

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
January 22, 2013**

The January 22, 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

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

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

**CONSENT AGENDA:** Commissioner Chamberland requested that Items #1 and #4 and #11 be pulled for further discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda, excluding Items #1, #4 and #11. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Draft Regular Meeting Minutes; 1/8/13
2. Acknowledgment of County Manager Signature; US Department of Transportation, Federal Aviation Administration, Airport Improvement Program Sponsor Certification; Equipment/Construction Contracts, Project Plans and Specifications, Selection of Consultants, and Construction Project Final Acceptance
3. Out-of-State Travel Request; 2013 National American Planning Association Conference; Chicago, IL; Assistant Community Development Director; 4/12/13 – 4/17/13; \$3,580
4. **Pulled for Discussion and Separate Action:** Colorado Department of Transportation, Highway User's Tax Report
5. Resolution; Directing the Gunnison County Treasurer to Distribute Specific Ownership Tax Monies among Various County Funds
6. Resolution; Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions
7. Acknowledgment of County Manager Signature; Sixth Amendment to Service Agreement; NGS American, Inc.
8. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement Fund Full Year Annual Report Form; CY 2012
9. Addendum to the Development Improvements Agreement for RU Subdivision; Riverland Lot Owners Association and John Rozman
10. Professional Services Agreement; Seasons Schoolhouse; Professional Services Regarding Child Care and Parent Education to Promote Safety, Stability and Permanency for Children and Families Referred from the Gunnison County Department of Health and Human Services; 1/30/13 thru 1/29/14
11. **Pulled for Discussion and Separate Action:** Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; San Miguel Ventures, LLC; 12/1/12 thru 11/30/13
12. Second Amendment to Food and Beverage/Retail Lease Agreement; David and Lisa Jacobson d/b/a The Gunnisack, LLC; Operation of a Food and Beverage Service within the Air Carrier Terminal at the Gunnison County Airport; 10/20/09 thru 5/31/14; \$10,000
13. Memorandum of Agreement between Board of County Commissioners the County of Gunnison County, Colorado and Gunnison/Crested Butte Tourism Association; 1/1/13 - 12/31/13
14. Memorandum of Agreement; Gunnison/Crested Butte Tourism Association; 1/1/13 - 12/31/13; \$1,000,000

**CONSENT AGENDA ITEM #1:** Commissioner Chamberland pointed out a couple of ministerial changes that were necessary to the draft, and the Board agreed with his suggested modifications to the document. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #1, as amended. Motion carried unanimously.

**CONSENT AGENDA ITEM #4:** Commissioner Chamberland asked for discussion of the coversheet on this contract. The information was discussed and agreed upon. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #4. Motion carried unanimously.

**CONSENT AGENDA ITEM #11:** Commissioner Chamberland noted that the County has not yet received the \$500 fee, as was due upon execution of the contract by the vendor. The issue will be resolved. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #11. Motion carried unanimously.

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

1. Set Public Hearing Date and Time; Appeal of Planning Commission Decision; John Nichols, LUC2012-23, Lot 4, Riverland Industrial Park, Filing No. 1; Appellant William J. Lacy, Jr., Represented by Wilderson Lock & Hill, LLC. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to set the Public Hearing for March 5, 2013 at 1:00 pm. Motion carried unanimously.

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

1. Joint Gunnison County and Delta County Meeting; 4/9/13. County Manager Birnie stated that the meeting agenda would include issues related to the Gunnison Sage-grouse, oil and gas regulations and coal. He asked that any other topics be sent to him for inclusion on the agenda.
2. Courthouse Renovation Project Update. County Manager Birnie informed the Board that early needs assessment information has been received, and that preliminary cost estimates should be available by the end of the week. He intends to present this information to the Board during a future work session. The County will be utilizing Granicus programming to collect citizen feedback once the needs assessment information is complete. DOLA energy impact grant funding will be sought for part of the cost of this project.

**BREAK:** The meeting recessed from 8:55 until 9:21 am.

**ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Assistant County Manager Marlene Crosby was not available for discussion, so this item was skipped.

**DESIGNATION OF KARL FULMER AS THE GUNNISON COUNTY HOUSING AUTHORITY EXECUTIVE DIRECTOR:** County Manager Birnie explained that this designation is necessary since the Housing Authority is still a legal entity. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to designate Karl Fulmer as the Gunnison County Housing Authority Executive Director. Motion carried unanimously.

**U.S. FISH AND WILDLIFE SERVICE PROPOSED LISTING OF THE GUNNISON SAGE-GROUSE UNDER THE ENDANGERED SPECIES ACT; DIRECTION TO STAFF REGARDING THE SUBMISSION OF FORMAL COMMENTS:** Gunnison Wildlife Conservation Coordinator Jim Cochran and County Attorney David Baumgarten were present for discussion.

Gunnison Wildlife Conservation Coordinator Cochran asked for formal direction so that staff may move forward with drafting comments. Formal comments are due no later than 3/12/13, and County Attorney Baumgarten confirmed that the Board will be presented with draft comments for consideration prior to that submission deadline. The Board agreed that formal comments should be submitted, and asked that draft comments be provided to the Board for initial review on 2/19/13 for approval on 3/5/13.

**GRANT APPLICATIONS; GUNNISON-CRESTED BUTTE REGIONAL AIRPORT:** Airport Director John DeVore was present for discussion and explained that the Federal Aviation Administration suggests updating airport master plans very five years. The current master plan for the Gunnison-Crested Butte Regional Airport was created in 2006. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the grant applications for federal assistance for the master plan and purchase of the former Public Works property, and authorize the County Manager's signature. Motion carried unanimously.

1. Application for Federal Assistance SF-424; Update the Gunnison-Crested Butte Master Plan; \$383,833.
2. Application for Federal Assistance SF-424; Purchase the Former Public Works Property Adjacent to the Airport Terminal; \$1,111,112.

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated January 22, 2013 and the cash transfer authorization dated December 2012 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve warrants and transfers in the amount of \$2,930,040.64. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the cash transfer of \$2,886,977.45. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** County Treasurer Melody Marks presented the December 2012 Treasurer's report for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report, as presented. Motion carried unanimously.

**HEARING OFFICER FOR COUNTY BOARD OF EQUALIZATION TAX PETITION HEARINGS:** Commissioner Swenson stated that many citizens have discussed this issue with her, and that those citizens believe that conducting these hearings should be considered part of a commissioner's job. Commissioner Chamberland stated that he has had similar conversations, but that some others are in favor of using an arbitrator to conduct the hearings because of the arbitrator's impartiality. He noted, though, that deciding which hearings were conducted by the arbitrator in lieu of the Board was a major area of concern for citizens. Because of this, he opined that the Board should either conduct all of the

hearings or none of them. The Board agreed that it will conduct these hearings as part of their job, unless the number of hearings dictates otherwise.

**BREAK:** The meeting recessed from 10:00 until 10:30 am for a short break and then from 10:30 until 10:42 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes). The meeting then recessed again from 10:44 until 11:23 am in order to call to order as the Gunnison County Board of Health (see minutes below).

**GUNNISON COUNTY BOARD OF HEALTH:** Health and Human Services Director Renee Brown, Public Health Director Carol Worrall and County Medical Officer Dr. John Tarr were present for discussion.

**CALL TO ORDER:** Commissioner Swenson called the Gunnison County Board of Health meeting to order at 10:44 am.

**ACKNOWLEDGMENT OF OFFICERS, PUBLIC HEALTH DIRECTOR AND COUNTY MEDICAL OFFICER FOR 2013:** The Board agreed to keep the officers the same as were designated for the Board of County Commissioners. Ms. Worrall will continue as the Public Health Director, and Dr. Tarr will continue as the County Medical Officer.

**DESIGNATE 2013 MEETING DATES AND TIMES:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to designate the meeting dates as the third Tuesday in March, June, September and December. Motion carried unanimously.

**DESIGNATE 2013 AGENDA POSTING LOCATIONS:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to designate the posting locations for the meeting agendas as outside at the County courthouse and upstairs on the bulletin board. Motion carried unanimously.

**INFLUENZA UPDATE:** Public Health Director Worrall stated that there haven't been any related hospitalizations so far this season, but that there have been five positive tests since November, which is considered to be a low figure. Another respiratory illness has been spreading, but she confirmed that it is not the flu. As well, lots of gastrointestinal issues have been occurring around the State.

Dr. Tarr informed the Board that he spoke this morning with Gunnison Watershed School District Nurse Dawn Helman earlier in the day, and asked her for raw absentee numbers on a daily basis for each school. With that information, he and Public Health Director Worrall will be capable of arriving at a baseline absentee rate and then noting any spikes.

Dr. Tarr informed the Board that the Pandemic Committee has been dormant for the past few years, but that it has now been revived. Roughly a third of the local population has received the flu vaccine this season, with the major vaccine providers being City Market, Gunnison Valley Family Physicians and Gunnison County Public Health. He and Public Health Director Worrall will continue to work with the college on vaccinating college students.

**STANDARDS RULE MAKING:** Public Health Director Worrall gave a PowerPoint presentation on the standards, as created by the Public Health Accreditation Board. She explained that the standards, made into rule on 1/16/13 to take effect in March 2013, dictate how core services are managed. Each local Public Health entity will monitor its own compliance with the standards, and no reporting will be necessary.

**OVERVIEW OF THE PUBLIC HEALTH IMPROVEMENT PLAN (PHIP):** Public Health Director Worrall provided the draft PHIP via a quick visual presentation. By end of the first year, the West Central Partnership would like to standardize a region-wide response to suicide prevention. She intends to provide an update on this issue during the next meeting.

**ADJOURN:** Chairperson Swenson adjourned the Gunnison County Board of Health meeting at 11:23 am.

**NORTH FORK OIL AND GAS LEASE SALE; TELECONFERENCE WITH BUREAU OF LAND MANAGEMENT (BLM) UNCOMPAGRE FIELD MANAGER BARB SHARROW:** County Attorney Baumgarten was present for discussion. BLM Uncompahgre Field Manager Barb Sharrow; BLM Colorado State Director Helen Hankins, BLM Colorado Deputy State Director for Energy, Lands and Minerals Lonny Bagley; BLM Southwest District Public Affairs Specialist Shannon Borders; BLM Southwest District Manager Lori Armstrong; BLM Colorado Communications Director Steven Hall were available for discussion via telephone.

Ms. Sharrow confirmed receipt of the County's formal comments. She also stated that the BLM has not yet made any decisions on this issue, and that her group wants to give councils a last chance to provide

input before the decision is made. County Attorney Baumgarten asked about the suggestion that the County raised at the end of the formal comments that were previously submitted relating to the possible collaborative identification of particularly fruitful parcels or opportunities to extract from different pools being put up for lease, which he feels may help to eliminate some of the protests, uncertainty and time involved in the process. He also asked about underground extraction from alternate parcels that aren't objectionable, even if it required a change in the rules or leases. Mr. Bagley stated that the BLM would weigh surface impacts for an individual parcel, and that there are opportunities to consider alternatives such as directional drilling. He also stated that the BLM won't disclose the parcel nominators until after the lease sale. Chairperson Swenson clarified that the County would like to see appropriate parcels identified and vetted through collaboration between the County and BLM prior to the parcels being available for nomination.

Commissioner Chamberland asked if an operation would need to happen in an area where there is a continual lease if the opportunity exists to access leases without surface disturbance. He noted that some areas of the North Fork Valley are topographically difficult, and wondered how that might be facilitated and what the distance limit would be for directional drilling.

Ms. Hankins explained that the BLM's former process was that the BLM, at the regional level, would go through a land use planning process to identify areas for potential oil and gas leasing, along with areas that potentially would not be available. The current administration takes an extra step between the existing land use plan and getting an application for permit to drill; that new step being an opportunity for additional public input via evaluation of the nominated parcels for any extra analysis that may be warranted.

Mr. Bagley stated his belief that the longest horizontal drill is currently approximately 13,000 feet, and that the technology for greater distances is not yet available. Ms. Hankins stated that directional drilling is not allowed through a parcel that isn't also leased, and Mr. Bagley clarified that this might be possible through a right-of-way action.

Commissioner Chamberland noted that, once a resource has been drilled into, the resource migrates. Mr. Bagley stated that a protective well would be utilized to ensure that an adjacent parcel is not negatively affected.

Ms. Sharrow stated that the draft decision document should be issues somewhere in the April through June timeframe, with a 90-day comment period to follow, and that she will be available to meet with the Board at any time to discuss the details. She also noted that the 2/14/13 sale has prompted 150 protests, and that the BLM will be sorting through the protests to request additional comments as necessary.

The Board thanked the BLM representatives for the time and thought that has been put into this process, and for paying attention to the concerns expressed by the industry and governments.

#### **UNSCHEDULED CITIZENS:**

1. Warren Wilcox; Possible Gunnison Sage-grouse Listing. Mr. Wilcox stated that lots of other areas have not gone to the level of effort that Gunnison County has to prevent the potential listing, and he stated that it is unreasonable that the County is being thrown into the same pool and penalized for the poor behavior of other counties. He would like to see a division of the realities of those working toward a goal and those not paying attention at all.
2. Rich Karas; Inner Buffer. Mr. Karas stated that the County agreed to evaluate the inner buffer issue during the adoption proceedings of the local oil and gas regulations. He asked for an update on the County's progress, and the Board agreed to look into the issue.

#### **COMMISSIONER ITEMS:**

##### **Commissioner Houck:**

1. Boards and Commissions. Commissioner Houck asked how the County can best articulate the expectations, such as expected attendance and preparation, for boards and commissions members. Commissioner Swenson stated that most applicants have researched the requirements of the board or commission that they apply to, and that the Board asks the applicants if they have any further questions during the interview process. County Manager Birnie noted that the Planning Commission also has a handbook. Mr. Wilcox stated that information relative to the time requirements can be found on the County's website.

##### **Commissioner Chamberland:**

1. Health and Human Services Meeting. Commissioner Chamberland attended this recent biannual meeting, during which suicide prevention was discussed. He informed the group that Commissioner Houck would be attending future meetings. He will forward the meeting minutes to the Board after they have been approved.

**Chairperson Swenson:**

1. Tourism Association Update. Chairperson Swenson informed the Board that the TA is accepting nominations for new board members to fill the seven existing vacancies. By 2/15/13, people can either be nominated by a Chamber of Commerce member, or they can nominate themselves.
2. Gunnison Valley Regional Housing Authority Update. The GVRHA has had its second meeting with Executive Director Karl Fulmer. The group is now working on a standardized deed restriction process and a modification of the guidelines. The Gunnison Home Association (GHA) requested time on a GVRHA agenda to discuss the possibility of removing some housing restrictions, so the GVRHA referred them to the County. County Manager Birnie reminded the Board that the GHA had requested the use of age-based requirements instead of income-based requirements in the Rock Creek Subdivision, which the Board was generally supportive of at the time, and that prohibitive issues have been identified in the declarations and covenants. The County Attorney’s Office has been working to clear up those issues for the past year. Chairperson Swenson stated that the County will also need to evaluate whether or not an age-based development is needed in the community. County Manager Birnie suggested a market analysis approach to the GHA.
3. Gunnison Valley Rural Transportation Authority Meeting. Chairperson Swenson and Commissioner Chamberland attended an RTA meeting last Friday. During the meeting, the recent airport closure was discussed. Airport Director John DeVore was present for the discussion, and he answered the questions that were posed. The RTA is beginning discussions about next fall’s air travel, and an advisory group will be brought in to start evaluating the increased demand in the community.

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

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Paula Swenson, Chairperson

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Phil Chamberland, Vice-Chairperson

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Jonathan Houck, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2013-01**

**A RESOLUTION DIRECTING THE GUNNISON COUNTY TREASURER TO DISTRIBUTE SPECIFIC OWNERSHIP TAX MONIES AMONG VARIOUS COUNTY FUNDS**

WHEREAS, Gunnison County has or will receive during fiscal 2013 certain monies derived from the payment, pursuant to C.R.S. (1973) 42-3-107, of specific ownership taxes; and  
WHEREAS, the impact of this Resolution will only affect the distribution of funds to the Gunnison County General Fund and the Gunnison County Road and Bridge Fund; and  
WHEREAS, after apportionment pursuant to C.R.S. (1973) 42-3-107, such monies have traditionally been divided between the General Fund and the Road and Bridge fund of Gunnison County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that, effective immediately from the date this Resolution is passed by such Board, that the Treasurer of Gunnison County shall distribute and deposit such monies as Gunnison County receives after apportionment from such specific ownership taxes pursuant to C.R.S. (1973) 42-3-107 as follows: to the Gunnison County General Fund sixty-five percent (65%); to the Gunnison County Road and Bridge Fund thirty-five percent (35%). The effective date of this Resolution shall be retroactive to January 1, 2013 and shall be valid for each year subsequent to the passage of this resolution until repealed or amended by this Board.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 22<sup>nd</sup> day of January, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2013-02**

**A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS  
OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS**

WHEREAS, Colorado Revised Statute 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund “unless such investment is made from specific funds allocated for a definite purpose and so maintained”; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board has previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado:

1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

Reserve Accounts within the General Fund:  
 General – Water Resources  
 General – Workforce Impact Fees  
 General – Building Construction  
 General – Courthouse Renovation  
 Road and Bridge Fund  
 Conservation Trust Fund  
 Airport Operations Fund  
 Reserve Account within the Airport Operations Fund:  
 Airport – Terminal Construction  
 Sales Tax Fund  
 Land Preservation Fund  
 Risk Management Fund  
 Airport Construction Fund  
 Capital Expenditures Fund  
 Gunnison County Sewer  
 Reserve Account within the Sewer Fund:  
 Sewer – Restricted  
 Gunnison County Water  
 Solid Waste Fund – Operations  
 Reserve Accounts within the Solid Waste Fund:  
 Solid Waste - Landfill Closure  
 Solid Waste – Landfill Construction  
 Gunnison Housing Authority Fund  
 Reserve Accounts within the Housing Authority Fund:  
 Senior Housing – Operations  
 Senior Housing – Deposits  
 Gunnison Valley Regional Housing Authority  
 Internal Service Fund I  
 Internal Service Fund II  
 Internal Service Fund III, Health Insurance Trust  
 Reserve Account within the Health Insurance Trust Fund  
 Health Insurance Claims  
 Gunnison River Valley Local Marketing District  
 Gunnison Valley Transportation Authority

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.

3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 2012-06, Series 2012 is hereby canceled as of January 1, 2013 and the provisions of this resolution shall supersede the previous resolutions.

4. The effective date of this resolution shall be January 1, 2013.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 22<sup>nd</sup> day of January, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.