

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 20, 2012**

The November 20, 2012 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

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| Hap Channell, Chairperson | Matthew Birnie, County Manager |
| Paula Swenson, Vice-Chairperson | Katherine Haase, Clerk to the Board |
| Phil Chamberland, Commissioner (Absent) | Others Present as Listed in Text |

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:38 am.

AGENDA REVIEW: There were no changes made to the agenda.

CONSENT AGENDA: Commissioner Swenson requested that Items #21 and #22 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Consent Agenda, excluding Items #21 and #22, and authorize signatures. Motion carried.

1. Resolution; Adjusting Landing Fees and Other Fees for Air Carriers
2. Acknowledgment of County Manager Signature; Fixed Price Agreement for Cloud Seeding Professional Services; North American Weather Consultants, Inc.; 11/15/12 thru 4/15/13; \$10,000
3. CSU Extension Memorandum of Understanding with Hinsdale and Gunnison Counties; Pilot Extension Program in Hinsdale County; 1/1/13 thru 12/31/13
4. Grant Application; Colorado Division of Aeronautics; 2013 Capital Improvements Plan Projects for the Gunnison-Crested Butte Regional Airport; \$1,824,942
5. Acknowledgment of County Manager Signature; Agreement; Board of Trustees of Gunnison Valley Hospital; Professional Services Regarding Transportation of Seniors; 1/1/13 thru 12/31/13; \$18,369
6. Acknowledgment of County Manager Signature; Agreement; Crystal Clear Window Washing; Wash Windows and Screens at Mountain View Apartments; 10/22/12 thru 11/30/12; \$780
7. Draft Special Meeting Minutes; 10-30-12
8. Colorado Department of Public Health and Environment, Colorado Local Public Health Agency Indirect Cost Negotiations Agreement; 1/1/13 thru 12/31/13
9. Professional Services Agreement; McMahan and Associates, LLC; Auditing the General Purpose Financial Statements of Gunnison County, Including the Gunnison Valley Transportation Authority, as of and for the Year Ending December 2013; \$55,153
10. Acknowledgment of County Manager Authorization to Submit; Grant Request; Colorado Department of Public Health and Environment, Immunization Program, 317 Policy Transition Funding, Request for Application; 12/10/12 thru 6/30/13; \$19,800
11. Contract for Services; OMNI Institute; Healthy Kids Colorado Survey Administration and Reports; \$2,527.50
12. Acknowledgment of County Manager Signature; Consultant Agreement; Roth Sheppard Architects, LLP; Gunnison County Courthouse Adaptive Re-Use & Renovation Project - Needs Assessment, Space Planning and Basic Programming Services; \$95,850
13. Ratification of Approval; Gunnison County VISA Purchasing Card Policies and Procedures Manual
14. Scope of Work; Immunization Program Core Services; 1/1/13 thru 12/31/13; \$5,168
15. 7th Judicial District Victim Assistance and Law Enforcement Board Grant Contract; 1/1/13 thru 12/31/13; \$15,000
16. Affiliate Airline Operating Agreement; Gunnison-Crested Butte Regional Airport, Gunnison, Colorado; Republic Airline, Inc.; 11/1/12 thru 10/31/13
17. Acknowledgment of County Manager Signature; Corporate Membership Agreement; Colorado Fitness; 1/1/13 thru 12/31/13
18. Draft Special Meeting Minutes; 8/28/12
19. Draft Special Meeting Minutes; 10/23/12
20. Draft Special Meeting Minutes; 10/31/12
21. **Pulled for Discussion and Separate Action:** Correspondence; Colorado Parks and Wildlife; Support for Grant Application Submitted by the Bureau of Land Management Gunnison Field Office; Alpine Loop and Hartman Rocks Off-Highway Vehicle Crew
22. **Pulled for Discussion and Separate Action:** Correspondence; Colorado Parks and Wildlife; Support for Grant Application Submitted by the US Forest Service; Off-Highway Vehicle Funds to Install a Bridge at Deadman Gulch in the Cement Creek Drainage
23. Affiliate Airline Operating Agreement; Gunnison-Crested Butte Regional Airport, Gunnison, Colorado; Sky West Airlines, Inc.; 11/1/12 thru 10/31/13
24. Professional Services Agreement; Clarity Counseling P.C., Donna Sue Hudgins; 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; 11/1/12 thru 6/30/13

CONSENT AGENDA ITEMS #21 and #22: Commissioner Swenson asked for discussion of these items to ensure that the Trails Commission had been asked for input. The Board suspended decision on these items until Assistant County Manager Marlene Crosby could provide comment.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Courthouse Renovation Update. The architects have visited the facility to assess the structure and current conditions. Preliminary programming work has begun, and the architects will return next week.
2. Strategic Planning Update. County Manager Birnie confirmed that the Board will be updating the current Gunnison County Strategic Plan during a retreat scheduled for 3/25/13 and 3/26/13. Performance reports relative to the individual departments will be created and available during the first quarter of 2013.
3. VRCompliance. Agreement on contract language was reached, and this contractor will begin work prior to the end of the year to identify possible vacation rentals in Gunnison County that are not paying the proper taxes. The fees paid to the contractor will be paid from Local Marketing District funds. The information that the County receives will be relayed to the State Department of Revenue for all persons that do not respond to the County's requests for compliance.

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

1. Kebler Pass Update. An accident occurred on Kebler Pass over the previous weekend due to weather-related issues.
2. Taylor River Project Update. Per the Federal Highway Administration representative that met with Assistant County Manager Crosby, the project workers will not leave until the project has been completed, regardless of the weather.
3. Snowplowing Agreements; Town of Marble and Montrose County. Assistant County Manager Crosby will schedule these agreements for approval on 12/4/12.
4. Consent Agenda Items #21 and #22. Although the Trails Commission did not meet this month, Assistant County Manager Crosby confirmed that it has been unanimously supportive of both projects. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve Consent Agenda Items #21 and #22 and authorize signatures. Motion carried.

RETAIL LEASE AGREEMENT; SARAH AND MERNE JUDSON, DBA ALMOST HOME; 11/1/12 THRU 10/31/13: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the contract for the gift shop at the airport and authorize signatures. Motion carried.

BOUNDARY LINE ADJUSTMENT; TOMICHI CREEK PRESERVE; SECTIONS 10, 11 AND 15, TOWNSHIP 49 NORTH, RANGE 1 WEST NMPM: Assistant Community Development Director Neal Starkebaum was present for discussion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Boundary Line Adjustment between United Companies properties and Lot 7 within Tomichi Creek Preserve and authorize the Chairperson's signature. Motion carried.

VOUCHERS AND TRANSFERS APPROVAL: Accountant Sally Wilcox presented the voucher approval report dated November 20, 2012 and the cash transfer authorization dated October 2012 for discussion and approval. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the vouchers for payment on November 20, 2012 in the amount of \$1,114,032.99. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the cash transfers for October 2012 in the amount of \$3,005,586.55. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the October 2012 Treasurer's report and an investment report dated October 31, 2012 for discussion and acceptance. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to accept the Treasurer's report for October 2012 and authorize the Chairperson's signature. Motion carried.

REQUEST FOR LETTER OF SUPPORT; WESTERN STATE COLORADO UNIVERSITY GRANT APPLICATION; TENDERFOOT CHILD AND FAMILY DEVELOPMENT CENTER PEDESTRIAN SAFETY PROJECT: Commissioner Swenson explained that this project proposes to extend Denver into the parking lot where the tennis courts were previously located in order to create a circular drive through for pick up and drop off of children. County Manager Birnie noted that this grant application is in competition with the County's application for the Courthouse Renovation Project. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the letter of support for the grant application for the Western State Colorado University's Tenderfoot Pedestrian Safety Project as amended and authorize signatures. Motion carried.

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

COMMISSIONER ITEMS:

Commissioner Channell:

1. Mayors and Managers Subcommittee Meeting. This group met on 11/19/12 at the Almont Resort to discuss the future of the organization. The group would like to continue with the monthly topical discussion process of the host selecting a valley-wide topic for discussion. The group would also like the meetings to proceed with formalized agendas. The membership issue was also discussed and it was decided that there are not that many additional entities that have valley-wide missions. Each request for membership will be evaluated on a case-by-case basis. Relative to the pending requests for membership submitted by the Gunnison-Crested Butte Tourism Association and the Gunnison County Electric Association.
2. Mayors and Managers Meeting. Chairperson Channell and County Manager Birnie attended this meeting in Crested Butte. Presentations related to trails and strategic planning were given by Dave Wiens and Marv Weidner, respectively.
3. Six Points Overview. Chairperson Channell attended this gathering at the Community Center. The new facility, the former Russell Stover retail building in Montrose, has been purchased and delivered. The Tredway family donated the entire purchase price for the building, which is approximately 10,000 square feet in size. Donations are being solicited for the \$900,000 still necessary in order for Six Points to begin using the building in the spring. Match funds of up to \$55,000 are available from the Community Foundation. Chairperson Channell would like to see the County consider some in-kind services such as site preparation, and he asked that the future Board schedule this conversation. County Manager Birnie will discuss this possibility with Assistant County Manager Crosby. Commissioner Swenson opined that the benefits provided to our relatively small community by Six Points are truly unique and that the County should support the project and help to facilitate the project's success.
4. Coal Methane Project; Oxbow Mine Tour. Chairperson Channell, Commissioner Chamberland and County Manager Birnie participated in the tour on 11/9.

BREAK: The meeting recessed from 10:01 until 10:31 am for a short break and then from 10:31 until 10:40 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

GUNNISON VALLEY HEALTH DEBT REFINANCE; POSSIBLE EXECUTIVE SESSION: County Attorney David Baumgarten was present for discussion.

County Manager Birnie recommended that the Board enter into an executive session to discuss this issue. County Attorney Baumgarten agreed and explained that the session could be conducted per C.R.S. 24-6-402(4)(e). He asked that he and the Board include Troy Bernberg, County Manager Birnie and Assistant Finance Director Ben Cowan in the discussion. Because the discussion was not subject to attorney-client privilege, an audio recording was kept. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to go into executive session for the reasons outlined by the County Attorney with the participants listed. Motion carried.

The board went into executive session at 10:48 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)(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 none of the discussion during the executive session constituted a privileged attorney-client communication, a record of the executive session was required to be kept and 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 11:49 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.

ADJOURN: Moved by Commissioner Paula Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried. The meeting adjourned at 11:51 am.

Hap Channell, Chairperson

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

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 12-34**

A RESOLUTION ADJUSTING LANDING FEES AND OTHER FEES FOR AIR CARRIERS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gunnison Crested Butte Regional Airport and leases terminal space, and provides airfield services to air carriers; and

WHEREAS, the Board of County Commissioners wants to adjust landing fees and other fees for airline carriers for such portions of the terminal where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation of the Gunnison Crested Butte Regional Airport and make it self-supporting;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that effective on December 1, 2012 at 12:00 midnight:

Section One.

1. The fee for scheduled air carriers shall be five dollars and thirty five cents (\$5.35) per thousand pounds of gross landing weight; non-scheduled landing fees shall be seven dollars and eighty-seven cents (\$7.87) per thousand pounds of gross landing weight.
2. Scheduled flights that are more than 30 minutes late will be charged an additional charge of \$250.00 per hour for ARFF coverage if the on-duty airport personnel are not notified prior to scheduled arrival/departure time.
3. A scheduled air carrier leasing less than eight hundred (800) square feet of terminal space will be assessed one hundred dollars (\$100.00) per flight for common area.
4. The landing fee for scheduled or non-scheduled Part 135 carriers shall be two dollars and seventy-two cents (\$2.72) per thousand pounds of gross landing weight.

Section Two.

The Board of County Commissioner's Resolution No. 10-03 is repealed, effective upon adoption of the Resolution.

BE IT FURTHER RESOLVED THAT these rates shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 20th day of November, 2012

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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