

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
February 19, 2013**

The February 19, 2013 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

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

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

**CALL TO ORDER:** Acting as the Vice-Chairperson due to Commissioner Swenson's absence, Commissioner Chamberland called the meeting to order at 8:30 am.

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

**CONSENT AGENDA:** Commissioner Houck requested that Items #18 and #20 be pulled for further discussion. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #18 and #20. Motion carried.

1. Acknowledgment of County Manager Signature; Memorandum of Understanding; Gunnison Conservation District; Gunnison County Strategic Plan, Protect the Environment Strategy Assistance; 1/1/13 thru 12/31/13; \$2,000
2. Acknowledgment of County Manager Signature; Memorandum of Understanding; Midwestern Colorado Mental Health Center; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$11,000
3. Acknowledgment of County Manager Signature; Memorandum of Understanding; Gunnison/Hinsdale Confidential Advocacy Center; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$10,000
4. Acknowledgment of County Manager Signature; Memorandum of Understanding; Six Points Evaluation and Training, Inc.; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$12,000
5. Acknowledgment of County Manager Signature; Memorandum of Understanding; Gunnison Country Chamber of Commerce; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$12,000
6. Acknowledgment of County Manager Signature; Memorandum of Understanding; Gunnison-Hinsdale Youth Services, dba Gunnison Country Partners; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$7,500
7. Memorandum of Understanding; Crested Butte/Mt. Crested Butte Chamber of Commerce/Visitor's Center; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$8,000
8. Intergovernmental Agreement; Delta, Gunnison, Hinsdale, Montrose, Ouray and San Miguel Counties; Establish a Multicounty Regional Emergency Medical and Trauma Advisory Council
9. Out-of-State Travel Request; Family Planning Staff; Contraceptive Technologies Conference; Washington, DC; 4/17/13 thru 4/20/13; \$2,773
10. Out-of-State Travel Request; Immunization Nurse; Clinical Vaccinology Course; Chicago, IL; 3/8/13 thru 3/10/13; \$2,008
11. Certification of Compliance; Article 29 of Title 29 C.R.S., Immigration Status; Cooperation with Federal Officials
12. Bid Award; Taylor Fencing; Fencing at the Gunnison-Crested Butte Regional Airport; \$51,984
13. Colorado Department of Public Health and Environment Approved Task Order Contract – Waiver #154; Routing No. 13 FLA 48294; Juvenile Services Department; PSD – Tobacco; 2/15/13 thru 6/30/13; \$19,563
14. Colorado Division of Criminal Justice, Colorado Justice Assistance Grant Application; Gunnison County Juvenile Services; Project #2013-DJ-13-001433; 10/1/13 thru 9/30/14; \$26,751
15. Contract; Sawtooth Mountain Woodworks; Cabinetry and Countertops at Gunnison-Crested Butte Regional Airport; \$16,390
16. Out-of-State Travel Request; Senior Accountant Jane Wyman and Upper Gunnison Water Conservancy District General Manager Frank Kugel; Weather Modification Association Annual Conference; San Antonio, TX; 4/8/13 – 4/13/13; \$4,354
17. Draft Special Meeting Minutes; 2/12/13
18. **Pulled for Discussion and Separate Action:** Draft Special Meeting Minutes; 12/21/12
19. Draft Regular Meeting Minutes; 1/22/13
20. **Pulled for Discussion and Separate Action:** Draft Regular Meeting Minutes; 12/4/12
21. Security Procedure Agreement; Wells Fargo Bank, National Association; Federal Aviation Administration Airport Improvement Project 45; \$64,526.49 from Escrow
22. Colorado Parks and Wildlife Impact Assistance Grant Application; Tax Year 2012; \$11,942.12

23. Acknowledgment of County Manager Signature; Memorandum of Understanding; Safe Ride of Gunnison, Inc.; Gunnison County Strategic Plan, Promote Healthy Communities Strategy Assistance; 1/1/13 thru 12/31/13; \$2,500

**CONSENT AGENDA ITEM #18 and #20:** Commissioner Houck asked that approval of these minutes be postponed since he was not on the Board at the time and, therefore, could not vote to approve the minutes. Approval of these minutes was postponed until 3/5/13.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

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

1. Colorado City and County Management Association (CCCMA) Conference. County Manager Birnie attended this conference in Glenwood Springs last week. He was reelected to the CCCMA Board of Directors.
2. Courthouse Renovation Project Update. County Manager Birnie informed the Board that solid cost estimates should be available during the retreat at the end of the month. If the County opts to demolish the building instead of remodeling it, a smaller building may be constructed. The current courthouse has approximately 10,000 – 15,000 of unnecessary square footage, though he will consider future growth when considering what size to build. If the building is demolished, he will also consider the savings of currently projected maintenance costs of the current structure.
3. Community Development Director Vacancy. County Manager Birnie informed the Board that Community Development Director Joanne Williams will be retired as of 3/31/13, which is a few months earlier than she originally indicated. Assistant Community Development Director Neal Starkebaum will serve as the interim director from 3/31/13 until a new director is hired and in place. County Manager Birnie intends to use Prothman, an executive search firm, to hire for this position. Prothman recently completed a search for a Community Development Director for Bozeman, MT.
4. Airport Director Vacancy. County Manager Birnie informed the Board that he spoke with both Prothman and ADK regarding this vacancy. Jviation recommended that the County use ADK for this search since ADK handles only airport staffing. ADK's fees are more than twice that of Prothman, but he will still evaluate the possible use of ADK's services. During the CCCMA conference, he met with representatives from Jviation, and he asked that Jviation design a briefing for him. Once hired, the new director will manager will report directly to County Manager Birnie.

**GUNNISON SAGE GROUSE UPDATE:** County Attorney David Baumgarten requested this impromptu discussion. He informed the Board that an existing statute may authorize the County to enter into an agreement with the Secretary of the Interior and/or the Secretary of the Agriculture to develop land management plans that will address the sage-grouse conservation issues. The possibility will be investigated further by the County Attorney's Office.

**BREAK:** The meeting recessed from 8:56 until 8:59 am.

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

1. Request for Gunnison Sage-grouse Mitigation Funding; Gunnison Basin Sage-grouse Strategic Committee; Gunnison Sage-grouse Festival; \$4,000. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve up to \$4,000 in funding from the Sage-grouse Mitigation Fund for the 2013 Sage-grouse Festival. Motion carried.
2. Antelope Hills Water Update. Assistant County Manager Crosby informed the Board that the tanks are being drained and the system will be flushed.
3. Gunnison-Crested Butte Regional Airport Closures; Federal Aviation Administration (FAA) Guidelines. Assistant County Manager Crosby informed the Board that, during times of temporary closure for plowing the runway, the Airport must issue a NOTAM (Notice to Airmen) post such as, "NOTAM – Runway 0624 closed except 15 PPR, contact Unicom". (PPR stands for Prior Permission Required.) Aircrafts must then notify Unicom 15 minutes in advance of intended arrival so that the crews can clear the runway. This information will be disseminated to the public via the Gunnison Valley Rural Transportation Authority.

**BREAK:** The meeting recessed from 9:06 until 9:18 am.

**TREASURER'S MONTHLY REPORT:** County Treasurer Melody Marks presented the January 2013 Treasurer's report; an investment report dated January 31, 2013; and an audit report for the six months ending December 31, 2013 for discussion and acceptance. Per County Treasurer Marks, the statutorily required six-month report has not been presented to the Board for a length of time due to software issues. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report for January 2013 as presented. Motion carried.

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated February 19, 2013 and the cash transfer authorization dated January 2013 for discussion and approval. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the vouchers in the amount of \$983,996.90. Motion carried. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the cash transfers in the amount of \$3,306,611.20. Motion carried.

**BREAK:** The meeting recessed from 9:26 until 9:37 am.

**SOFTWARE SALES ORDER; PEAK PERFORMANCE IMAGING SOLUTIONS; DOCUMENT MANAGEMENT; \$6,895.75:** Assistant Finance Director Ben Cowan was present for discussion.

Assistant Finance Director Cowan explained that a Request for Proposals (RFP) was issued for the document management system and that six responses were received. Three of the responses were disqualified because they did not conform to the bid specifications. Three demos were completed, and the selection team decided to recommend Peak Performance Imaging Solutions for this pilot project. A budget of \$150,000 has been established for full implementation of the project. If the County proceeds with Peak Performance for full implementation, the County will incur approximately \$23,000 in annual maintenance costs.

Assistant Finance Director Cowan explained that a document management system is being sought to serve as a main repository for all County electronic documents, establish a document management plan for retention or destruction of documents, maintain confidential information, allow for simple document retrieval, eliminate many current manual processes, and improve workflow processes. The scope of the pilot project includes the processes involved with the Board's agenda item submittal process.

**Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the expenditure of \$6,895.75 for the software sales order with Peak Performance Imaging Solutions for document management and authorize signatures. Motion carried.

**CORRESPONDENCE:**

1. Saguache County Board of County Commissioners; Inspections and Recommendations for Properties in Critical Sage-grouse Habitat in Saguache County; 2/5/13. This discussion was postponed until later in the meeting during the sage-grouse related discussion.
2. Helmut and Suzy Metzler; Pitkin, Colorado Post Office Service Reduction; 2/7/13. This post office was originally slated for closure, but will now only see a reduction in hours of operation. County Attorney Baumgarten informed the Board that he recently spoke with representatives from the US Postal Service regarding the Parlin, Pitkin, Powderhorn and Sargents post offices. He noted that the hours of operation in all of these locations will be reduced, and that there is nothing left that the County can argue. He will correspond with the Metzlers about this issue.
3. Dorothy Denison; Request for Information; 1/29/13. County Manager Birnie stated that El Paso and Weld Counties passed resolutions in opposition of the President's Executive Order. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the letter in the packets, as crafted, and authorize the three signatures of the commissioners. Motion carried.

**BREAK:** The meeting recessed from 9:52 until 10:02 am.

**VR COMPLIANCE UPDATE:** Finance Director Linda Nienhueser and Accountant Maureen Eden were present for discussion.

County Manager Birnie reminded the Board that VRCompliance was contracted to assist with collecting lodging taxes from owners of vacation rental. VRCompliance searches the internet to find advertised vacation rentals in the valley, available for 30 days or less, and then determines compliance.

Finance Director Nienhueser stated that VRCompliance has submitted one month of information, which revealed 52 total properties. Of those properties, seven were determined to be in compliance, six are not subject to compliance because the associated properties are outside of Gunnison County, and one was determined to be in a rent-to-own situation. Accountant Eden will send letters to the owners of the remaining 38 properties to ask that they provide proof of compliance since some of them may be managed by property management companies that are collecting and submitting the appropriate tax without properly reporting the source of the tax collected.

Finance Director Nienhueser explained that, after properties are brought into compliance, she will weigh the additional tax revenues against the cost of the program to determine its worth to the County. She will request assistance from the State to deal with any properties that remain non-compliant after a certain period of time.

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

**Commissioner Houck:**

1. Economic Development Update. Commissioner Houck informed the Board that he has been in conversations with, among others, CSU Extension Director Eric McPhail and representatives from Western State Colorado University (WSCU) regarding the creation of local agricultural business prospects in the valley. WSCU will soon be offering a Master's program in environmental studies with the intent of creating more unique opportunities in the community. City of Gunnison Manager Ken Coleman will be applying for DOLA grant funding for this program. This group meets a couple of times each month.
2. Gunnison Valley Rural Transportation Authority Update. Commissioner Houck informed the Board that Crested Butte Mountain Resort has decided to alter where and how its airline flight funding is spent.
3. Office for Resource Efficiency Update. Commissioner Houck informed the Board that the ORE board has completed its annual reorganization of officers. During the last meeting, possible additional sources of revenue were discussed, including fees for service such as the possibility of instituting a fee at the landfill.
4. Gale Schwartz Town Hall Meeting. Commissioner Houck attended this recent meeting, during which the status of the proposed Gunnison Sage-grouse listing was briefly discussed. Also discussed was a bill that would allow community colleges to offer four-year degrees. He will track this bill and report back to the Board with any important updates.

**Commissioner Chamberland:**

1. US Forest Service (FS) and Bureau of Land Management (BLM) Meetings. Over the past couple of weeks, Commissioner Chamberland has met with and/or attended presentations provided by representatives from the FS and the BLM to discuss issues such as road closures and grant funding. He noted that Ouray County received negative feedback related to its application for Off-Highway Vehicle (OHV) grant funding for a Ouray County road.
2. Tri-State Meeting; Fiber for Commercial Access. Commissioner Chamberland informed the Board that he and a representative from Tri-State have been in discussions related to the possibility of finding a legislative method of allowing utility companies to use their fiber for commercial access. He plans to pursue this with Senator Bennet and Representative Tipton.

**BREAK:** The meeting recessed from 10:28 until 11:14 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes). The meeting then immediately recessed again for a short break from 11:14 until 11:19 am.

**UNSCHEDULED CITIZENS:**

1. Warren Wilcox; WSCU. Mr. Wilcox opined that WSCU has been trying to get more personally involved with students and the community as a whole. He believes that local businesses would like to become involved in a community garden program.
2. Warren Wilcox; Easements. Mr. Wilcox noted that he often experiences or hears of problems related to good citizenship in this arena.
3. Warren Wilcox; Office for Resource Efficiency (ORE) and the Gunnison County Carbon Policies. Mr. Wilcox expressed his concerns related to the overall cost of implementation of the carbon policies and the effectiveness of ORE in working toward the goals outlined within the policies. He opined that citizens may not be supportive of ORE's involvement because of the lack of efficiency compared to the cost, and that there is duplicity of effort happening between entities such as ORE and Gunnison County Electric Association (GCEA). He stated that the County should do a better job of informing the community about the financial benefits of carbon-reduction efforts, and that the County should not force the policies on the community. Commissioner Chamberland stated that he is in favor of contracting with ORE on a specific fee-for-service basis. Commissioner Houck stated that, while there may be some duplicity of efforts between entities such as ORE and GCEA, different entities have access to different programs and funding.

**BREAK:** The meeting recessed from 11:33 am until 1:00 pm for lunch.

**TRAILS COMMISSION; PRESENTATION OF ROCK CAIRN AWARD:** Assistant County Manager Crosby, Vincent Woodward and various members of the Trails Commission were present for discussion.

Joellen Fonken, Chairperson of the Trails Commission, explained that the Rock Cairn Award was established in 2002 to honor private landowners that grant trails easements within Gunnison County. She presented the 2012 Rock Cairn Award to Mr. Vincent Woodward, who explained that he purchased the property in 1990 and, since many people use the access, he made the decision to formally make it available to the public. Commissioner Chamberland thanked Mr. Woodward, on behalf of the County and as a trails user.

**REQUEST TO SERVE ALCOHOL WITHIN THE BLACKSTOCK GOVERNMENT CENTER; COMMUNITY DEVELOPMENT DEPARTMENT "BUSINESS AFTER HOURS" OPEN HOUSE; 5/1/13:** Community Development Director Williams and Assistant Community Development Director Starkebaum were present for discussion.

Community Development Director Williams explained that this event will serve as a communication tool to promote, among other things, her department’s citizen access database. The event will take place on 5/1/13, beginning at 4:30 and ending by 6:30 pm. Along with light snacks, the department would like to serve alcoholic beverages. Since there isn’t a policy related to serving alcohol in County buildings, County Manager Birnie explained that County Attorney Baumgarten has suggested that the Board approve this request by clearly stating the specific date and time. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Business After Hours on May 1, 2013 and allow the Chamber (of Commerce) and the Community Development Department to serve alcohol during that open house. Motion carried.

**U.S. FISH AND WILDLIFE SERVICE PROPOSED LISTING OF THE GUNNISON SAGE-GROUSE UNDER THE ENDANGERED SPECIES ACT; REVIEW DRAFT COMMENTS; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten, Paralegal Rachel Magruder and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

County Attorney Baumgarten suggested that the Board review the content and overall tone of the draft comments, which he provided as part of the packet, prior to entering into an executive session, and the Board agreed with that approach. He explained that the draft comments took into account all relevant information gathered from the various departments and that the document will continue to be refined. He noted that he may suggest that the Board request a time extension for filing the comments, and that the specific conversation would take place during an executive session.

The Board agreed that the draft was well written and organized.

County Attorney Baumgarten stated that the Gunnison Sage-grouse has a stronghold population in the Gunnison valley, which includes a significant portion of the bird’s range, due to local efforts that span the last several years. He also noted that maintaining local control, the preference and a proven strategy, can be replicated elsewhere.

County Attorney Baumgarten suggested that the Board enter into an executive session for the purpose of discussing relations and coordination with other basin entities and other counties not in the basin, instructing negotiators that may discuss this issue with representatives from Governor Hickenlooper office, Colorado Parks and Wildlife, Bureau of Land Management and the US Forest Service as well as face-to-face meetings with other stakeholders, and that, since the discussion would be subject to attorney-client privilege, no contemporaneous electronic audio recording of the discussion would be kept. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to go into executive session for all of the reasons stated by County Attorney Baumgarten with County Manager Birnie, County Attorney Baumgarten, Paralegal Rachel Magruder, Gunnison Wildlife Conservation Coordinator Cochran and the Board. Motion carried.

The board went into executive session at 1:42 pm. *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)(b)(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

Vice-Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Vice-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: \_\_\_\_\_

\_\_\_\_\_  
Phil Chamberland, Vice-Chairperson  
Gunnison County Board of Commissioners

The Board came out of executive session at 2:51 pm. Commissioner Chamberland 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 Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried. The meeting adjourned at 2:53 pm.

(Absent from meeting – no signature)

\_\_\_\_\_  
Paula Swenson, Chairperson

\_\_\_\_\_  
Phil Chamberland, Vice-Chairperson

\_\_\_\_\_  
Jonathan Houck, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk