AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft March 18, 2014 BOCC Meeting Minutes

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Attached are the minutes.

Fiscal Impact: None

Submitted by: Bobbie Lucero **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\khaase Discharge Date: 4/11/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 4/15/2014 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 18, 2014

The March 18, 2014 meeting was held in the Planning Commissioners' boardroom in the Blackstock Government Center located at 221 N. Wisconsin Street, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Bobbie Lucero, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:30 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the 3/4/14 minutes. Motion carried unanimously. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the 2/18/14 minutes with amendments discussed. Chairperson Swenson abstained from the motion because she was absent. Motion carried.

CONSENT AGENDA: Chairperson Swenson requested that Consent Agenda Item #10 be pulled and requested that County Manager Birnie get more information on this item from the Sheriff's Office before bringing it back to the Board for approval. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Consent Agenda, except for Consent Agenda Item #10. Motion carried unanimously.

1. Professional Services Agreement; Healthy Smiles Dental Hygiene Care, Inc.; Services for Dental Hygiene Care; 3/1/14 thru 12/31/14
2. KBUT Underwriting Contract; Gunnison and Hinsdale County Early Childhood Council
3. Ratification of Correspondence; Great Outdoors Colorado; Mill Creek Ranch (2014) Conservation Easement
4. Correspondence; Senator Michael Bennet; Rocky Mountain Biological Research and Education Site
5. Ratification of Correspondence; Bureau of Land Management; Livestock Grazing and Drought
6. Region 10 Area Agency on Aging Funding Application; Senior Resources Office; Information and Assistance Program; 7/1/14 thru 6/30/15; $33,000
7. Grant Application; Region 10 Area Agency on Aging; Public Transportation for Gunnison and Crested Butte Area Seniors; 7/1/14 thru 6/30/15; $20,000
8. Professional Services Agreement; Darlene Egelhoff; 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; 3/18/14 thru 3/1/15
9. Intergovernmental Agreement Regarding Undesirable Plant Management; Board of County Commissioners of Gunnison County, the Board of County Commissioners of Saguache County, the Board of County Commissioners of Hinsdale County, the Town of Crested Butte, the Town of Mt. Crested Butte, the City of Gunnison, and the Town of Pitkin; 1/1/14 thru 12/31/15
10. **PULLED FOR DISCUSSION AND SEPARATE ACTION:** Agreement for Pharmaceutical Services; PDC Pharmacy Colorado, Inc.; Inmate Pharmaceutical Services
11. Amendment to Winter Road Maintenance Agreement between Board of County Commissioners of Gunnison County and Town of Mt. Crested Butte; 9/30/13 thru 6/3/14
12. Drug Free Communities Grant Application; Gunnison County Substance Abuse Prevention Project; 9/30/14 thru 9/29/19; $625,000
13. Out-of-State Travel Request; Annual Aircraft Rescue and Fire Fighting Training for Gunnison-Crested Butte Regional Airport Employees; Helena, MT and San Bernardino, CA; $13,423

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Courthouse Renovation Project. County Manager Birnie reported that the contractors are analyzing when it will be safe to resume work on the Courthouse project, due to the partial collapse of the original 1881 structure. He informed that the contractor anticipates that it could take an additional 8-10 weeks to get the project back to where they were before the 1881 structure partially collapsed. He reported that he requested that GE Johnson provide pricing for an alternative approach. Chairperson Swenson asked County Manager Birnie to provide a press release to the public before the Board makes a decision. County Manager Birnie informed the Board that he has not published a press release yet due to the lack of information. He reported that GE Johnson is anticipating that a minimum of 70% of the building will be recycled. He informed that the groundbreaking is tentatively scheduling for 4/8/2014.

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

1. Resolution; Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 also known as Gold Basin Road. Deputy County Manager Crosby reported to the Board that this resolution is for a temporary seasonal road closure for Gold Basin Road. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve Resolution 2014-10: A Resolution Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 also known as Gold Basin Road. Motion carried unanimously.
2. Federal Highway Administration, Federal Lands Highway Agreement; DTFH68-13-E-00049, Modification #001; Cottonwood Pass Scoping; Extension to May 31, 2014. Deputy County Manager Crosby reported that this is an extension of the time to the agreement. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Federal Highway Administration, Federal Lands Highway Agreement Modification #001 as presented. Motion carried unanimously.
3. White River Forest. Deputy County Manager Crosby reported that that she has another modification that was received last Friday, and it needs to be returned in a timely manner. She informed the Board that it is in regards to the work Gunnison County provided at the town site of Schofield. There was discussion that they installed an open bottom arch because White River Forest pulled out a bridge and decided it would be a low-water crossing. She reported that there was $21,000 remaining funds to do additional work. She reported that this modification is setup for County Manager Birnie's signature. The Board approved that County Manager is authorized to sign the document, if he approves, after his review.
4. White Water Park. Deputy County Manager Crosby reported to the Board that the Great Outdoors Colorado (GOCO) grant application has been submitted, but to get the engineering done, there needs to be a survey. She asked them to use a local surveyor that already has all the elevations for the White Water Park. She reported that they did the grant for structure #3. The engineering cannot be done until a survey is finished. She informed that when she spoke with Skip, he commented that they need to be ready to mobilize. She reported that the estimate for the survey is $8,000-$10,000. The Board agreed that Deputy County Manager Crosby should go ahead and get the survey performed. There was discussion that she currently does not have a source for the $8,000-$10,000 for the survey, which will not be reimbursable if they are awarded the GOCO grant.
5. Forest Service Resource Advisory Council. Deputy County Manager Crosby reported to the Board that applications are due on Friday for another round of funding. She reported that Gunnison County is a major contributor to these funds. She informed that there are a few projects leftover from last year that were not eligible for the money. She informed that she has been working with the Delta Forest Service on the Cumberland Pass Road because there is a section of the road that has a structure/bridge that has a very low sufficiency rating. She reported that if you have a low sufficiency rating you can apply for funding. She informed that the Delta Forest Service has performed the engineering for an open bottom arch and is working with its engineering division on details and an application. She requested the Board's permission to pursue this funding. The Board agreed that she should pursue funding.
6. Fuel Budget. Deputy County Manager Crosby reported to the Board that a third of her overtime budget and 12-15% of her fuel budget has been consumed by plowing this winter.

BREAK: The meeting recessed from 9:07 until 9:15 am.

VOUCHERS and TRANSFERS: Finance Director Linda Nienhueser was present for the discussion. Commissioner Houck inquired about the purchase for Colorado Open Lands expense. The Commissioners reviewed the voucher and agreed that they were okay with the transaction. Commissioner Houck inquired about the stipend for the Environmental Health Board meeting on 3/12/14 and one of the stipends is for Town of Crested Butte in the same amount. Finance Director Nienhueser explained that this is for a salary employee that is on the Environmental Health Board and they reimburse him for his time. The Commissioners reviewed the transaction and agreed that it was approvable. Commissioner Chamberland inquired about the transaction to Hinsdale County for $5,000. Finance Director Nienhueser explained that this transaction is regarding a contract with Health and Human Services. **Moved** by Commissioner Houck and seconded by Commissioners Chamberland to approve the vouchers in the amount of $911,925.11. Motion carried unanimously. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the cash transfers for February 2014 in the amount of $2,048,682.50. Motion carried unanimously.

TREASURER'S REPORT: Deputy Treasurer Debbie Dunbar was present for the discussion. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Treasurer's Report for February 2014. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENTS:

1. Two Parcels off of Highway 149; Dawn Delaney and Rose Foli**.** Community Development Assistant Director Neal Starkebaum was present for the discussion. He reported to the Board that this is a very minor boundary line adjustment. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the boundary line adjustment presented today and authorize signatures. Motion carried unanimously.

2. Boundary Line Adjustment; Lime Contact No. 6 and Lime Contact No. 15, Quartz Creek Properties; Terry and Judith Davis. Community Development Assistant Director Starkebaum was present for the discussion. **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to approve the boundary line adjustment for Lime Contact No. 15 and authorize the Chair's signature. Motion carried unanimously.

GRANT AGREEMENT BETWEEN THE STATE OF COLORADO DEPARTMENT OF PUBLIC SAFETY DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND GUNNISON COUNTY; THRU 8/31/14; $29,878.43: Emergency Manager Scott Morrill was present for the discussion. He reported to the Board that in 2011 Gunnison County had a large project with this grant. Emergency Manager Morrill informed the Board that there are only two projects left for this grant. He explained that this is a reimbursement grant, in which Gunnison County will front the money to finish the projects and then get reimbursed by the State. **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to authorize Gunnison County to act as the fiscal agent for the 2011 Homeland Security Grant. Motion carried unanimously.

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

Commissioner Chamberland:

1. State Trails Committee Meeting. Commissioner Chamberland informed the Board that at the State Trails Committee meeting grants were approved. He reported that the Bureau of Land Management and US Forest Service will be getting money every year. He reported that they approved the re-route at Hartman's Rocks and the re-route for the Carbon Peak Trail. He reported that it has to be approved at the next Colorado Parks and Wildlife meeting.
2. Broadband. Commissioner Chamberland reported that the broadband group submitted a letter of intent to provide broadband to the City of Marble. He reported that there is a conference meeting tomorrow and he will keep the Board updated on their progress.
3. Club 20 Spring Meeting. Commissioner Houck informed the Board that he might attend this meeting. He reported that Governor Hickenlooper is attending to specifically speak about sage-grouse issues. Commissioner Chamberland informed that he will be staying at the Holiday Inn for this meeting.

Commissioner Houck:

1. Office of Resource Efficiency (ORE) Board Meeting. Commissioner Houck reported that there was an ORE board meeting last week, which he attended. He reported that they are focusing on the Energy Smart Program and they are anticipating getting another year of funding from all of their partners. He reported that at the meeting there was discussion that this might be a great opportunity for the City of Gunnison to have an intern work with the City's energy provider to help increase variety in programs with the Gunnison County Electric Association.
2. Bus Services. Commissioner Houck reported that there is a high need for bus services in Gunnison County. Chairperson Swenson reported that there has been discussion of increasing the bus routes from eight to 12 this next year to accommodate the working citizens that are using public transportation.
3. Community Builder's Team. Commissioner Houck reported that the Sonoran Institute will be meeting soon. Community Development Director Russ Forest was present and reported that the Sonoran Institute is interested and looking into how they can tie the Gunnison County efforts together.

Commissioner Swenson:

1. Summer Air Contract to Houston. Chairperson Swenson reported that the summer air contract to Houston has been finalized and executed. She also reported that they are working on figuring out the winter flight schedule and increasing service 5-7%.

PLANNING COMMISSION MINOR IMPACT RECOMMENDATION; RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2013-26, TED AND KIM BEMIS, BEMIS SUBDIVISION, SUBDIVISION OF LOT 8, DOS RIOS HOME SITES UNIT NO.2: Community Development Director Russ Forrest, Community Development Assistant Director Neal Starkebaum and Ted Bemis were present for the discussion. Community Development Assistant Director Starkebaum explained that this Land Use Change permit is to subdivide Lot 8 in the Bemis Subdivision. He reported that there was no public attendance at the public hearing. **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to approve Resolution 2014-11: A Resolution Approving Land Use Change Permit No. 2013-26, Ted and Kim Bemis, Bemis Subdivision, Subdivision of Lot 8, Dos Rios Home Sites Unit No.2. Motion carried unanimously.

GRANT OPPORTUNITY; ECONOMIC DEVELOPMENT ADMINISTRATION/DEPARTMENT OF COMMERCE: Community Development Director Russ Forrest was present for the discussion. He informed the Board that he was invited to attend a meeting by Michelle Hanes with Region 10. He reported that the meeting was in regards to the impacts to Delta and Montrose Counties from the mines closing. He informed that Gunnison County would have financial and economic impacts. He reported that there is an Economic

Planning Grant that Gunnison County might be interested in pursuing. He reported that Gunnison County would need to have a market analysis, a list of Gunnison County assets, and an Action Plan that would detail feasibility.

There was discussion about creating an incubator facility, which would create a platform to ask for more significant money. Community Development Director Forrest informed that the application is due in the next month and he opined that there is a high likelihood Gunnison County would be approved. He reported that Delta County is also very interested and it would be beneficial for both counties to participate. He reported that he spoke with Julie Feier with Western State Colorado University and they are interested in creating an incubator facility. There was discussion on what the possible contributions could be from various entities. He inquired if the Board is interested, and if so, he would look into attempting to get contributions in the valley. The Board agreed that they are interested.

BREAK: The meeting recessed from 9:54 am until 10:26 am to hold the Gunnison/Hinsdale Board of Human Services meeting.

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

CALL TO ORDER: Chairperson Swenson called the Board of Health meeting to order at 10:27 am.

STATE BOARD OF HEALTH PRESENTATION OF WEST CENTRAL PUBLIC HEALTH PARTNERSHIP; FEBRUARY 19, 2014; REGIONAL PUBLIC HEALTH IMPROVEMENT PLAN PRIORITY AREAS: Public Health Director Carol Worrall reported that she was invited to the last State Board of Health meeting and the State inquired how various counties created the partnerships in their counties. She reported that the State expressed that they were very appreciative of the work that rural Public Health departments perform. Public Health Director Worrall informed that the State inquired from her what would help her department, and she replied that additional funding is necessary. She mentioned the four improvement areas that the Public Health staff is working on: Obesity Prevention, Mental Health and Substance Abuse, Clean Water and Safe Food. She reported on the various improvement areas:

1. Obesity Prevention: She reported that they are working with Mountain Roots and that they are already implementing the program "I Am Moving, I Am Learning."
2. Mental Health and Substance Abuse: She reported that they are working with the Center for Mental Health and trying to strengthen the collaboration. She reported that during the GCSAPP and FAST programs they have been asking parents what types of programs they need. She informed that the take away is that we have the services in the Gunnison Valley, but the public doesn't know that they are available.
3. Clean Water: She reported that there is nothing to report right now.
4. Safe Food: She reported that Jim Austin from Montrose County Health and Human Services invited restaurant owners to a meeting in Montrose. She reported that the restaurant owners really appreciated the meeting and the ability to discuss common food and safety violations. She reported that Mr. Austin offered some simple solutions to common violations.

ELECTRONIC MEDICAL RECORDS SYSTEM: Public Health Director Worrall reported that Public Health linked up with Larimer County and they are working on implementing the electronic medical records system. She informed that Delta County linked with Larimer County as well.

REQUESTS FOR ASSISTANCE: Public Health Director Worrall reported that today she received a Request for Assistance (RFA) released for the Cancer Cardiovascular Disease and Chronic Pulmonary Disease grant, which requests a letter of intent by 3/20 with the application due by 4/15. She reported that the Breast and Cervical Cancer Screening program has 94 patients participating. She reported that they didn't apply for the RFA released by the Oral Health Program because of the short timeframe.

EMERGENCY PREPAREDNESS RESPONSE PROGRAM: Public Health Director Worrall reported that there is an opening for the Emergency Preparedness Response program. She reported that they are looking into options down the road to incorporate that program on a broader County level. She reported that the items that are required for the grant have been taken care of.

IMMUNIZATION BILLING: Public Health Director Worrall reported that they purchased a very expensive vaccine in 2013 and submitted it to insurance for reimbursement. She reported that the reimbursement did not incorporate reimbursement for the staff time it took to submit the reimbursement. She informed the Board that Public Health has a few small grants to help during the transition time, but the billing is not covered. She reported that they need additional staff time for billing because the average claim takes 15 minutes.

COLORADO TRUST HEALTH EQUITY LEARNING SERIES HOSTED BY COMMUNITY FOUNDATION OF THE GUNNISON VALLEY: Public Health Director Worrall reported that the

learning series will be held at the Western State Colorado University and the dates are: 5/8, 8/21 and 11/13/14.

ADJOURN: **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to adjourn the Board of Health meeting. The meeting adjourned at 10:56 am.

CALL TO ORDER: Chairperson Swenson called the Board of County Commissioners meeting back to order at 11:10 am.

RESOLUTION; ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN INDUSTRIAL PARK: **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve Resolution 2014-12: A Resolution Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park. Motion carried unanimously.

RIVERLAND INDUSTRIAL PARK FIRE PROTECTION: County Attorney David Baumgarten, Deputy County Attorney Art Trezise, Community Development Building/Environmental Health Official Crystal Lambert, Community Development Director Russ Forrest, Assistant Community Development Director Neal Starkebaum and Shaner Life Safety Systems representative Deborah Shaner were present for discussion. Crested Butte Fire Protection District (CBFPD) Fire Chief Ric Ems, CBFPD Board Chair Paul Hird, CBFPD Manager Mike Miller, CBFPD Board member Jack Dietrich, and Riverland Industrial Park representatives Danny D'Aquilla, Norman Whitehead and John Nichols were also present for discussion.

Community Development Director Forrest reported that this discussion was scheduled as a follow-up from a meeting in October of 2013 where the Board gave him direction to try and achieve answers to the three questions:

1. Assessing the risk associated with life safety;
2. If there is an unacceptable risk, are there short term solutions; and
3. What are some reasonable long-term solutions to improve life safety and allow development to occur at Riverland Industrial Park?

Community Development Director Forrest reported that he hired Deborah Shaner with Shaner Life Safety Systems to review this by looking at it with a pragmatic standpoint with her years of experience. Ms. Shaner informed the Board that when she was first given the task she looked at it very broadly. Ms. Shaner reported to the Board that Section 303 in the Crested Butte Fire Protection District regulations, which references NFPA 1142, provides a reasonable alternative standard to the water supply rate and storage requirements prescribed by the International Fire Code. She opined that future development will be subject to the fire code that is adopted at the time of construction. In the meantime, she asked why not invest in the water supply to improve it and get it up to 500 gallons a minute, which would mean that the sprinkler systems in place will work better than they do now. Ms. Shaner opined that NFPA 1142 is an acceptable solution.

Community Development Director Forrest referenced the memo provided in the packet materials. The Board reviewed and discussed the options outlined in the staff memo:

1. Take no further action;
2. Withdraw the County's approval of the District's adoption of the Fire Code from 2008;
3. Unilateral BOCC Amendment of the Code is not an option;
4. BOCC "Waiver" is not an option; or
5. District approval of the solution by the independent Fire Protection Engineer.

CBFPD Fire Chief Ric Ems opined that the report by Ms. Shaner misinterpreted that there is a linkage between the alternative water supply and fire code, with the understanding that alternate water sources run in conjunction with the fire suppression system/sprinkler system. He opined that the report doesn't support the fire flows under Appendix B of the International Fire Code. He opined that under 303, the development of alternative water sources does not supersede the requirements of 402 for fire flows. He informed the Board that the CBFPD disagrees with MS. Shaner's recommendations. He informed the Board that CBFPD has been enforcing the code since 2008 and they do not want to set a precedent, because they have been holding all subdivisions in their jurisdiction to higher standards since 2008.

County Attorney Baumgarten inquired from the CBFPD, would they agree that the solution proposed would improve the current problem with life safety. The CBFPD agree that the solution proposed by Ms. Shaner would improve the life safety problem and improve the fire flows, but it does not serve the intent of the code. The CBFPD disagreed that the proposed solution is an existing solution available under the existing code.

There was discussion that the CBFPD disagrees with the solution proposed and the interpretation of the code. There was discussion that Gunnison County cannot make any waivers, a waiver must come from the CBFPD. Gunnison County can only give or take away the authority of the CBFPD to enforce the codes.

Chairperson Swenson inquired if CBFPD would be willing to take 30 days to discuss and take another look at this report and then reconsider their position on this solution. CBFPD Board Chair Hird inquired what

would occur if they cannot change their position on the solution in 30 days. Chairperson Swenson replied that the Board would have to take a look at what to do with the district and the fire code that was adopted.

County Attorney Baumgarten informed the CBFPD that there are two solutions that can be considered during the next 30 days:

1. Language interpretation and clarification solution; and/or
2. Variance solution.

CBFPD Board Chair Hird informed the Board that they are willing to enforce any changes that the Board makes, but they will not make any waivers to the fire code.

County Manager Birnie inquired if the CBFPD will never grant waivers from the adopted code. CBFPD Board Chair Hird confirmed that "their current approach is not in the business of granting waivers" and they do not want to set a precedent. There was discussion that a regulator can't function without a waiver process.

The Board directed Gunnison County staff to work with the CBFPD, and attempt to come up with a solution. The Board reset this discussion on the 4/22/14 agenda.

CORRESPONDENCE WITH US FISH AND WILDLIFE SERVICE REGIONAL DIRECTOR NOREEN WALSH: The Board reviewed the draft letter provided in the packet materials. **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to approve and sign the letter to the US Fish and Wildlife Service. Motion carried unanimously.

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

ADJOURN: **Moved** by Commissioner Houck and seconded and Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:30 pm.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Bobbie Lucero, Deputy County Clerk

Attest:

_____
Stella Dominguez, County Clerk