

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
April 3, 2012**

The April 3, 2012 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

Marlene Crosby, Assistant 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 8:31 am.

AGENDA REVIEW: Assistant County Manager Crosby informed the Board that, due to a scheduling conflict for the presenters, the Western State College discussion has been postponed until 4/17/12.

CONSENT AGENDA: Commissioner Chamberland requested that Consent Agenda Item #3 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve Consent Agenda Items #1, #2 and #4. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Agreement; Tree Tamers, Inc.; Trim and Remove Certain Cottonwood Trees at the Gunnison County Courthouse; \$1,625
2. Acknowledgment of County Manager Signature; Agreement to Purchase Fundware Consulting Services; Blackbaud, Inc.; \$900
3. **Pulled for Discussion and Separate Action:** Draft Regular Meeting Minutes; 3/6/12
4. Release of Lien; Nancy H. Kovach and Neil E. Kovach; Lot 34, North Valley Subdivision, Filing No. 2, County of Gunnison, State of Colorado

CONSENT AGENDA ITEM #3: Commissioner Chamberland asked for discussion of the Club 20 portion of the meeting minutes. The section was discussed and modifications were agreed upon. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve Consent Agenda Item #3 as amended. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2012 County Board of Equalization Hearings. The Board set aside July 25th, July 31st and August 2nd for the hearings.
2. 2012 Colorado Counties, Inc. (CCI) Summer Conference; 6/4/12 – 6/6/12. The Board will not be attending this conference, though Chairperson Channell noted that he may change his mind.

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

1. Antelope Hills Water Line Project Update. Assistant County Manager Crosby informed the Board that a preconstruction meeting was held during the previous week between representatives from the County, Lacey Construction, the USDA project engineer and the underwriter. The project may be finished by late summer, which would meet the State of Colorado's compliance deadline without having to request another extension.
2. Moncrief Project Update. Assistant County Manager Crosby informed the Board that the project to connect water to the Moncrief's hired man's residential structure should begin before the end of the week.
3. North Valley Sewer Project Update. Assistant County Manager Crosby informed the Board that the project will be completed by 6/1/12.
4. Kebler Pass Update. Assistant County Manager Crosby informed the Board that crews plowed for snow yesterday and that, without additional moisture, crews will soon be able to plow over the top. Her crews will also evaluate the area for some necessary tree removal.
5. Taylor River Project Update. Assistant County Manager Crosby informed the Board that the survey has been completed that the culverts are now being laid out. Work will begin in the Harmel's area sometime in mid-April. Project Managers are on site.

VISITORS; WESTERN STATE COLLEGE STUDENTS DYLAN ROME AND KEVIN DONALDSON; RECYCLING AND TRASH COLLECTION PROPOSAL; WHITEWATER PARK AND NORTH BRIDGE RAFTING AREA: This discussion was cancelled during Agenda Review.

BREAK: The meeting recessed from 9:09 until 9:20 am.

SG INTERESTS I, LTD. V. BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY; LITIGATION UPDATE; POSSIBLE EXECUTIVE SESSION: County Attorney David Baumgarten and Assistant Community Development Director Neal Starkebaum were present for discussion. Outside legal counselor Barbara Green was available for discussion via telephone.

County Attorney Baumgarten recommended that he and the Board enter into an executive session with Assistant County Manager Crosby, Assistant Community Development Director Starkebaum and Ms. Green so that the Board could provide negotiator instruction and receive updates regarding the litigation, the Memorandum of Understanding, the Intergovernmental Agreement, the changes recommended by the Planning Commission, and any additional recommendations. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into executive session for the reasons outlined by the County Attorney, with the participants outlined by the County Attorney, with Barbara Green on the phone. Motion carried unanimously.

The board went into executive session at 9:22 am. *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)(b)(e).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the 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: _____

David Baumgarten
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).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:22 am. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. No contemporaneous recording was kept as the discussion was subject to attorney-client privilege.

Chairperson Channell instructed staff to move forward with the 5/8/12 agenda item with emphasis on processes and timelines, including a definition of how the relationship between work sessions and public hearings is involved in the process. He also asked staff to evaluate the possible use of a Special Geographic Area, as defined in the oil and gas regulation section of the Gunnison County Land Use Resolution. Lastly, he asked staff to come forward with a preliminary analysis of water quality issues with regard to setback recommendations.

GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS: Administrative Assistant III Bobbie Lucero was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Deb Brooks to a regular position representing the County on the Observatory Board, Russell Lallier and Ruth Dolezal to represent the County on the Historical Preservation Commission, and Perry Anderson to represent the County on the Gunnison Basin Sage-grouse Strategic Committee as an alternate member for the development community. Motion carried unanimously.

PROCLAMATION; CHILD ABUSE PREVENTION MONTH IN THE COUNTY OF GUNNISON, COLORADO, APRIL 2012: Health and Human Services Director Renee Brown was present for discussion. Chairperson Channell read the draft proclamation out loud. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt the Proclamation for Child Abuse Prevention Month in the County of Gunnison, Colorado, April 2012. Motion carried unanimously.

BREAK: The meeting recessed from 10:30 until 10:32 am.

RESOLUTION; CONCERNING THE SETTING OF HOURS AND CHARGING OF NOMINAL FEES FOR PUBLIC USE OF MEETING ROOMS IN THE GUNNISON COUNTY COURTHOUSE, BLACKSTOCK GOVERNMENT CENTER, AND THE (O'LEARY) FAMILY SERVICES CENTER: Community Development Department Director Joanne Williams, Assistant Finance Director Ben Cowan, Facilities and Grounds Supervisor Rich Corbett and Community Development Department Services Manager Beth Baker were present for discussion.

Commissioner Swenson stated her concern that adoption of this resolution would be problematic for the public. Assistant County Manager Crosby explained that daytime use negatively impacts staff as groups ask for copies and other types of assistance.

League of Women Voters representative Ellen Harriman stated that her group has used the Blackstock building for many years and that, while the evening limitation would not be an issue, paying for space during the work day would be problematic as the fees would significantly impact the League's budget. She asked the Board to consider a possible alternate set of fees for non-profit entities, and noted that the League has never paid a fee to use the small conference room at the fairgrounds. Chairperson Channell explained that the County would not be able to customize fees for certain groups.

Ms. Harriman asked if any meeting space in the Public Works facility would be considered for public use. Assistant County Manager Crosby explained that a great deal of noise affects the training room. She also explained that her staff doesn't have a way to keep people from accessing the shop, which is a safety hazard and could present other issues since the shop tools are very expensive.

Don Janney, a member of two groups that use space in the Blackstock building and the courthouse, explained that both of his groups render civic functions to the public. One of the groups customarily meets in evenings at the courthouse and borrows keys for access. He stated that both groups' budgets will be negatively impacted if fees are imposed, and he urged the Board to think along the lines of the public use being legitimate uses of public funds. Mr. Janney did not provide the names of the two groups because he wasn't authorized to speak on their behalf.

Commissioner Swenson posed the designation of the Administration Meeting Room (the former Sheriff's Conference Room) as a free meeting space available to the public during the day. She stated that oversight could be managed by the Administration Department with the use of contracting to cover the County in the event of damage to the room. Facilities and Grounds Supervisor Corbett noted that, if night use were allowed, the lock would need to be modified.

Assistant Finance Director Ben Cowan asked if the County might be able to provide rotating passwords for the automatic door and an access key for the conference room. Facilities and Grounds Supervisor Corbett explained that the keyless entry does have visitor codes available for use. Community Development Department Services Manager Baker explained that evening use brings on safety and security issues because people have been found wandering around that don't belong in the building.

Chairperson Channell stated that the Board should be realistic about the impacts to facilities and staff. Commissioner Chamberland expressed his opinion that the seemingly low fees could be negative to some budgets. He also feels that evening use should be off limits and that the County should start focusing on the Fairgrounds as the place for public meetings as a way to facilitate easier management.

Commissioner Swenson restated her desire to designate at least one room to remain free of charge. Assistant County Manager Crosby agreed to verify whether or not public use of the small conference room at the fairgrounds is free of charge. She also noted that the fairgrounds fee schedule can be discussed during a future meeting.

The draft resolution was discussed and modifications were agreed upon. **Moved** by Commissioner Chamberland, seconded by Chairperson Channell to adopt resolution #2012-12, a Resolution Concerning the Setting of Hours and Charging of Nominal Fees for Public Use of Meeting Rooms in the Gunnison County Courthouse, Blackstock Government Center, and the (O'Leary) Family Services Center, with the correction to the address of the O'Leary Building. Motion carried. Commissioner Swenson voted against the motion.

Health and Human Services Director Brown stated that Early Childhood Council meetings and foster parenting classes are held in the Family Services Center, as coordinated through her department. The Board agreed that, along with meetings for official County boards and commissions, there would be no charge for meetings that support County departments and programs, and that those meetings could continue to take place during evenings and weekends.

APPROVE COMMENTS; DRAFT ENVIRONMENTAL ASSESSMENT, DOI-BLM-CO-SO50-2012-0009, AND DRAFT FINDING OF NO SIGNIFICANT IMPACT: County Attorney Baumgarten and Community Development Department Director Williams were present for discussion.

The draft was discussed and minor modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter to Barb Sharrow regarding the August 9th Oil and Gas Lease Sale and authorize the signatures as amended. Motion carried unanimously.

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

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. Bob Niccoli Fire Suppression Request. Commissioner Chamberland informed the Board that Mr. Niccoli has raised a question related to whether or not he will be forced to install a sprinkler system in his yurt, as currently required by the CB Fire Protection District. County Attorney Baumgarten explained that, by statute, a district cannot adopt a uniform code without authorization from the Board, which the Board did authorize by resolution for the CB Fire Protection District. He noted, however, that the language within the resolution is ambiguous with regard to assigning responsibility for sprinkling, inspecting and granting waivers. Commissioner Chamberland stated that this issue involves more than just this one yurt because it could apply to spaces above garages, and that he is not comfortable with requiring sprinklers in every structure because of the cost/benefit ratio. He also noted that a lot of people have questioned the wisdom of having three fire stations in such a small area, each with high mill levies. Chairperson Channell stated his impression that this discussion probably needs to begin at the District level. County Attorney Baumgarten added that, if the code allows for a waiver, the County might proceed down that path. Commissioner Swenson asked County Attorney Baumgarten to research what was originally signed for the District because she recalls an original intent of sprinkling structures over a certain square footage and at a certain distance from a fire house. County Attorney Baumgarten stated that he will first need to determine if the resolution adopted the regulations, or if the resolution gave authority to the District to adopt the regulations.
2. Club 20 Update. Commissioner Chamberland informed the Board that he attended a recent meeting. He stated that meeting was informative and that all previously self-excluded counties have since rejoined Club 20. Gunnison resident Ricki Santarelli is a voting member. Commissioner Chamberland will get the meeting schedule to the Board.

Chairperson Channell:

1. Water Quality/Quantity Committee Meeting. Chairperson Channell informed the Board that he attended a recent meeting. He has since provided hard copies of an excerpt from the meeting to the Board.
2. Boat Launch Meeting. Chairperson Channell informed the Board that he attended this recent meeting. Kayaks do not currently need to be inspected, but that may be changing. The sailboat community is unhappy with having to drive long distances for inspection. Per the Park Service representative at the meeting, boats inspected in Gunnison may also have to be inspected at Blue Mesa Reservoir.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:39 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. 12, SERIES 2012**

CONCERNING THE SETTING OF HOURS AND CHARGING OF NOMINAL FEES FOR PUBLIC USE OF MEETING ROOMS IN THE GUNNISON COUNTY COURTHOUSE, BLACKSTOCK GOVERNMENT CENTER, and THE [O'LEARY] FAMILY SERVICES CENTER

WHEREAS, Gunnison County owns and oversees the improvements, maintenance and use of the Gunnison County Courthouse at 200 E. Virginia Avenue, the Blackstock Government Center at 221 N. Wisconsin Street, and the Family Services Center (formerly the O'Leary Building) at 225 N. Pine Street, all in the City of Gunnison; and

WHEREAS, the three buildings have meeting rooms that have been made available for public use; and

WHEREAS, the Board of County Commissioners ("the Board") acknowledges the value of having such facilities available for public use, but that their increased use has, over time, resulted in some concerns about maintenance costs and security related to the well-being of the public, and County staff and contracted maintenance crews; and

WHEREAS, a study of comparable buildings in the community indicates that nominal fees are charged for use by public groups of meeting rooms in those buildings and such fees are appropriate to offset costs of maintenance and improvements; and

WHEREAS, the Board finds it in the best interest of public safety, and security of the said three buildings that they not be available for use by non-County-related functions after normal business hours (i.e. after 5 p.m.).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that meeting rooms in the Gunnison County Courthouse at 200 E. Virginia Avenue, the Blackstock Government Center at 221 N. Wisconsin Street, and the Family Services Center (formerly the O'Leary Building) at 225 N. Pine Street, in Gunnison may be scheduled for public use Monday through Friday except on County-designated holidays from 8 a.m. to 5 p.m., and shall not be available after 5 p.m. except for official use 1) by County boards and commissions appointed by the Board, 2) by groups coordinated and managed by Health and Human Services for meetings that support their purposes, and 3) within the Courthouse, for court-related meetings. Further, that the following charge shall be imposed for use of those rooms 8 a.m.-5 p.m. by non-County groups which do not meet any of those three categories of users: \$20 per hour, or \$100 per day.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Channell, and passed on this 3rd day of April, 2012.

BOARD OF COUNTY COMMISSIONERS

Chamberland – yes; Channell – yes; Swenson – no.

PROCLAMATION

**Child Abuse Prevention Month in the County of Gunnison, Colorado
April 2012**

WHEREAS, children are key to Gunnison County's future success, prosperity, and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn, and grow; and

WHEREAS, child abuse and neglect can be prevented by supporting and strengthening Gunnison County's families, thus preventing the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds and, consequently, building the foundations of communities; and

WHEREAS, we must come together as partners so that the voices of our children are heard by all, and we are as a community extending a helping hand to children and families in need; and

WHEREAS, by providing a safe and nurturing environment for our children, free of violence, abuse and neglect, we can ensure that Gunnison County's children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation.

NOW THEREFORE, BE IT RESOLVED that the Commissioners of the Board of County Commissioners of Gunnison County, Colorado by virtue of the authority vested in us by the State of Colorado do hereby proclaim:

April 2012 as

Child Abuse Prevention Month in the County of Gunnison, Colorado

INTRODUCED and approved this 3rd day of April, 2012 by the Board of County Commissioners of Gunnison County, Colorado.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

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