

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 6, 2011**

The September 6, 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

COUNTY BOARD OF EQUALIZATION: Chairperson Channell called the meeting to order at 8:51 am.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Board of Equalization meeting minutes for August 16, 2011 and authorize signatures. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The County Board of Equalization meeting adjourned at 8:51 am.

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:51 am.

AGENDA REVIEW: Clerk to the Board Haase asked that Consent Agenda Item #8 be pulled from consideration at this time. After essential updates have been made to the contract, it will be added to a future agenda for Board consideration.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Special Meeting minutes for August 23, 2011. Motion carried unanimously.

CONSENT AGENDA: Commissioner Swenson requested that Consent Agenda Item #18 be pulled for further discussion. Chairperson Channell requested that Consent Agenda Items #1, #9, #11 and #17 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda excluding Items #1, #8, #9, #11, #17 and #18. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; 2011 Amendment to Memorandum of Understanding / Interagency Operating Agreement; Gunnison Watershed School District/Hinsdale County AU, Gunnison County and Community Options, Inc.
2. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement Fund Full Year Grant Application; \$16,000
3. Acknowledgment of County Manager Signature; Supplement to Agreement for Performance of Materials Testing and Inspection Services; Authorization for Compensation Adjustment for Materials Testing and Inspection Services via Increase in Prior Top-Set Limit to Compensation of the Contract; Buckhorn Geotech; \$7,748 Increase
4. Third Amendment to Fixed Base Operator Lease; Gunnison Valley Aviation, LLC
5. Six Points Evaluation and Training, Inc. Contractual Agreement for Nurse Consultant Services
6. Ratification of Assistant County Manager Signature; Modification #3 to US Forest Service Participating Agreement #08-PA-11020407-029; Weed District Funding; \$4,000
7. Agreement; Powers Products Co.; Services to Furnish and Install Panel Partitions in the Offices at the Family Services Center / O'Leary Building; \$9,656
8. **Pulled During Agenda Review:** Lease Agreement; State of Colorado Acting by and through the Department of Public Safety for the Use and Benefit of the Colorado State Patrol; Office Space Located in the County Courthouse Building at 200 E. Virginia, Gunnison, CO 81230; 8/16/11 thru 6/30/16
9. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Purchase of Service Contract, Regional Mental Health Services; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services, a.k.a. Midwestern Colorado Counties and Midwestern Colorado Mental Health Center; 6/1/11 thru 5/31/12
10. Microsoft Volume Licensing Agreement; Microsoft Office Suite and Software Assurance
11. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Purchase of Service Contract, Regional Substance Abuse Services; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services, a.k.a. Midwestern Colorado Counties and Midwestern Colorado Mental Health Center; 6/1/11 thru 5/31/12
12. Federal Forest Payment & Secure Rural Schools and Community Self Determination Act Election Form; 2011 Federal Fiscal Year (10/1/11 thru 9/30/12)

13. Emergency Food and Shelter National Board Program, Certification Regarding Lobbying and Local Recipient Organization Certification; \$6,258
14. Acknowledgment of County Manager Signature; Health Care Program for Children with Special Needs Care Coordination and Local Systems Development Scope of Work; \$4,380; 10/1/11 thru 9/30/12
15. Colorado Department of Public Health and Environment, PSD-WIC, FLA; Contract Routing Number 12-35162; Amendment for Task Orders #5; \$70,426; 10/1/11 thru 9/30/12
16. Temple Hoyne Buell Foundation Grant Award Letter; Grant #5899; Early Childhood Council Program Support; \$10,000; 9/1/11 thru 8/31/12
17. **Pulled for Discussion and Separate Action:** Temple Hoyne Buell Foundation Grant Award Letter; Grant #5889; Nurturing Parenting Program; \$8,000; 9/1/11 thru 8/31/12
18. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Agreement; Frank Bregar; Professional Services Regarding County Board of Equalization Hearing Officer; 7/14/11 thru 8/10/11
19. Acknowledgment of County Manager Signature; Contract Change Order #13; \$43,872
20. Out-of-State Travel; Gunnison-Crested Butte Regional Airport Staff; National Business Aviation Association Conference; Las Vegas, NV; 10/9/11 thru 10/13/11; \$2,551.52
21. ADS-B WAM Radio Site Facility & Tower Sublease Agreement; ITT Information Services; Aircraft Tracking Equipment Installation
22. Acknowledgment of County Manager Signature; Contract Change Order #2; Pro Space Interiors; \$8,433.54

CONSENT AGENDA ITEM #1: Chairperson Channell requested additional discussion about this contract to ensure that Finance Director Linda Nienhueser's comments were addressed. It was agreed that the contract was ready for approval. **Moved** by Chairperson Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #1. Motion carried unanimously.

CONSENT AGENDA ITEMS #9 & #11: Chairperson Channell requested additional discussion about these contracts to determine why it had taken so long to get them through the review process as noted by Health and Human Services Director Renee Brown's comments on the routing sheet. County Manager Birnie explained that several contracts had not completed the routing procedure and could not be located during the past six weeks, which may have been caused by the personnel transition in the County Attorney's Office. The County Manager's Office has since instituted internal controls to prevent this from reoccurring. The eventual utilization of a document management system should eliminate the possibility of contracts being misplaced. **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to approve Consent Agenda Items #9 and #11. Motion carried unanimously.

CONSENT AGENDA ITEM #17: Chairperson Channell requested discussion about this contract to clarify that the correct amount on the contract is \$8,000, not \$80,000 as erroneously listed on the agenda. **Moved** by Chairperson Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #17, as amended. Motion carried unanimously.

CONSENT AGENDA ITEM #18: Commissioner Swenson requested additional discussion about this contract because the Board had originally agreed to a cost of \$300 per day. County Manager Birnie explained that the County also agreed to pay for hotel, mileage and meal expenses. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve Consent Agenda Item #18. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2012 County Budget Work Sessions. The work sessions were scheduled for 10/25/11, 11/8/11 and 11/22/11.

BREAK: The meeting recessed from 9:12 until 9:20 am.

RESOLUTION; DESIGNATING THE ROBERT A. WATTERS AMERICAN LEGION POST #54 – LEGION HUT TO BE A GUNNISON COUNTY HISTORIC LANDMARK: Historical Preservation Commission member Jody Reeser was present for discussion.

Chairperson Channell requested clarification on the City of Gunnison's role in this designation. Ms. Reeser confirmed that, while the City owns the property, it does not have its own historical nomination process.

Chairperson Channell noted that the building is described architecturally as a log cabin, but that it is obviously log siding. Ms. Reeser explained that some of the walls are not original, but the base of the structure remains. The building has historic vertical log construction. Chairperson Channell also asked for confirmation on the square footage because it was listed as 1,500 square feet without a basement. Ms. Reeser explained that, to her knowledge, the existing basement is not finished.

Chairperson Channell asked if each designated property receives a plaque because he had not seen any. Ms. Reeser confirmed that they do.

Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-33, a Resolution Designating the Robert A. Watters American Legion Post #54 – Legion Hut to be a Gunnison County Historic Landmark. Motion carried unanimously.

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

1. Capital Projects Update. County Manager Birnie informed the Board that the County has accepted the Public Works building as substantially complete, though a few punch list items remain incomplete. The Public Safety Center should be turned over to the County just prior to Thanksgiving.
2. National Citizen Survey Draft. County Manager Birnie informed the Board that he received the initial results. Once finalized, the Board will have a work session to discuss the results. Overall, improvement from the 2009 survey is indicated. The results will provide some good metrics for use in strategic business plans.

ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Assistant County Manager Marlene Crosby was present for discussion.

1. Pro Challenge Cycling Race. Assistant County Manager Crosby informed the Board that there were communications issues on Cottonwood Pass before the race. Western State College (WSC) ran the shuttle service to various locations on race day, which brought in approximately \$1,200 in donations from shuttle riders.
2. Recycling. Assistant County Manager Crosby informed the Board that she is working with WSC regarding its recycling. She noted that Waste Management would like WSC's business, but that the County has strong supporters at WSC. The County would like to maintain the recycling services because it is diligent about recycling practices and produces clean products.
3. Annual Snow and Ice Conference. The conference will be held this week. Thursday's lunch will be served at 11:45 am and dinner will be served between 5:00 and 6:00 pm.
4. Dust Complaints; Jviation. Assistant County Manager Crosby informed the Board that she was assured by Jviation that the dust issues at the Gunnison-Crested Butte Regional Airport had been handled, while there has been no visible improvement. Jviation's president indicated that he had asked the airport staff about the issue and that no complaints were presented. Jviation's president is scheduled to meet with County Manager Birnie later this week to discuss this further.
5. Resolution; Amending Resolution No. 2011-32 Authorizing the Issuance of a Bond Anticipation Note (Antelope Hills Water Division Project), Series 2011; Anticipated Approval. Finance Director Linda Nienhueser was present for discussion and explained that this amendment includes mention of the Somerset loan. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-34, a Resolution Amending Resolution No. 2011-32 Authorizing the Issuance of a Bond Anticipation Note (Antelope Hills Water Division Project), Series 2011 and authorize the Chairperson's signature. Motion carried unanimously.
6. Proposed Loan from the United States Department of Agriculture to Gunnison County, Colorado and Revenue Anticipation Note with Wells Fargo Bank, N.A.; Sherman & Howard, LLC; Antelope Hills Water Extension Project Bond Counsel Services; \$25,500. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the County Manager to sign the engagement letter with Sherman & Howard as bond counsel for the Antelope Hills Water Extension Project. Motion carried unanimously.

MARBLE METRO DISTRICT FUNDS; REQUEST FOR USE: Assistant County Manager Crosby and Finance Director Nienhueser were present for discussion.

Assistant County Manager Crosby recommended replacing the problematic culverts with two five-foot culverts and one four-foot culvert with flow-fill concrete. She also recommended that it be required to be done per County standards, even if not funded by the County, since it affects a County road. The cost will be approximately \$26,000 and there is approximately \$10,000 available in Marble Metro District funds. The Board agreed to use the rest of the Marble funds and provide as much in-kind help as possible. Assistant County Manager Crosby estimated that the project would be done around the end of October.

The Board will create a letter to send to the residents of Marble about the project and the exhaustion of available funds. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the expenditure of the remainder of the Marble Metro monies to the Milton Creek culvert project at Hermits Hideaway, and to authorize the Assistant County Manager to absorb the remainder of the costs, and also to direct staff to draft a letter for Board signature to all property owners in the Marble Metro area stating that all Marble Metro District funds have been depleted, and that future projects' construction costs and maintenance will be at the cost of the homeowners. Motion carried unanimously.

BREAK: The meeting recessed from 10:40 until 10:55 am.

REQUEST FOR LETTER OF SUPPORT; BEAR RANCH LAND EXCHANGE: Western Land Group, Inc. representative Tom Glass and Assistant County Manager Crosby were present for discussion along with Gunnison County Trails Commission members Joellen Fonken and Kay Peterson Cook.

Assistant County Manager Crosby explained that the letter submitted to the paper and the letter with Division of Wildlife Area Wildlife Manager J Wenum's edits were both submitted to the Board. Ms. Fonken stated that, per Bureau of Land Management (BLM) Field Manager Barb Sharrow, the BLM cannot provide formal comments since this is a legislative issue.

Chairperson Channell noted that changes to the proposal affect the North Fork Valley, but that all other previously proposed elements remains the same.

Mr. Glass complimented Assistant County Manager Crosby and the Trails Commission for providing valuable comments and information. Bear Ranch has a 20-acre parcel under contract.

Chairperson Channell noted that, because this is legislative, the details could change contrary to opponent or proponent desires. Mr. Glass felt that keeping the provisions a part of any Board support would send a positive message to the sponsors. He also confirmed that Bear Ranch wouldn't want the land exchange to go forward without the provisions.

Ms. Peterson-Cook stated that, to be successful, the exchange must benefit people on a broad range.

The Board stated that the County will need an actual agreement to accompany any support of the project. Ms. Peterson-Cook asked that actual dollar amounts not be included within the contract because the exact costs are unknown. Mr. Glass stated that he will be asking the County to apply for a grant for the trailhead.

Ms. Fonken noted that the Trails Commission had not yet voted on the proposal. She asked the Board to consider that this may set precedence for the Trails Commission recommending the loss of an easement. County Manager Birnie stated that this is one of the reasons why Bear Ranch is giving up so much, and that the County needs to consider the fundamental issue of public access. The Board agreed that the net public benefit must be considered.

Chairperson Channell suggested that County staff begin working on a draft agreement and the Board agreed.

Mr. Glass informed the Board that the State of Colorado has raised a question about whether or not John Lee has a water right. If he does, his access will be maintained by the process.

Ms. Peterson-Cook acknowledged that, while Ms. Sharrow cannot take a formal position, she has stated that she would be willing to answer questions. Thus, Ms. Peterson-Cook Kay feels that the County should come up with a list of questions that can be asked.

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

BREAK: The meeting recessed from 11:48 am until 1:00 pm for lunch and then from 1:00 until 1:03 pm in order to hold the below Public Hearing.

PUBLIC HEARING; LIQUOR LICENSE; EL PUEBLO BONITO, LLC, DBA EL PUEBLO BONITO RESTAURANT: Gunnison County Clerk and Recorder Stella Dominguez and applicant Armando Vidrio were present for discussion.

1. Open Public Hearing. Chairperson Channell opened the Public Hearing at 1:00 pm.
2. Public Notice Confirmation. Gunnison County Clerk and Recorder Dominguez confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Gunnison County Clerk and Recorder Dominguez informed the Board that this restaurant will be in the location of the old Josef's Restaurant. She stated that remodeling and painting had been accomplished and that the applicant intends to be open before the end of the month.
5. Applicant Presentation. None.
6. Board Questions. None.
7. Public Comments. Chairperson Channell opened the Public Hearing to comments at 1:02 pm, but no comments were given.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. None.

10. Close Public Hearing. Chairperson Channell closed the Public Hearing at 1:03 pm and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the liquor license for El Pueblo Bonito, LLC, dba El Pueblo Bonito Restaurant and authorize signatures. Motion carried unanimously.

GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS; GUNNISON VALLEY HOSPITAL BOARD OF TRUSTEES: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Kathy Ridgeway to the opening on the Hospital Board. Chairperson Channell noted that this position was vacated by Bob Hall. Motion carried unanimously.

LOT CLUSTER; ALICE KANIFF; LOTS 40, 119, 120 AND 121; CRYSTAL RIVER SUBDIVISION: Community Development Department Services Manager Beth Baker was present for discussion.

Community Development Administrative Services Manager Baker explained that this cluster would result in a parcel totaling 1.15 acres. She confirmed that the application had been reviewed and approved by Community Development Director Joanne Williams, County Attorney David Baumgarten and the utility companies. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the lot cluster for Alice Kaniff, Lots 40, 119, 120 and 121, Crystal River Subdivision and authorize signatures. Motion carried unanimously.

AMENDMENT TO LEASE AGREEMENT; GUNNISON COUNTY, CITY OF GUNNISON, GUNNISON COUNTY FIRE PROTECTION DISTRICT; ALLOWANCE FOR TWO STORAGE UNITS; 9/15/11 THRU 3/3/14: Deputy County Attorney Art Trezise, Gunnison County Fire Protection District Fire Chief Dennis Spritzer and City of Gunnison Assistant Fire Marshall Hugo Ferchau were present for discussion.

It was agreed that this lease amendment would allow for the use of two units not to exceed 10 feet x 40 feet on the leased property. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the lease amendment. Motion carried unanimously.

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. Monarch Transportation Meeting. Commissioner Chamberland attended this recent meeting, along with Rural Transportation Authority Executive Director Scott Truex. It is not clear how the necessary funding will be obtained without the shuttle service. One hotel already has a shuttle service.
2. Colorado Department of Human Services Meeting in Grand Junction. Commissioner Chamberland attended this work session, along with Health and Human Services Director Renee Brown. The group is attempting to balance the relationship between process and outcome.

Commissioner Swenson:

1. Economic Development Subcommittee. Commissioner Swenson informed the Board that a report will be presented on 9/21/11 at 3:00 pm at Western State College.

GUNNISON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES COMMUNITY SERVICES BLOCK GRANT POLICY: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the community block grant policy and authorize signatures. Motion carried unanimously.

RESOLUTION REQUEST; SUPPORT OF THE GUNNISON COUNTY LIBRARY DISTRICT'S NOVEMBER 1, 2011 ELECTION BALLOT MEASURES: Gunnison County Library District Executive Director Larry Meredith and Deputy County Attorney Trezise were present for discussion.

The draft resolution was discussed and amended. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2011-35, a Resolution Supporting the Gunnison County Library District's November 2011 Ballot Measures, as amended. Motion carried unanimously. County Manager Birnie noted that the Board will need to revisit the agreement between the County and the District during the next meeting.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 1:35 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONER OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2011-35**

A RESOLUTION SUPPORTING THE GUNNISON COUNTY LIBRARY DISTRICT’S NOVEMBER 2011 BALLOT MEASURES

WHEREAS, Gunnison County, Colorado (the "County"), the communities located within the County, and the County’s citizens all value the quality of life found here; and

WHEREAS, the improvements of that quality of life for residents and visitors alike is a County-wide goal; and

WHEREAS, libraries are widely recognized as being essential amenities to quality of life; and

WHEREAS, the libraries currently located within the County are small and aging; and

WHEREAS, the Gunnison County Library District (the "District") has placed, or caused to be placed, two measures on the ballot at the November 1, 2011 election (the "Measures"); and

WHEREAS, the Measures, if approved, would provide funds for the construction and operation of new library facilities within the County, including a new library facility in Gunnison, Colorado, and a new children’s library annex in Crested Butte, Colorado; and

WHEREAS, the approval of the Measures would also permit the District to have a presence in the proposed Mt. Crested Butte Performing Arts Center when it is constructed; and

WHEREAS, the approval of the Measures would also result in increased library services, materials and programming for all citizens, regardless of age, race, class, belief, or economic condition, to the benefit of all citizens within the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, IN THE STATE OF COLORADO.

That the Commissioners express their unified support of the District’s Measures.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 6th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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