

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
February 7, 2012**

The February 7, 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 - ABSENT

Matthew Birnie, County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

**GUNNISON COUNTY HOUSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Channell called the Gunnison County Housing Authority to order at 8:38 am.

**ACKNOWLEDGMENT OF COUNTY MANAGER SIGNATURE; 2011 AUDIT ENGAGEMENT LETTER; MCMAHAN AND ASSOCIATES, LLC:** Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the 2011 Audit Engagement Letter for McMahan and Associates, LLC. Motion carried.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Chairperson Channell to adjourn the Gunnison County Housing Authority meeting. Motion carried. The meeting adjourned at 8:39 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:**

**CALL TO ORDER:** Chairperson Channell called the Gunnison River Valley Local Marketing District meeting to order at 8:39 am.

**ACKNOWLEDGMENT OF COUNTY MANAGER SIGNATURE; 2011 AUDIT ENGAGEMENT LETTER; MCMAHAN AND ASSOCIATES, LLC:** Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the 2011 Audit Engagement Letter for McMahan and Associates, LLC. Motion carried.

**MEMORANDUM OF AGREEMENT BETWEEN BOARD OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT OF GUNNISON COUNTY, COLORADO AND MARBLE CRYSTAL RIVER CHAMBER OF COMMERCE; 1/1/12 THRU 12/31/12; \$8,000:** This agreement was appropriately moved from the Board of County Commissioners meeting, listed as Consent Agenda Item #1, to this meeting. Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the Memorandum of Agreement between the Board of the Gunnison River Valley Local Marketing District of Gunnison County and the Marble Crystal River Chamber of Commerce, and authorize all of the appropriate signatures. Motion carried.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Chairperson Channell to adjourn the Gunnison River Valley Local Marketing District meeting. Motion carried. The meeting adjourned at 8:40 am.

**CALL TO ORDER:** Chairperson Channell called the meeting to order at 8:40 am.

**AGENDA REVIEW:** Consent Agenda Item #1 was moved to the above Gunnison River Valley Local Marketing District meeting.

**CONSENT AGENDA:** Moved by Commissioner Swenson, seconded by Chairperson Channell to approve Consent Agenda Items #2 through #23. Motion carried.

1. Moved to the Gunnison River Valley Local Marketing District Meeting (above): Memorandum of Agreement between Board of the Gunnison River Valley Local Marketing District of Gunnison County, Colorado and Marble Crystal River Chamber of Commerce; 1/1/12 Thru 12/31/12; \$8,000
2. Agreement; United Reprographic Supply, Inc.; Lease, Installation and Maintenance of Plot Scanner/Printer; 1/15/12 thru 1/15/17; \$22,380
3. Ratification of County Manager Signature; Standard Form of Agreement between Owner and Design-Builder Cost Plus Fee with an Option for a Guaranteed Maximum Price; GE Johnson Construction Company; Gunnison County Fairgrounds Radiant Heat Replacement; \$225,139
4. Provider Agreement; Cindy Chamberland; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Safety, Stability and Permanency for Children and Families Referred from the Gunnison County Department of Health and Human Services; 2/1/12 thru 1/31/13; \$25,000

5. CNA Surety Form 10, Application for Surety Bond; Colorado Department of Public Health and Environment Hazardous Material and Waste Division; Waste Tire Hauling; \$10,000
6. Provider Agreement; Mark Wright d/b/a Horizon Vegetation Management; Professional Services Regarding Application of Herbicide to Control Noxious Weeds Mandated for Control within the Gunnison River Watershed; 2/7/12 thru 10/30/12
7. Intergovernmental Master Contract; Department of Public Health and Environment Routing No. 13 FAA 00023
8. Acknowledgment of County Manager Signature; Grant of Perpetual Easements; City of Gunnison; County Sewerline Running Along Slaughterhouse Road and Glatiotis Subdivision Spur; Township 50 North, Range 1 West, NMPM
9. Acknowledgment of County Manager Signature; 2011 Audit Engagement Letter; McMahan and Associates, LLC
10. Acknowledgment of County Manager Signature; Change Order #7; Gunnison County Public Safety Center; (\$1,573)
11. Acknowledgment of County Manager Signature; Change Order #20; Gunnison County Public Safety Center
12. Acknowledgment of County Manager Signature; Memorandum of Understanding, RE: Control of Confidential Data; State of Colorado Department of Revenue
13. Contract for Services; OMNI Institute; Gunnison County Substance Abuse Prevention Project Client Surveys; 10/10/11
14. Acknowledgment of County Manager Signature; Provider Agreement; Mary Burt; Professional Grant Development; 2/1/12 thru 12/31/12
15. Acknowledgment of County Manager Signature; Professional Services Agreement; Stantec Consulting Services, Inc.; Bridge Inventory Training and Materials; \$3,510
16. Out-of-State Travel Request; Planner Cathie Pagano; National American Planning Association Conference; Los Angeles, CA; \$2,600
17. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice State Juvenile Diversion Program Funds Continuation Application; \$35,000
18. Certification of Compliance; Article 29 of Title 29 C.R.S., Immigration Status; Cooperation with Federal Officials
19. Draft Regular Meeting Minutes; 12/6/11
20. Draft Special Meeting Minutes; 1/24/12
21. Provider Agreement; Wee Care Child Care Facility; Professional Child Care Services to Children Residing in Hinsdale County; 3/1/12 – 2/28/13; \$20,000
22. Provider Agreement; Susan Russell; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Safety, Stability and Permanency for Children and Families Referred from the Gunnison County Department of Health and Human Services; 2/1/12 thru 1/31/13
23. Provider Agreement; Monica Bilow; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Safety, Stability and Permanency for Children and Families Referred from the Gunnison County Department of Health and Human Services; 2/1/12 thru 1/31/13

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

1. Joint Meeting with the Gunnison County Planning Commission. The meeting was scheduled for 3/30/12.

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

1. Rotary Club Presentation. County Manager Birnie informed the Board that he presented Managing for Results information to the Rotary Club on 1/30/12.
2. Colorado City/County Manager Association Conference. County Manager Birnie informed the Board that he will be attended this conference at the end of the week. During the conference, he is expected to be accepting a position on the Board of Directors.
3. Gunnison @ Work Advertising Campaign. County Manager Birnie informed the Board that this campaign has begun. The first ad placed in the local newspapers was relevant to the Gunnison County Substance Abuse Prevention Project, and the second one will be relevant to the Airport. Since the County doesn't have a specific budget for this campaign, the paid ads will only be placed sporadically.
4. Taylor River Project Update. Per County Manager Birnie, Assistant County Manager Crosby has been in discussions with the pertinent businesses and residents related to materials costs and possible conduit burial options. The Federal Forest Highway Program estimates that conduit for the 10.7-mile project could cost approximately \$80,000.
5. Resource Advisory Council Position. Gunnison Wildlife Conservation Coordinator Jim Cochran was present for discussion and informed the Board that his representation on the RAC expires this year. The nomination period is open until 3/12/12, and he does not wish to continue as the public at-large representative as he plans to retire before the three-year commitment will end. He expressed his opinion that the County should be well represented on the RAC, though he had no suggestions for whom to recommend. He explained that the process normally begins with a self-nomination followed by the requirement of a formal letter of recommendation from the Board. The RAC meets quarterly. The Board expressed appreciation for his service.

**APPROVAL TO HANG DONATED UNITED STATES FLAG AT THE FRED R. FIELD WESTERN HERITAGE CENTER:** Larry and Ruth Dolezal were present for discussion.

Mr. Dolezal explained that he and his wife donated the 4'x6' flag to the Gunnison County Fairgrounds because it didn't previously have one. He has discussed the intended location of the flag with Fairgrounds Manager Melody Roper, and it was agreed that it would work best in the large banquet room. The flag will not have a fixed location, though, so that it can be moved if necessary during special events. The Board expressed their appreciation to the Dolezals for their donation. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve and accept the flag for the Fred R. Field Western Heritage Center. Motion carried.

**GUNNISON COUNTY BOARDS AND COMMISSIONS; APPOINTMENTS:** Administrative Assistant III Bobbie Lucero was present for discussion.

1. 7<sup>th</sup> Judicial District Community Corrections Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Don Wills to the 7<sup>th</sup> Judicial District Community Corrections Board. Motion carried.
2. Board of Adjustments and Board of Appeals. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Jim Seitz. Motion carried.
3. Cemetery Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to reappoint Frank Vader. Motion carried.
4. Environmental Health Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Rodney Due to the regular position on the Environmental Health Board and Anthony Poponi and Corey Bryndal to the alternate positions. Motion carried.
5. Extension Advisory Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Jim Janks, Deanna Fagerquist, Nola Means, Shelly Sabrowski and Ann Bertschy to the five openings. Commissioner Swenson noted that, if one term is shorter than the others, she would like Ms. Sabrowski to take the shorter term. Motion carried.
6. Gunnison Basin Sage-grouse Strategic Committee. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to reappoint Peter Caloger to the regular position for the at-large seat, Lee Spann as the alternate position for the at-large seat, Erich Ferchau to the regular position for the development community and David Wiens for the regular position for the recreation community. Gunnison Wildlife Conservation Coordinator Cochran explained that the other agency nominations would need to be approved by the Board. Motion carried.
7. Gunnison Basin Sage-grouse Strategic Committee Nominations from Agencies. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint the nominations from the other appointments to the Sage-grouse Strategic Committee, as presented by the agencies and entities. Motion carried.
8. Gunnison County Trails Commission. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Christopher Hensley as an ex-officio member to the Trails Commission as a representative of the Adaptive Sports Center, and appoint Dick Sweitzer, Jake Jones, Marvin Henry and Martin Schmidt to the four regular openings on the Trails Commission. Motion carried.
9. Historical Preservation Commission. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to reappoint Lyda Hardy and LeeAnn Mick to the Historical Preservation Commission. Motion carried.
10. Hospital Board of Trustees. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Martyn Cooper to the vacancy. Motion carried.
11. Housing Advisory Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Dan Escalante. Motion carried.
12. Land Preservation Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Sandy Guerrieri and Bill Racek to the Land Preservation Board. Chairperson Channell asked for clarification in the future related to whether the Board appoints nominees from the various jurisdictions, or the Board ratifies the appointments made by the jurisdictions. Motion carried.
13. Library Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Wendy Chatham and Sherryl Peterson to the Library Board. Motion carried.
14. Medical Health Officer. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint John Tarr as our Medical Health Officer. Motion carried.
15. Gunnison County Planning Commission. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Susan Eskew and Warren Wilcox to the two regular position openings, and AJ Cattles and Jeremy Rubingh to the alternate positions. Motion carried.
16. Region 10 Business Loan Fund Committee and Region 10 Board. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Lyndsey Ruehle and Robert Drexel to the Region 10 Business Loan Fund Committee. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Tammy Scott and Gary Pierson to the Region 10 Board of Directors. Motion carried.
17. Gunnison Sage-grouse Mitigation Committee. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to reappoint Allen Moores, who has been on this committee since its

inception, to the Gunnison Sage-grouse Mitigation Committee and thank him for his continued service. Motion carried.

18. Weed Commission. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Erika Vohman to the Weed Commission. Motion carried.

**APPROVE COMMENTS TO BUREAU OF LAND MANAGEMENT REGARDING PROPOSED GAS LEASES IN NORTH FORK OF GUNNISON RIVER:** County Attorney David Baumgarten was present for discussion.

County Attorney Baumgarten presented draft correspondence for discussion. Chairperson Channell asked him to expand on the Proximity to Paonia Reservoir section for the next comment period. Modifications to the correspondence were agreed upon. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the letter for the proposed August 9, 2012 oil and gas lease sale nominations, as presented, with the additional cc's that were identified. Motion carried.

**APPLICATION FOR GUNNISON SAGE GROUSE CONSERVATION TRUST FUNDS; GUNNISON CONSERVATION DISTRICT; NOXIOUS/INVASIVE WEED PARTNERSHIP EMPLOYEE; \$5,700:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison Sage Grouse Conservation Trust funding request and delegation of funds from the Gunnison Conservation District office in the amount of \$5,700 and authorize signatures. Motion carried.

**CREATION OF GUNNISON SAGE-GROUSE INFORMATION AND EDUCATION COMMITTEE FUND AND ACCEPTANCE OF INCOMING BALANCE TRANSFER OF APPROXIMATELY \$7,000 FROM HIGH COUNTRY CITIZENS' ALLIANCE:** County Attorney Baumgarten and Gunnison Wildlife Conservation Coordinator Cochran were present for discussion.

Chairperson Channell asked about the source of the funding. Gunnison Wildlife Conservation Coordinator Cochran explained that Sue Navy had been collecting funds via t-shirt sales and other projects since 1997 with the original intent of creating a video. He noted that the pamphlets were updated a few years ago, and that past expenditures have been possible via approval from the Sage-grouse Strategic Committee. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the creation of the Gunnison Sage-grouse Information and Education Committee Fund, the acceptance of the incoming balance transfer of approximately \$7,000 from High Country Citizens' Alliance, and the cooperation of the Finance staff and the Sage-grouse Strategic Committee to develop parameters for operating and managing expenditures from the fund. Motion carried.

**COLORADO STATE INFRASTRUCTURE BANK APPLICATION; ARFF RAPID RESPONSE VEHICLE; \$42,247:** Administrative Assistant II Sarah Mick was present for discussion.

1. Resolution; Authorizing Submission of the Application to the Colorado Department of Transportation's State Infrastructure Bank to Borrow the Necessary Funds to Finance the Purchase of a Rapid Response ARFF Vehicle. County Manager Birnie reminded the Board that Airport Manager John DeVore previously discussed this issue with the Board during the annual budget process. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2012-07, a Resolution Authorizing Submission of the Application to the Colorado Department of Transportation's State Infrastructure Bank to Borrow the Necessary Funds to Finance the Purchase of a Rapid Response ARFF Vehicle and authorize signatures. Motion carried.

**CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING REGARDING AN ENERGY SMART REVOLVING LOAN FUND:** Office for Resource Efficiency Executive Director Andris Zobs was present for discussion.

County Manager Birnie confirmed that the draft agreement was pursuant to previous conversations. Mr. Zobs further explained that the agreement would establish the partnership between Eagle, Pitkin and Gunnison Counties. As soon as the loan is made available, term sheets and agreements with funding partners will need to be completed. The Board requested that the principal contacts representing each county to be employees of those counties. The agreement was discussed and modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Memorandum of Understanding as amended pending the acceptance by Eagle County without any significant changes to the document and authorize the Chairperson's signature. Mr. Zobs requested that the Board specify only Eagle County in the motion due to perceived competition issues with other non-profit entities. The Board agreed to the change in the motion. Motion carried.

**BREAK:** The meeting recessed from 10:17 until 10:39 am.

**REPORT REGARDING NEGOTIATION OF INTERGOVERNMENTAL AGREEMENT WITH COLORADO OIL AND GAS CONSERVATION COMMISSION REGARDING DELEGATION OF STATE INSPECTION AUTHORITY; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten stated that the draft in the packet was a product of recent discussions between representatives from the County and constituent groups. The draft was discussed and modifications were agreed upon.

County Attorney Baumgarten suggested that the Board enter into an executive session for the purposes of negotiator instruction, to discuss legislation that is moving forward, and to discuss a recent phone call that he participated in. **Moved** by Commissioner Swenson, seconded by Chairperson Channell, for the reasons outlined by the County Attorney, to go into executive session with the Board of County Commissioners, the County Manager and the County Attorney with no electronic recording being kept. Motion carried.

The board went into executive session at 11:03 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 11:34 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.

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

**COMMISSIONER ITEMS:**

**Chairperson Channell:**

1. Mayors/Managers Meeting. Chairperson Channell and County Manager Birnie attended the recent meeting. There was a lot of good discussion related to the airport, and the group decided to continue the conversation at the March meeting.
2. CCI Subcommittee Update. Chairperson Channell informed the Board that the subcommittee will recommend that the Gallagher Amendment bill not move forward, and that it instead be discussed at the summer conference.
3. Tourism Association Gathering. Chairperson Channell and Commissioner Swenson attended this worthwhile event at Webster Hall.
4. Bureau of Land Management Correspondence; 200<sup>th</sup> Anniversary. Chairperson Channell informed the Board that the BLM has offered to look up land patents for any one of our County buildings. The Board agreed that the County Courthouse building would be the ideal choice.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried. The meeting adjourned at 11:50 am.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

(Absent from meeting – no signature)

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk