# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**
Draft Regular Meeting Minutes; 10/15/13

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**
See attached minutes.

**Fiscal Impact:** None.

**Submitted by:** Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reviewed by: GUNCOUNTY1\MBIRNIE Discharge Date: 10/29/2013

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 11/5/2013 Follow Up Agenda Date:

*Revised April 2013*

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS**
**REGULAR MEETING MINUTES**
**October 15, 2013**

The October 15, 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 9:02 am.

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

**CONSENT AGENDA:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda as presented. Motion carried unanimously.

1. Limited Letter of Agency; ADVODA Communications, Inc.
2. Ratification of County Manager's signature; Authorization to Hold Wine-Tasting Fundraiser; Gunnison County Library District; Ann Zugelder Library; 11/6/13
3. Acknowledgment of County Manager Signature; Comedy Works Entertainment Engagement Agreement; Chris Voth; Gunnison County Holiday Party Entertainment; 12/13/13; $1,500 plus Lodging
4. New Account Application with Shamrock Foods Company for the Detention Facility
5. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract; 7/1/2013 - 6/30/2014; $47,000
6. HIPPA Business Associate Addendum for the Family Advocacy Support Team; 10/1/2013 – 9/30/2014
7. Acknowledgment of County Manager's Signature on Agreement with Bear Controls, 10/11/13/12/31/13; $10,603
8. Software Sales Order with Peak Performance Imaging Solutions; Licensing for Additional Users for the Laserfiche Agenda Workflow; $22,740.75
9. Reclamation Agreement for Gunnison River Embankment; James McMurry and Gene Mason, Cement Creek Contractors; 10/15/13

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

1. Western State College University Advisory Council Meeting. Commissioners Chamberland and Swenson plan to attend this meeting.

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

1. Western State Colorado University (WSCU) Strategic Planning. County Manager Birnie stated that he had been contacted by WSCU and informed about upcoming objectives. He will forward the information to the Board.
2. Courthouse Project Update; Authorization to Execute Construction Manager / General Contractor (CM/GC) Contracts. County Manager Birnie informed the Board that GE Johnson has been identified as the first choice by the review committee, and that Okland had been selected as the second choice. The final contracts will be fee-based with a guaranteed maximum price. Due to the DOLA granting process, what would normally be managed via one contract will need to be split into three separate contracts because the County cannot be under contract for construction before receiving DOLA grant funds. The maximum amount that the County can receive from DOLA is $1,000,000. All CM/GC proposals were good, and the decision was a difficult one. GE Johnson has excellent pre-construction services, and the County has a good working history with the firm. GE Johnson is confident that the facility can be built to fit the County's $12,750,000 budget without having to make any major changes to the preliminary design. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Manager to execute the contracts with the Construction Manager / General Contractor for the Courthouse Project. County Manager Birnie noted that design elements may need to be either pulled out of the project or deferred if the County doesn't receive a substantial amount of grant funding from DOLA, but he hopes that the project won't need to be suspended. He believes that the County should be prepared to either alter the design or borrow more money for the project.

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

1. Snowplowing Agreements; Town of Marble and Montrose County. Deputy County Manager Crosby explained that the County normally plows certain streets in Marble to the school, along with some of the main routes. During previous years, Marble has paid for the necessary fuel. Relative to the contract with Montrose County, we have customarily paid up to $5,000 for plowing assistance. She confirmed that County Attorney David Baumgarten had reviewed both contracts before she send

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them to the entities. Approval and execution of these contracts will be placed on the 10/22/13 agenda.

2. Landfill Inspection. Deputy County Manager Crosby informed the Board that the State inspected the landfill on 9/9/13, and the inspection report that she received on 10/11/13 outlined deficiencies. She will work to correct an issue with insufficient spray cover, though a deficiency related to wind-blown trash may not be something that can improve due to the local landscape. The report required the placement of additional soil cover and the removal of windblown trash from the fence line by 9/25/13, which was prior to receiving the report. There will be no sanctions against the County. The landfill will be inspected annually, and the County will pay the associated costs.
3. Taylor River Road Project Update. Deputy County Manager Crosby informed the Board that pavement had been placed and that both lanes have at least one lift of asphalt. The next step, among others, will be to add the asphalt to the second lane. The final inspection is slated to occur on 10/24/13.

**CORRESPONDENCE:**

1. HR 3189, Water Rights Protection Act. County Attorney Baumgarten will craft a response for consideration during the 10/22/13 meeting, and the Board was supportive of that approach.
2. Request for Funding; Boomers & Beyond. Chairperson Swenson's draft correspondence was discussed and agreed upon. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the letter for signature to Boomers & Beyond as a response to their request for funding. Motion carried unanimously.

**COLORADO WATER PLAN RESOLUTION; A RESOLUTION ENDORSING THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN; DISCUSSION AND ADOPTION:** County Attorney Baumgarten explained that the Governor would like for the plan to principle-based without addressing any specific projects. That being so, County Attorney Baumgarten feels that it would make sense for local governments to provide input on what those principles should be. He explained that the Gunnison Basin Roundtable had not endorsed the document, as he believes that the Roundtable is writing its own principles that will be more data-driven. According to County Attorney Baumgarten, Rufus Wilderson does not believe that the two approaches will be mutually exclusive. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2013-22, a Resolution Endorsing the West Slope Principles for the Colorado Water Plan. Motion carried unanimously.

**BREAK:** The meeting recessed from 9:53 until 9:58 am for a short break.

**CRESTED BUTTE FIRE PROTECTION DISTRICT; RIVERLAND INDUSTRIAL PARK UPDATE:** Community Development Director Russ Forrest, County Attorney Baumgarten, and Riverland Industrial Park representatives Danny D'Aquilla and John Nichols were present for discussion.

CD Director Forrest explained that he had located fire engineers to assist with finding a solution to this issue. He shared the resulting proposal with both the Riverland Industrial Park and the CB Fire Protection District, but neither entity appears to be willing to help fund a study.

Mr. D'Aquilla explained that Riverland has approximately $20,000 to spend on fire-flow issues, but would prefer that none of the fire hydrants be decommissioned. They acknowledge that there is a problem that needs to be fixed, but they are hesitant to expend all of their funds just to identify the issue since the eventual correction could be quite costly.

County Manager Birnie noted that the Fire District's direct mill levy should be sufficient to cover these types of issues. The Board discussed the option of possibly having to pull back authority from the District in order to resolve this issue. Commissioner Chamberland stated his support of funding the study in order to determine proper mitigation methods that would allow the remaining six lots in the subdivision to avoid the current burden. Commissioner Houck stated his support of the expenditure, although he said that he struggles with spending money to do what another entity is responsible for.

The Board agreed to allow CD Director Forrest to draft correspondence to the District that identifies all of the different potential outcomes. County Manager Birnie cautioned the Board about the appearance of making fire variance decisions since that is the responsibility of the District. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to proceed with the low bid to try to find a resolution that will allow the remaining properties of Riverland Industrial Park to be built on without compromising fire safety, and direct the County Manager to determine which line item will be used to pay the associated fee, and direct staff to send a letter to the Crested Butte Fire Protection District indicating the County's plans and the potential outcomes. Motion carried unanimously.

**APPLICATION TO CONVERT THE HAISLEY CONDOMINIUMS BUILDING INTO A TOWNHOME; FLOYD TOWNHOMES; LOT 10, BLOCK 19; CRESTED BUTTE SOUTH – THIRD FILING:** Planner Cathie Pagano and County Attorney Baumgarten were present for discussion.

Planner Pagano confirmed that there were no lienholders for the property. She also explained that the condominium would become a townhome, if approved, so that it would be easier to sell. **Moved** by



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Commissioner Houck, seconded by Commissioner Chamberland to convert the Haisley Condominiums to the Floyd Townhomes. Motion carried unanimously.

**BREAK:** The meeting recessed from 10:25 until 10:55 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes), and then again from 10:55 until 11:00 am for a short break before Chairperson Swenson reconvened the Board of County Commissioners meeting.

**GUNNISON VALLEY ANIMAL WELFARE LEAGUE (GVAWL) AGREEMENT:** GVAWL President Lora VanRenselaar and GVAWL representatives Deb Callihan and Sandy Guerrieri were present for discussion.

The draft contract was discussed. Chairperson Swenson noted that, since the 2014 budget hasn't been adopted yet, the County cannot specify any sum other than "up to $6,000" for operational costs. Ms. VanRenselaar informed the Board that GVAWL is applying for grants this year that they weren't capable of applying for in years past. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the agreement for the Gunnison Valley animal shelter, as presented to us with the amendment of up to $6,000 in the appropriate section. Motion carried unanimously.

**SECOND SET OF COMMENTS BY THE BOARD OF COUNTY COMMISSIONERS TO THE US FISH AND WILDLIFE SERVICE REGARDING THE GUNNISON SAGE-GROUSE:** County Attorney Baumgarten, CD Director Forrest and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

County Attorney Baumgarten stated that a draft was sent to the Board and the County coalition last week, and that the structure, content and thought process remained the same in the refined draft. The final draft would be available to the Board later in the day. He stated that the public comment period would likely be extended and the public hearing will be rescheduled. The comments will be emailed and sent via overnight mail on 10/19/13. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to send the second set of comments by the Board of County Commissioners to the US Fish and Wildlife Service this coming Friday, as will be amended. Motion carried unanimously.

**2014 GUNNISON COUNTY BUDGET; STAFF-PROPOSED BUDGET PRESENTATION:** Finance Director Linda Nienhueser and Assistant Finance Director Ben Cowan were present for discussion.

Finance Director Nienhueser explained that the 31% increase in the budget was mainly due to the courthouse project, and that operational expenses haven't increased much. The staff-proposed budget took into account the 16.7% decrease in property valuations this year, a 2.75% increase in mill levy, a 2% cost of living allowance for employees, and a 7.5% increase in health insurance costs. She predicted flat revenue on sales tax for the remaining months of this year and 2014, which she will adjust since sales tax is up 6% for the month as of this morning. *(The discussed presentations are available on the County's website at http://www.GunnisonCounty.org/Budget.)*

Assistant Finance Director Cowan explained that all utility rates were proposed to remain the same as in 2013, with the exception of the North Gunnison (2.5% increase), Somerset (3% increase) and landfill (2.5% increase).

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

**ADJOURN:** **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:58 am.

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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:

_____
Katherine Haase, Deputy County Clerk

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Attest:

_____
Stella Dominguez, County Clerk

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO**
**RESOLUTION NO. 2013-22**

A RESOLUTION ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

WHEREAS, the Governor of the State of Colorado issued executive order D 2013-005, "Directing the Colorado Water Conservation Board to Commence Work on the Colorado Water Plan" in May, 2013; and

WHEREAS, according to the executive order, "Colorado's water policy must reflect its water values," including a "productive economy," efficient water infrastructure "promoting smart land use," and a "strong environment that includes healthy watersheds, rivers and streams, and wildlife;" and

WHEREAS, the west slope headwaters are the source of much of the water supply for the front range as well as an epicenter of Colorado's recreation economy and wildlife resources; and

WHEREAS, local governments, water districts, watershed groups, basin roundtables and other west slope water leaders have a deep understanding of the relationship between water resource development and the healthy watersheds, rivers and streams, and wildlife; and

WHEREAS, west slope organizations have been engaged in land use and water planning both locally and with Front Range water interests for many years and desire that this experience inform the Colorado Water Plan process; and

WHEREAS, the Board of County Commissioners of Gunnison County intends to participate and assist in the process of development of a Colorado Water Plan; and

WHEREAS, a fundamental cornerstone of a Colorado Water Plan should be identification of principles that inform such a plan; and

WHEREAS, the "West Slope Principles For The Colorado Water Plan (attached to and incorporated in this Resolution) are an appropriate statement of the policy and purpose that the Board of County Commissioners of Gunnison County suggest should inform a Colorado Water Plan.

NOW, THEREFORE, BE IT RESOLVED by Gunnison County that the WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN are hereby endorsed.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 15th day of October, 2013.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

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