat for Saddle Ridge Ranch Estates recorded in the records of the Office of the Gunnison County Clerk and Recorder on August 1, 2003, bearing Reception No: 533260; and/or in the Declaration of Protective Covenants of Saddle Ridge Ranch Estates, recorded in the records of the Office of the Gunnison County Clerk and Recorder on August 1, 2003, bearing Reception No: 533261 shall be and hereby are accepted by the Board of County Commissioners of the County of Gunnison, Colorado pursuant to and for the purposes, and subject to the restrictions, identified in Section 10.10 of the Declaration of Protective Covenants of Saddle Ridge Ranch Estates.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 21st day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Channell – yes, Starr – yes, Swenson – yes.