

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
April 5, 2011**

The April 5, 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 9:11 am.

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

**MINUTES APPROVAL:** Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the 3/22/2011 Special Meeting minutes and authorize signatures. Motion carried unanimously.

**CONSENT AGENDA:** Chairperson Channell requested that Consent Agenda Items #11 and #12 be pulled for further discussion. Commissioner Chamberland requested that Consent Agenda Item #20 be pulled for further discussion. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #11, #12 and #20, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Stop Loss Insurance Contract Schedule; Everest Reinsurance Company; County Employee Benefit Plans
2. Agreement; MDM Public Affairs, LLC; Professional Services Regarding Communications
3. Intergovernmental Agreement by and between Gunnison County, Colorado and the City of Gunnison, Colorado, for Consideration of Impacts within the City of Gunnison in the Review of Proposed Special Development Projects by Gunnison County
4. Provider Agreement; Melanie Torpey; 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 through the Office of Juvenile Services
5. Engagement Letters for Arbitrage Rebate Report; Control #28 for \$730,000, Series 2010A; Control #29 for \$17,270,000, Series 2010B; Arbitrage Compliance Specialists, Inc.; \$1,800 Annually or \$9,000 for Five Years
6. Acknowledgment of County Manager Signature; Funding Application; Region 10 Area Agency on Aging; \$44,000
7. Acknowledgment of County Manager Signature; Second Amendment to Agreement; Pioneer Mechanical, Inc.; Freeze Damage Repairs to 1416 Rock Creek
8. Acknowledgment of County Manager Signature; Insurance Renewal; Professional Governmental Underwriters, Inc.; Directors and Officers
9. Provider Agreement; 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 through the Office of Juvenile Services; Midwestern Colorado Mental Health Center
10. Agreement; Board of Trustees of Gunnison Valley Hospital; Professional Services Regarding Transportation of Seniors; 1/1/11 thru 12/31/11; \$11,631
11. **Pulled for Discussion and Separate Action:** Memorandum of Understanding Between Board of County Commissioners of Gunnison County, Colorado and Gunnison Family Medical Center; IUD/IUS Insertions and Removals and Vasectomy Procedures; 6/1/11 thru 5/31/13
12. **Pulled for Discussion and Separate Action:** Memorandum of Understanding Between Board of County Commissioners of Gunnison County, Colorado and Gunnison Valley Family Physicians; Implanon Insertions and Removals, IUD/IUS Insertions and Removals, and Vasectomy Procedures; 6/1/11 thru 5/31/13
13. Acknowledgment of County Manager Approval to Submit; Grant Application; Colorado Sexual Assault Response Project, Forensic Exam and Sexual Assault Response Team (SART) Program Development in Rural Colorado
14. Intergovernmental Agreement for Coroner Services; Delta and Gunnison Counties
15. Acknowledgment of County Manager Signature; Department of Public Health and Environment Approved Task Order Contract - Waiver #154, Routing No. 11 FLA 29580; Breast Feeding Peer Counseling Program; \$15,000
16. Resolution Further Amending Resolution No: 10-46, a Resolution Amending the *Gunnison County Special Development Projects Resolution* Concerning the Inclusion of Cumulative Impacts Requirements for Special Development Projects
17. Out-of-State Travel Request; Public Health Nurse Jean Kelley; Emergency Preparedness Grant Required Travel; Chicago, IL; 5/17/2011 - 5/20/2011; \$1,609

18. Out-of-State Travel Request; Public Health Nurse Jean Kelley and Public Health Nurse Kathy Norris; Emergency Preparedness Grant Required Travel; Salt Lake City, UT; 5/31/11 - 6/3/11; \$2,729
19. Second Addendum to the Development Improvements Agreement for Wilder on the Taylor - Phase I
20. **Pulled for Discussion and Separate Action:** Resolution; Adopting a Schedule of Fees for Oil and Gas Operations Applications
21. Resolution; Accepting for Maintenance and Snowplowing Regent Circle Road Located Within Thornton Meadows Subdivision

**CONSENT AGENDA ITEMS #11 AND #12:** Chairperson Channell requested additional discussion because he thought that these two contracts were identical. The differences were discussed. **Moved** by Chairperson Channell, seconded by Commissioner Swenson to approve Consent Agenda Items #11 and #12, and authorize signatures. Motion carried unanimously.

**CONSENT AGENDA ITEM #20:** Commissioner Chamberland requested additional discussion in order to give SG Interests representative Eric Sanford, who was present for discussion, the opportunity to speak if desired. Speaking for SG Interests and Gunnison Energy, Mr. Sanford did not oppose the adoption of the draft resolution, but requested that the adoption be rescheduled to a future agenda so that he would have ample time with which to research the data involved. The Board agreed to suspend adoption of the resolution until 4/19/11 as long as both companies would agree not to submit any new applications until after 4/19/11. Mr. Sanford will inform both companies of this agreement and then confirm with County Manager Birnie that no applications will be submitted within the next two weeks. **Moved** by Chairperson Channell, seconded by Commissioner Swenson to postpone this item until April 19<sup>th</sup>, pending review by the industry. Motion carried unanimously.

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

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

1. **Construction Update.** County Manager Birnie informed the Board that the County is meeting the construction budget, and therefore will be able to use the budget contingencies to add elements that were previously in the original specifications but later removed when sufficient funding was not certain. The Sheriff's Office and the Emergency Operations Center will be located on the second floor of the detention center, with the addition of a padded room in the jail area. An enclosed wash bay, possibly utilizing solar energy, will be added to the Public Works facility.
2. **Boards and Commissions Vacancies; Planning Commission and HB 1177 Roundtable.** County Manager Birnie informed the Board of John Messner's resignation from the Planning Commission, which opened a slot for a regular member. He asked the Board whether the vacancy should be advertised or filled utilizing the most recent applications. Chairperson Channell noted that the Board has an established policy regarding advertising vacancies, yet Commissioner Swenson acknowledged that it had only been approximately 40 days since the Board made appointments. County Manager Birnie was asked to contact the recent applicants for the Planning Commission to determine whether or not any have interest in interviewing for the open position. The vacancy, expiring in February 2012, will be advertised in the local newspapers for two weeks. Interviews will be held on 4/26/11 and an appointment will be made on 5/3/11. The HB 1177 Roundtable vacancy will be advertised following the established policy and County Attorney David Baumgarten will serve as the County's representative until a permanent selection is made.

**CORRESPONDENCE; GUNNISON COUNTY ELECTIONS OFFICE; NOVEMBER 1, 2011 ELECTION:** County Attorney Baumgarten was present for discussion. Commissioner Swenson wondered whether or not the correspondence went to the Library District since it is not yet a taxing entity. County Manager Birnie agreed to verify whether or not it was sent to the Library District and Chairperson Channell agreed to discuss this at the next Mayors and Managers meeting. The deadline for submission is 4/29/11.

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

1. **Bid Award; Steel for Road Maintenance/Equipment Repair.** Assistant County Manager Crosby recommended that the Board select Western Slope Connection, the only local bidder, that submitted a bid for only \$51.21 more than the lowest bid. The Board agreed to discuss a potential bid acceptance policy in the future. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to accept the local bid. Motion carried unanimously.
2. **Selection of General Contractor for the State Historical Fund Grant Application for Phase 1, Preservation of the Ohio City Town Hall.** Assistant County Manager Crosby informed the Board that some of the basic work was already put out to bid because the process had to be started prior to submission of the grant application because of the Historical Society's process. Four dramatically different bids were received and she recommended awarding the bid to the lowest bidder, Hensley Construction from Golden, CO. Board action will be necessary once the contract is available.

3. Landfill Hours. Assistant County Manager Crosby informed the Board that the landfill resumed regular business hours on 4/1/11.
4. Leadville 100 Qualifying Race. Commissioner Swenson requested an update on the proposed road closures. Assistant County Manager Crosby explained that the road closures are scheduled for discussion on 4/19/11. The race is scheduled to take place on 7/31/11.

**BREAK:** The meeting recessed from 10:02 until 10:05 am for a short break and then from 10:05 until 11:20 am in order to hold the below Public Hearing.

**PUBLIC HEARING; ADOPTION OF THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL FUEL GAS CODE, AND THE INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS:** Assistant Community Development Director Neal Starkebaum, Building Inspector Rich Wojdakowski and Assistant Building Inspector Crystal Lambert were present for discussion.

1. Open Public Hearing. Chairperson Channell opened the Public Hearing at 10:05 am.
2. Public Notice Confirmation. Assistant Community Development Director Starkebaum confirmed that the Public Hearing had been properly noticed.
3. Identify Ex Parte Communications. Chairperson Channell informed the Board that he met with Planning Commissioner Rich Karas to discuss this issue in response to his minority opinion.
4. Staff Presentation. Building Inspector Wojdakowski listed the major changes proposed, as outlined in his February 2011 memorandum to the Board that was included in the Board meeting packet.

Assistant Community Development Director Starkebaum informed the Board that the Planning Commission's recommendation yielded a debate regarding required visual inspection, but that staff recommended inclusion of this inspection based on experience. Building Inspector Wojdakowski read Section 402.4.2.2 out loud and explained that the visual inspection would be completed either by himself, other County staff, or a third party that had been pre-approved and independent from the installer. Building Inspector Wojdakowski stated his preference that the inspections be completed by him or other County staff, which may necessitate additional staff at some point in the future.

5. Applicant Presentation. Not applicable.
6. Board Questions. Chairperson Channell asked whether or not the current fee structure covers the additional time for staff to perform inspections. Building Inspector Wojdakowski confirmed that it does. Chairperson Channell is pleased that the inspections will happen during the building process instead of after structures have already been completed. Commissioner Chamberland noted that visual inspection is important because it will verify that proper insulation is utilized.

Chairperson Channell asked about gross floor area and at what point in the process it is used. Building Inspector Wojdakowski explained that gross floor area is used to calculate value, which then is used to calculate the permit fee. Assistant Community Development Director Neal Starkebaum added that gross floor area will affect other standards as well, such as the linkage fee calculation.

Chairperson Channell stated that Planning Commissioner Karas pointed out within his opinion that the permit fees listed in Appendix L are regressive. To illustrate his point, Chairperson Channell calculated a permit fee of \$2,077 for a \$250,000 residence, which is .83% of the value of the house. Further, he calculated a permit fee of \$10,827 for a \$2,500,000 residence, which is .43% of the home's value. Proportionately, the lower-valued home would pay a higher permit fee than the higher-valued home. Commissioner Chamberland felt that this was agreeable since staff time does not increase proportionately with the size of structure, though Chairperson Channell still felt that the fee schedule could be less regressive. Chairperson Channell asked whether anyone had performed a study of the process for determining value. Building Inspector Wojdakowski was unsure, but noted that the table is based on the cost of inspection and that the County did not create the table. County Manager Birnie felt that use of the table is defensible based on the fact that use of it is a nationally accepted standard.

7. Public Comments. Chairperson Channell opened the Public Hearing to comments from the audience at 10:37 am.

City of Gunnison Building Official Eric Jansen stated that valuations are usually lower than what homeowners are quoted by the builder, and that the use of national averages calculates lower fees to homeowners. While he acknowledged that he has not graphed his data, he has noticed the trend. Chairperson Channell felt that the fees should be acceptable as long as they cover the

work performed by the department. County Manager Birnie stated that, while the County has not yet performed this type of analysis, we are planning this way now. Mr. Jansen stated that he does not have any intention of proposing any fee changes to the City of Gunnison.

Planning Commissioner Karas thanked the Board for the responsiveness and care evidenced. He argued that the permitting fee structure should be flatter and that lower value buildings should have lower fees instead of higher value building permit fees increasing. He feels that this practice would also encourage people to build and reside in smaller homes.

Planning Commissioner Karas questioned how the County can know that the fees are reasonable without performing a nexus study. Thus, he urged the Board to conduct a study before adopting the fee schedule to confirm the validity of the permit fees. County Manager Birnie explained that there is no legal requirement to perform a nexus study for a fee for service. Commissioner Chamberland stated that the majority of the cost is related to transportation to the structure and then staff time to perform the inspection, so he trusts that sufficient thought was put into the fee structure.

Office for Resource Efficiency (ORE) Executive Director Andris Zobs stated his belief that there is value to the visual inspection component because it provides an opportunity to look at air barriers and insulation at a point during the project that improvements can be made. He also felt that a blower door test would be highly recommended prior to installation of trim. With regard to the R value amendment, he thought that Planning Commissioner Karas brought up a good point in that the reduction of R values carries with it a high energy penalty; he recommended staying with the R49 requirement and that allowing for thicker walls is good.

Chairperson Channell wondered if anyone has any data with regard to a return on investment for higher R values. ORE Executive Director Zobs stated that it is a diminishing return, but that it's more favorable for us because of our cold climate. He estimated that the payback for increased R value could potentially be as long as 20 years utilizing current utility prices. For flooring, the payback should be approximately 10 years. Building Inspector Wojdakowski felt that using R49 throughout a building would be extreme.

Planning Commissioner Karas stated his belief, with regard to wall thickness as applied to gross square footage, that the intent to adopting the code is to be consistent with other municipalities for the benefit of homeowners and contractors, so he felt that the County should take a look at what has been adopted locally. Relevant to R values, he acknowledged the diminishing return on higher R values, and stated his belief that it provides the same mathematical issue represented in Appendix L.

Resident Butch Clark stated that the State of Minnesota has been working on earth sheltering structures to make them more efficient. In performing research, he found information on good non-expensive, non-traditional building techniques. He stated that he would like to find ways to help people build affordable, efficient homes, such as sandbag structures, by themselves, though he agreed that these types of structures will cause inspection issues. He would also like to make it easier for citizens to search the building codes, perhaps by putting searchable information on CDs. Mr. Jansen felt that alternative buildings could cause issues and that there would need to be reassurances from engineers that the structures would have a life beyond the mortgage.

Mr. Jansen felt that deleting the visual inspection option will result in the continuation of work being completed without an understanding of what is correct. He explained that the City of Gunnison modified its floor insulation requirement to say that it can be disregarded if the insulation in the crawl space walls is doubled. The City uses the 2009 codes and a standard insulation requirement in walls. Although he has seen that people are using R49 typically, R38 is the minimum standard.

Building Inspector Wojdakowski confirmed that alternate buildings are allowed by Chapter 4 in the 2009 code. He also explained that the County uses an energy conservation worksheet that establishes points for various building techniques. Planning Commissioner Karas stated that the Carbon Policy Taskforce recommended shifting away from the point system because the group believes that focus should be placed on how all systems work together toward energy efficiency. Because of this, he urged incorporation of the Carbon Policy Taskforce recommendations into County standards.

8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. Not applicable.
10. Close Public Hearing. Chairperson Channell closed the Public Hearing at 11:20 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

**POSSIBLE ADOPTION OF THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL FUEL GAS CODE, AND THE INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS:** Assistant Community Development Director Starkebaum was present for discussion.

Assistant Community Development Director Starkebaum explained that he had not drafted a resolution because discussion during the Public Hearing could have led to suggested modifications.

The Board agreed that the visual inspection option should be included.

Commissioner Chamberland stated his agreement with a lower R value because of the difficulty and cost involved with achieving R49. Chairperson Channell felt that it would be naïve to assume that energy costs won't continue to rise and, therefore, the County should be more proactive on requiring higher R values. Chairperson Channell and Commissioner Swenson agreed that the County should coordinate with other jurisdictions and, further, that the County should consider handling crawl spaces as the City does.

With regard to the Appendix L fee schedule, Chairperson Channell agreed with the proposal. Concerning the use of gross floor area for purposes of valuation, he stated that he would like to see modified language related to using perimeter measurements and deducting for thickness of walls in excess of 6", which would then be used to calculate the gross square footage, valuation, and building permit fee.

Commissioner Chamberland wondered, since alternative building options are not common, how time consuming it might be to educate the staff and then perform the inspections. County Manager Birnie suggested being consistent with the language in order to avoid complications. Commissioner Chamberland was agreeable to leaving the language as proposed. Commissioner Swenson also agreed with the staff recommendation, but stated a desire to schedule a work session to look at the ramifications of changing it. Commissioner Chamberland agreed that the County might be able to evaluate ways of being proactive about encouraging energy efficiency. Assistant Community Development Director Neal Starkebaum noted that the County will have to consider how this relates to the Land Use Resolution and linkage fees because the County currently accepts the Assessor's Office calculations for square footage utilizing exterior measurements.

**BREAK:** The meeting recessed from 11:50 am until 1:01 pm for lunch.

**COLORADO RIVER WATER CONSERVATION DISTRICT REPORT:** CRWCD representative Bill Trampe and County Attorney Baumgarten were present for discussion.

CRWCD representative Trampe provided general updates regarding CRWCD business. He reported that the framework of an agreement is going forward, but that implementation won't be part of any upcoming public releases.

CRWCD Representative Trampe informed the Board that Denver and Aurora have entered into the Water, Infrastructure and Supply Efficiency (WISE) project. This project will mean that Denver will sell some of its reuse water to Aurora. Aurora will then clean the water and resell it to the south metro area. This will result in some funding coming to the western slope.

CRWCD Representative Trampe confirmed that Denver has committed to working with the western slope on the water bank concept.

**LOT CLUSTER APPLICATION; LOTS 2, 3, 4 AND 5, BLOCK 38, TOWNSHIP OF TINCUP, COUNTY OF GUNNISON, STATE OF COLORADO; GARY L. AND SUSAN K. STEINBERGER:** Community Development Department Services Manager Beth Baker was present for discussion.

Community Development Department Services Manager Baker explained that the residence on these lots has a septic system and that the cluster would result in a 12,500 square foot lot, which is approximately a third of an acre. She confirmed that the property owner has acknowledged that this cluster, if approved, will not guarantee approval of a building permit or a septic system. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Lot Cluster Application for Lots 2, 3, 4 and 5, Block 38, Township of Tincup and authorize signatures. Motion carried unanimously.

**RESOLUTION; AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION FUND FOR WATER RESOURCE PROTECTION PURPOSES:** County Attorney Baumgarten and Finance Director Linda Nienhueser were present for discussion.

County Attorney Baumgarten explained that \$20,000 was authorized by the Board for this purpose in 2010 and that \$18,000 has already been spent this year. He presented draft resolution requesting approval for \$30,000 of expenditures during calendar year 2011. He felt that outside counsel would be necessary to fully inform the Planning Commission and to have a consultant available to staff for the upcoming oil and gas meetings.

Commissioner Swenson stated that the County is spending more from this fund than is being added to it, and that she doesn't like spending this money. Chairperson Channell stated that he looked back over the historical expenditures for the last nine years, and determined that an average of \$10,100 per year was spent. County Manager Birnie stated that this fund was created for litigation expenses while other expenses, such as for cloud seeding efforts, were previously paid from this account, and that very little has been spent each year on water resource protection purposes.

Commissioner Swenson wondered why the County is spending from this account instead of finding money in the budget to cover costs since water issues are likely to always be present.

Finance Director Nienhueser explained that Resolution #1990-02 created the fund. County Manager Birnie read the resolution and determined that this requested use falls within the original intent. Additionally, County Attorney Baumgarten has budgeted funds for outside legal consulting. Chairperson Channell asked for future discussion related to how to split these kinds of expenses into more than one budget line item. The County may have to budget adding money to this fund in the future to cover unexpected water-related issues. The Board agreed to table this discussion until a future meeting.

**AGRICULTURAL LEASE; PARCEL NO. 2, TOWNSHIP 49 NORTH, RANGE 1 WEST, NMPM, SECTION 14 SE1/4NE1/4, W1/2NE1/4, NE1/4SE1/4; JOE SCHULTHEIS; \$1,000; 4/1/11 THRU 3/31/14:** Airport Manager John DeVore and County Attorney Baumgarten were present for discussion.

Airport Manager DeVore explained that the County has had this lease since approximately 2005. County Attorney Baumgarten confirmed that this new lease does not contain any significant changes. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the final lease for Joe Schultheis. Motion carried unanimously.

**REQUEST FOR RELEASE OF SECURITY; POSSIBLE AMENDMENT TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT (DIA); RIVERWALK ESTATES, LLLP; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten, Assistant Public Works Director Allen Moores and County Paralegal Angela Buchanan were present for discussion. Development consultant for Riverwalk Estates, LLLP Peter Wenner was present for discussion via telephone.

Mr. Wenner requested release of the cash bond because, in his opinion, the cost of maintaining the bond is significant.

County Attorney Baumgarten explained that the ownership of this property has changed since the initial DIA was created. The project was originally supposed to be completed by 5/31/07, but that date has been extended three times with three defaults while under previous ownership. The improvements remaining to be completed are the deceleration lane, which is a public safety concern, some trail work and reclamation. The current bond expires on 5/31/11. He noted that it has been a practice of the Board to require financial security plus 25%, in case the County must complete the improvements, and that there have only been two times when something other than money has been put up for security. The current request before the Board is to not only have no security, but to also have no real property as security. He suggested that the Board not deviate from the standard practice. From a public benefit stance, he stated that the County could be creative in finding a solution in order to get the project finished. The use of restrictive covenants would be a possibility, but it would still leave the County without financial security.

Mr. Wenner stated that the road construction would not be necessary until the issuance of the 19<sup>th</sup> building permit. Commissioner Swenson asked whether or not he would be willing to put six lots up as security, but Mr. Wenner stated that he cannot tell which lots will sell and in what order. He also explained that Rick Amos, the property owner, has a personal loan on the property of approximately \$1,200,000. The Board agreed that the County should not be named as a second on the property.

Mr. Wenner informed the Board that Mr. Amos intends to offer financing to buyers with 5% down payments. The payments would be used to pay down Mr. Amos' bank loan.

Chairperson Channell stated that, if a creative agreement would guarantee that the County and the public would not have to assume the responsibility to finish the improvements if the developer defaults, then he would entertain the idea of a creative agreement.

County Attorney Baumgarten stated that the County would not have to hold as much security if the owner would build the acceleration and deceleration lane now. However, Mr. Wenner stated that the lane is not needed right now and that the cost to carry it would be approximately \$6,000 annually.

Commissioner Chamberland stated that he would be open to a creative solution, but that any agreement would have to protect the County and the public from financial liability.

Summarizing the conversation, County Attorney Baumgarten informed Mr. Wenner that the County has not yet received a satisfactory proposal to consider, but that the possibility of a creative solution exists. The bond must be renewed before expiring on 5/31/11.

**SHADY ISLAND SUBDIVISION; EXTENSION OF NORTH GUNNISON SEWER LINE; ACQUISITION OF EASEMENT; RESOLUTION OF SEWER FEES; EXTENSION OF TERM OF LAND USE CHANGE PERMIT; POSSIBLE ACTION; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten, Assistant County Manager Crosby, County Paralegal Buchanan, and attorney Marcus Lock representing Verzuh Ranch, Inc. (a/k/a Shady Island Subdivision) were present for discussion.

Assistant County Manager Crosby explained that her office had been in discussions with the property owners of Kline Homesites and Shady Island Subdivision. Agreement has been reached with regard to the location for the sewer line. However, availability fee issues remain as the property owners have taken the position that only one tap fee should be required to date. Assistant County Manager Crosby agreed with this because of confusion within the language of the Gunnison County Land Use Resolution related to the point at which a subdivision becomes a subdivision. In the future, additional tap fees would be owed to the County when each lot owner desires availability.

County Attorney Baumgarten explained that Kline Homesites will need to be serviced by central sewer. He suggested that the Board agree to the easement. He also suggested that the Board agree that the term of the permit has not yet begun and will not begin until the recording of a Development Improvements Agreement.

Mr. Lock contended that Verzuh has overpaid approximately \$30,000 in availability of service fees. He also informed the Board that, unless deemed economically feasible to sell lots individually, Verzuh may sell the 11.74-acre parcel as a whole.

County Attorney Baumgarten recommended either Board approval or direction from the Board to staff to formalize an agreement for approval during a future meeting. Mr. Lock offered to draft a formal agreement. Commissioners Chamberland and Swenson agreed to move forward while Chairperson Channell needed more time to consider this request. The Board agreed to continue this discussion during a future meeting.

**PROCLAMATION; CHILD ABUSE PREVENTION MONTH IN THE COUNTY OF GUNNISON, COLORADO; APRIL 2011:** Deputy County Attorney Tom Dill was present for discussion.

Chairperson Channell read the proclamation out loud for the benefit of the audience. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to proclaim April 2011 as Child Abuse Prevention Month in the County of Gunnison, Colorado. Motion carried unanimously.

**UNSCHEDULED CITIZENS:**

1. Warren Wilcox; Gunnison Valley School. Mr. Wilcox stated his appreciation for the friendly nature of our community as he believes that it provides children with a positive experience and prepares them to enter adulthood. He asked the Board to support the statement that all children need to be considered during the RE1J School District's budget decisions and that the District earnestly search for a solution other than closing the Gunnison Valley School (GVS). He stated his belief that the community approved the funding spent by the District on recent renovations because the GVS facility was part of the plan. He requested that the Board formalize a letter of support to the District.
2. Marlene Crosby; Representing Danny D'Aquila. Ms. Crosby informed the Board that the Riverland intersection project is scheduled to be before the Planning Commission on 4/15/11, a time when the D'Aquila family will be on Spring Break vacation. Mr. D'Aquila's engineer has advised him that the County will require bond on the project, but Mr. D'Aquila does not have any available funding for the bond. Ms. Crosby asked the Board whether or not a bond would be required for this project. The Board agreed that bond may not be required since completion of this intersection project will benefit the community by rectifying an unsafe situation. County Attorney Baumgarten felt that not requiring a bond would not set precedence by the Board.

**COMMISSIONER ITEMS:**

**Commissioner Chamberland:**

1. 7<sup>th</sup> Judicial District Meeting. Commissioner Chamberland and County Manager Birnie attended this meeting in Montrose on 4/4/11. Commissioner Chamberland provided the following information to the Board:
  - a. The District will likely obtain another judge, which would bring the total to five District judges. The District's current caseload justifies eight District judges.
  - b. Judge J. Steven Patrick signed 13 foreclosures on 4/4/11 for properties within Gunnison County.
  - c. The 2010 census results will likely trigger the need for a grand jury in the District.
  - d. The District is evaluating the possibility of "unified courts" to save money.

- e. There will be a security conference in June and each county may send up to three representatives. The conference will be held in Pagosa Springs.
  - f. There was discussion related to issues between mental health offices and Health & Human Services Departments. The discussion will continue within County Attorneys Offices.
  - g. The Probation Department will not grow this year.
  - h. The Community Corrections program is sending a lot of cases out of the District, 37 cases so far this year, so the District may evaluate building to allow for the retention of more cases. The Community Corrections program has a 77% success rate.
2. GREAT Program. Commissioner Chamberland informed the Board that the Montrose Economic Development Corporation voted not to participate in this program. Hinsdale, San Miguel and Ouray Counties have backed out of the program, and Delta County is likely to back out. Gunnison County would be the only other governmental entity remaining.

**Commissioner Swenson:**

- 1. Gunnison Country Chamber of Commerce. Commissioner Swenson informed the Board that the Chamber has suspended the downtown flag program until commencement in May since the City of Gunnison is currently renovating the irrigation lines along Main Street. The Chamber will host a fishing tournament in May.
- 2. Work Session Hours. Commissioner Swenson proposed extending the hours for upcoming work sessions since many discussions have been backlogged. County Manager Birnie stated that he would keep this option in mind and schedule accordingly.

**Chairperson Channell:**

- 1. Meeting with Representative Scott Tipton. Chairperson Channell and Commissioner Chamberland met with Representative Tipton and his staff to discuss issues such as the Curecanti bill, the 1872 Mining Law, and the Central CO Land Exchange.
- 2. Central Colorado Land Exchange. Chairperson Channell met with Bear Ranch Manager Rob Gill and Western Land Group, Inc. representative Tom Glass to discuss the Exchange. Public meetings may be scheduled to occur in the North Fork Valley. Per Gunnison County Wildlife Conservation Coordinator Jim Cochran, the Southwest Resource Advisory Council has not discussed the Exchange yet.
- 3. County Strategic Plan Implementation Session. Chairperson Channell and Commissioner Chamberland attended this recent session. He complimented County staff for the work completed thus far.
- 4. Gathering with Senator Gail Schwartz and Representative Roger Wilson. Chairperson Channell attended this recent event, along with approximately 30 other people. The discussion focused on schools. Also discussed was SB 208, a proposal to merge State Parks with the Division of Wildlife, which was signed into law, and director position applicants are being recruited.
- 5. Treasurer's Office Computer Software Update. Chairperson Channell requested an update on this issue. County Manager Birnie informed the Board that he will work with the Finance Office and the Treasurer's Office to determine the best way to proceed with correcting the ongoing software issues in light of Treasurer Melody Marks' recent heart attack.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:10 pm.

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Hap Channell, Chairperson

\_\_\_\_\_  
Paula Swenson, Vice-Chairperson

\_\_\_\_\_  
Phil Chamberland, Commissioner

Minutes Prepared By:

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

Attest:

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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: 11-13**

A RESOLUTION FURTHER AMENDING RESOLUTION NO: 10-46, A RESOLUTION AMENDING THE  
*GUNNISON COUNTY SPECIAL DEVELOPMENT PROJECTS 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 (hereinafter the "Board") 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, on November 16, 2010 the Board signed Resolution No: 10-49 which clarified some of the references identified in Resolution No: 10-46 and amended Resolution No: 10-46; and

WHEREAS, Resolution No: 10-49 was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 18, 2010, bearing Reception No: 602040; and

WHEREAS, it has been discovered that Exhibit "A" to Resolution No: 10-46 was not attached when it was recorded; and

WHEREAS, Exhibit "A" to Resolution No: 10-46 is attached hereto and incorporated herein; and

WHEREAS, Exhibit "A" is necessary in order for Resolution No: 10-46 to be complete; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that Resolution No: 10-46 is hereby amended to include Exhibit "A" attached hereto and incorporated herein.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 5<sup>th</sup> day of April, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 11-14**

A RESOLUTION ACCEPTING FOR MAINTENANCE AND SNOWPLOWING  
REGENT CIRCLE ROAD LOCATED WITHIN THORNTON MEADOWS SUBDIVISION

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") has received a request for maintenance and snowplowing of Regent Circle Road located within Thornton Meadows Subdivision as identified on the plat titled: "Plat of Thornton Meadows Lot M-1, Spring Meadows A portion of the SE1/4, SW1/4, Section 13, Township 50 North, Range 1 West, New Mexico Principal Meridian Gunnison County, Colorado" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 4, 2007, bearing Reception No: 580707; and

WHEREAS, the Gunnison County Public Works Department has considered this request and has advised the Board that it would be appropriate to maintain and snowplow Regent Circle Road; and

WHEREAS, the Board having reviewed this matter finds that acceptance of the maintenance and snowplowing for Regent Circle Road is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the maintenance and snowplowing of Regent Circle Road located within Thornton Meadows Subdivision as identified on the plat titled: "Plat of Thornton Meadows Lot M-1, Spring Meadows A portion of the SE1/4, SW1/4, Section 13, Township 50 North, Range 1 West, New Mexico Principal Meridian Gunnison County, Colorado", recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 4, 2007, bearing Reception No: 580707 shall be and hereby is accepted at the discretion and expense of Gunnison County, Colorado effective upon recordation of this resolution in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 5<sup>th</sup> day of April, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.