

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 1, 2011**

The March 1, 2011 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
Phil Chamberland, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 10:17 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Regular Meeting minutes for February 1, 2011, the Regular Meeting minutes for February 15, 2011, and the Special Meeting minutes for February 22, 2011, and authorize signatures. Motion carried unanimously.

CONSENT AGENDA: Commissioner Chamberland requested that Consent Agenda Item #3 be pulled for further discussion. Chairperson Channell requested that Consent Agenda Items #5 and #10 be pulled for further discussion. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #3, #5 and #10, and authorize signatures. Motion carried unanimously.

1. Ratification of Correspondence; Request for Letter of Support; Great Outdoors Colorado Grant Application; Trust for Public Lands
2. Addendum to the Development Improvements Agreement for Tomichi Village Sewer Line and Lift Station
3. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Grant Application; Office of Adult and Juvenile Justice Assistance; Part-Time Wraparound Facilitator; 10/1/11 thru 9/30/12
4. Grant Application; Colorado Department of Public Health & Environment; Cancer, Cardiovascular Disease and Pulmonary Disease Competitive Grants Program; \$67,836; 7/1/11 thru 6/30/12
5. Pulled for Discussion and Separate Action: Agricultural Lease; Parcel No. 1, Township 49 North, Range 1 West, NMPM; Todd Shallbetter and Dean Blackwell; 4/1/11 thru 3/31/14
6. Ratification of Correspondence; Great Outdoors Colorado; Gunnison Ranchland Conservation Legacy's Grant Application; Open Space Grant for Claudio Alvarez's Cross Bar Ranch
7. Ratification of Correspondence; Great Outdoors Colorado; Gunnison Ranchland Conservation Legacy's Grant Application; Open Space Grant for Peterson's Razor Creek Ranch
8. Out-of-State Travel Request; Aircraft Rescue Fire Fighter School; Gunnison-Crested Butte Regional Airport Employees; May 2011; \$13,802
9. Ratification of Correspondence; Interbasin Compact Committee (IBCC) Chairman John Stulp; Public Input Process on IBCC Framework
10. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Approval; Grant Application; Office of Adult & Juvenile Justice Assistance; Purchase Two LS1100 Booking Fingerprint Systems with Latent and Palm Scanner; \$36,000

CONSENT AGENDA ITEM #3: Commissioner Chamberland requested information about the County's policy on hiring and paying employees with grant funds. County Manager Birnie explained that the County has new employees acknowledge that they are paid by grant funds and that there is no expectation of continued employment beyond the term of the grant. Moved by Commissioner Chamberland, seconded by Commissioner Swenson to approve Consent Agenda Item #3. Motion carried unanimously.

CONSENT AGENDA ITEM #5: Chairperson Channell requested additional discussion of this item because the 2010 rent amount had not been recorded, though it had been paid. He also questioned whether or not the County should put this out to bid. Airport Manager John DeVore stated his impression that these gentlemen are good operators that handle the animals well and have been cooperative and honest. Moved by Chairperson Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #5 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #10: Chairperson Channell requested additional discussion of this item because he wanted to know what the two machines would be used for. County Manager Birnie explained that these machines utilize an electronic system as ink is no longer used. Both units will be housed in the detention center. Moved by Chairperson Channell, seconded by Commissioner Chamberland to approve Consent Agenda Item #10 and authorize signatures. Motion carried unanimously.

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

1. Correspondence; Secretary Ken Salazar; Secretarial Order No. 3310. Commissioner Chamberland stated that, while not opposed to sending the correspondence, he would not have pursued it because of potential political implications. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter to Secretary Ken Salazar and authorize signatures. Motion carried unanimously.
2. Correspondence; Emergency Manager Scott Morrill; Emergency Manager of the Year Award. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the correspondence to Scott Morrill, as amended, and authorize signatures. Motion carried unanimously.
3. Correspondence; Kathie Lucas; Well Wishes. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter, as amended, to Kathie Lucas and authorize signatures. Motion carried unanimously.
4. Correspondence; Carbon Policy Task Force; Appreciation. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter to the Carbon Policy Task Force members and authorize signatures. Motion carried unanimously.
5. Capital Projects Update. County Manager Birnie informed the Board that GE Johnson had been released to include the build out of the second floor of the detention center, to include the Sheriff's Office and the Emergency Operations Center. We may also be able to include the enclosed wash bay in the Public Works project. The City of Gunnison's dispatch center will not relocate to the new center from the County Courthouse. If other budgeted funds are left over, County Manager Birnie may elect to allocate them toward bond repayment. The Board scheduled a tour of the facilities to take place on 3/11/11.
6. County Board of Equalization Hearing Officer. County Manager Birnie informed the Board that he contacted an officer recommended by County Assessor Kristy McFarland. Discussions will continue.
7. West Elk Mine. A tour may be arranged to occur either in July or adjacent to the Board' annual Marble/Somerset trip. County Manager Birnie would like to gather methane capture data by the summer, but many mines are not discussing methane capture right now due to current litigation with some mines. Chairperson Channell requested that the County Attorney's Office provide a future update on any related litigation.

PETITIONS FOR ABATEMENT OR REFUND OF TAXES: Assessment Analyst William Spicer was present for discussion.

1. Robert Elwood Gochenaur, etal; Parcel #R045385 and #R042057; Tax Years 2008 and 2009. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Gochenaur Petition for Abatement for parcels #R045385 and #R042057 for tax years 2008 and 2009. Motion carried unanimously.
2. Doug Duryea; Parcel #R042058; Tax Years 2008 and 2009. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the abatement of taxes for years 2008 and 2009 for parcel #R042058. Motion carried unanimously.
3. Regina P. Masters; Parcel #R042059; Tax Years 2008 and 2009. Ms. Masters was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Petition for Abatement for the Masters parcel #R042059 for tax years 2008 and 2009. Motion carried unanimously.
4. Christian J. Gibson; Parcel #R042055; Tax Years 2008 and 2009. Ms. Gibson was present for discussion. Assessment Analyst Spicer explained that this parcel had been reclassified as vacant land in previous years, but the property owner had provided documentation to prove agricultural use. He further noted that the whole lot should be classified as agricultural even though portions of it may be buildable in the future because 100% of the current use is agricultural. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the tax abatement and refund for the Christian Gibson parcel #R042055 for tax years 2008 and 2009. Motion carried unanimously.
5. Chris Klein & Sons, LLC; Parcel #R001968; Tax Year 2009. Assessment Analyst Spicer explained that this petition and the remaining petitions outlined below were all appealed in 2010 and received subsequent adjustments, and that the current petitions were all for 2009 to be adjusted similar to the corresponding 2010 adjustments. He noted that the Assessor's Office agreed with all petitions. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Chris Klein & Sons abatement for parcel #R001968 for tax year 2009. Motion carried unanimously.
6. A Wesley Bailey, Jr.; Parcel #R012925; Tax Year 2009. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the abatement for tax year 2009 for A. Wesley Bailey, Jr. for parcel #R012925. Motion carried unanimously.
7. Elk Mountain Lodge at Crested Butte, LLC; Parcel #R003422; Tax Year 2009. Assessment Analyst Spicer explained that this parcel is a parking lot and that the valuation method was changed to an income method while the value was included on the petitioner's other parcel. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the abatement for Elk Mountain Lodge at Crested Butte, LLC, parcel #R003422 for tax year 2009. Motion carried unanimously.

8. Tad J. Puckett; Parcel #R031741; Tax Year 2009. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the abatement for Tad Puckett's parcel #R031741 for tax year 2009. Motion carried unanimously.
9. Neal Manecke, etal; Parcel #R028059; Tax Year 2009. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the tax abatement for Neal Manecke's parcel #R028059 for tax year 2009. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Set Public Hearing; Adoption of 2009 International Building Codes. Community Development Department Director Joanne Williams was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to set the Public Hearing for the adoption of 2009 International Building Codes for 4/5/11 at 10:00 am for two hours. Motion carried unanimously.

RATIFICATION OF CORRESPONDENCE; COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUALITY CONTROL DIVISION; GENERAL PERMIT FOR DISCHARGES FROM APPLICATIONS OF PESTICIDES PUBLIC NOTICE NO. CO-02-11: Community Development Department Director Williams and Environmental Health Official Richard Stenson were present for discussion.

Environmental Health Official Stenson explained that the letter had been revised to clearly state the County's request for a public-information session in lieu of a formal public hearing. He noted that he would keep apprised of the details so that representatives from the County would be able to attend. Community Development Department Director Williams felt that, if possible, representatives from the Environmental Protection Agency should also attend the session. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the ratification of the Chairperson's signature on the letter that went to the Colorado Department of Public Health and Environment. Motion carried unanimously.

PRESERVATION OF THE OHIO CITY TOWN HALL; COLORADO HISTORICAL SOCIETY, STATE HISTORICAL FUND 2011 GRANT OPPORTUNITY: County Paralegal Rachel Magruder and Facilities Maintenance Supervisor Rich Corbett were present for discussion.

Chairperson Channell raised a question regarding the amount of the lease. County Paralegal Magruder explained that the multi-year lease had already been renewed in 2010 and that she was asked to research the utility bills, which she completed and provided the results to Assistant County Manager Crosby. She noted that the utility fees are minimal and that the majority of the cost, \$16.50 per month, is for service availability. She explained that a memorandum from approximately 15 years ago alluded to the fact that the County began paying for the property insurance because the user group paid for improvements. She proposed, however, that perhaps the users can fundraise for the Phase II work planned since those improvements do not relate to public health and welfare. Historically, the users have maintained the building in exchange for minimal electrical costs. Chairperson Channell noted that there are some elements that should be maintained by the County since it owns the building.

County Paralegal Magruder stated that the grant application requires a 25% minimum cash match with in-kind encouraged above that. She felt that the actual cash match should be less than the requested \$9,400.

Facilities Maintenance Supervisor Corbett stated that the Historic Structure Assessment indicated that the price of \$450 appears to be low with respect to reconnection of the north wall to the foundation.

Moved by Commissioner Swenson, seconded by Commissioner Chamberland to direct staff to move forward with the grant application to the Colorado Historical Society, State Historical Fund. Motion carried unanimously. The grant awards will be announced 6/1/11.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. GREAT Program Update. Commissioner Chamberland agreed to continue to monitor the issue to determine whether or not entities within Gunnison County will be affected by intended GREAT programming. Commissioner Swenson noted that there are funding language issues within the statute and that various counties are interpreting it differently. The deadline for input is in May. Chairperson Channell posed that, if asked for a position statement, the Board may want to recommend that this be done at the Region 10 board and staff level. Commissioner Swenson felt that this might be the appropriate as counties shouldn't overstep municipalities.

Commissioner Swenson:

1. Geothermal Leasing. Commissioner Swenson informed the Board that she had met with individuals to discuss geothermal leasing and that she would be receiving additional information. She opined that the Board should become more familiar with the current details and process of geothermal leasing and the Board agreed.

Chairperson Channell:

1. Club 20 Agricultural Committee. Chairperson Channell informed the Board that he had been asked to attend this meeting via telephone to discuss the Agricultural Classification Bill, which he did. He testified last Monday on behalf of the bill and, with an 11-to-2 vote to move it out of committee, it should be before the House soon.
2. Department of Health and Human Services Organizational Capacity Assessment Meeting. Chairperson Channell attended this recent meeting that was assembled as a requirement of a Colorado Trust grant. He noted that a survey of the participants indicated that governance was rated highly and that the Board is engaged. Health and Human Services Director Renee Brown attributed improvements in communication to the County's Managing for Results process.
3. Western State College Alumni Ski Weekend Kick-Off. Chairperson Channell stated that he was present for this kick-off and that it was very well attended.
4. Office for Resource Efficiency (ORE) Board Meeting. Chairperson Channell attended a recent meeting, during which three new members were voted in and the officers were elected. ORE is looking for bank participation to handle all three counties in the Energy Smart Loan Program. ORE Executive Director Andris Zobs is serving as the tri-county liaison for this program.
5. Community Based Organization Recommendations. The recommendations are due to County Manager Birnie by this Friday. A total of \$100,000 will be available to allocate. Chairperson Channell wondered what potential policy decisions may need to be included.
6. Upper Gunnison River Water Conservancy District; IBCC Report. Chairperson Channell attended this meeting last night. The IBCC Summit is scheduled to take place on Thursday.
7. Mine Approval Process. Chairperson Channell informed the Board that he has had people ask him to explain the mining approval process, so he spoke to them about the Special Development process and the Land Use Resolution process. County Manager Birnie noted that the County cannot evaluate anything that isn't provided during the application process, and that an application has not been submitted.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:25 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk