

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 17, 2012**

The July 17, 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
Others Present as Listed in Text

Matthew Birnie, County Manager
Bobbie Lucero, Deputy Clerk to the Board
Art Trezise, Deputy County Attorney

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:

CALL TO ORDER: Chairperson Channell called the Gunnison County Board of County Commissioners meeting to order at 8:30 am.

AGENDA REVIEW: There were no changes to the agenda.

CONSENT AGENDA: Chairperson Channell requested that Consent Agenda Item #6 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Item #6. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Memorandum of Understanding Subcontract; Nurse Home Visitor Program; Montrose County; 7/1/12 thru 6/30/13; \$49,754
2. Acknowledgment of County Manager Signature; Department of Public Health and Environment, Routing No. 12 FLA 43681, Approved Task Order Contract; Family Planning; 6/30/12 thru 6/29/13; \$72,700
3. Interpreter at Gunnison County, Independent Contractor Agreement; Dorcas "Tabitha" Taveras; Translation of English to Spanish, and Spanish to English for Persons Identified by Gunnison County; 7/1/12 thru 6/30/13
4. Ratification of Approval to Purchase Meat for Potluck Memorial Service; \$500
5. Request for Extension of Time to File Audit; CY 2011
6. **PULLED FOR DISCUSSION AND SEPARATE ACTION:** Gunnison-Crested Butte Regional Airport, Gunnison, Colorado, Terminal Improvements; Dynamic Fire Protection Systems, Inc.; Fire Sprinkler Installation; Contract Agreement; Performance Bond; Payment Bond; Notice of Award; Notice to Proceed; \$72,400
7. 2013-2017 Capital Improvement Plan Adoption
8. Acknowledgment of County Manager Signature; Business Lease; RV Commercial Rentals, by its Appointed Agent Nesbitt and Company, LLC; \$3,600; 4/1/12 thru 3/31/13
9. Acknowledgment of County Manager Signature; Community Foundation of the Gunnison Valley 2012 Community Grant Cycle Grant Contract; Juvenile Services Department; 7/1/12 thru 4/30/13; \$3,000
10. Acceptance of Natural Resources Conservation Service (NRCS) Nominations; NRCS District Conservationist Chris Bove as a Regular Member and Rangeland Management Specialist Elizabeth (Liz) With as an Alternate Member; Gunnison Basin Sage-grouse Strategic Committee
11. Out-of-State Travel Request; Southwest Climate Change Initiative Workshop; Jemez Springs, NM; Gunnison Wildlife Conservation Coordinator Jim Cochran; 8/29/12 thru 8/30/12

CONSENT AGENDA ITEM #6: Airport Director John Devore was present for the discussion and confirmed this project went out to bid. **Moved** by Commissioner Channell, seconded by Chamberland to approve Consent Agenda Item #6. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Oil and Gas Regulations. County Manager Birnie informed the Board about the latest version of the Oil and Gas Regulations. He informed the board that the updated regulations will be posted and distributed shortly. He mentioned that the board will receive a redline version from the current regulations that were reviewed.

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

1. Antelope Hill Water Project. Assistant County Manager Crosby informed the Board that the Antelope Hills Water project has resumed. The project encountered significant rock and is waiting on a big hammer to come in so that they can continue with the project.

2. Taylor Project. Assistant County Manager Crosby informed the Board that blasting is being done at 7pm at night to avoid disturbing people. She informed the board that traffic delays are due to the caravan of people going through the road maintenance and some vehicles are not keeping up with the caravan. The blasting is being delayed due to checking the holes to ensure all blasts went off. Public Works will put up signs with advanced notice that there will be blasting and delays.
3. Chip Sealing. Assistant County Manager Crosby informed the Board that chip sealing will be ending today and Crested Butte South asked for chip sealing by trade of cash value or pay. Commissioner Swenson informed the Board that she received a phone call from a public citizen that was very pleased with the chip sealing in the Antelope Hills subdivision.
4. Magnesium Chloride. Assistant County Manager Crosby informed the Board that her department is continuing with magnesium chloride. Crosby informed the Board that Harmels' chloride was washed off due to rain and will need to be redone in the near future.
5. Sage-Grouse Mitigation Committee Funding Decision. Wildlife Conservation Coordinator Jim Cochran was present for discussion. This funding request is for University of Alaska PhD Candidate Corrine Knapp to document how private land managers within the Gunnison Basin plan to respond if the grouse is listed, in order to assess the transformative potential of listing for the social-cultural fabric of the community as well as long term ecological repercussions. The Board held a work session on 4/24/2012 to discuss Dr. Knapp's proposal entitled, "Gunnison Sage Grouse: An Assessment of Local Knowledge, Scientific Understanding and Social Impacts Prior to Its Potential Listing." The Board discussed that this is a request for 10% of what was budgeted. The Board discussed the purpose of this committee and agreed with the committee's analysis of this project. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to accept the recommendation from the Sage-grouse Mitigation Committee and allocate funds from the discretionary fund in the amount of \$3,900. Motion passed unanimously. County Manager Birnie informed the Board that the City of Gunnison would like to pass their money through Gunnison County, and has approved to contribute \$1,000 and will have a contract created soon to pass the money through Gunnison County.
6. Contract; Fuel Tank Installation in Doyleville. Assistant County Manager Crosby informed the Board that diesel is essential in the winter because the snow plows run on diesel. She informed the Board that she did not have a Request for Proposal (RFP) done because Eaton Sales also performed the installations in Marble, Somerset, Crested Butte and the Gunnison County Landfill. Assistant County Manager Crosby said that using this company will provide consistency with computer read outs. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the contract with Eaton Sales for the upgrade of the Doyleville fuel tank and authorize signatures. Motion passed unanimously.
7. Replacement of County Road #43 Bridge. Assistant County Manager Crosby provided additional information at the meeting that was not provided in the packet materials. She informed the Board that the Colorado Department of Transportation (CDOT) is concerned that the estimated cost of the bridge is low. She explained the options outlined in the additional materials she handed out and there was discussion regarding the bridge dimensions and whether the engineering could possibly be done locally. Assistant County Manager Crosby recommended Option #3 because it incorporates local engineering. Although Option #2 is the fastest, it does not incorporate using local engineering.

Moved by Commissioner Swenson, seconded by Chairperson Channell to release the federal funds and to choose the option that provides the best budget and timeline that allows for the most local participation as possible. Commissioner Chamberland abstained from the vote because he was involved in building the bridges. Motion carried with one abstention.

2011 PETITION FOR ABATEMENT OR REFUND OF TAXES; SAFEWAY STORES, INC. Appraiser Analyst George Lickiss was present for the discussion. There was discussion regarding the Assessor's Office recommendation. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the 2011 Petition for Abatement or Refund of Taxes by Safeway Stores, Inc. Motion passed unanimously.

RECESS: The meeting recessed at 9:39 am until 10:01 am in order to call to order as the Local Marketing District.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

Chairperson Channell called the Local Marketing District meeting to order at 9:39 am.

1. Request for Extension of Time to File Audit; CY 2011. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the potential extension for audit and authorize signatures. Motion carried unanimously
2. Request for Funding; Gunnison-Crested Butte Tourism Association. Assistant Finance Director Ben Cowan, Gunnison-Crested Butte Tourism Association Executive Director Jane Chaney, Interactive

Marketing Director Stephen Pierotti, and Vice President of the Tourism Association Board Carolyn Riggs were present for the discussion. The Board reviewed the budget for the Gunnison-Crested Butte Tourism Association. Executive Director Chaney explained that in the 2012 budget they cut their budget back by \$16,000-\$17,000 and over \$700,000 is in media funds. The Board discussed that this item needs to be reviewed and discussed more in depth, and the Tourism Association is not in need of immediate financial assistance. This discussion will be put on the September 4th agenda for further discussion and budget review.

Adjourn: Moved by Chairperson Channell, seconded by Commissioner Chamberland to adjourn the Local Marketing District at 10:01 am. Motion passed unanimously.

ADS-B WAM RADIO SITE FACILITY AND TOWER SUBLEASE AGREEMENT; EXELIS, INC.; FIVE-YEAR TERM; AIRCRAFT TRACKING AND SAFETY EQUIPMENT IN COUNTY-OWNED COMMUNICATIONS SITES. Emergency Manager Scott Morrill was present for discussion.

Emergency Manager Morrill explained that this project has been in progress for two years to install aircraft tracking equipment in Gunnison. This equipment will allow for the Denver air traffic control to see into the Gunnison Valley, improve aircraft safety and allow for more condensed traffic at the airport. The Attorney's Office has signed off on the lease agreement. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the lease agreement for ADS-B WAM radio site facility and tower sublease. Motion carried unanimously.

USE OF SITES IN RIVERLAND INDUSTRIAL PARK. Community Development Assistant Director Neal Starkebaum and Attorney David Leinsdorf were present for the discussion. The Board discussed the proposed use of a campground in the Industrial Park. There was discussion that a campground and RV park are not on the list of approved uses for the Industrial Park. Assistant Director Starkebaum informed the Board that seasonal use will be a condition of the Planning Commission and traffic will remain similar to the current amount. There was discussion regarding the permitted use of the RV Park and the uses permitted after review by the Riverland Industrial Park Association. Chairperson Channell commented that it was approved by the property association. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the use within the Industrial Park of an RV Park as submitted. The Board determined that the proposed use qualifies as a permitted use in the Riverland Industrial Park, and is of the same general character as those uses permitted and which will not be detrimental to the other uses within the project or to surrounding land, under Use of Sights #5B. Motion carried unanimously.

POSSIBLE REDUCTION FROM STAGE 2 TO STAGE 1 FIRE RESTRICTIONS. Emergency Manager Scott Morrill, Gunnison County Sheriff Rick Besecker, Gunnison County Undersheriff Randy Barnes, District Fire Chief Dennis Spritzer, Gunnison County Fire Protection District Assistant Fire Marshall Hugo Ferchau, Assistant Airport Director Walt Cranor, United States Forest Service District Manager John Murphy, and Bureau of Land Management Field Director Brian St. George were present for discussion.

There was discussion that the United States Forest Service and Bureau of Land Management will be lowering to Stage I Fire Restrictions as well. There was discussion that the fire fuel and fuel moisture content is monitored constantly. Fuel moisture is getting up to the 10-12%, yet it is not consistent through the whole county. Spritzer informed the Board that Marble has not received the same amount of rain as Gunnison. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve Resolution 2012-21: A Resolution Repealing Resolution 2012-18, A Resolution Implementing Stage 2 Fire Restrictions. Motion carried unanimously.

RECESS: The meeting recessed from 10:21 am until 10:30 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes). Chairperson Channell then called to order the Gunnison County Housing Authority at 10:40 am (see minutes below).

GUNNISON COUNTY HOUSING AUTHORITY; AGREEMENT BETWEEN STATE OF COLORADO, DEPARTMENT OF LOCAL AFFAIRS AND GUNNISON COUNTY HOUSING AUTHORITY; SECTION 8 HOUSING CHOICE VOUCHERS; 7/1/12 THRU 6/30/13; \$22,245. There was discussion that the Housing Authority has details that need to be worked out because it owns property in Gunnison. County Manager Birnie informed the Board that interviews are still being conducted for the Executive Director position. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the agreement with Division of Local Affairs, and authorize signatures. Motion carried unanimously. **Adjourn:** Chairperson Channell adjourned the Gunnison County Housing Authority at 10:44 am and reconvened the Board of County Commissioners meeting.

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs) COMMITTEE NOMINATIONS. Commissioner Swenson explained that Greg Larson has been very active in training, and William Buck has expressed interest in being nominated. The Board discussed the nomination process. Commissioner Swenson informed the Board that Greg Larson would be classified under the private business category, and William Buck would be classified under public officials. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to recommend that Greg Larson and

William Buck represent Gunnison County on the Comprehensive Economic Development Strategy Committee. Motion carried unanimously.

STOP ORDER; MILE 200 AND LEIGH MARIE, LLC; REQUEST TO REVIEW AND AMEND PURSUANT TO LUR SECTION 16-105(D). Paralegal II Rachel Magruder and Scott Wagner were present for the discussion.

Deputy County Attorney Art Trezise explained that Mr. Wagner is interested in removing equipment from his property. The Board reviewed maps that Trezise provided at the meeting. Deputy County Attorney Trezise explained to the Board that Mr. Wagner had been accessing his property through the west entrance, which goes from private land to federal land, and back to private land. The east entrance goes through the Wuanita Hot Springs/Pringle property. He explained that the dispute is the access on the west end of the property. He informed the Board that Mr. Wagner acquired the property in 2002 and, after reviewing the maps, it appears there was road construction. Gunnison County filed a request to inspect the land, and then uncovered that all of this took place without a permit. A Stop Order was enforced on May 17th, and the Stop Order must be modified for Mr. Wagner to remove his equipment. Deputy County Attorney Trezise informed the Board that he has received a list of equipment that Mr. Wagner would like to remove from his property.

The Board discussed concerns that the Public Works Department had regarding Mr. Wagner loading equipment on the county right-of-way. There was discussion if six hours is a feasible amount of time to load the equipment. Mr. Wagner confirmed that six hours is adequate time.

Deputy County Attorney Trezise informed the Board that an abatement scope of work evaluation needs to be performed due to a court finding that these roads were constructed without a permit. He informed the Board that an inspection will be performed on 7/25/12 by the Army Corps of Engineers and perhaps the Division of Wild Resources. He suggested that would be a good day for Bruce Smith with Western Lands and Water to inspect the property and have a scoping/remediation plan created. He informed the Board that Mr. Wagner's attorney Bob Hoban is not interested in using Bruce Smith, and because Mr. Wagner is paying for the abatement he would like to pick someone who does not already have a relationship with the County.

Deputy County Attorney Trezise informed the Board that there will be an abatement proceeding regarding the violations of the Land Use resolution in the near future.

There was discussion regarding the components for the relief of the injunction, the conditions and the stipulations. They are as follows:

- Components of the relief of the injunction:
 - List of equipment, removal date and time
 - Modification to the Stop Order
 - File the conditions and stipulations with the court
- Conditions and Stipulations:
 - Abatement inspections
 - Equipment loading site
 - Consent from the United State Forest Service

Chairperson Channell commented that he trusts that we can work out the stipulations regarding the equipment loading site and agrees to allow the equipment to be moved under the specific stipulations discussed at this meeting. Commissioner Chamberland agreed with Chairperson Channell and commented that they need to find someone acceptable to both parties to perform the abatement. Trezise will work on getting the equipment moved and then focus on the abatement and assessment.

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

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. House Resolution 6089; Healthy Forest Management Act. The Board discussed that this House Resolution will extend the Stewardship contract from 10 years to 20 years to allow for the forest harvesters to get collateral from the contract. The Board discussed that they are in support. This will be on the next meeting agenda for ratification.
2. Gunnison Valley Hospital (GVH) Meeting Request for Proposal. Commissioner Chamberland informed the Board that the GVH is considering hiring their own CEO rather than a management company's CEO. GVH informed the Commissioners that within the next couple of weeks there will be a decision.
3. Broadband Meeting. Commissioner Chamberland informed the Board that the next meeting will be on Thursday, July 26th.
4. Telecommunications Meeting. Commissioner Chamberland informed the Board that the next meeting will be Wednesday, July 18th in Telluride.

Commissioner Swenson:

1. Local Marketing District (LMD) Taxes. Commissioner Swenson informed the Board that she has had communications with Mark Schumacher about the LMD taxes, and Schumacher is concerned that vacation rental owners are not paying their LMD taxes. County Manager Birnie will research this and update the Board at a future work session.
2. Mayors and Managers. Commissioner Swenson informed the Board that she and County Manager Birnie attended the latest meeting.
3. Economic Development. Commissioner Swenson informed the Board that the next meeting will be on Wednesday, July 18th.
4. Rural Transportation Authority (RTA) Meeting. Commissioner Swenson informed the Board that the RTA is moving forward with stop gap funding. She informed that a letter to the editor has been sent, informing the editor that they may travel to Chicago to have a conversation with United Airlines, instead of holding the conversation through their consultant.
5. 4-H. Commissioner Swenson informed the Board about a fund for the 4-H Club to build a sunroom in memory of Linda Nienhueser's grandson. The Board agreed this will be discussed at a future meeting.

Chairperson Channell:

1. Colorado Counties, Inc (CCI). Chairperson Channell informed the Board that he attended the latest CCI meeting. At the meeting they reviewed proposed legislation from the counties. The next meeting will be in September.
2. Health and Human Services Commission. Commissioner Chamberland and Chairperson Channell both attended this meeting. Chairperson Channell informed that at the meeting they established a taskforce to look at the original resolution the Board passed that created this commission in 2004. The commission is researching the bylaws because they indicate functions that are not pertinent to what the commission does. At the latest meeting, this commission agreed to meet every six months.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:08 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Bobbie Lucero, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk