

**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	Matthew Birnie, County Manager
Hap Channell, Vice-Chairperson	Katherine Haase, Clerk to the Board
Paula Swenson, Commissioner	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 PENNINGS: 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, 6th 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