

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 5, 2012**

The June 5, 2012 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson	Matthew Birnie, County Manager
Paula Swenson, Vice-Chairperson	Katherine Haase, Clerk to the Board
Phil Chamberland, Commissioner	Others Present as Listed in Text
Art Trezise, Deputy County Attorney	

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:31 am.

AGENDA REVIEW: It was determined that the 11:00 am discussion was mislabeled on the agenda. The Board agreed to hold a discussion, but to suspend any decisions until the item can be properly noticed. The discussion will be relevant to the Gunnison Valley Rural Transportation Authority, not the Gunnison River Valley Local Marketing District.

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

1. Acknowledgment of County Manager Signature; Memorandum of Understanding and Interagency Operating Agreement between Community Options Incorporated and Gunnison/Hinsdale Watershed RE-1J/Hinsdale County Administrative Unit; Early Intervention Services for Children
2. Ratification of County Manager Approval; Out-of-State Travel Request; Child Welfare Case Worker Accompanying Minor Child to Albany, NY; 5/24/12 thru 5/26/12; \$1,700
3. Gunnison Basin Sage-grouse Strategic Committee Appointment; US Fish and Wildlife Service Nomination of Patty Gelatt as a Regular Member
4. Acknowledgment of County Manager Signature; Approved Task Order Contract – Waiver #154; Colorado Department of Public Health and Environment, Routing No. 13 FLA 43669; 7/1/12 thru 6/30/13; \$30,631
5. Intergovernmental Agreement for Participation in the Colorado Emergency Fire Fund between County of Gunnison, State of Colorado and State of Colorado, John Hickenlooper, Governor, the Board of Governors of the Colorado State University System, Colorado State Forest Service; 5/1/12 thru 5/1/13
6. Acknowledgment of County Manager Signature; Amendment No. Six (6) to Contract Dated February 23, 2010 between Jviation, Inc. and Gunnison County and the Gunnison Crested Butte Regional Airport, Gunnison, CO; Provide Design and Construction Oversight of the Fire Suppression System for the Terminal Building; \$29,500
7. Acknowledgment of County Manager Signature; Agreement; Sheldon Roberts; Services to Complete a Sculpture in the Tree Stump in the Gunnison County Courthouse Lawn; 5/21/12 thru 12/31/12; \$3,000
8. Acknowledgment of County Manager Signature; Lease Agreement; Office for Resource Efficiency; 202 E. Georgia, Gunnison, CO 81230; 1/1/12 thru 12/31/12; \$6,877.45
9. Draft Regular Meeting Minutes; 5/22/12
10. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice Title V: Delinquency Prevention Application for Funds; Gunnison County Substance Abuse Prevention Project; \$30,000
11. Approved Task Order Contract; Colorado Department of Public Health and Environment, Routing No. 12 FLA 43171; Gunnison County Women's Wellness Connection; 7/1/12 thru 6/29/13; \$9,000
12. Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; AEX, Inc. d/b/a Alpine Express; 6/1/12 thru 5/31/15
13. Airport Facilities Lease and Rental Car Concession Agreement between Board of County Commissioners of Gunnison County, Colorado and MICAR, Inc.; Gunnison Crested Butte Regional Airport, Gunnison, Colorado; 6/1/12
14. Approved Task Order Contract – Waiver #154; Colorado Department of Public Health and Environment, Routing No. 13 FAA 42778; 7/1/12 thru 6/30/13; \$40,113
15. Intergovernmental Agreement by and between Gunnison County, Colorado and the Town of Pitkin, Colorado for consideration of impacts within the Town of Pitkin in the Review of Proposed Special Development Projects by Gunnison County; Effective 4/10/12
16. Bid Award; Fire Sprinkler System at Gunnison-Crested Butte Regional Airport; \$72,400
17. Grant of Perpetual Easement; Rufus O. Wilderson; Lots 35 and 36, Gunnison River Filing No. 2 Subdivision
18. Airport Facilities Lease and Rental Car Concession Agreement between the Board of County Commissioners of Gunnison County, Colorado and the Hertz Corporation; Gunnison Crested Butte Regional Airport, Gunnison, Colorado

19. Airport Facilities Lease and Rental Car Concession Agreement between the Board of County Commissioners of Gunnison County, Colorado and Avis Rent A Car System; Gunnison Crested Butte Regional Airport, Gunnison, Colorado
20. Temporary Road Use Agreement; Close a Portion of County Road 49 for the Annual 4th of July Fireworks Display; Gunnison Rotary Club; 7/4/12 at 6:00 am to 7/5/12 at 10:00 am
21. Temporary Road Use Agreement; Close of Portion of County Road 12 for a Chainless Bicycle Event; 6/22/12 from 3:00 pm until 6:00 pm
22. Intergovernmental Agreement between Gunnison County and Mt. Crested Butte; Liquor License Administration
23. Acknowledgment of County Manager Signature; Agreement; Tree Tamers, Inc.; Services to Trim, Remove and Replace Certain Trees at the Mountain View Apartments; 5/29/12 thru 12/31/12; \$3,305
24. Provider Agreement; Gunnison/Hinsdale Youth Services, Inc.; Professional Services Regarding Mentoring to Individuals and Families Referred from Gunnison County Department of Health and Human Services; 6/1/12 thru 5/31/13; \$11,189
25. Energy Outreach Colorado Application for Home Energy Assistance Grant, October 1, 2012 through September 30, 2013; \$18,900

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

RESOLUTION; ADOPTING AN AMENDED SCHEDULE OF FEES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT PERMIT APPLICATIONS: Assistant Community Development Director Neal Starkebaum was present for discussion.

The Board agreed that it should review the fee schedules on a regular basis since it had been more than 10 years since the last fee modification, but that the need for review should be lessened by indexing the fees to the annual consumer price index. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2012-15, a Resolution Adopting an Amended Schedule of Fees for the Community Development Department Permit Applications and authorize signatures. Motion carried unanimously.

COMMISSIONER ITEMS: (This discussion began earlier than scheduled due to a gap in the meeting.)

Commissioner Chamberland:

1. Broadband Meeting. Commissioner Chamberland informed the Board that this group is beginning to function well, and that a non-profit status will be applied for. Currently, the group is evaluating redundancy issues. Next up will be to look into establishing a local facility with a backup generator, and to improve connectivity within a year for the Marble area. The group will also be applying for grants in the near future.

Commissioner Swenson:

1. Gunnison Valley Rural Transportation Authority. Commissioner Swenson informed the Board that bus ridership is up, and that this last winter was better than the year before with regard to winter airlines.
2. Region 10. Commissioner Swenson informed the Board that four additional businesses in the region received loans within the last month via the Revolving Loan Fund. One of these businesses is located in Gunnison.
3. Gunnison-Crested Butte Tourism Association Retreat. Commissioner Swenson attended this recent retreat at the Three Rivers Resort in Almont. The discussions went well. The group primarily brainstormed relevant to marketing dollar targets.

BREAK: The meeting recessed from 9:05 until 9:06 am in order to hold the below Public Hearing.

PUBLIC HEARING; COLORADO LIQUOR RETAIL LICENSE APPLICATION; THREE RIVERS RESORT, INC. D/ B/A THREE RIVERS SMOKEHOUSE: County Clerk Stella Dominguez and applicant Mark Schumacher were present for discussion.

1. Open Public Hearing. Chairperson Channell opened the Public Hearing at 9:05 am.
2. Public Notice Confirmation. County Clerk Dominguez 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. County Clerk Dominguez informed the Board that Mr. Schumacher previously had a wine and beer license, and that he decided to change this to a hotel and restaurant license so that he would be able to serve more types of alcohol.
5. Applicant Presentation. None.
6. Board Questions. None.

7. Public Comments. Chairperson Channell opened the Public Hearing to comments at 9:06 am, but no comments were provided.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. None.
10. Close Public Hearing. Chairperson Channell closed the Public Hearing at 9:06 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Hotel and Restaurant Liquor License for Three Rivers Resort, Inc., d/b/a Three Rivers Smokehouse and authorize signatures. Motion carried unanimously.

GOLD BASIN INDUSTRIAL PARK DESIGN REVIEW COMMITTEE APPROVAL OF FEDEX PROPOSED IMPROVEMENTS: Assistant Public Works Director Allen Moores was present for discussion.

As the Board serves as the Design Review Committee, this proposal for modifications to the outdoor lighting and fencing needed to be heard by the Board. It was explained that the proposed lighting would match the current lighting at the Public Works facility, and that the fencing would be needed to address security issues.

Chairperson Channell asked if there are landscaping requirements to be met. Assistant Public Works Director Moores explained that there are requirements for the entire park, as previously approved by the Board. The parking area will be outside of the fenced area. There will also be a berm and vegetation. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the proposed improvements to the FedEx site at the Gold Basin Industrial Park, as the Design Review Committee, for this installation. Motion carried unanimously.

COMMISSIONER ITEMS (continued):

Chairperson Channell:

1. Bureau of Land Management (BLM) Panel. Chairperson Channell sat in on this BLM training session, along with representatives from Representative Scott Tipton's office and City of Gunnison Mayor Jonathan Houck and upwards of 60 BLM employees from around Colorado. The purpose of the training was to discuss the relationship between the BLM and local government, and the importance of good communication between the two. This training was held at the Aspinall-Wilson Conference Center.
2. Multicultural Resources Office (MRO) Sustainability Meeting. Chairperson Channell stated that grant funding for this office has dwindled, and that the purpose of this facilitated meeting was to look for ways to continue to fund the office. Attendees included Health Navigator Ellen Pedersen, Gunnison RE1J School District Superintendent Jon Nelson, Health and Human Services Director Renee Brown, Public Health Director Carol Worrall, former Literacy Coordinator Paul Duba, and Community Foundation of the Gunnison Valley Executive Director Pam Montgomery. The group believes that the population that benefits from the MRO needs to be enlarged to, for example, employers. The next task would be to determine how to obtain funding from those employers for the program. Future meetings will be held.
3. Senior Services Meetings. Chairperson Channell has been attending these meetings, which are facilitated by Department of Local Affairs (DOLA) Regional Manager Elyse Ackerman-Casselberry. The group is evaluating a gap analysis to determine which services are necessary, but not being offered to the public.
4. Severance Tax Issues. Chairperson Channell informed the Board that he is still trying to determine whether or not Colorado Counties, Inc. can assist with expanding the severance tax issue. He spoke with Senator Gail Schwartz over the weekend about this issue. While we cannot increase taxes, we may be able to remove entities from the exemption list.
5. Gunnison Arts Center Status Meeting. Chairperson Channell attended this meeting, along with County Manager Birnie, Gunnison City Manager Ken Coleman, and Gunnison Mayor Jonathan Houck to brainstorm about whether or not a public role exists to support arts and cultural services.
6. Sustainability Think Tank for Region 10. Chairperson Channell attended this recent meeting. He explained that there have been many meetings around Colorado. During the meetings, the group is divided into five subgroups to discuss one of five topics of interest. Chairperson Channell chose to take part in the energy discussion.
7. Upper Gunnison River Water Conservancy District (UGRWCD) / Gunnison County Electric Association (GCEA) Meeting. Chairperson Channell attended this meeting to hear discussion related to the Taylor Dam and a possible partnership between the UGRWCD and GCEA. The

minimum water flow, throughout the year, that would be necessary to generate approximately 500 kw of electricity would be 60 cubic feet per second.

8. Blue Mesa Dam Tour. Chairperson Channell attended this tour yesterday. During the tour, the group was able to go inside the dam for a closer look at the facility.

UMB PURCHASING CARD AGREEMENT; PURCHASING CARD PROGRAM; 5/1/12 THRU 4/30/15; \$3,000 ANNUAL REVENUE (APPROXIMATE): Assistant Finance Director Ben Cowan was present for discussion.

Assistant Finance Director Cowan explained that the County Tax ID numbers may be printed on the card for easier access by employees and merchants. This program is expected to yield 1.3% of total purchase amounts back to the County, which may total up to \$3,000 annually. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the agreement with UMB Bank for our new credit card program and authorize the Chairperson's signature. Motion carried unanimously.

LOT CLUSTER APPLICATIONS: Community Development Department Services Manager Beth Baker was present for discussion.

1. Lots 5, 6 and 9, Block 2, Marble Ski Area, Filing No. 5, County of Gunnison, State of Colorado. Community Development Department Services Manager Baker explained that this cluster, if approved, would result in a one-acre parcel. Chairperson Channell expressed concern related to encouraging building in the Serpentine Trail area (not associated with this lot cluster application) since fire-protection entities insist that this situation is a disaster waiting to happen. He also noted that citizens complain about road maintenance of that area, while the County isn't obligated to provide it. Community Development Department Services Manager Baker thought that, perhaps, warning language could be added to the procedural documentation at some point. As these types of applications are a catalyst for the discussion, the Board expressed a desire to schedule a work session to discuss the options at some point in the future. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Lot Cluster Application for the Perry lots, Marble Ski Area Filing No. 5, Lots 5, 6 and 9, and authorize signatures. Motion carried unanimously.
2. Lots 23, 10, 19, 20 & 21, Block 2, Marble Ski Area, Filing No. 5, County of Gunnison, State of Colorado. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Lot Cluster Application with the Perry's for Lots 23, 10, 19, 20 and 21, Block 2, Marble Ski Area Filing No. 5, and authorize signatures. Motion carried unanimously.

COLORADO WATER QUALITY CONTROL COMMISSION (CWQCC) RULEMAKING ON GUNNISON RIVER BASIN WATER QUALITY CLASSIFICATIONS AND STANDARDS; APPROVAL OF REQUEST FOR PARTY STATUS; APPROVAL OF PREHEARING STATEMENT: County Attorney David Baumgarten was present for discussion.

County Attorney Baumgarten explained that the CWQCC conducts these reviews on a triennial basis. Responding to the last five triennial reviews, the County, the Stockgrowers' Association, the Upper Gunnison River Water Conservancy District and High Country Citizens' Alliance have been able to provide a joint statement. The next review is scheduled to take place in September, and County Attorney Baumgarten asked for authorization to seek party status. A meeting is scheduled for the original group, along with representatives from the Town of Crested Butte, the City of Gunnison and the National Park Service, to craft a joint statement. County Attorney Baumgarten confirmed that he would come before the Board during a future meeting with a prehearing statement and a formal position statement for review. If negotiations are successful, the group may seek a shared party status. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the County Attorney to seek party status. Motion carried unanimously.

BREAK: The meeting recessed from 9:50 until 9:57 am.

BUREAU OF LAND MANAGEMENT (BLM) DRAFT CANDIDATE CONSERVATION AGREEMENT (CCA) COMMENTS: Gunnison Wildlife Conservation Coordinator Jim Cochran and County Attorney Baumgarten were present for discussion.

Gunnison Wildlife Conservation Coordinator Cochran informed the Board that the BLM had decided not to formally establish a public comment period, though public comment is still being sought. To outline the history of the process, he explained that the Candidate Conservation Agreement with Assurances (CCAA) concept was first brought to the BLM and the US Fish and Wildlife Service from the Stockgrowers' Association approximately eight years ago. Then approximately five years ago, the BLM brought the concept of the Candidate Conservation Agreement (CCA) to the Stockgrowers' Association. Approximately two years ago, the BLM hired a contractor to draft the CCA and, since that date, the BLM has assigned a staff member to the project. That staff member developed the draft CCA document for discussion and comment. Gunnison Wildlife Conservation Coordinator Cochran explained the desire for all federal signors to approve and sign the document prior to the listing decision being released in September. This document will also be discussed by the Gunnison Basin Sage-grouse Strategic Committee on 6/28/12. He asked that the Board either provide comment as a whole, or authorize

Commissioner Chamberland to provide the Board's comments during the 6/28/12 meeting. He also noted that the BLM would prefer to have the majority of all comments collected and returned by 6/15/12. The Board agreed to the proposed timeline. Gunnison Wildlife Conservation Coordinator Cochran agreed to work with County Attorney Baumgarten and Commissioner Chamberland to draft a comment letter for the Board's consideration.

COMMISSIONER ITEMS (continued):

Commissioner Swenson (continued):

4. Mayors and Managers Meeting. Commissioner Swenson attended this recent meeting. She noted that the meeting format was a little unusual as the primary discussion related to the current hospital issues.
5. Gunnison River Valley Local Marketing District (LMD) Funds; Tracking and Receiving Methods. Commissioner Swenson explained that there seems to be more vacation rental homes on the market that may or may not be paying their applicable LMD taxes. She wondered if the Board should direct staff to ensure that the necessary sales tax licenses are obtained, or if the Board should schedule a work session to discuss the issue in depth. Commissioner Swenson agreed to discuss the issue with Finance Director Linda Nienhueser prior to scheduling any Board meetings on the matter.
6. Region 10 Revolving Loan Repayments. Chairperson Channell asked for a status update, and Commissioner Swenson explained that all loans were current as of the end of March.

BREAK: The meeting recessed from 10:19 until 10:48 am.

CORRESPONDENCE; REQUEST FOR LETTER OF SUPPORT; LAND MANAGEMENT CAMPUS; WESTERN STATE COLORADO UNIVERSITY (WSCU): Chairperson Channell explained that it was initially unclear as to whether WSCU was asking for a separate letter or to co-sign on WSCU's letter, so he spoke with WSCU President Jay Helman and learned that the County was being asked to submit a separate letter. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to direct Clerk to the Board Haase to write a letter in support of the land management campus, and authorize signatures when it is complete and circulated to us all (the Board). Motion carried unanimously.

RETAIL LEASE AGREEMENT; GUNNISON-CRESTED BUTTE REGIONAL AIRPORT: Airport Director John DeVore was present for discussion.

Airport Director DeVore explained that gift shops in the terminal building have historically struggled to make a profit. He stated that the current proposal from Donald Ruwald was to utilize approximately 100 square feet in the old coffee shop. The vendor would pay the County 8% of gross sales, with no lease payments for the space for the first year. The store would only be open during flight times. Airport Director DeVore asked if the Board would be interested in this type of arrangement, and the Board expressed a willingness to proceed with a contract.

GUNNISON VALLEY RURAL TRANSPORTATION AUTHORITY (RTA) STOP-GAP FUNDING FOR THE 2012-2013 SEASON: This agenda title was edited during the Agenda Review portion of the meeting.

Commissioner Swenson reminded the Board that the discussion would be held, but that any decisions would be suspended until the discussion could be noticed on an upcoming agenda.

Commissioner Swenson explained that the RTA is willing to commit to \$450,000 for air service, compared to \$400,000 in 2011. Due to the current outlook and high contract costs, a shortfall of \$89,000 is expected, and the RTA is asking the County and the area municipalities to make contributions to make up for this shortfall. The Towns of Crested Butte and Mt. Crested Butte are in the process of evaluating this request, with each municipality estimating possible contributions of \$20,000. The City of Gunnison is evaluating a possible contribution of \$10,000.

Commissioner Swenson opined that the County could make a contribution from either economic development funds or the Board's discretionary funds. She noted that the Economic Development Council intends to reduce its County funding request to just \$5,000, which may allow for a sufficient County contribution to the shortfall. Chairperson Channell stated his concern related to setting a precedent, and he asked that any future motion clearly state that this would be a one-time payment.

BREAK: The meeting recessed from 11:11 until 11:20 am.

DISCUSSION REGARDING POLICY FOR SITE VISITS: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten stated that he had recently submitted a memorandum to the Board outlining the issue of whom from the County should perform a site visit if an owner objects to allowing

the public access during the site visit. One option would be for the Board to do the site visit without speaking or making any decisions. Another option would be that the site visits simply not occur. The last option would be that staff conducts the site visit and then record, in some way, the details for the Board to make a ruling on. County Attorney Baumgarten stated his preference for this last option since such a visit and its findings were successfully presented in District Court during the previous week. He suggested that the process be formalized as a policy. He noted that situations such as these may be applicable only once or twice a year, but that the passage of a policy may increase that estimate.

Chairperson Channell asked if the use of photographs could be denied, and County Attorney Baumgarten noted that, if a property owner denies the County of the ability to gather all necessary information, then the County can deny the permit. Chairperson Channell also wondered what would happen if the owner were to deny the right to hold a public meeting since the Board needs accurate and complete neutral information. He also indicated that performing multiple site visits, one for each commissioner, may present logistical issues.

Chairperson Channell asked if there had been a challenge to the open meetings laws. County Attorney Baumgarten explained that he received a complaint, but that there isn't any case law in Colorado yet. Chairperson Channell asked how the first option differs from the trust allowed by the public during executive sessions. County Attorney Baumgarten explained that there are very limited opportunities to conduct an executive session, and that the opportunity to allow the Board to perform a site visit without public attendance does not exist under the statute.

Commissioner Chamberland opined that the first option does not support the intent of the Sunshine Law, so he favored the last option.

Chairperson Channell stated his strong belief in the Board's ability to perform the site visits as valuable information is obtained during those visits that may or may not be captured with the use of photographs and the staffs' written analysis. The Board agreed and stated a preference toward the commissioners performing individual site visits, either in lieu of a staff visit or as a follow up.

Planning Commission Chairperson Ramon Reed agreed that site visits are critical in the decision making process and that photographs are not adequate. Planning Commissioner Warren Wilcox noted that there may be circumstances when a staff-member visit may be sufficient.

The Board asked County Attorney Baumgarten to draft a compromise that honors the open meetings laws and the property owners' rights.

UNSCHEDULED CITIZENS:

1. Ramon Reed; Courthouse Tree Sculpture. Mr. Reed stated his appreciation for the new tree sculpture on the front lawn of the courthouse. He opined that this sculpture is a better use of the tree than removing it all together.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:49 am.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

