

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
May 24, 2011**

The May 24, 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
Bobbie Lucero, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 3:26 pm.

WARRANTS AND TRANSFERS: Assistant Finance Director Ben Cowan was present for the discussion. Assistant Finance Director Cowan presented the Warrant Report dated May 24, 2011 and the Cash Transfer Authorization dated April 2011 for discussion and approval. Chairperson Channell commented that he likes the new format provided because it is easier for him to review. Assistant Finance Director Cowan answered all of the Commissioners' questions. **Moved** by Commissioner Swenson and seconded by Commissioner Chamberland to approve the Warrant Report dated May 24, 2011 in the amount of \$1,097,551.74. Motion carried unanimously. **Moved** by Commissioner Swenson and seconded by Chairperson Channell to approve the Cash Transfer for April 2011 in the amount of \$1,766,327.76. Motion carried unanimously.

CORRESPONDENCE:

1. Letter of Support; Colorado Division of Wildlife; Discovery Center. The Commissioners discussed the City of Gunnison's intention to provide a draft letter for the discussion. The Commissioners agreed that, after they receive a draft letter from the City of Gunnison, they will send a letter of support to the Division of Wildlife. **Moved** by Commissioner Chamberland and seconded by Commissioner Swenson to approve a letter of support to the Division of Wildlife for the Nature Discovery Center. Motion carried unanimously.
2. Letter of Appreciation; Malte von Matthiessen; Service on the Gunnison Valley Hospital Board of Trustees. **Moved** by Commissioner Swenson and seconded by Commissioner Chamberland to approve the letter as presented in the packets. Motion carried unanimously.

SCHEDULING:

1. Set Advertising, Interview and Appointment Schedule; Gunnison Valley Hospital Board of Trustees; Regular Member Vacancy. The Commissioners reviewed the resolution and the draft time-line provided in their packets. The Commissioners approved the timeline provided.
2. Set Advertising, Interview and Appointment Schedule; Gunnison Basin Sage-grouse Strategic Committee; Recreation Community Representation; Regular and Alternate Member Vacancies. Gunnison County Wildlife Conservation Coordinator Jim Cochran was present for the discussion and explained that the Committee has recommended adding one At-Large Recreational Representative, along with one alternate for this position, to the Committee. The Commissioners agreed to begin advertising for this position immediately. In June, the Committee will need to approve the creation of this position via amending the Committee's guidelines so that the Commissioners can make the necessary appointments in August.

GUNNISON VALLEY OBSERVATORY BOARD: The Commissioners discussed that the vacant position has only been advertised internally. The Commissioners agreed that it would be best to advertise this vacancy to the community and run the advertisement at the same time as all other vacancy advertisements.

HB 1177 ROUNDTABLE: The closing date for the vacant position was 5/23/11. The Commissioners directed staff to schedule 15-minute candidate interviews as part of the 6/21/11 agenda.

ADOPTION OF THE GUNNISON COUNTY STRATEGIC BUSINESS PLAN: The draft document was discussed and modifications were agreed upon. **Moved** by Commissioner Swenson and seconded by Commissioner Chamberland to adopt the Gunnison County Strategic Plan with the one minor change that was made today. Motion carried unanimously.

STALLION PARK; PROPOSAL BY DEVELOPER TO RESTRUCTURE; POSSIBLE EXECUTIVE SESSION: Community Banks representative Jeff Buehler, Pauls Corporation Principal Brad Pauls, Benson Sotheby's International Realty Broker Associate Channing Boucher, Attorney Beth Appleton, Deputy County Attorney Tom Dill and County Paralegal Rachel Magruder were present for discussion.

Mr. Pauls stated that Dr. Richard Landy, Stallion Park developer, would like to remove the deed restrictions for the remaining 22 units in the Stallion Park development because it is Dr. Landy's opinion that removing the deed restrictions will help the units to become more appealing to buyers. Previously, Mr. Pauls had extended an offer to give the County four units in exchange for the removal of the deed

restrictions on the remaining 22 units. Keeping the concerns of the Buckhorn Ranch Homeowner's Association in mind, Mr. Pauls proposed the removal of the requirement to build on the foundations, the deed restrictions and the Letter of Credit.

Stallion Park encompasses a total of 24 units. One unit is privately owned and one unit is owned by the County. The remaining 22 units were previously rented out, but are now vacant.

Mr. Boucher commented that the deed restrictions are problematic because sellers are competing with the free market and obtaining financing for condos is difficult. In late 2010, the deed restrictions were amended because of Federal Housing Administration (FHA) compliance issues; however, the FHA has made it increasingly difficult to obtain financing. The current deed restrictions require an owner to own the unit for three years before it can be sold. Mr. Boucher noted that an owner will likely break even upon the eventual sale of a unit because a unit can only appreciate 3% each year.

Ms. Appleton conveyed that the property needs to be cleaned up in order to become compliant with the HOA. She will compile a list of items that the HOA would like addressed. She also stated her assumption that the HOA would approve of Mr. Pauls' above request.

The Commissioners discussed the HOA and the associated dues. Stallion Park is supposed to have its own HOA inside of the Buckhorn Ranch HOA. The Commissioners opined that the dues should be set at a fixed amount. If Mr. Pauls' request is granted, the privately owned unit and the additional four units that would be given to the County would remain deed restricted, for a total of six deed restricted units.

Moved by Commissioner Swenson and seconded by Commissioner Chamberland to enter into executive session with the Board, County Manager Birnie, Deputy County Attorney Dill and County Paralegal Magruder. Motion carried unanimously.

The board went into executive session at 4:55 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(a).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Deputy Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

Tom Dill
Deputy Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(a).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 5:19 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance, that no decisions were made, and that no contemporaneous records were kept.

The Commissioners encouraged staff to proceed with negotiations, as they were not ready to make a decision. This issue will be rescheduled on a future agenda as appropriate.

ADJOURN: **Moved** by Commissioner Swenson and seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:22 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Bobbie Lucero, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk