

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

The November 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 8:29 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the Regular Meeting minutes for August 16, 2011 and the Special Meeting minutes for October 14, 2011 and October 25, 2011. Motion carried. (Chairperson Channell wasn't here for the October 14, 2011 meeting, so he couldn't vote on the motion.)

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda in its entirety. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Change Order No. 5; \$676
2. Acknowledgment of County Manager Signature; Change Order No. 16; \$10,595
3. Acknowledgment of County Manager Signature; 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; 11/1/11 thru 6/30/16
4. Release of Development Improvements Agreement and Addendum thereto for Mountain Meadows Subdivision
5. Colorado Division of Criminal Justice, Statement of Grant Award; Law Enforcement Crime Victim Services; Term 1/1/2012 – 12/31/2012
6. Acknowledgment of County Manager Signature; Provider Agreement; Southern Christian Services for Child and Youth, Inc.; Professional Services Regarding Adoption Support Services to Individuals and Families Referred from Gunnison County Department of Health and Human Services; \$900 Monthly Fee; 11/1/11 thru 10/31/12
7. Colorado Discretionary Aviation Grant Application; Purchase Loader and Ramp Blade; Provide 50% Match for Federal Aviation Administration Entitlement Funds; \$1,395,032; 2/1/12 thru 9/30/12
8. Law Enforcement Agreement Among Gunnison County Board of County Commissioners, Gunnison County Sheriff, Town of Mt. Crested Butte; \$129,780; 1/1/12 - 12/31/16
9. Interpreter at Gunnison County Independent Contractor Agreement; Perri Pelletier; 7/1/10 thru 6/30/12
10. Acknowledgment of County Manager Signature; Section 00520 Agreement, North Gunnison Sewer Line Extensions, Gunnison County; Schmalz Construction, Ltd.; \$132,264; 10/24/11 thru 5/30/12
11. Acknowledgment of County Manager Signature; Proposal for Inspection Services, McIntyre Water Storage Facilities, Pits #1 and #2, Pits #3 and #4; Weaver Boos Consultants, LLC; \$16,995
12. Resolution; Adjusting Landing Fees and Other Fees for Air Carriers

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2012 Gunnison County Holiday Schedule. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the 2012 Gunnison County Holiday Schedule. Motion carried unanimously.
2. Proposed 2012 Meeting Schedule. The draft schedule was discussed and modifications were agreed to. The schedule will be formally approved in January 2012.
3. Joint Planning Commission Meeting Schedule. The draft was discussed and the Board requested that the meetings be held on 2/3/12, 5/18/12 and 10/19/12.

COUNTY MANAGER'S REPORT: County Manager Birnie was present for discussion, but did not have any reports prepared for the Board.

RESOLUTION; RESCINDING RESOLUTION 92-36 IN TOTAL; A RESOLUTION AUTHORIZING THE ASSESSOR TO REVIEW PETITIONS FOR ABATEMENT OR REFUND OF TAXES AND TO SETTLE BY WRITTEN AGREEMENT: Assessment Analyst William Spicer was present for discussion.

The draft resolution was discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-42, a Resolution Rescinding Resolution 92-36 in

Total; a Resolution Authorizing the Assessor to Review Petitions for Abatement or Refund of Taxes and to Settle by Written Agreement. Motion carried unanimously.

BREAK: The meeting recessed from 8:56 until 9:19 am.

RESOLUTION; AUTHORIZING AND ADOPTING REGULATIONS REGARDING THE CONDUCT OF ALCOHOLIC BEVERAGES TASTING BY RETAIL LIQUOR LICENSEES IN UNINCORPORATED GUNNISON COUNTY, COLORADO: Gunnison County Clerk and Recorder Stella Dominguez and Deputy County Attorney Art Trezise were present for discussion.

Gunnison County Clerk and Recorder Dominguez informed the Board that there are currently only three active retail liquor licenses in the unincorporated portions of the County that have expressed interest in obtaining this license. One is for an establishment in Crested Butte South, one is for an establishment in the Taylor Park area, and one is for the marina in Sapinero. To provide tasting, proprietors would first have to attend training and then obtain an annual license at a cost of \$25. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-43, a Resolution Authorizing and Adopting Regulations Regarding the Conduct of Alcoholic Beverages Tasting by Retail Liquor Licensees in Unincorporated Gunnison County, Colorado and authorize signatures. Motion carried unanimously.

CORRESPONDENCE; DRAFT ENVIRONMENTAL ASSESSMENT FOR THE ESTABLISHMENT OF A LOW ALTITUDE TRAINING FOR CANNON AIR FORCE BASE, NEW MEXICO: Deputy County Attorney Trezise, Geographic Information Services Manager Mike Pelletier and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

Gunnison Wildlife Conservation Coordinator Cochran stated that the Environmental Assessment (EA) should be redrafted to address sage grouse issues. The Board agreed with him, especially since the Gunnison Sage Grouse will likely become a listed species. The Board expressed concern related to the accumulation of impacts because Gunnison County is already in the low-flying zone for Peterson AFB. The Board also expressed concern about other low-altitude flights for medical and entertainment purposes, and Geographic Information Services Manager Pelletier stated that he had seen this addressed within the draft EA. Lastly, the Board expressed concern about the potential negative agricultural impacts related to livestock and ranching.

The draft correspondence was discussed and amendments were agreed upon. The Board asked Geographic Information Services Manager Pelletier to provide a modified draft before the end of the meeting.

BREAK: The meeting recessed from 9:49 until 10:20 am in order to call to order as the Gunnison River Valley Local Marketing District.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: Marble Crystal River Chamber of Commerce (MCRC) President Dave Adams and Gunnison-Crested Butte Tourism Association (TA) Executive Director Jane Chaney were present for discussion.

CALL TO ORDER: Chairperson Channell called the meeting to order at 9:49 am.

MARBLE CRYSTAL RIVER CHAMBER OF COMMERCE; ANNUAL WORK PLAN AND BUDGET: Mr. Adams informed the Board that the coffee/consignment shop has been very successful. He also stated that the Hub, similar to a local community center, will be open from 9:00 am until 3:00 pm on Friday, Saturday and Sunday, starting today, for the winter. He stated that the Marble Marble event went well and that it kept the Town busy throughout July before slowing down in August and September.

Mr. Adams acknowledged that the MCRC is behind on activating the website. A couple of Marble citizens are currently working on it, and more money was requested for search engine optimization. Rack cards are being printed and distributed, but the MRCC would like to double the size of the rack card if it proves successful. MCRC requested additional funding for signage, print advertising and event funding. Working with the Colorado Department of Transportation on signage issues has been problematic, so the County may be able to assist with creating and placing signage on County roads. County Manager Birnie asked Mr. Adams to contact Assistant County Manager Marlene Crosby to discuss this option directly.

The MCRC initially requested \$6,000 from the County for 2012 expenses, but Mr. Adams acknowledged that the MCRC will likely want additional funding and had intended to come to the Board twice a year. The Board explained to him that the budget appropriation must be done now and that another appropriation will not be done in 2012 for additional 2012 funds. County Manager Birnie informed Mr. Adams that the Board was scheduled to hold a Local Marketing District (LMD) budget work session on 11/8/11, and he asked Mr. Adams to provide the MCRC's entire 2012 request for discussion during that meeting.

Ms. Chaney explained that, upon creation of the LMD, Marble was supposed to be able to take all of its generated funding. If the MCRC were to partner with the TA, then the TA would drive website traffic to the MCRC website. This partnership would then mirror the relationships that the TA has with the Gunnison County Chamber of Commerce and the Crested Butte / Mt. Crested Butte Chamber of Commerce.

ADJOURN: Chairperson Channell adjourned the meeting at 10:20 am and immediately called the Board of County Commissioners meeting back to order.

LINKAGE FEE UPDATE: Gunnison County Housing Authority Executive Director KT Gazunis and Deputy County Attorney Trezise were present for discussion.

Gunnison County Housing Authority Executive Director Gazunis presented her proposed Commercial and Residential Linkage Fee calculations. She requested updating the information every three years.

Commissioner Chamberland stated that he would like to see the commercial fees as low as possible since commercial business creates jobs. Commissioner Swenson agreed with the draft approach. Gunnison County Housing Authority Executive Director Gazunis explained that the proposed commercial fee represents an approximate 10% decrease, and that the proposed residential fee utilized a graduating step increase approach.

Gunnison County Housing Authority Executive Director Gazunis requested that the adjusted fee schedule be retroactive to March 2011 since that is when the adjusted data was first available. The Board agreed with this request. The Board also agreed that the fee schedule should be reevaluated in January of every third year, to be effective soon afterwards. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt the linkage fee structure as presented today making it retroactive to March 1, 2011. Motion carried unanimously.

CORRESPONDENCE; DRAFT ENVIRONMENTAL ASSESSMENT FOR THE ESTABLISHMENT OF A LOW ALTITUDE TRAINING FOR CANNON AIR FORCE BASE, NEW MEXICO (continued): Geographic Information Services Manager Pelletier was present for discussion.

Geographic Information Services Manager Pelletier presented a modified draft letter for consideration. Further amendments were agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter, with the minor amendments Hap (Chairperson Channell) made, to Cannon Air Force Base and authorize signatures. Motion carried unanimously.

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

COMMISSIONER ITEMS:

Chairperson Channell:

1. Outdoor Discovery Center. Chairperson Channell informed the Board that he spoke with Dick Bratton about making a new broad push for the Outdoor Discovery Center and the regional office for the State Parks and Wildlife office. Mr. Bratton is attempting to collect resolutions from local boards. Chairperson Channell requested that he provide a draft resolution for consideration, and Mr. Bratton agreed, but nothing has been submitted yet.
2. Tobacco Coalition Meeting. Chairperson Channell informed the Board that he attended this meeting last week. During the meeting, there was a lot of conversation related to the City of Gunnison's possession ordinance for youth under the age of 18 that will go into effect on 1/1/12. Until 1/1/12, youth will continue to receive warnings and education.

Commissioner Swenson:

1. Economic Development Update. Commissioner Swenson informed the Board that discussions with the municipalities are continuing. She reviewed the County resolution that created the LMD which confirmed that LMD funds can be spent on economic development efforts. She has requested clarification on the rationale of the resolution from former commissioners. She will compile and present all comments to the Board very soon. She also noted that it appears as though all municipalities will be contributing funding to economic development efforts at some point.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:17 am.

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 COMMISSIONERS OF GUNNISON COUNTY RESOLUTION NO. 11-41

A RESOLUTION ADJUSTING LANDING FEES AND OTHER FEES FOR AIR CARRIERS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gunnison Crested Butte Regional Airport and leases terminal space, and provides airfield services to air carriers; and

WHEREAS, the Board of County Commissioners wants to adjust landing fees and other fees for airline carriers for such portions of the terminal where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation of the Gunnison Crested Butte Regional Airport and make it self-supporting;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that effective on December 1, 2011 at 12:00 midnight:

Section One.

1. The fee for scheduled air carriers shall be five dollars and four cents (\$5.04) per thousand pounds of gross landing weight; non-scheduled landing fees shall be seven dollars and forty-two cents (\$7.42) per thousand pounds of gross landing weight.
2. Scheduled flights that are more than 30 minutes late will be charged an additional charge of \$250.00 per hour for ARFF coverage if the on-duty airport personnel are not notified prior to scheduled arrival/departure time.
3. A scheduled air carrier leasing less than eight hundred (800) square feet of terminal space will be assessed one hundred dollars (\$100.00) per flight for common area.
4. The landing fee for scheduled or non-scheduled Part 135 carriers shall be two dollars and fifty-seven cents (\$2.57) per thousand pounds of gross landing weight and if only ARFF coverage is required the fee shall be two dollar and forty-seven cents (\$2.47) per thousand pounds of gross landing weight.

Section Two.

The Board of County Commissioner's Resolution No. 10-03 is repealed, effective upon adoption of the Resolution.

BE IT FURTHER RESOLVED THAT these rates shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 1st day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO RESOLUTION NO. 2011-42

A RESOLUTION RESCINDING RESOLUTION 92-36 IN TOTAL; A RESOLUTION AUTHORIZING THE ASSESSOR TO REVIEW PETITIONS FOR ABATEMENT OR REFUND OF TAXES AND TO SETTLE BY WRITTEN AGREEMENT

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado previously adopted by Resolution 92-36 authorizing the Assessor to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of one thousand dollars; and

WHEREAS, the Board intends to rescind Resolution 92-36 in total and to replace Resolution 92-36 based on current legislation which allows the Assessor to settle by written mutual agreement any such petition for abatement or refund in an amount of ten thousand dollars or less per tract, parcel, or lot of land, or per schedule of personal property.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Resolution 92-36 is hereby rescinded, and that the Assessor is hereby authorized to settle by written mutual agreement any such petition for abatement or refund in an amount of ten thousand dollars or less per tract, parcel, or lot of land, or per schedule of personal property.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 1st day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2011-_____**

**A RESOLUTION AUTHORIZING AND ADOPTING REGULATIONS REGARDING THE CONDUCT OF
ALCOHOLIC BEVERAGES TASTING BY RETAIL LIQUOR LICENSEES IN UNINCORPORATED GUNNISON
COUNTY, COLORADO**

WHEREAS, pursuant to C.R.S. §12-47-301(10), the Board of County Commissioners of the County of Gunnison, Colorado may authorize retail liquor store licensees in unincorporated Gunnison County, Colorado to conduct on premises alcoholic beverages tastings within certain specified limits; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado desires to adopt a resolution authorizing and adopting regulations regarding the conduct of tastings of alcoholic beverages by licensed retail liquor licensees in unincorporated Gunnison County, Colorado.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that:

- A. **AUTHORITY – PURPOSE:** This Resolution is adopted pursuant to the authority granted by Section 12-47-301(10)(a), C.R.S., and for the purpose of authorizing alcoholic beverage tastings pursuant to such statute.
- B. **DEFINITIONS:** Terms used in this Resolution which are defined in the Colorado Liquor Code (Article 47, Title 12, C.R.S.) or in the Colorado Beer Code (Article 47, Title 12, C.R.S.) shall have the meanings provided in such statutes. Additional, as used in this Resolution, the following words shall have the following meanings, unless the content clearly requires otherwise:

LOCAL LIQUOR LICENSING AUTHORITY TASTINGS	Gunnison County Board of County Commissioners The sampling of malt, vinous or spirituous liquors on the premises of a retail liquor store or liquor-licensed drugstore.
TASTINGS LICENSE	A separate license valid for one year issued by the Local Liquor Licensing Authority pursuant to this Resolution authorizing tastings to be conducted by the licensee LICENSE REQUIRED: A retail liquor store or liquor- licensed drugstore licensee may conduct Tastings only pursuant to a valid Tastings License.
- C. **APPLICATION:** A retail liquor store or liquor-license drugstore licensee who wishes to conduct tastings shall submit an application to the Local Liquor Licensing Authority on forms supplied by the Liquor Licensing Authority. Such application shall be accompanied by a non-refundable annual fee of \$25.00.
- D. **APPROVAL OR DENIAL OF APPLICATION:** If the applicant demonstrated that he or she is able to conduct Tastings without violating the provision of the Resolution or Section 12-47-301(10)(a) C.R.S., and without creating a public safety risk to the neighborhood, the application shall be approved and the Tastings License issued. Otherwise, the application shall be denied.
- E. **ANNUAL LICENSE:** A Tastings License shall be valid for one year, and shall run concurrently with the retail liquor store or liquor-licensed drugstore of the holder of the Tastings License; provided, however, that the first Tasting License issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the then-current retail store or liquor-licensed drugstore license.
- F. **LIMITATIONS ON TASTINGS:** Tastings conducted by the holder of a Tasting License shall be subject to the limitations and requirements set forth in Section 12-47-301(10)(a) C.R.S., as

amended from time to time. Compliance with the limitations and requirements set forth in Section 12-47-301(10)(a) C.R.S., shall be a term and condition of any Tastings License, whether expressly set forth in the tastings License or not.

- G. LICENSEE RESPONSIBILITY: A violation of the provisions of the Resolution by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.
- H. SUSPENSION OR REVOCATION OF LICENSE: Any violation of the terms and conditions of a Tastings License may result in the suspension or revocation of the Tastings License, as well as the licensee's retail liquor store or liquor-licensed drugstore license. The suspension or revocation of the retail liquor store or liquor-license drugstore license of the holder of a Tastings License shall automatically operate to suspend or revoke such Tastings License.
- I. PROOF OF QUALIFICATIONS OF PERSONS CONDUCTING TASTINGS: Upon the request of any peace officer, the holder of a Tastings License shall provide proof that Tastings are to be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division in the Department of Revenue of the State of Colorado, and who is either the retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of such licensee.
- J. SEVERANCE: All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable, only its application shall be limited as required to most fully implement its purpose.
- K. REPEALER: All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby.
- L. EFFECTIVE DATE: This Resolution shall be in full force and effect immediately upon adoption by the Board of County Commissioners of the County of Gunnison, Colorado.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 1st day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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