# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**
Draft Regular Meeting Minutes; 9/17/13

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

**Parties to the Agreement:**

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

**Summary:**
Draft Meeting Minutes; 9/17/2013

**Fiscal Impact:** n/a

**Submitted by:** blucero@gunnisoncounty.org **Submitter's Email Address:** blucero@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: 10/30/2013

○ 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**
**September 17, 2013**

The September 17, 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, Commissioner
Jonathan Houck, Commissioner

County Manager Matthew Birnie
Bobbie Lucero, Deputy Clerk to the Board
Others Present as Listed in Text

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:**

**CALL TO ORDER:** Chairperson Swenson called the Gunnison County Board of County Commissioner's meeting to order at 8:30 am.

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

**MINUTES APPROVAL:** **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the 6/18/13, 7/2/13, and 9/10/13 meeting minutes. Motion carried unanimously. **Moved** by Commissioner Houck and seconded by Chairperson Swenson to approve the 8/20/13 meeting minutes. Commissioner Chamberland abstained from the vote because he was absent from the meeting. Motion carried.

**CONSENT AGENDA:** **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Consent Agenda, excluding item 9. Motion carried.

1. Acknowledgment of County Manager Signature; Waste Transportation and Disposal Agreement; Clean Harbors Environmental Services; Annual BOPA Recycling Event; 9/3/13 thru 11/30/13; $16,974.35
2. Business Lease; RV Commercial Rentals, LLC; 725 South 10th Street, Unit B, Gunnison, CO 81230; 10/1/13 thru 9/30/14; $7,929
3. Plat Correction; Lot 3, Darien River Subdivision; Larry and Dana Darien
4. Letter of Appreciation; University of Colorado School of Dental Medicine Dental Van; 2013 Community Dental Services
5. Core Services Program; SFY 2013-2014, 2014-2015, 2015-2016 for Gunnison/Hinsdale Counties
6. Grant Application; Bureau of Land Management; Noxious Weed Control; $50,000
7. Professional Services Agreement; Heather Peterson; Services to the Office of Juvenile Services Regarding Assessment, Service Planning, Case Management and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services; 9/17/13 thru 9/30/14
8. Intergovernmental Agreement between the Town of Marble and the County of Gunnison Allowing and Obligating the Town of Marble to Permit and Regulate a Certain ISDS Partially Located in Town of Marble and in Unincorporated Gunnison County
9. **Pulled for Discussion and Separate Action:** Memorandum of Agreement between the Board of County Commissioners of the County of Gunnison, Colorado and the West Region Wildfire Council Regarding USDA Rural Secure Schools and Community Self-determination Act, Award No., Title III Funds Associated with Wildfire Mitigation Activities in Gunnison County, Colorado
10. Acknowledgment of Chairperson Signature; Antelope Hills Water Division Project; Taxable Water Revenue Bond, Series 2013; $1,154,230
11. Acknowledgment of County Manager Signature; United States Department of Agriculture Assurance Agreement
12. Acknowledgment of County Manager Signature; United Stated Department of Agriculture Equal Opportunity Agreement

**Consent Agenda Item #9:** Finance Director Linda Nienhueser was present for the discussion and opined that this needs to be pulled and discussed and decided on at a later date. There was discussion that the deadline for submittal is 9/30/13. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to place this item on the 9/24/13 agenda for a 30 minute discussion and shorten the marijuana discussion to an hour and a half.

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

**COUNTY MANAGER'S REPORT:** There were no items for the County Manager to report.

1. International City/County Management Association (ICMA) Conference. County Manager Birnie informed the board that he will attend the ICMA Conference next week and will return on Friday to the office. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve County Manager Birnie to attend the ICMA Conference. Motion carried unanimously.
2. Courthouse Project Update. County Manager Birnie informed the Board that he has received 11 qualified submissions for the Construction Manager position for the Courthouse Project. He

informed that they are interviewing four of the 11 qualified applicants. He reported that the applicants will provide cost models on the building's design. He reported that the architect, Roth Sheppard, is proposing four additional designs for the building to provide different cost models for different perspectives. He reported that the Division of Local Affairs (DOLA) grant financing decision has been pushed back to December. He reported that the DOLA grant is more crucial to the project now after hearing about the oil and gas tax revenue decrease. He reported that the finance hearings will be in Trinidad from 12/12-12/15. County Manager informed the board that he is was concerned about moving the financing into December, but there may be a better market in December. He informed the Board that the architects would like to move the 9/25/13 public meeting, he is meeting with the architects today at 10 am.

**Correspondence:**

1. Joint Meeting Request; Town of Marble Board of Trustees. Commissioner Chamberland informed the Board that he will know more about getting broadband to Marble within the next few weeks. The previous project fell through because they didn't have all the required pieces in line. He informed the Board that the Town of Marble is asking if the County will participate in helping with the $34,000. The Board instructed County Manager Birnie to speak with the Town of Marble and have them submit a plan and, once they have this information, schedule a Work Session for them to discuss these items. The Board asked County Manager Birnie to also ask who the players are and who will be at the meeting.

2. Planning Commission Vacancy; Appointment of Alternate Member to Regular Member. Community Development Director Russ Forrest and Assistant Community Development Director Neal Starkebaum were present for the discussion. The board directed staff to send a thank you letter to Jim Seitz for his service on the Planning Commission. The Board discussed which already existing alternate members on the Planning Commission could move to a regular member, to fill Mr. Seitz's vacancy. Assistant Community Development Director Starkebaum informed the board that it is difficult to have quorums, and they would prefer to have a full Planning Commission year round. The board discussed not advertising because the annual Boards and Commissions process will be advertised in a few months. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to appoint Jeremy Rubingh to a regular seat on the Planning Commission and he will fulfill Mr. Seitz's remaining term. Motion carried unanimously.

3. Book Order; "Good Strategy Bad Strategy. The Difference and Why It Matters". The board discussed that the group working on Economic Development recommended that the Board purchase these books. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the expenditure and purchase these books. Motion carried unanimously.

**BREAK:** The meeting recessed at 9:08 am to call to order as the Local Marketing District.

**GUNNISON VALLEY LOCAL MARKETING DISTRICT (LMD); FUNDING REQUEST; GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION; SPECIAL VACATION PLANNER INSERT IN THE 2014 OFFICIAL COLORADO VACATION GUIDE:** Tourism Association Director Pamela Loughman and President of the Tourism Association Board Jim McDonald were present for the discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 9:08 am.

TA Director Loughman informed that the Colorado State Tourism office is the number one referral partner for the TA. She informed that the Colorado State Tourism office produces an annual Official State Vacation Guide and the TA has a full page ad, with six partners, to gain full exposure. She explained that the people who receive this planner are already exposed to it because they advertise in it. She informed that they are looking into ways to cut the clutter and create a preference for this destination. She proposed creating an eight-page mini vacation planner piece that would be a small pull-out piece in the guide. She demonstrated the mini vacation planner that would be inserted into the guide. She informed the insert is a one-of-a-kind piece that she pitched to the guide creator. She informed the Board that the 400,000 guides that are printed would contain this mini vacation planner. The cost has been negotiated at $96,000, which also includes the full-page ad. She informed that they budgeted $100,000 for printing and that she doesn't want to jeopardize other programs that are running well. She informed the Board that she is attempting to secure matching sources, and she applied for a state grant up to $25,000. She informed the Board that the Gunnison City Council has approved up to $8,330, yet there is no contract at this time. She reported that she also applied for a grant through the Town of Mt. Crested Butte, through their individual grants process. The Town of Crested Butte has heard the initial concept, and will consider the concept, but are waiting for the determination from the LMD.

The Board discussed the possibility of funding and that the TA is requesting $8,330 from all four municipalities and $25,000 from the LMD. There was discussion that this is a good project and, if it works, it should bring in more revenue to the Gunnison Basin. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the request from the TA to spend additional LMD funds up to $25,000 for the special mini vacation planner insert in the 2014 Official Colorado Vacation Guide project that was presented today. Motion carried unanimously.

**ADJOURN: Moved** by Commissioner Chamberland and seconded by Commissioner Houck to adjourn the LMD. Motion carried unanimously. The LMD adjourned at 9:27 am.

**RECONVENE:** The Board of County Commissioners reconvened at 9:27 am, and then took a short break from 9:27 until 9:31 am.

**CRESTED BUTTE FIRE PROTECTION DISTRICT; RIVERLAND INDUSTRIAL PARK UPDATE:** Community Development Director Russ Forrest, Assistant Community Development Director Neal Starkebaum and County Attorney David Baumgarten were present for the discussion.

County Attorney Baumgarten requested that the Board go into executive session regarding legal issues about this topic. He informed that the participants in the executive session will be CD Director Forrest, Assistant CD Director Starkebaum, the Commissioners, County Manager Birnie and himself. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to go into executive session, where there will be no recording kept because it will be attorney client privilege. The Board anticipated a seven-minute executive session. Motion carried unanimously.

The board went into executive session at 9:33 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)(b).*

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 10:00 am. Chairperson Swenson 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.

The Board asked that the Community Development Department staff and the County Attorney's Office to continue to work to find a solution to allow the six existing lots in Riverland and suggest they peruse some assistance in assessing any risks that would be involved and help to find any mitigation, if needed. Commissioner Chamberland asked that they do this as a high priority since it has been on the table for almost two years. Commissioner Houck and Chairperson Swenson agreed.

**BREAK:** The Board took a break from 10:02 until 10:21 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes), and then took a short break from 10:21 until 10:31 am.

**GUNNISON COUNTY BOARD OF HEALTH:** Chairperson Swenson called to order the Gunnison County Board of Health at 10:31 am. Public Health Director Carol Worrall, Montrose County Environment Health Manager Jim Austin and Medical Health Officer Dr. John Tarr were present for the discussion. The Board introduced themselves to Environment Health Manager Austin.

1. Influenza Update; Mass Flu Clinic, 10/9/13. PH Director Worrall updated the Board regarding the Mass Flu Clinic, which will be on 10/09/13 in the afternoon from 2-6 pm. She reported that they will be providing the drive-thru flu shots, yet if anyone would like Public Health to bill their insurance they must come inside, since insurance billing cannot be done through the drive-thru.
2. Staffing Updates. PH Director Worrall reported to the Board that every grant and every program has been hit hard. The WIC program has five hours less service time. She reported that travel has

also been cut. She reported that Multicultural Resources is operating at 50%, and if funding doesn't come through, Ellen Pederson will be cut down to 14 hours a week. She reported that Family Planning was reduced by $30,000. Commissioner Chamberland suggested that PH Director Worrall contact Tough Enough to Wear Pink with possible assistance in funding with cancer screenings. Dr. Tarr reported that they have been inconsistent with sponsorship in the past. Chamberland offered to help with the discussion, if needed.

3. SB 13-255 Child Fatality Prevention Review Team. PH Director Worrall reported that this team has been put into law and requires the local Public Health office to have this team in place by 12/2014. She reported that this team can either be regional or local, and that the team she is creating will be regional. The team requires a minimum of seven people. PH Director Worrall informed that they are working out the details and the County will receive $1,000 for funding this team.
4. Environmental Health Contract with Montrose County. The Board reviewed the contract that was signed by the Board last year. PH Director Worrall reported that they have been reviewing the fees, and that is why she included the contract for review. Environment Health Manager Austin informed the Board that back in May he reviewed the Environmental Health fees and he performed an internal review. He reported that Montrose County has not formalized charging fees, and it has not been done formally to restaurants and businesses.

   Environment Health Manager Austin explained a public nuisance is anything considered as junk, weed, vehicles, or unpleasant conditions that will start affecting the public. The board discussed that there have been previous discussions about a nuisance ordinance but one has never been enacted for Gunnison County. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to adopt the amendments to the Environmental Health contract with Montrose County and adopt appendices presented today. Motion carried unanimously.

   Environment Health Manager Austin informed the board about his inspection process. He reported that the local food and farmers market is a huge issue. He explained that the State is attempting to have statewide guideline for non-traditional food markets, he informed that Eric McPhail does a lot of this over at the Colorado State University Extension Office. He informed that restaurants can use onions, tomatoes and produce from their back yards, as long as it is full whole produce. There was discussion about the raw milk outbreak. PH Director Worrall provided a list of recent investigations.

   Environment Health Manager Austin reported that there has been some recent plague training and PH Director Worrall attended the hands on training. He also reported that there was a recent radon investigation. He informed that EPA money is being passed into the State for radon education.

   Environment Health Manager Austin reported about training on cottage foods with regard to basic food handling. There was a discussion about the recent Hepatitis A issue. Of the 158 people who actually got Hepatitis A, only 28 were in Colorado and two people in Gunnison County were informed that they purchased the berries and came in to get the vaccine. **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to adjourn the Board of Health meeting. The meeting adjourned at 11:04 am.

**PETITIONS FOR ABATEMENT OR REFUND OF TAXES; NUMEROUS PROPERTIES IN RESERVE METRO DISTRICT #2; POSSIBLE EXECUTIVE SESSION:** Law Firm of Seter and Vander Wall representative Elizabeth Dower (via phone), Kim Seter (via phone), Jen Washchalk (via phone), County Assessor Kristy McFarland, Senior Assessment Analyst William Spicer, Deputy County Attorney Art Trezise, County Attorney David Baumgarten and Attorney Marcus Lock were present for the discussion.

Deputy County Attorney Trezise informed the Board that they may not need the executive session. Several of the petitions are from Seter, Vander Wall and LSC Southwest Colorado, LLC. He informed that Gunnison County is tied in litigation regarding the issue about the three mill levies and the dispute between Reserve Metro District 1 and Reserve Metro District 2. He reported that he was hoping to have an answer by today's meeting, but he has not heard anything. Gunnison County has been named in the lawsuit, and is a party to the litigation. He reported that funds have been set aside, pending the ruling of whether the mill is legal or not. He informed that making a decision may go beyond the scope of what they are allowed to do, based on the circumstances of the litigation and since they have not received a court order. Attorney Lock opined that the presentation given by Deputy County Attorney was excellent.

Ms. Dower reported that the Board of Directors of the Reserve Metro District approved to surpass the cap of 52.676 mills and levied three additional mills for operating expenses. She opined that the additional three mills are not legal because they violate the consolidated service plan by exceeding the mill levy plan and the authority of the district.

Deputy County Attorney Trezise opined that Ms. Dower is raising the question of if the Board of the Special District should have done what they did, which goes above the duties of the Commissioners when they are certifying the mill. There was discussion that as soon as Gunnison County heard about this situation they set aside the funds, pending the determination of the courts. There was discussion that the reason there

is an abatement meeting today is because when an abatement is submitted it must be heard before the board within six months.

Attorney Lock reported that the argument that Ms. Dower brought forth are largely the arguments that are pending before the courts, and ruling is anticipated in the next few months. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to deny the petitions for abatements that were presented today. Motion carried unanimously.

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

**COMMISSIONER ITEMS:**

**Commissioner Houck:**

1. Gunnison Trials. Commissioner Houck informed the Board that Gunnison Trails wants to apply for grant funding for some trail master planning in the Signal Peak area. Chairperson Swenson informed that she sent an email to County Manager Birnie to draft a letter.
2. Thank You Letter. The Board directed staff to write a thank you letter to Emergency Manager Scott Morrill for representing Gunnison County so well during the Colorado flooding in the Boulder County Emergency Operation Center.

**Commissioner Chamberland:**

1. John Whitney. Commissioner Chamberland informed the board that he was meeting with John Whitney in the Ohio Pass area to discuss wilderness management areas.

**Chairperson Swenson:**

1. Amendment 64; Marijuana. Chairperson Swenson reported that the Town of Crested Butte held their marijuana discussion and eventually will not have marijuana on Elk Ave. Crested Butte will expand where marijuana will be allowed to grow in Crested Butte, it will be expanded about two blocks over by Gas Café. There was discussion that the current medical marijuana establishments will be going for dual licensing. There was discussion on how many retail and medical marijuana establishments will be allowed in the Town of Crested Butte. She reported that there was a large discussion if these businesses are appropriate for not enticing children to use it marijuana. She reported that there was a packed house on both sides for the conversations during the town meeting.
2. Town of Crested Butte Housing Project. Chairperson Swenson reported that the Town of Crested Butte voted to move forward with the Housing Project.
3. East River Valley Trespassing. Chairperson Swenson informed the Board that Bill Trampe is concerned with the trespassing on the East River Valley and has asked her to facilitate in a meeting with the US Forest Service. She informed that she is working on organizing this meeting in the next few weeks.

**ADJOURN:** **Moved** by Chairperson Swenson and seconded by Commissioner Houck to adjourn the September 17, 2013 meeting. Motion carried unanimously. The meeting adjourned at 11:32 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Bobbie Lucero, Deputy County Clerk

Attest:

_____
Stella Dominguez, County Clerk