

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
November 16, 2010**

The November 16, 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 8:03 am. Commissioner Elect Phil Chamberland was present for the entire meeting.

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

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes for October 5, 2010, the Regular Meeting minutes for October 19, 2010, the Special Meeting minutes for October 26, 2010 and the Special Meeting minutes for November 9, 2010 as presented and authorize signatures. Motion carried unanimously.

**ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Assistant County Manager Marlene Crosby and County Attorney David Baumgarten were present for discussion.

1. Award Bid; Shipman Builders; Construction of a Utility Storage Building at the Water Treatment Plant; \$139,900. Assistant County Manager Crosby stated that the preconstruction meeting had not yet taken place and that negotiations may result in a slightly reduced cost. She recommended awarding the bid to Shipman Builders, which is a local company. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to award the bid for the utility storage building to Shipman Builders. Motion carried unanimously.
2. Intergovernmental Agreement Regarding Undesirable Plant Management; Gunnison County, Saguache County, Hinsdale County, Town of Crested Butte, Town of Mt. Crested Butte, City of Gunnison, Town of Pitkin and Lake City; 1/1/2010 thru 12/31/2010. Assistant County Manager Crosby requested approval of her signature on the agreement, with a modification to Section 2(c)iii to indicate that Mr. Schmalz is a representative of the BLM, not of Gunnison County. She also noted that the 2011 agreement will be ready for Board approval in February 2011. Commissioner Channell asked why the Town of Marble was not included within the agreement and Assistant County Manager Crosby explained that the Town is not part of the Gunnison Basin Watershed. She stated that, while no weed entities cover the Marble and Somerset areas, Pitkin County has an excellent weed education program for citizens in the Marble area. County Attorney Baumgarten noted that the Weed Commission was established approximately 15 years ago, while the Marble area was much less populated, and that this issue may need revisiting. Chairperson Starr informed the Board that he received a citizen complaint about spraying near her property and possibly causing health issues. Assistant County Manager Crosby agreed to contact the citizen to discuss this possibility. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Intergovernmental Agreement regarding undesirable plant management and authorize the Chairperson to sign. Motion carried unanimously.
3. Request to Initiate Legal Action Regarding Landfill Delinquent Accounts for Collection; Possible Executive Session. Assistant County Manager Crosby explained that three companies are delinquent, which is impacting the landfill and causing her to have long-term viability concerns. Collection attempts have been made and some of the funds have been collected. One company has stopped using the landfill and another is on a cash-only basis. Two of these companies are each delinquent by over \$40,000. The use of payment schedules has been attempted, but not successful. Without payment on these accounts, landfill rates may need to increase. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize staff to take action to clear up the delinquent accounts. Chairperson Starr questioned how the County will prevent this type of situation in the future and Assistant County Manager Crosby stated that credit procedures have been tightened. Motion carried unanimously.

**REQUEST FOR ACCESS USING CRYSTALLINE DRIVE; MICHAEL PENNINGGS:** Assistant County Manager Crosby, County Attorney Baumgarten and Assistant Public Works Director Allen Moores were present for discussion.

Assistant County Manager Crosby presented Mr. Pennings' request for access and requested a policy decision from the Board. Chairperson Starr expressed concern about future lot owners requesting similar access because of possible mud flow issues and the potential for serious injury or death; the previous County approval specifically stated that the access granted at that time should not set a precedent. County Attorney Baumgarten explained that this land was subdivided in the early 1970's and is problematic now. Crystalline Drive has been accepted by the County as a right-of-way.

Commissioner Channell pondered the point at which the County should stop allowing building to continue in an area that is fraught with potential problems. He stated his belief that agreement between property owners should occur before the County becomes involved in these types of situations. Tim Holbrook is the only one accessing property off of Crystalline Drive right now.

The Board decided to reschedule this discussion for a time after Assistant Public Works Director Moores' has had an opportunity to perform an evaluation of potential access off of the lower part of Serpentine Trail, there is some indication that Mr. Holbrook and Mr. Collett are working out an agreement, and other access and lot clustering options have been discussed. Commissioner Channell felt that some sort of users group may need to be assembled, with all users being required to join.

**CREEKSIDE SUBDIVISION APPROVAL:** Assistant Public Works Director Moores, Assistant Community Development Director Neal Starkebaum, County Attorney Baumgarten and developer Ted Colvin were present for discussion.

1. Public Works Department Recommendation. Assistant Public Works Director Moores evaluated the snow storage issues and determined that available storage space exists. He also confirmed that the right-of-way would not be problematic and that the road quality exceeds the standards set forth in the Gunnison County Land Use Resolution. He recommended approval of the waiver.
2. Waiver of the Gunnison County Standards and Specifications for Road and Bridge Construction for the Creekside Subdivision Access Road. Staff suggested, as outlined in the 7/21/2009 Board minutes, that the Public Hearing be closed and that another be scheduled at a more appropriate time. Chairperson Starr felt that work may have already begun on the road without County approval and County Attorney Baumgarten stated that, if true, it would be an enforcement issue. Chairperson Starr asked staff to determine whether or not work has begun. Assistant Community Development Director Starkebaum stated his belief that the only work performed is relative to a reclamation permit. Mr. Colvin noted that an access permit was granted a long time ago and that there has been a track beside the berm in the intended road area for quite some time.
3. Resolution: Approving Creekside Subdivision NW4SE4 & SW4NE4 Section 12, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., Gunnison County, Colorado LUC #2009-33. The draft resolution was discussed and modifications were agreed upon. The Board requested that this resolution be updated and then scheduled on a future agenda, along with an updated resolution relevant to the road waiver.

**DEVELOPER'S REQUEST TO WITHDRAW SECURITY AND COMPLETION OF IMPROVEMENTS; GLEN SUBDIVISION:** County Attorney Baumgarten and County Paralegal Rachel Magruder were present for discussion.

County Attorney Baumgarten explained that the Development Improvements Agreement, which was executed in 2006, expired on 8/23/2010. He confirmed that a Notice of Default has been sent as asphalt and reclamation work remains incomplete. The total dollar amount is \$23,438.50, of which the asphalt work would require \$22,000. He stated his uncertainty with what the developer wants to do as the developer has been inconsistent with correspondence in respect to pulling the bond.

County Attorney Baumgarten opined that pulling the bond and giving the funds to the developer may not be wise as the County would lose the security of project completion. Commissioner Swenson felt the agreement should be extended for a year with a commitment by the developer to complete the project no later than the beginning of July 2011 which, if the developer does not complete the work, would allow the County to perform the work before the ground freezes. She also felt that the County should receive proof that the bond premiums have been paid.

It was discussed that the developer owns the lots and that one lot has gone through foreclosure with another nearing foreclosure. Staff will proceed with steps to suspend lot sales until the work is finished, extend the completion date, and receive proof of premium payment that protects the bond through 8/31/2011.

**RESOLUTION; ADJUSTING LANDING FEES AND OTHER FEES FOR AIR CARRIERS:** Airport Manager John DeVore was present for discussion.

Airport Manager DeVore explained that this resolution, if adopted, would allow for a 6% adjustment and an increase in the ARFF late fee to \$150 per hour. He confirmed that the airlines were notified of this proposal. A study, which will include comparison to other airport landing fees and per-square-foot rates, will be completed in the spring before the rates are readjusted. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-48, a Resolution Adjusting Landing Fees and Other Fees for Air Carriers. Motion carried unanimously.

**LETTER OF SUPPORT; ROCKY MOUNTAIN BIOLOGICAL LABORATORY (RMBL) EXPERIMENTAL FOREST PROPOSAL:** RMBL Executive Director Ian Billick was present for discussion.

Chairperson Starr informed the Board that draft correspondence would not be available until approximately noon. Commissioner Channell stated his support of moving forward with a support letter.

**Moved** by Commissioner Swenson, seconded by Commissioner Channell to table this (discussion) until 12:25 pm. Motion carried unanimously.

**CONSENT AGENDA:** Commissioner Channell requested that Consent Agenda Item #4, #13, #16, #17 and #26 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Consent Agenda, excluding Items #4, #13, #16, #17 and #26, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Fixed Price Agreement for Cloud Seeding Professional Services; North American Weather Consultants, Inc.
2. Acknowledgment of County Manager Signature; County Employee Discount Rate Contract; Box Canyon Lodge & Hot Springs; 10/3/2010 thru 5/31/2011
3. Acknowledgment of County Manager Signature; Wealth and Investment Management Disbursement/Wire Transfer Agreement – Addendum for Wire Transfers; SunTrust Bank
4. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Lease Agreement; Quartz Creek Improvement Association; Lot 24, Block 16, Ohio City Town Hall Building; 11/1/10 thru 10/31/15
5. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice Statement of Grant Award; Gunnison County Sheriff's Department, Crime Victim Services; \$63,474; 1/1/11 thru 1/31/11
6. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, CCPD, FLA; Contract Routing Number 11-25059; Chronic Disease Prevention Program; Contract Amendment #4; Increase State Funding by \$14,839
7. Acknowledgment of County Manager Signature; Interpreter at Gunnison County; Independent Contractor Agreement; Language Translation and Interpretation from English to Spanish and from Spanish to English; Perri Pelletier; 7/1/10 thru 6/30/11
8. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, PSD-WWC, FLA, Contract Routing #11-22967, Amendment for Task Orders #2; Women's Wellness Connection
9. Acknowledgment of County Manager Signature; Grant Contract; Colorado Department of Education and Colorado Department of Human Services; Gunnison/Hinsdale County Early Childhood Council; Early Childhood Systems Building Development; Fiscal Year 2010-2011; \$46,985
10. Acknowledgment of County Manager Signature and Authorization for Public Health Director Signature; Memorandum of Understanding; Mesa County Health Department and Gunnison County Public Health; Assistance and Support for the 2010-2011 Scope of Work for Project Public Health Ready (PPHR) Cycle 1
11. Resolution; Amending Resolution No: 10-46, a Resolution Amending the Gunnison County Land Special Development Project Resolution Concerning the Inclusion of Cumulative Impacts Requirements for Special Development Projects
12. Airline Operating Agreement and Lease of Airport Facilities; Continental Airlines, Inc.; Gunnison-Crested Butte Regional Airport; 12/1/10 thru 11/30/11
13. **Pulled for Discussion and Separate Action:** Intergovernmental Agreement for Winter Road Maintenance; Town of Marble; 11/1/2010 thru 5/31/2011
14. Intergovernmental Agreement for Winter Road Maintenance; Montrose County; 11/1/2010 thru 4/30/2011
15. Consulting Agreement; Cochran Fish and Wildlife Consulting LLC; \$80,000; 1/1/2011 thru 12/31/2011
16. **Pulled for Discussion and Separate Action:** Agreement; Board of County Commissioners, Gunnison River Valley Local Marketing District, and Radcliffe Company; Tourism Association Assessment; \$14,500; 11/16/2010 thru 2/15/2011
17. **Pulled for Discussion and Separate Action:** Agreement; SG Interest I, Ltd, Gunnison Energy Corporation, and Gunnison County; Allocation of Magnesium Chloride Application Costs for County Road 265
18. Letter of Agreement for Use of Space at the Aspinall-Wilson Center; Early Childhood Council Conference; \$220; 11/13/2010
19. Fourth Amendment, Lease Agreement for Use of Space, Mountain Meadow – CSFS Gunnison District Facility, Gunnison Basin Weed District Program; 1/1/2011 thru 12/31/2011; \$2,093.37
20. Provider Agreement; Susan Russell; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team (FAST) Through the Office of Juvenile Services and/or the Gunnison County Department of Human Services; 11/20/2010 thru 11/19/2011
21. Colorado Department of Public Health and Environment, Colorado Local Public Health Agency Indirect Cost Negotiation Agreement; Gunnison County Public Health & Family Planning; 1/1/2011 thru 12/31/2011
22. Intergovernmental Agreement between the Board of County Commissioners of Gunnison County, Colorado, and the Board of County Commissioners of Hinsdale County, Colorado Regarding the Provision of Human Services to the Residents of Each County; \$34,973.52; 1/1/2011 thru 12/31/2011

23. Grant of Temporary Construction Easements; Vern A. Atkins, Jr. and Sharron L. Atkins; Realignment and Construction of Taylor River Road, a.k.a. County Road 742
24. Grant of Permanent Maintenance Easement; Vern A. Atkins, Jr. and Sharron L. Atkins; Realignment, Construction and Thereafter the Maintenance of a Public Highway
25. Grant of Temporary Construction Easements; Lorraine S. Bonham, as Trustee for the John D. Bonham Family Trust, and Toby S. Bonham, as Trustee for the Toby S. Bonham Trust; Realignment and Construction of Taylor River Road, a.k.a. County Road 742
26. **Pulled for Discussion and Separate Action:** Proclamation; National Adoption Month in the County of Gunnison, Colorado; November 2010

**CONSENT AGENDA ITEM #4:** Commissioner Channell requested further discussion as he felt that the \$10 annual lease amount is too low since the County pays for all insurance, utilities and maintenance issues. He noted that the County does not subsidize other groups in this way. He requested that staff ascertain the actual cost to the County in order to determine whether or not it is prohibitive to lease this building for \$10 per year when only one group utilizes the structure. County Manager Birnie explained that, since the lease had already been executed, it would have to either be rescinded or reevaluated upon lease termination in five years. A work session will be scheduled to discuss whether or not the lease agreement should be modified in the future. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #4. Motion carried unanimously.

**CONSENT AGENDA ITEM #13:** Commissioner Channell requested additional discussion regarding the lack of financial contribution by the Town of Marble. While counties generally pay for their appropriate share in these types of agreements, the Town of Marble would only pay for fuel costs but neither time nor materials. County Manager Birnie explained that this agreement more relates to protecting the County from any potential liability as a result of plowing Town roads and less about recovering costs from the Town. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #13 and authorize signatures. Motion carried unanimously.

**CONSENT AGENDA ITEM #16:** Commissioner Channell asked for discussion of Finance Director Linda Nienhueser's comment on the routing sheet. County Manager Birnie confirmed that the funds would be taken from the Gunnison River Valley Local Marketing District's fund balance. Chairperson Starr noted that the agreement does not identify success metrics for the Gunnison-Crested Butte Tourism Association (TA). County Manager Birnie explained that, while this was not included within the contract, TA Executive Director Jane Chaney believed this was represented in the original Request for Proposal. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #16. Motion carried unanimously.

**CONSENT AGENDA ITEM #17:** Commissioner Channell asked for further discussion and questioned whether or not this agreement would be sufficient to cover the County's equipment and staff time since he believes that SG Interest I, Ltd. and Gunnison Energy Corporation should pay for the total cost. County Manager Birnie was not certain of the rationale used by Assistant County Manager Crosby, who was not available for discussion, so this agreement was tabled until the 12/7/2010 meeting. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to table Consent Agenda Item #17, the agreement with SG Interests and Gunnison Energy Corporation on magnesium chloride for County Road 265. Motion carried unanimously.

**CONSENT AGENDA ITEM #26:** Commissioner Channell pulled this from the Consent Agenda in order to read it out loud, thereby adding emphasis to the proclamation. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to adopt our Proclamation for National Adoption Month in Gunnison County. Motion carried unanimously.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. 2011 Board of County Commissioners Meeting Schedule. The draft schedule was discussed and approved.
2. 2011 Gunnison County Holiday Schedule. The schedule was approved as presented.
3. 2011 Gunnison County Boards and Commissions Interview Dates. Interviews will be conducted on 1/31/2011 and 2/2/2011 with the possibility of additional interviews during the afternoon of 2/1/2011 and the morning of 2/3/2011, if needed.
4. 7<sup>th</sup> Judicial District Biennial Meeting. The Board agreed to schedule this meeting for 3/7/2011; County Manager Birnie will confirm the meeting time.

**CERTIFICATION OF INCREASE IN LEVEL OF SERVICES DUE TO PREVIOUSLY LEGALLY EXEMPT FEDERAL PROPERTY WHICH HAS BECOME TAXABLE; ALL POSSESSORY INTEREST PROPERTIES IN GUNNISON COUNTY; MAINTENANCE OF COUNTY ROADS AND SHERIFF-RELATED SERVICES; \$385.44:** **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Certification of Increase in Level of Services Due to Previously Legally Exempt Federal Property Which Has Become Taxable; All Possessory Interest Properties in Gunnison County; Maintenance of County Roads and Sheriff-Related Services; \$385.44 and authorize everyone's (the commissioners) signatures. Motion carried unanimously.

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

1. Capital Projects Update. County Manager Birnie informed the Board that all work is on schedule and that concrete has been poured. Testing for all work has come out well and he has been pleased with the GE Johnson's performance at the job sites. The County is in the process of reviewing GE Johnson's bid tabulations for the guaranteed maximum price, which initially has come in approximately \$56,000 lower than the original guarantee and is well within the budget.
2. Airport Tabletop Exercise. Commissioner Channell and Chairperson Starr expressed concern about the absence of an incident command model during the recent exercise. County Manager Birnie reported that he had spoken with Emergency Manager Scott Morrill about this issue briefly, but had not yet had the opportunity to discuss it with Airport Manager DeVore.

**GUNNISON COUNTY SICK LEAVE TRANSFER POLICY:** This issue arose due to a Sheriff's Office patrol deputy's son, a US military soldier who was recently killed in action in Iraq. The patrol deputy is a probationary employee and has not accrued sufficient time off to manage his family's current and immediate needs. Due to these special circumstances, County staff proposed gifting their accrued sick leave time to this employee instead of only loaning it to him. Approval of this policy would allow the Personnel Board to make determinations on a case-by-case basis in the future. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the amendment to the Sick Leave Transfer Policy. Motion carried unanimously.

**BREAK:** The meeting recessed from 10:23 until 11:34 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes) and the Gunnison River Valley Local Marketing District (see minutes below).

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:** Clerk to the Board Ruth Dukeman was present and created the below meeting minutes.

**CALL TO ORDER:** The meeting of the Gunnison River Valley Local Marketing District was called to order at 10:45 am by Chairperson Starr. Gunnison-Crested Butte Tourism Association Marketing Coordinator/Web Master Erica Kelleher, Gunnison-Crested Butte Tourism Association board members Carolyn Riggs, Stephen Pierotti and Rachel Gardner were present for discussion.

**AGREEMENT; BOARD OF COUNTY COMMISSIONERS, GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT, AND RADCLIFFE COMPANY; TOURISM ASSOCIATION; \$14,500; 11/16/2010 THRU 2/15/2011:** It was noted that this item was approved on the Board of County Commissioners Consent Agenda earlier in the meeting day. Chairperson Starr requested a specific section include information about investigations into an additional matrix to be able to assess the results from efforts and activities to better gauge successes. It was explained that the details related to expectations for the project were thought to be finalized after the vendor was selected and an agreement was signed. It was noted that part of the work plan did specifically address methods and the desire to review the different ways for data analysis to take place. Additional discussion with the consultant is desired to assure this expectation is included in the project. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Agreement with the Board of County Commissioners, the Gunnison River Valley Local Marketing District and Radcliff Company for the Tourism Association Assessment and authorize the Chairperson's signature. Motion carried unanimously.

**MARBLE TOURISM MARKETING:** Attorney Marcus Lock and President of the Marble Crystal River Chamber (MCRC) David Adams were present for discussion. A new chamber of commerce was recently formed allowing the Marble and Crystal River Valley area to be a participating member in the Gunnison-Crested Butte Tourism Association. Background related to the history of the LMD funds generated in the Upper Crystal River Valley, a dispute between different businesses that is hoped to be mitigated, the desire for funds generated in the area to be spent on marketing the area and how both groups involved in the dispute are prepared to move forward was presented. Ms. Kelleher shared the desire of the Gunnison-Crested Butte Tourism Association to provide a holistic approach to marketing Gunnison County in entirety, versus specializing efforts in different areas. Mr. Lock proposed releasing a portion of funds held by Gunnison County to the Gunnison-Crested Butte Tourism Association for inclusion of the Marble and Crystal River Valley area in the upcoming travel planner for marketing purposes and the remaining funds reserved for future allocation to interested organizations with proposed marketing projects for the area. Vince Savage, president of the Marble Tourism Association and Ms. Handbill, Treasurer for the Marble Tourism Association (MTA) were present in the audience, they joined the others at the table for discussion. Mr. Savage explained that the MTA was established in 2003 to independently market the Marble and Crystal River area as it was felt to be unique. He further explained that the MTA currently has a work plan in place and would like to continue efforts, versus having marketing efforts move into another direction and having two separate organizations serving the same purpose. He further explained that he felt many businesses in the area think that the MTA is a chamber like organization that serves that purpose

and he was concerned that the new organization could cause friction in the area. There was a desire expressed from all at the table to market the area efficiently.

**APPROPRIATION TO THE TOURISM ASSOCIATION FOR MARKETING MARBLE:**

Concerns were expressed by Mr. Savage about the continuity of the MTA if there were going to be multiple organizations representing the area. It was agreed that allocating funds to the Gunnison-Crested Butte Tourism Association for inclusion of the area in the upcoming Travel Planner and reserving the remaining funds for special projects was an acceptable solution to all parties involved. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to allocate \$7,500 to the Gunnison-Crested Butte Tourism Association for inclusion of the Marble and Crystal Valley area in marketing materials and to reserve the remaining balance of funds with Gunnison County for future allocation. Motion carried unanimously. Commissioner Starr requested a status report about the Marble Tourism Association work plan and previous efforts for review. They will be provided to County Manager Birnie.

**2011 GUNNISON/CRESTED BUTTE TOURISM ASSOCIATION EXPENDITURES:** There were several figures that still needed to be finalized. This discussion was proposed for another meeting.

**2011 GUNNISON/CRESTED BUTTE TOURISM ASSOCIATION WORK PLAN:** This discussion was proposed for another meeting.

**MEMORANDUM OF AGREEMENT; GUNNISON/CRESTED BUTTE TOURISM ASSOCIATION; CY 2011:** This discussion was proposed for another meeting.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the November 16, 2010 meeting of the Gunnison River Valley Local Marketing District. Motion carried unanimously. The meeting adjourned at 11:34 am and Chairperson Starr immediately reconvened the Board of County Commissioners meeting.

**MOUNTAIN VIEW APARTMENTS; FACILITY UPGRADE:** Gunnison County Housing Authority Executive Director KT Gazunis and Housing Specialist Mary Vader were present for discussion.

Housing Specialist Vader informed the Board that a crash bar and automatic doors will be functional at Mountain View Apartments within the next three weeks. Painting will be budgeted for next year, but she may try to skip this year to save money. There is \$185,000 in replacement reserves, which increases by approximately \$450 each month. Gunnison County Housing Authority Executive Director Gazunis stated that the apartment building may not need to be replaced for up to 100 years as long as it is maintained.

**STALLION PARK DEED RESTRICTIONS:** Gunnison County Housing Authority Executive Director KT Gazunis and developer Dr. Richard Landy were present for discussion.

Gunnison County Housing Authority Executive Director Gazunis presented Dr. Landy's requested language change to the deed restrictions in order to conform to FHA financing requirements, and his request to increase the Area Median Income limit from 100% to 150% in order to sell to more middle-income eligible buyers. She requested separate Board action on each request. Dr. Landy confirmed that both options were agreed upon by the Stallion Park HOA board. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to adopt the amended and restated Affordable Housing Deed Restrictions for Stallion Park at Buckhorn Ranch to include FHA financing eligibility language. Motion carried unanimously.

Gunnison County Housing Authority Executive Director Gazunis explained that Dr. Landy did not intend to increase prices in order to sell properties to second homeowners. Rather, it is his intention to open the purchasing option to a wider range of middle class incomes. Gunnison County Housing Authority Executive Director Gazunis stated her support of the request. She further explained that, at 150% of AMI, a family of four earning \$99,000 annually would qualify for a mortgage of between \$250,000 and \$275,000. At 100% of AMI, the same family would not be able to qualify for a mortgage in excess of \$200,000. She confirmed that the Housing Advisory Board agreed to raise the AMI to 120%, but would also agree to raise it to 150% in order for the project to become an ownership project instead of a rental project.

Chairperson Starr expressed concern about the need for capping the sales price so that the system remains fair as the economy improves. Gunnison County Housing Authority Executive Director Gazunis felt that instituting an appreciation cap wouldn't be advisable because the County doesn't have an investment in the property and it may not be approvable by the FHA. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the increase in AMI cap from 100% to 150% on the amended and restated Affordable Housing Deed Restrictions for Stallion Park at Buckhorn Ranch. Motion carried unanimously.

**COLORADO RIVER WATER CONSERVATION DISTRICT REPORT:** CRWCD representative Bill Trampe was not available, so no discussion took place.

**UNSCHEDULED CITIZENS:**

1. Leon Oltmann; Quartz Creek Property Homeowners Association. Mr. Oltmann informed the Board that the HOA, which leases the Ohio City Town Hall from the County, was recently informed that no construction will be necessary before occupancy. He presented a certificate of thanks to the Board for working with the HOA on the town hall lease. He stated that significant work on the building was completed during the past year and that park benches and picnic tables will be the focus of 2011 funds. Lots of volunteers and in-kind assistance have been available and will continue to be available. County Manager Birnie asked Mr. Oltmann to discuss the elements of the lease, particularly the \$10 annual lease amount. Mr. Oltmann stated that considering an increase would not be considered inappropriate from his standpoint.

**LETTER OF SUPPORT; ROCKY MOUNTAIN BIOLOGICAL LABORATORY (RMBL) EXPERIMENTAL FOREST PROPOSAL:** The draft correspondence was discussed and agreed upon. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the letter and authorize signatures. Motion carried unanimously.

**COMMISSIONER ITEMS:**

**Commissioner Swenson:**

1. Senior Transportation Group. Commissioner Swenson informed the Board that she is part of this group that was assembled by Senior Resources Coordinator Karin Stewart. Region 10 has increased its financial support of this program. The hours of operation will be expanded in the Gunnison area.

**Commissioner Channell:**

1. Gunnison County Substance Abuse Prevention Project. Commissioner Channell stated that the meetings continue to be well attended and he posed that this success is due to the passion of the people involved with the program. Local substance abuse awareness seems to be growing, though parents seem to have unrealistic views.
2. Regional Energy Advisory Board. Commissioner Channell informed the Board that these meetings are going well.
3. Non-Profit Boards Group. Commissioner Channell explained that this group is comprised of boards from around the valley, is sponsored by the Community Foundation of the Gunnison Valley, and is a great educational piece.
4. Agricultural Classification Committee. Commissioner Channell informed the Board that the committee submitted recommendations to the State legislature on 10/15/10. Among the recommendations are that the legislature require the Division of Property Taxation to define whether or not a residence is integral to the agricultural operation in question so that a County Assessor can visit a residence and determine whether or not the residents and the residence participate in the agricultural operation. If they both participate, the exemption is protected. If not, the County Assessor would have the ability to assess up to two acres as residential property. The committee may seek CCI-sponsored legislation.

**Chairperson Starr:**

1. Mayors / Managers Meeting. Chairperson Starr attended the recent meeting and provided the following updates to the Board:
  - a. City of Gunnison. The ice rink is open. Year-to-date sales tax revenues are down 2% and the City has projected flat tax revenues for 2011.
  - b. Mt. Crested Butte. Sales tax revenues for the month of September were up 20% and the summer was up 5.3%. However, the year-to-date revenues are down 9.4%. The road resurfacing projects have begun.
  - c. Upper Gunnison River Water Conservancy District. This might be the last year to help fund cloud seeding efforts in the valley. A great deal of vegetation removal has occurred along the rivers in the County within the last 15 years, which is causing concern.
  - d. Town of Pitkin. A cell tower is being constructed.
  - e. Crested Butte Mountain Resort. The treasury building will be renovated at a cost of \$500,000. There were 46 property closings within last 30 days. The hotel theater will be demolished.
  - f. Town of Crested Butte. September sales tax revenues were flat and the year-to-date revenues are down 0.9%. A camping area may be created at Avalanche Park.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 1:09 pm.

\_\_\_\_\_  
Jim Starr, Chairperson

\_\_\_\_\_  
Hap Channell, Vice-Chairperson

\_\_\_\_\_  
Paula Swenson, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

\_\_\_\_\_  
Ruth Dukeman, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2010-48**

A RESOLUTION ADJUSTING LANDING FEES AND OTHER FEES FOR AIR CARRIERS  
(The text document for this resolution was not available for inclusion in the minutes.)

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 16<sup>th</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2010-49**

A RESOLUTION AMENDING RESOLUTION NO: 10-46, A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND SPECIAL DEVELOPMENT PROJECT RESOLUTION* CONCERNING THE INCLUSION OF CUMULATIVE IMPACTS REQUIREMENTS FOR SPECIAL DEVELOPMENT PROJECTS

WHEREAS, on October 26, 2010 the Board of County Commissioners of the County of Gunnison, Colorado adopted certain amendments to the Gunnison County Special Development Projects Resolution by virtue of law and through Resolution No: 10-46; and

WHEREAS, Resolution No: 10-46 was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 26, 2010, bearing Reception No: 601592; and

WHEREAS, in the title and first paragraph of Resolution No: 10-46 there is a reference made to the "*Gunnison County Land Special Development Project Resolution*"; and

WHEREAS, the "*Gunnison County Land Special Development Project Resolution*" more accurately should be titled "*Gunnison County Special Development Projects Resolution*"; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the reference to the "*Gunnison County Land Special Development Project Resolution*" found in the title and first paragraph of Resolution No: 10-46 shall be and hereby is replaced with the accurate title of "*Gunnison County Special Development Projects Resolution*"; and Resolution No: 10-46 is hereby amended accordingly.

FURTHERMORE the amendments made to the *Gunnison County Special Development Projects Resolution* that were adopted by virtue of Resolution No: 10-46 shall be effective nunc pro tunc October 26, 2010

INTRODUCED by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted this 16<sup>th</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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