

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
January 10, 2012**

The January 10, 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

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 8:05 am.

AGENDA REVIEW: Commissioner Swenson removed Consent Agenda Item #13 as the item was not yet ready for Board action. It was also agreed that the appointment to the Gunnison-Crested Butte Tourism Association would be for a non-voting position, so the reference was changed within the below minutes.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC) BOARD REORGANIZATION AND COMMISSIONER APPOINTMENTS:

1. Designate BOCC Chairperson and Vice Chairperson for 2012. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to keep Hap Channell as Chairperson and Paula Swenson as Vice Chairperson. Motion carried unanimously.
2. Gunnison County Personnel Board (one voting member). **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Phil Chamberland to the Personnel Board. Motion carried unanimously.
3. Community Foundation of the Gunnison Valley Board (one voting member). **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to appoint Hap Channell (to this board). Motion carried unanimously.
4. Office for Resource Efficiency Board (one voting member). **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Hap Channell (to this board). Motion carried unanimously.
5. Gunnison Valley Rural Transportation Authority Board (two voting members). **Moved** by Chairperson Channell, seconded by Commissioner Swenson to make our two RTA board members be Commissioner Swenson and Commissioner Chamberland. Motion carried unanimously.
6. Region 10 Board (one voting member). **Moved** by Commissioner Chamberland, seconded by Chairperson Channell to appoint Commissioner Swenson (to this board). Motion carried unanimously.
7. Gunnison Basin Sage-grouse Strategic Committee (one voting member, one alternate). **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to have Phil Chamberland as the regular member and Chairperson Channell as the alternate. Motion carried unanimously.
8. Gunnison-Crested Butte Tourism Association Advisory Board (one non-voting member). **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to appoint Commissioner Swenson to that advisory board. Motion carried unanimously.
9. Gunnison Country Chamber of Commerce (one voting member). **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to appoint Commissioner Swenson as the Gunnison Country Chamber of Commerce voting member. Motion carried unanimously.
10. Early Childhood Council (one voting member). Chairperson Channell explained that the Board does not have a member on this council, but that he would like to be appointed. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Hap Channell to the Early Childhood Council. Motion carried unanimously.

GUNNISON COUNTY BOARDS AND COMMISSIONS:

1. Appointment to the Colorado River Water Conservation District. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Bill Trampe as our director to the Colorado River Water Conservation District. Chairperson Channell stated that, via Mr. Trampe's service, the County is very well represented on this board by a conscientious and very knowledgeable member of the community. Motion carried unanimously.

CONSENT AGENDA: Consent Agenda Item #13 was removed during the Agenda Review portion of the meeting. Chairperson Channell noted that Consent Agenda Item #15 was not within his meeting packet, and County Manager Birnie explained that this contract contains the standard language used each year. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve Consent Agenda Items #1 thru #12, #14 and #15. Motion carried unanimously.

1. Agreement; Audio Video Experts; Provide Services to Information Technologies Department; \$10,000
2. Intergovernmental Agreement between the Board of County Commissioners of the County of Gunnison, Colorado and the Board of County Commissioners of the County of Hinsdale, Colorado

Regarding the Provision of Human Services to the Residents of Each County; 1/1/12 thru 12/31/12

3. Acknowledgment of County Manager Signature; Provider Agreement; Colorado West Regional Mental Health, Inc.; Professional Services Regarding Behavioral Health, Specifically Substance Abuse Treatment to Individuals and Families (with Children under the Age of 18) Referred from the Gunnison County Department of Health and Human Services; 12/12/11 thru 4/1/12; \$13,500
4. Agreement; GreatAmerica Leasing Corporation; Copier Replacements for Public Works, Mailroom and Recording Offices
5. Baggage Delivery Service Agreement, Gunnison-Crested Butte Regional Airport; High Mountain Drifters; 12/1/11 thru 11/30/12; \$1,500 or 8% of Gross
6. Colorado Department of Public Health and Environment Immunization Program, General Immunization Core Services Contract, Statement of Work; 1/1/12 thru 12/31/12; \$4,312
7. Affiliate Airline Operating Agreement, Gunnison-Crested Butte Regional Airport, Gunnison, Colorado; Sky West Airlines, Inc.; 11/1/11 thru 10/31/12
8. Corporate Membership Agreement; Colorado Fitness
9. Third Addendum to Development Improvements Agreement for Skyland Filing III, Phase II; GK Investments, LLC
10. Special Meeting Minutes for 12/15/11
11. Regular Meeting Minutes for 12/20/11
12. Ratification of Assistant County Manager Signature; Road Project Agreement between the County of Gunnison and the USDA, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest; 12/28/11 thru 9/30/12; \$69,900
13. **REMOVED:** Alvarez Caretaker Home; Certificate of Occupancy; Approval of Agreement and Security; 935.79 Acres in Sec 4, 9 48N5E (Aka Lots 5, 12 and 13, Tracts 37, 38 and 39 Resurvey and S2. E2NE4. SEC 4 N2. N2S2. S2SE4 SEC 9 Original Survey 48N5E; 1437 County Road 888
14. Computer Software Associates, Inc. Software and Service Agreement; Software Package Licenses and Support; \$49,619
15. Memorandum of Agreement; Gunnison-Crested Butte Tourism Association; 1/1/12 thru 12/31/12; \$940,000

2012 BOARD OF COUNTY COMMISSIONER MEETING DATES AND SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Ratification of Regular Meeting and Work Session Schedule. Chairperson Channell summarized that, upon ratification, the regular monthly meeting schedule would be followed except in the months of January, November and December. It was also agreed that there would be no work session scheduled for 11/27/12 due to a scheduling conflict. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to ratify the schedule as described. Motion carried unanimously.
2. 2012 Board of County Commissioner Meeting Agenda Posting Locations. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to keep our official posting place as the same location, which would be the board outside of Finance, but also keep our agendas posted in other County buildings and on the County website. Motion carried unanimously.

BREAK: The meeting recessed from 8:31 until 8:35 am.

PROCLAMATION; RADON AWARENESS MONTH IN THE COUNTY OF GUNNISON, COLORADO, JANUARY 2012: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt the Proclamation proclaiming January 2012 as Radon Awareness Month in the County of Gunnison, Colorado and authorize signatures. Motion carried unanimously. Chairperson Channell asked whether or not there is a local radon test distribution program. County Manager Birnie explained that testing is coordinated through the local CSU Extension Office at the fairgrounds.

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

1. Capital Projects Update. County Manager Birnie informed the Board that the Sheriff's Office would begin the process of relocating to the new facility on 1/16/11, assuming that the punchlist of items is complete by then. After relocating, the Sheriff's Office will wait at least a couple of weeks before beginning to move the inmates during an undisclosed timeframe.

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

1. USA Pro Cycling Challenge. Assistant County Manager Crosby informed the Board that the local organizing committee, which she is part of, has begun discussions with Pro Challenge representatives. Next week, the committee will attend a symposium to talk about the mechanics of the race. The course is expected to be identified at a later date.
2. Somerset Wastewater Sewer Issue. Assistant County Manager Crosby informed the Board that the permit application has been completed and will be submitted today. Per the engineering firm, this step toward compliance will provide the County with more time before the next step is due to be completed. Plugging and freezing of the pipes has been problematic, caused by

improper materials have being down toilets. This project affects a total of 53 property owners and could cost as much as \$2,000,000.

3. Trails Commission Vacancies and Interviews. Assistant County Manager Crosby relayed to the Board that some Trails Commission members have expressed interest in taking part in the upcoming interviews. The Board agreed to accept comments from current Trails Commission members, while they will not participate in the interviews. Assistant County Manager Crosby suggested that the Board consider changing the bylaws to allow for additional ex-officio members, but Chairperson Channell stated that he generally doesn't like to modify bylaws to fit a particular situation.

BREAK: The meeting recessed from 9:01 until 9:11 am.

RESOLUTION; CLARIFYING AND MODIFYING CERTAIN PRECINCT BOUNDARIES FOR PARTISAN ELECTIONS IN GUNNISON COUNTY, COLORADO: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2012-1, a Resolution Clarifying and Modifying Certain Precinct Boundaries for Partisan Elections in Gunnison County, Colorado, and authorize signatures. Motion carried unanimously.

CONTRIBUTION OF MATERIALS FOR TOMICHI CREEK TRAIL BRIDGE: County Attorney David Baumgarten and Assistant County Manager Crosby were present for discussion, along with BLM Gunnison Field Manager Brian St. George.

Commissioner Swenson explained that Dos Rios Golf Course had historically permitted pedestrian-only access between the golf course and the nearby BLM land. In November 2010, Dos Rios decided to close the access due to abuse, which is within Dos Rios' legal authority since the access point is located on private property. The community has been working on alternatives with Dos Rios, and Dos Rios has agreed to permit access on a temporary basis until a more permanent arrangement can be agreed upon.

Mr. St. George stated that an environmental assessment would be necessary in order to evaluate impacts associated with use across the proposed trail and gather public input. He noted that the potential exists to incorporate this issue into the current Hartman Rocks planning process. The use would need to be discussed with the Hartman Rocks user group, and the use could be analyzed under the Hartman Rocks environmental assessment.

Mr. Gary Sherman, property owner on Fairway Lane, asked Mr. St. George to explain who serves on the Hartman Rocks user group. Mr. St. George explained that the diverse group is comprised of individuals representing small groups such as mountain bikers, motorized users, campers and neighbors. He explained that it is not a formal group with bylaws, but that it is recognized by the BLM as an advisory group. The group has been in existence for approximately 18 years and it is chaired by City of Gunnison Recreation Manager Dan Ampietro.

Commissioner Swenson stated that the Board was not expected to make a decision during the meeting, and that the purpose of the discussion was to determine whether or not the Board may eventually authorize the contribution of materials. Assistant County Manager Crosby reminded the Board that the process to be followed is not dictated by the County. She also stated that any access would not allow vehicle parking.

Chairperson Channell felt that any Board input would be premature because of the processes left to go through. Assistant County Manager Crosby stated that the community group requested this discussion because of the significance of costs to be considered. Chairperson Channell stated that, since there has already been opposition expressed by some residents, the Board would not be able to make any commitments relative to funds or materials for a project that will primarily serve only the residents of that area.

Commissioner Chamberland stated his belief that donation of materials would be appropriate as long as the County has materials that are deteriorating. Commissioner Swenson agreed with his statement. Commissioner Swenson noted that all homeowners associations in the Dos Rios area are planning to participate on this project.

Mr. St. George stated that, without contribution of materials and funds, he would be reluctant to spend BLM resources on a project that may not materialize. Although Chairperson Channell withheld his commitment at this time, the Board generally agreed that it would be interested in participating with materials as the process continues.

FUNDING REQUEST; ECONOMIC DEVELOPMENT: Commissioner Swenson reminded the Board that this request had been discussed toward the end of 2011. She confirmed that approximately 1,900 surveys were mailed by the Gunnison Country Chamber of Commerce, at a cost of \$1,370.92, to inform local business owners of the current economic development efforts and to request funding. Moved by Commissioner Chamberland, seconded by Commissioner Swenson to approve the expenditure of

\$1,370.92, paid directly to Dove Graphics, from our economic development set-aside (funds). Motion carried unanimously.

BREAK: The meeting recessed from 9:46 until 9:47 am in order to hold the below Public Hearing.

PUBLIC HEARING; COMMUNITY SERVICE BLOCK GRANT: Senior Resources Program Manager Karin Stewart was present for discussion.

1. Open Public Hearing. Chairperson Channell opened the Public Hearing at 9:46 am.
2. Public Notice Confirmation. Senior Resources Program Manager Stewart 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. Senior Resources Program Manager Stewart confirmed that all materials for discussion were included within the Board's meeting packet.
5. Applicant Presentation. N/A.
6. Board Questions. The Board did not have any questions.
7. Public Comments. Chairperson Channell opened the discussion to public comments at 9:47 am, but no comments were received.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Channell closed the Public Hearing at 9:47 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

COLORADO COMMUNITY SERVICES BLOCK GRANT (CSBG) 2012-2015 APPLICATION; DEPARTMENT OF LOCAL AFFAIRS, DIVISION OF LOCAL GOVERNMENT; \$26,503: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the CSBG grant application and authorize signatures. Motion carried unanimously.

BREAK: The meeting recessed from 9:48 until 10:00 am for a short break and then from 10:00 until 11:28 am in order to hold the below Public Hearing.

CONTINUED PUBLIC HEARING; AMENDMENTS TO THE GUNNISON COUNTY TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS (CONTINUED FROM 8/2/2011): County Attorney David Baumgarten was present for discussion.

1. Open Public Hearing. Chairperson Channell opened the continued Public Hearing at 10:00 am.
2. Board Questions. Chairperson Channell stated that the Board had reviewed the recommended amendments along with the meeting minutes from the two previous portions of this continued Public Hearing. He reminded the audience that the Public Hearing had been continued until this date because the County was involved in discussions with the Colorado Oil and Gas Conservation Commission (COGCC), which have since resulted in the execution of an agreement. As well, the County is involved in a lawsuit with one of the four industry operators.

Commissioner Swenson informed the audience that the agreement was unanimously supported by the COGCC. She explained that it will improve relations between the State and the County. Additionally, the County will have better use of our local government designee, the State has acknowledged that local governments have a seat at the table during the regulatory process, and the State will allow the County to perform inspections for both County and State standards. A future agreement will outline the inspection process. On 1/27/11, the first group meeting comprised of representatives from the State, Colorado Counties, Inc., the Department of Local Affairs, and the environmental community will take place to begin discussions related to inspections.

County Attorney Baumgarten informed the audience that the SG Interests litigation is ongoing and that Judge Patrick has ruled that local government does have a seat at the table. He stated his opinion that some people will say that the Board is under-reaching while some will say that the Board is over-reaching with the proposed amendments. He suggested that the Board continue the Public Hearing to a date certain, and then schedule a series of work sessions to deal with the issues. Commissioner Swenson wondered whether the Public Hearing could be closed with the intent of opening individual Public Hearings in the future to deal with issues, but County

Attorney Baumgarten recommended that the current Public Hearing be continued so that the County would not run into complications and additional costs related to formal notifications.

Chairperson Channell expressed his frustration that the process is not moving forward at a quicker pace. He requested an explanation of how the COGCC rulemaking regarding disclosure of chemicals may affect the proposed amendments. County Attorney Baumgarten explained that the formal agreement process and ongoing litigation have more clearly illuminated the issues' landscape. He opined that the disclosure ruling may not have accomplished enough, and that the County may want to consider outlining certain chemicals that cannot be used along with testing random samples.

Chairperson Channell stated that he would need a rational reason to continue this Public Hearing any further as he felt that the agreements, litigation and disclosure ruling had all affected the landscape enough for there to be a significant infusion into the discussion of the amendments. County Attorney Baumgarten suggested that, if the Public Hearing were closed, there would need to be explicit direction from the Board to the staff about any scheduled work sessions so that the discussions would be properly staffed, creative, informed with vetted information and focused.

Commissioner Chamberland agreed that the County should continue discussions via work sessions.

3. Public Comments. Chairperson Channell opened the Public Hearing to comments at 10:26 am.

Gunnison County Planning Commission Chairperson Ramon Reed acknowledged the complexity of the Planning Commission's recommendation to the Board, and he stated that it would not be problematic to break the recommendation into pieces for targeted discussions. He asked if, in doing so, whether or not it would be feasible and legal for the Board to adopt certain portions as they go. County Attorney Baumgarten explained that this would be appropriate if the Board concludes a particular piece and wants to enact it.

Citizen Rich Karas asked if the current 10-year old regulations remain in force. County Attorney Baumgarten confirmed that the regulations are in force without the amendments. Mr. Karas stated that technology has changed significantly within the last 10 years, and that the County might want to ask the industry representatives if the setback issue is still prohibitive. Lastly, he stated his opinion that portions of the proposed amendments with the greatest potential benefit or urgency should be discussed first.

High Country Citizens' Alliance (HCCA) Public Lands Director Matt Reed provided a map to illustrate the upcoming BLM lease sale. He noted that he was also speaking on behalf of Citizens for a Healthy Community during the Public Hearing. He read a prepared statement outlining the three caveats that HCCA originally stated during earlier portions of the hearing. He stated his belief that the first two caveats have been addressed, but he encouraged the County to pursue a ban on toxic chemicals. He also encouraged the addition of an air quality monitoring program into the regulations.

Crested Butte Farmers' Market board member Justin Feder provided printed material for later distribution to the Board.

SG Interests I, Ltd. Operations and Land Manager Eric Sanford distributed hard copies of an email that he stated he had sent to the Board during the previous evening. The email included an opinion statement from the Colorado Attorney General. He read this opinion out loud, and he asked the Board to consider the statements.

Gunnison County United representative Bert Phillips asked for a description of the consequences for failing to comply with the proposed regulations. County Attorney Baumgarten explained that the County could impose fines for violations of County regulations, but not for State regulations, which is why he would like to find out whether or not the local government could require samples, testing, and a list of forbidden toxic chemicals. County Attorney Baumgarten explained that an agreement between the State and the County would delegate authority to the County to perform State inspections, but that the County would not be able to enforce State regulations, nor would the County be able to charge fees for State inspections. Mr. Phillips opined that enforcement by the State has been insufficient as only two of approximately 1,000 spills were assessed fined in 2011.

Citizen and small-agricultural user Polly Oberosler stated her concern related to the use of the water because only half of the water injected into the ground is returned to the surface.

Citizen Sue Navy complimented the County on the work done thus far. She stated her desire to see timelines for finishing each issue discussion. Chairperson Channell agreed that timelines will be identified.

Citizen Butch Clark thanked the County for all of the work that has been performed. He stated his hope that something similar to a joint review process will come from these discussions to enable the County to gather input from neighboring areas and allow the sharing of information. He also asked the Board to consider the issue of coal mining in the same areas as fracking because it can be dangerous.

Upper Gunnison River Water Conservancy District board member Steve Schechter expressed concern related to ground and surface water quality. He asked the Board to be very careful about which chemicals are going to be allowed to be put into the ground. He noted that there are thousands of toxic chemicals, so the creation of a list might not be a workable idea and, if a list cannot be created, the County should stay away from the risk completely. He also stated that air quality is a big concern.

Mr. Karas asked if the future agreement will deal with standards and processes. County Attorney Baumgarten explained that the agreement will only effectuate the delegation of authority to perform state inspections.

Citizen Sandy Shea thanked the Planning Commission and the Board for all of the work that has gone into this process. He suggested that some sort of tracing chemical be used in each well so that a leak would have some level of accountability. County Attorney Baumgarten stated that the conversation and associated research have already begun.

The Board scheduled a work session on 2/28/12 to discuss the timelines and process. A subsequent work session was scheduled to take place on 3/27/12 to discuss set backs on water bodies. Chairperson Channell requested that each discussion be scheduled for four hours. The Board also decided to continue the Public Hearing to 4/17/12 at 10:00 am.

- 4. Close Public Hearing. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to continue the Public Hearing to 4/17/12 at 10:00 am. Motion carried unanimously.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:28 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 THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2012-1**

**A RESOLUTION CLARIFYING AND MODIFYING CERTAIN PRECINCT BOUNDARIES FOR PARTISAN
ELECTIONS IN GUNNISON COUNTY, COLORADO**

WHEREAS, pursuant to C.R.S. § 1-5-101, et. seq., the County Clerk and Recorder, subject to approval by the Board of County Commissioners, shall divide the county into as many election precincts as convenient and the boundaries of such precincts may be changed from time to time; and

WHEREAS, pursuant to Resolution No: 1984-07 approved by the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board"), the boundaries of election precincts were established; and

WHEREAS, thereafter the election precincts were modified and reestablished by virtue of the Board's Resolutions numbered 1987-19, 1994-09 and 1997-15; and

WHEREAS, it has been brought to the Board's attention that it would be beneficial to the eligible electors of Gunnison County to clarify and modify certain boundaries of Gunnison County election precincts 7, 8, 10, 11, 12 and 15; and

WHEREAS, the map titled "Election Precincts of Gunnison County, Colorado" dated January 10, 2012, identifies the reestablished election precincts;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the election precincts of Gunnison County shall be and hereby are modified and reestablished as identified on the map titled "Election Precincts of Gunnison County, Colorado" dated January 10, 2012, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 10, 2012, bearing Reception No: _____.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 10th day of January, 2012.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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