

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 19, 2010**

The October 19, 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 (via telephone)

Marlene Crosby, Assistant County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Commissioner Channell called the meeting to order at 8:04 am. He announced that Chairperson Starr would be approximately 20 minutes late.

AGENDA REVIEW: Because the plat was not yet available, Consent Agenda Item #14 was pulled from the Consent Agenda and scheduled for discussion during the Assistant County Manager's reports.

MINUTES APPROVAL: Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes of September 7, 2010, the Regular Meeting minutes of September 21, 2010, and the Special Meeting minutes of October 15, 2010. Motion carried unanimously.

CONSENT AGENDA: Commissioner Channell requested that Consent Agenda Item #12 be pulled for further discussion. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Consent Agenda, excluding Item #12, and authorize signatures. (Consent Agenda Item #14 was pulled for further discussion during Agenda Review.) Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Natural Gas Distribution Main Extension Agreement; Atmos Energy Corp.; Public Works Facility; \$33,318
2. Release of Restrictive Covenant; Butte Realty Co.; Lot 4, Butte Pasture
3. Resolution; Amending Resolution No: 10-28, a Resolution Vacating the Alley Lying Within Block 32, Townsite of Irwin, County of Gunnison, State of Colorado
4. Contractor Agreement; Black Dragon Development, LLC; Professional Services Regarding the Installation of Windows at the Blackstock's Government Center
5. Ninth Addendum to the Development Improvements Agreement for Buckhorn Ranch, Filing 2B; Brush Creek Airport, LLC
6. 2010 Emergency Operations Center Grant; Agreement Between the State of Colorado Department of Local Affairs and Gunnison County; \$403,275 for New Emergency Operations Center in Gunnison County Detention Facility; EOC 2010 – 11EM71127; 6/1/2010 thru 12/31/2012
7. Grant of Temporary Construction Easement; Realignment and Construction of Taylor River Road (County Road 742); Delvin Kent Gentry and Helen Juanette Gentry, as Trustees of the Delvin Kent Gentry and Helen Juanette Gentry Revocable Trust
8. Grant of Temporary Construction Easement; Realignment and Construction of Taylor River Road (County Road 742); Herman Joseph Krahn, as Trustees of the Frances Musalette Gardiner Krahn Family Trust
9. Grant of Temporary Construction Easement; Realignment and Construction of Taylor River Road (County Road 742); Stephen E. Howard and Adele C. Howard, as Joint Tenants
10. Grant of Temporary Construction Easement; Realignment and Construction of Taylor River Road (County Road 742); Donald A. Wesley Qualified Personal Residence Trust No. 2 and Marilyn L. Wesley Qualified Personal Residence Trust No. 2
11. Grant of Permanent Maintenance Easement; Realignment and Construction of Taylor River Road (County Road 742); the Donald A. Wesley Qualified Personal Residence Trust No. 2 and the Marilyn L. Wesley Qualified Personal Residence Trust No. 2
12. Pulled for Discussion and Separate Action: Amendment to Food and Beverage/Retail Lease Agreement Signed on October 20, 2009; The Gunnisack LLC; Operation of Food and Beverage Service Within the Air Carrier Terminal Building
13. Ratification of Correspondence; Tri-State Generation and Transmission; Tri-State Generation and Transmission's 2010 Integrated Resource Plan
14. Pulled for Discussion and Separate Action: Utility Corridor Easement for Gunnison Basin Industrial Park

CONSENT AGENDA ITEM #12: Commissioner Channell asked for discussion regarding the three-year extension. Airport Manager John DeVore was present for discussion and explained that a shorter amount of time would be problematic for the airport and for the vendor. This amendment would allow the vendor to not make any payments to the County until the vendor grosses \$150,000 for two years in a row. Airport Manager DeVore stated that the vendor lost approximately \$30,000 during 2009. In the future, the vendor will not incur as much in labor costs as the owner will participate more. The menu will

be revamped to allow for more efficient service. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #12. Motion carried unanimously.

COMMISSIONER STARR ARRIVAL: Chairperson Starr arrived at 8:13 am.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. **Storage and Office Building by Water Plant.** Assistant County Manager Crosby informed the Board that Department of Local Affairs grant funding will be available for this project. The approximate 3,000-square-foot structure may be either metal or wood construction to allow for more local bids. The bid process will open 11/4/2010.
2. **County Road 10 Update.** Assistant County Manager Crosby stated that she will ensure that all of Mr. Spydell's concerns are addressed.
3. **Consent Agenda Item #14.** Assistant County Manager Crosby provided a plat for review and approval. She explained that this utility corridor easement would allow the natural gas line and define the easement. The corridor is 36-feet wide and the utilities would include water, sewer and gas. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the utility corridor easement for the Gunnison Basin Industrial Park, as presented, and authorize the Chairperson's signature on the plat. Motion carried unanimously.
4. **Pristine Point Plowing.** Assistant County Manager Crosby received correspondence requesting that the County plow over the dam at Meridian Park to the home sites. She requested that the Board confirm that the County will not provide this plowing. She agreed to email additional information individually to each commissioner.

PROCLAMATION; WEEK OF 10/24/2010 THRU 10/30/2010 AS BUILD A SHELTER WEEK: Gunnison Valley Animal Welfare League President Lora VanRenselaar was present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Proclamation for Build a Countywide Shelter Week in the County of Gunnison, Colorado for October 24th through October 31st, 2010, and authorize signatures. Motion carried unanimously.

PETITION FOR ABATEMENT OR REFUND OF TAXES; KEVIN R. TUTOR, ETAL; LOTS 22 & 23, BLOCK 6, RIO GRANDE ADDITION #51472; TAX YEAR 2009: Appraiser II Bob Blackett was present for discussion and explained that the 2010 taxes for this property were already reassessed. He also confirmed that the Assessor's Office agreed with the request. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Petition for Abatement or Refund of Taxes for Kevin R. Tutor, etal. Motion carried unanimously.

CONTRACT AMENDMENT #9; DEPARTMENT OF LOCAL AFFAIRS; EIAF #5147, GUNNISON COUNTY DTR SYSTEM – WIN; ENCUMBRANCE #F06S5147; THREE-MONTH EXTENSION: Assistant County Manager Crosby felt that this was appropriate. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Gunnison County and State of Colorado Department of Local Affairs Grant Contract as submitted. Motion carried unanimously.

RESOLUTION; EXPANDING THE HOURS FOR EARLY VOTING AND AUTHORIZING CLOSURE OF CLERK & RECORDERS OFFICE ON ELECTION DAY (NOVEMBER 2, 2010): **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-44, a Resolution Expanding the Hours for Early Voting and Authorizing Closure of Clerk & Records Office on Election Day (November 2, 2010), and authorize signatures. Motion carried unanimously.

TOWNHOME APPLICATION; EXISTING DUPLEX AT LOT D-11, SKYLAND INITIAL FILING; JOHN BIGGERS: County Planner Cathie Pagano and Aaron Huckstep, attorney for the property owner, were present for discussion. Chairperson Starr recused himself from the discussion and vote due to a potential conflict of interest with his law firm.

County Planner Pagano explained that the duplex was completed this year. The townhome, if approved by the Board, would include ownership of the land whereas a condominium would not. A townhome is also easier to manage from an administrative position. The bank has not signed off on this project yet, but County Planner Pagano believed that it was due to timing and that there shouldn't be a problem with the bank.

Mr. Huckstep agreed to deliver the documentation for immediate signature and then deliver it to the Clerk and Recorder's Office for recording.

Commissioner Channell requested assurance that all applicable County processes had been followed correctly; County Planner Pagano assured him of this. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Townhome Application for the existing duplex at Lot D-11, Skyland Initial Filing, and authorize the Chairperson's signature on the plat. Motion carried. (Chairperson Starr did not vote due to his earlier recusal.)

ADOPTION OF OIL AND GAS APPLICATION FEES: Assistant Community Development Director Neal Starkebaum was present for discussion. The Board felt that a work session should be held prior to the adoption of any fees. A work session was scheduled for 11/9/2010.

BREAK: The meeting recessed from 9:17 until 9:24 am.

CREEKSIDE SUBDIVISION; PLANNING COMMISSION RECOMMENDATION: Assistant Community Development Director Starkebaum, applicant Ted Colvin of Colvin Properties, Inc., Planning Commission Chairperson Ramon Reed and Planning Commissioner David Owen were present for discussion.

Assistant Community Development Director Starkebaum informed the Board that the Planning Commission agreed on 9/3/2010 by a vote of 4-to-1 to recommend approval of this subdivision. Board approval would subdivide 9.09 acres into five lots, with the smallest being 1.60 acres and the largest being 2.57 acres. Assistant Public Works Director Allen Moores reviewed and agreed with the snow-storage and road design elements, but noted that the Board would need to approve a road waiver. County Attorney David Baumgarten suggested that the Board's decision be continued until a formal recommendation from the Public Works Department is obtained. Assistant Community Development Director Starkebaum agreed. Assistant County Manager Crosby stated her confidence that the Public Works Department will provide a recommendation to approve. A resolution and a waiver were scheduled as part of the 11/9/2010 agenda.

Chairperson Starr was concerned about ISDS issues because of the close proximity to the river and because systems are known to eventually fail. Assistant Community Development Director Starkebaum noted that Environmental Health reviewed and approved the plans. Commissioner Channell agreed that this approval was appropriate.

Mr. Owen explained that he did not vote for this approval due to variable outer buffer issues. He stated his feeling that the Planning Commission only considered protection of the water body. He noted that the Gunnison County Land Use Resolution (LUR) requires mitigation to the maximum extent feasible, not just to protect the water body. He said that the LUR also states that slopes steeper than 15% that drain into a water body or mudflow hazard area must have a setback of 25 feet back from the edge of the slope above the closest border of the delineated wetland. He stated that Slate River borders the property on the north. He asked that the Board deny the subdivision application. Mr. Reed informed the Board that the majority of the Planning Commission agreed that this language should be up for interpretation on a site-specific basis and that the feasibility of building on Lot 1 is limited.

Assistant Community Development Director Starkebaum stated that all lots meet the inner buffer requirement. He felt that the Planning Commission provided for site-specific mitigation and that the application should be approved.

Commissioner Channell expressed concern about the possibility of construction causing water-quality issues and he wondered how the County might monitor the events. Assistant County Manager Crosby stated that reclamation permits will address erosion issues and weed management. Mr. Reed stated that he had initial concern, but that he felt that the Planning Commission addressed this appropriately. The Board questioned why the lot configuration couldn't be changed to allow for greater mitigation on Lot 1.

Mr. Colvin acknowledged that water protection is important and he agreed that the purpose of the outer buffer is to protect the water quality. He felt that the Planning Commission agreed that the plan, as proposed, would protect the water quality. He noted that the slope is stable and shouldn't be prone to landslide.

Mr. Owen argued that the lot configuration could be reworked. Chairperson Starr agreed that this would help to meet the LUR requirement while fully protecting the water.

Commissioner Channell felt that not allowing for interpretation would remove some authority from the Planning Commission. He felt that the spirit of the LUR had been adhered to, but that photo documentation could, perhaps, be required.

Commissioner Swenson stated that the Planning Commission had held many meetings and one Public Hearing on this issue. She agreed with Commissioner Channell that the Planning Commission and the applicant had met the intent of the LUR. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to move forward with the subdivision and direct staff to write a resolution for approval. Chairperson Starr felt that approval could cause health and safety issues, so he felt that further mitigation is needed prior to approval. County Attorney Baumgarten stated his opinion that the eventual resolution will be the act and that a motion could be mistaken for the ultimate act. In order to avoid that confusion, he requested that the Board only instruct staff to write a resolution. Commissioner Swenson withdrew her motion and Commissioner Channell withdrew his second.

BUCKHORN RANCH, FILING 2B, STATUS OF IMPROVEMENTS AND SECURITY; POSSIBLE ACTION; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and County Paralegal Rachel Magruder were present for discussion.

County Attorney Baumgarten reported that some of the improvements were still not complete. He noted that, while the chip seal and double chip seal for Filings 1 and 2A had been completed, the chip seal over the road patches was incomplete. This will not be done this calendar year due to weather issues. SGM will submit a cost estimate to identify an updated cost to clean up and chip seal the road patches. He asked that the Board clarify that the Board will authorize the payment of \$75,500 for chip and seal and \$80,000 for double chip and seal for Filings 1 and 2A. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize staff to pay Lacy Construction \$75,500 for preparation for chip and seal, including placement shaving and compacting to 6", etc., which is Item A on the memo presented, and \$80,000 for Item B on the memo for double chip seal for Filings 1 and 2A. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize staff to pay SGM in the amount of \$6,000. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the September 2010 Treasurer's Monthly Report, an Investment Report dated September 30, 2010, and a Quarterly Interest Report for July through September 2010 for discussion and acceptance. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to accept the Treasurer's Monthly Report for September 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 September 2010 for discussion and approval. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the warrants for October 19, 2010 in the amount of \$1,671,619.93. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Cash Transfers for September 2010 in the amount of \$2,043,496.81. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion. However, Commissioner Channell informed the Board that he had been stopped on the street by a citizen and asked about an alternative to magnesium chloride that Pitkin County uses. The citizen may bring this discussion to the Board at a future time. Assistant County Manager Crosby agreed to investigate this possibility.

BREAK: The Board participated in a Gunnison/Hinsdale Board of Human Services meeting (see separate minutes) and a Gunnison River Valley Local Marketing District meeting (see minutes below). The Gunnison County Board of County Commissioners meeting recessed from 11:09 am until 12:46 pm for this purpose.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: Deputy County Clerk Ruth Dukeman was present for discussion and prepared the following meeting minutes.

CALL TO ORDER: The meeting of the Gunnison River Valley Local Marketing District was called to order at 12:03 pm by Chairperson Starr. Gunnison-Crested Butte Tourism Association (TA) Director Jane Chaney, Gunnison-Crested Butte Tourism Association Marketing Coordinator/Web Master Erica Kelleher and Linda Adams were present for discussion.

TOURISM ASSOCIATION QUARTERLY REPORT: Director Chaney explained details of the report provided in the Board packet. There were indications that lodging facilities were having a decrease in cancellations with more reservations being made. Implementation of an on-line reservation system with winter packages being available was explained. Different marketing programs were reviewed with the FAMS program being very beneficial by bringing people to the area to experience the region first hand. The living experience was thought to be the greatest marketing tool available. Presentations provided to various groups about the benefits of the area were highlighted.

Website numbers were reviewed, with several areas having an increase, some double from the previous year. Marketing efforts were focusing on those markets that had demonstrated the larger audiences showing an increase in website visits, specifically in the Colorado and Texas markets. The importance of visitors having a good experience while they are here was supported by 81% of survey results indicating that "word of mouth" was their source of travel advice.

Month over month reports were reviewed and lodging tax collection numbers were discussed. It was thought that groups versus individuals were hoped to influence the upcoming collection numbers. It was noted that these efforts were related to Crested Butte Mountain Resort focusing on group travel with a reported 40% increase in sales and bookings. The Mt. Crested Butte sales tax numbers were discussed in detail with an increase in 2008 noted, but the source for the spike was unknown.

TOURISM ASSOCIATION ASSESSMENT: A desire to complete a structural and organizational assessment of the Tourism Association as soon as possible was proposed. The Board of County Commissioners had reviewed proposals for the services at a recent Work Session. A formal decision was needed for a company to provide the services. **Moved** by Commissioner Channell, seconded by Commissioner Swenson for the Gunnison River Valley Local Marketing District to select The Radcliffe Company for the Gunnison-Crested Butte Tourism Association assessment as proposed. This motion will be subject to ratification at the next meeting of the Gunnison River Valley Local Marketing District because this item was not on today's agenda. Motion carried unanimously.

MARBLE TOURISM ASSOCIATION: Director Chaney explained that the TA had recently received a letter asking to join efforts for marketing the Marble area. A list of businesses interested in collaborating was provided with 18 businesses in the area included. It was explained that the 2011 vacation planner is in the process of being created and that inclusion of the information about the north-west corner of the county is proposed. Increased costs were presented. Conversations about use of the revenue balance, adding the Marble Chamber of Commerce as a partner and how the vacation planner was focusing on the entire county versus different municipalities with larger photo's and less text copy were further discussed. The financial need to honor the request to include the information in the vacation planner was needed as soon as possible. Finance Director, Linda Nienhueser joined the meeting and provided the amount of the account balance at \$10,954. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to allocate \$7,000 of the Marble Tourism funds to the Gunnison-Crested Butte Tourism Association for marketing efforts. This motion will be subject to ratification at the next meeting of the Gunnison River Valley Local Marketing District for the same reason as the previous motion. Motion carried unanimously. (See minutes of 11/16/2010 for important additional discussion and possible action regarding the above motion.)

Discussion about if Hinsdale County and the Lake City area also had funding for marketing efforts and if they were interested in combining efforts commenced. Director Chaney shared insights related to the Heritage Brochure and marketing efforts. She is a participant in the Southwest Regional organization and she was willing to propose the idea of combining efforts as it was thought that visitors to the area would be similar.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Swenson to adjourn the October 19, 2010 meeting of the Gunnison River Valley Local Marketing District. Motion carried unanimously. The meeting adjourned at 12:46 pm.

COMMISSIONER ITEMS: Commissioner Swenson left the meeting at 12:49 pm.

Commissioner Channell:

1. Gunnison County Substance Abuse Prevention Project. Commissioner Channell informed the Board that lots of substance abuse awareness activities have been planned. There was good participation at the meeting.
2. Waste Management Meeting. Commissioner Channell informed the Board that Waste Management has agreed to work with the County to improve countywide recycling programs.
3. Agricultural Classification Task Force. Commissioner Channell informed the Board that the Task Force had its final conference call and finalized its recommendation to the House and Senate legislation committees. The recommendation included that the State Legislature require the Division of Property Taxation to define, through their normal processes, the term "integral" as it relates to residences on agricultural properties. The recommendation also included that a maximum amount of two acres be established as residential if it is not determined to be integral. Lastly, that a portion of the land, if the residence is not integral, could be looked at as potentially residential.

Chairperson Starr:

1. Delta Kappa Gamma Teachers Presentation on "Bad Three". Chairperson Starr informed the Board that the meeting was very enthusiastic. The polls indicate that Amendment 61 might be gaining support.

LOW-ALTITUDE TESTING: The Board scheduled a discussion on the 10/26/10 work session agenda.

CENTRAL COLORADO LAND EXCHANGE: Chairperson Starr will contact John Whitney to determine if it would be timely to schedule a work session regarding this issue. Commissioner Channell felt that further discussion could be beneficial.

ADJOURN: **Moved** by Commissioner Channell, seconded by Chairperson Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 1:14 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 #2010-44**

A RESOLUTION EXPANDING THE HOURS FOR EARLY VOTING AND AUTHORIZING CLOSURE OF CLERK & RECORDERS OFFICE ON ELECTION DAY (NOVEMBER 2, 2010)

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (herein "Board") pursuant Colorado Revised Statute 1-8-202, has the authority to temporarily increase the hours of operation of the Clerk and Recorders office to extend the hours of early voters' polling places; and

WHEREAS, the Board of County Commissioners, pursuant to Colorado Revised Statute 30-10-109, is authorized to designate the days and hours county offices are open for the transaction of county business; and

WHEREAS, the Gunnison County Clerk and Recorder has requested extended hours for early voting during the early voting period for the general election, and for the closure of the office on Election Day, November 2, 2010; and

WHEREAS, the Board believes it is in the best interest of the registered voters of Gunnison County to offer extended hours for early voting; and

WHEREAS, closure of the Gunnison County Clerk and Recorders office on Election Day (November 2, 2010), with notice, for all business unrelated to the general election will not an unduly burden the citizens of Gunnison County.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Gunnison does authorize the following:

1. Increase in the hours of operation of the County Clerk and Recorder's office, during the early voting period, between October 18, 2010 to October 29, 2010, to 7:00 am to 6:00 pm Monday through Friday and 10:00 am to 2:00 pm on Saturday, October 23, 2010, to extend the hours available for County registered voters to cast early votes; and
2. Closure of the Gunnison County Clerk and Recorder's office on Election Day, November 2, 2010, to allow staff assistance with election requirements, including serving as receiving judges; and
3. Notice of the extended early voting hours and authorized office closure will be included on the published notice of election as required by Colorado Revised Statute 1-5-205.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 19th day of October, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson - yes