

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
February 5, 2013**

The February 5, 2013 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner

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

GUNNISON COUNTY HOUSING AUTHORITY:

CALL TO ORDER: Chairperson Swenson called the Gunnison County Housing Authority meeting to order at 9:01 am.

ACKNOWLEDGMENT OF COUNTY MANAGER SIGNATURE; 2012 AUDIT ENGAGEMENT LETTER; MCMAHAN AND ASSOCIATES, LLC: Moved by Commissioner Chamberland, seconded by Commissioner Houck to acknowledge the County Manager's signature on the 2012 Audit Engagement Letter with McMahan and Associates, LLC. Motion carried unanimously.

ADJOURN: Moved by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The Gunnison County Housing Authority meeting adjourned at 9:01 am.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

CALL TO ORDER: Chairperson Swenson called the Gunnison River Valley Local Marketing District meeting to order at 9:02 am.

ACKNOWLEDGMENT OF COUNTY MANAGER SIGNATURE; 2012 AUDIT ENGAGEMENT LETTER; MCMAHAN AND ASSOCIATES, LLC: Moved by Commissioner Chamberland, seconded by Commissioner Houck to acknowledge the County Manager's signature on the 2012 Audit Engagement Letter with McMahan and Associates, LLC. Motion carried unanimously.

ADJOURN: Moved by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The Gunnison River Valley Local Marketing District meeting adjourned at 9:02 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 9:02 am.

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

CONSENT AGENDA: Commissioner Chamberland requested that Items #6 and #10 be pulled for further discussion. Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent agenda, excluding Items #6 and #10, as presented. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice, State Juvenile Diversion Program Funds Continuation Application, Year 3 of 3; 7/1/13 thru 6/30/14; \$35,000
2. Acknowledgment of Gunnison Basin Sage-grouse Strategic Committee Appointments; Colorado Parks and Wildlife; J Wenum, Area Wildlife Manager for Gunnison (Regular Member); Nathan Seward, Wildlife Conservation Biologist (Alternate Member)
3. Colorado Department of Public Health and Environment Statement of Work; Tobacco Education and Prevention Partnership Grant Application; 7/1/13 thru 6/30/14; \$25,000
4. Application for Federal Assistance SF-424; Drug Free Communities Continuation Grant for Year Five of Five; \$125,000
5. Acknowledgment of County Manager Signature; Professional Services Agreement; Welborn and Associates; Services to the Gunnison County Department of Health and Human Services Regarding Grant Development; 1/28/13 thru 3/31/13; \$1,300
6. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Acceptance of Proposal; ThermaCoat, LLC; Roof Repairs at the Gunnison-Crested Butte Regional Airport, Phase I; \$67,713.39
7. Acknowledgment of County Manager Signature; 2012 Audit Engagement Letter; McMahan and Associates, LLC

8. Acknowledgment of County Manager Signature; US Department of Transportation, Federal Aviation Administration, Airport Improvement Program Sponsor Certification, Selection of Consultants, Project Plans and Specifications, Equipment/Construction Contracts, Construction Project Final Acceptance, Consultant Certification for Project Testing, and Sponsor Certification of Testing Laboratories
9. Agreement; State of Colorado for the Use and Benefit of Adams State University; Student Nursing Program;
10. **Pulled for Discussion and Separate Action:** Loan Agreement; Colorado Department of Transportation; Rosenbauer Airwolf Aircraft Rescue and Fire Fighting Truck; \$391,681.60
11. Acknowledgment of County Manager Signature; Intergovernmental Agreement between Gunnison County and Montrose County for Environmental Health Services; 1/1/13 thru 12/31/13

CONSENT AGENDA ITEM #6: Commissioner Chamberland asked whether or not the County considered replacement of the roof. County Manager Birnie replied that replacement was a consideration, but that it would have been more expensive. Commissioner Houck asked whether or not the specifics in the warranty were acceptable to the County, and County Manager Birnie agreed to verify it. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #6. Motion carried unanimously. Airport Director John DeVore was present for discussion and explained that the 10-year warranty could be extended for an additional 10-year period if the roof is cleaned during the term of the original warranty.

CONSENT AGENDA ITEM #10: Commissioner Chamberland asked Airport Director DeVore if the County would be paying for 100% of this cost, and Airport Director DeVore confirmed that it would. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #10. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

CORRESPONDENCE: Ms. Dorothy Denison's correspondence dated 2/1/13 was discussed. Within the correspondence, Ms. Denison asked for a response from the Board related to gun laws and road closures. County Manager Birnie stated that the Colorado Municipal League recently provided an analysis on gun regulations and local authority, and he will locate the article to send to Ms. Denison. Commissioner Paula Swenson will draft a response from the Board.

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

1. **Geothermal Feasibility Grant Opportunity.** County Manager Birnie informed the Board that Hap Channell (former commissioner) had been communicating with an entity in Pagosa Springs that is working on putting together three sites within Colorado for geothermal development, and he asked if the Board would like for him to continue working on this since lands out by Waunita Hot Springs may be viable for geothermal development. There is a \$20,000 grant opportunity for the feasibility study. Our opportunity would be the lands at Juanita. The Board agreed that this was worth looking into.
2. **Courthouse Project Update.** County Manager Birnie informed the Board that he met with representatives from the bank that refinanced the 1998 Gunnison Valley Health debt. The bank is interested in financing the Courthouse project and options are being evaluated. County Manager Birnie hopes to have different models of financing available by the end of the month.

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

1. **Access Control Planning on Hwy 50.** Assistant County Manager Crosby informed the Board that she has been in discussions with the City of Gunnison related to access control management planning from the corner of Main Street and Tomichi to the end of the annexation. The planning will evaluate historical and projected growth for highway access. A joint meeting between the Board and the Gunnison City Council may be scheduled for the evening of 3/5/13 to review the plan before it is presented to the public. The Colorado Department of Transportation has hired a consultant to do the access planning.
2. **Annual Bridge Inspection Report.** Assistant County Manager Crosby informed the Board that only two bridges need to be load posted in the County. Many of our structures don't have compliant guardrails, so she will work on this within this year's budget, and she will begin with the roads experiencing the highest amount of traffic.
3. **Road Maintenance Requests.** Assistant County Manager Crosby informed the Board that two requests are expected to come to the Board in the near future. The first road is in the Murdie Flats Subdivision, which has been privately maintained in the past. She explained that the Forest Service will adopt the road as a Schedule A road through the subdivision, and she expressed her concern because the subdivision will expect more than the one-time-per-year maintenance that is associated with a Schedule A road. The second road is in the Alpine Meadows Subdivision. There are sediment issues with this road, and she suggested that the subdivision pave the road. Instead, the subdivision would like for the County to chip seal the road with materials paid for by the subdivision.

ANTELOPE HILLS WATER LINE PROJECT; POSSIBLE EXECUTIVE SESSION: Assistant County Manager Crosby, Finance Director Linda Nienhueser, Deputy County Attorney Art Trezise and County Attorney David Baumgarten were present for discussion.

County Attorney Baumgarten suggested that this discussion related to a dispute and a potential solution be held in an executive session as an attorney-client privileged communication. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to go into executive session to discuss the Antelope Hills Water Project and negotiations with the contractor with no contemporaneous electronic record being kept. The participants would be the Board, Deputy County Attorney Trezise, County Attorney Baumgarten, Finance Director Nienhueser, Assistant County Manager Crosby and County Manager Birnie. Motion carried unanimously.

The board went into executive session at 9:53 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 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: _____

Paula Swenson, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:13 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.

Deputy County Attorney Trezise clarified that the issue is dispute surrounding the substantial completion of the water line by Lacy Construction, and issues such as road closures, wildlife and the amount of rock encountered. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize County staff to continue negotiating a settlement with Lacy Construction and authorize the County Manager’s signature on such if an acceptable agreement is reached. Motion carried unanimously.

BREAK: The meeting recessed from 10:15 until 10:21 am.

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

1. Board of Adjustments and Board of Appeals. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Les White, Jerry Kowal and Don Crosby to regular terms on the Board of Adjustments and Board of Appeals for three-year terms. Motion carried unanimously.
2. Environmental Health Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Eddy Balch and Lucinda Lull as regular members to the Environmental Health Board for three-year terms. Motion carried unanimously.
3. CSU Extension Advisory Committee. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Jon Mugglestone to the Extension Advisory Board as a regular member fulfilling Jim Janks’ three-year term until 2015. Motion carried unanimously.
4. Gunnison County Trails Commission. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Kay Peterson and Joellen Fonken to regular three-year terms. Motion carried unanimously.

5. Gunnison Basin Sage-grouse Strategic Committee. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Polly Oberosler as the alternate member for the recreational seat fulfilling the seat current vacant for one year. Motion carried unanimously.
6. Gunnison Valley Housing Foundation. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Jim Starr as a regular member to the Gunnison Valley Housing Foundation for a three-year term. Motion carried unanimously.
7. Historical Preservation Commission. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Jody Reeser and Elinda Card to the regular seats for three-year terms on the Historical Preservation Commission. Motion carried unanimously.
8. Gunnison Valley Health Board of Trustees. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Kirstie Pike to the regular seat for a five-year term on the Hospital Board of Trustees. Motion carried unanimously.
9. Land Preservation Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Glo Cunningham to a regular seat for a four-year term and Les White as the alternate to the Land Preservation Board. Motion carried unanimously.
10. Gunnison County Library Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Vicki Spencer to the regular seat for a five-year term on the Library Board. Motion carried unanimously.
11. Gunnison County Planning Commission. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Kent Fulton and AJ Cattles as regular members to the Planning Commission, and Tom Venard and Jeremy Rubingh as alternate members to the Planning Commission. Motion carried unanimously.
12. Region 10 Transportation Committee. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Vince Rogalski and Marlene Crosby to the Region 10 Transportation Committee for two-year terms. Motion carried unanimously.
13. Gunnison Valley Sage-grouse Mitigation Committee. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Jon Mugglestone to the Gunnison Valley Sage-grouse Mitigation Committee for a regular term. Motion carried unanimously.
14. Veterans' Services Officer. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Al Falsetto to a regular term as the Veterans' Services Officer. Motion carried unanimously.

The Board asked Administrative Assistant III Lucero to readvertise for the remaining vacancies on the Western Regional EMS Council Board, Board of Adjustments, Board of Appeals, Environmental Health Board, Trails Commission, Board of Trustees and Observatory Board.

BREAK: The meeting recessed from 10:33 until 10:43 am.

PLANNING COMMISSION SKETCH PLAN RECOMMENDATION; GUNNISON VALLEY PROPERTIES, LLC; TOMICHI GRAVEL PIT; SITE LOCATED IN THE NE/4 SE/4 NW/4 SECTION 4 AND THE NE/4NE/4 SECTION 5, TOWNSHIP 49 NORTH, RANGE 1 EAST, N.M.P.M., 43188 HIGHWAY 50, GENERALLY DESCRIBED AS APPROXIMATELY 1/2 MILE EAST OF THE CITY OF GUNNISON, SOUTH OF HIGHWAY 50 TO TOMICHI CREEK, AND WEST OF SIGNAL PEAK INDUSTRIAL PARK: Assistant Community Development Director Neal Starkebaum, Dick Bratton and Greg Lewicki and Associates Project Engineer Ben Langenfeld, both representing Gunnison Valley Properties, LLC, were present for discussion.

Assistant Community Development Director Starkebaum presented the major impact sketch plan application and introduced Mr. Langenfeld.

Mr. Langenfeld gave a PowerPoint presentation of the information that he submitted for the meeting packet. He explained that a total of 69 acres would be disturbed by the gravel-pit project and that the majority of the operations would take place between 4/15 and 10/15. He noted that the additional gravel pit in the area would provide more local competition that could, in turn, drive costs down. No preliminary pricing was available since this project is still in the sketch plan phase. The pit would have approximately 27 years of operational life at 200,000 tons of gravel per year. Mr. Bratton stated that the pit would be profitable even if it produced only 100,000 tons per year.

Assistant Community Development Director Starkebaum informed the Board that the Planning Commission would recommend that the project move forward. Planning Commission member Susan Eskew voted against the project due to the geographical location proposed. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve of the major impact project recommendation for Gunnison Properties, LLC Tomichi Gravel Pit, Land Use Change #2012-10 sketch plan as presented.

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

Commissioner Houck:

1. Western State Colorado University Marketing Director. Commissioner Houck attended this meeting and is encouraged by the new director's energy.

2. Local Food Marketing. Commissioner Houck informed the Board that he is working with a local group to discuss methods of marketing local foods.

Commissioner Chamberland:

1. Club 20 Legislative Meeting. Commissioner Chamberland stated that this meeting had good attendance. The group will provide a formal comment regarding the proposed listing of the Gunnison Sage-grouse.
2. Montrose County Board of County Commissioners Meeting. Commissioner Chamberland attended this meeting on 1/29/13 to hear the portion of the discussion related to the Gunnison Sage-grouse.
3. Western State Colorado University President’s Advisory Council Meeting. Commissioner Chamberland and Commissioner Houck attended this recent meeting. He noted that the admissions and new marketing staff appear to work very well together.
4. Broadband Update. Commissioner Chamberland informed the Board that funding looks possible. Hinsdale County is concerned about being left out. The work needs to be completed by 9/30. Eagle Net has stated that it will provide redundancy over Monarch by microwave, but Commissioner Chamberland is skeptical about whether or not that can happen before the deadline. Commissioner Chamberland contacted Sky Works, and was told that Sky Works has microwave in the Monarch ski area that can possibly be brought into Gunnison. Discussions with all parties will continue.

Commissioner Swenson:

1. Colorado Counties, Inc. (CCI) Legislative Committee Meetings. Chairperson Swenson recently attended two days of meetings and provided a general update to the Board. She noted that additional information can be obtained from the periodic emails coming from CCI.
 - a. Federal Mineral Lease Districts. Garfield, Park, Mesa and Weld Counties have gone through the process to become Federal Mineral Lease Districts so that they can use FML funding for things other than general fund operations. For example, Mesa County funds its local college and Garfield County grants its funds. County Manager Birnie opined that a county with the level of Gunnison County’s receipts wouldn’t benefit very much from doing this, and the Board agreed with him.
 - b. Mandatory Newspaper Publishing. Another bill would allow counties to not publish certain items in the local newspapers. County Manager Birnie noted that he had done some research into this and that mandatory publications such as employee salary information has cost approximately \$16,000/annually. Other advertisements for things such as vacancies has cost approximately \$65,000/annually. Gunnison Country Times owner Chris Dickey was present for discussion and informed the Board that this bill died in committee.

UNSCHEDULED CITIZENS:

1. Warren Wilcox: Commercial Area Designation. Mr. Wilcox asked for more information about the proposed location of the gravel pit discussed earlier in the meeting. County Manager Birnie informed him that an update is scheduled for presentation to the Board on 2/12/13. Mr. Wilcox was invited to attend that meeting and to gather more information from GIS Manager Mike Pelletier.

ADJOURN: Moved by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:23 am.

Paula Swenson, Chairperson

Phil Chamberland, Vice-Chairperson

Jonathan Houck, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk