

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 7, 2012**

The August 7, 2012 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
Phil Chamberland, Commissioner

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

GUNNISON COUNTY BOARD OF EQUALIZATION:

CALL TO ORDER: Chairperson Channell called the Gunnison County Board of Equalization meeting to order at 8:30 am.

APPROVAL OF DRAFT MEETING MINUTES:

1. July 9, 2012. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the July 9, 2012 meeting minutes and authorize signatures. Motion carried. Commissioner Chamberland did not vote to approve the minutes as he was not present for the 7/9/12 meeting.
2. July 25, 2012. Commissioner Chamberland asked that the word "where" be changed to "when" in reference to petitioner representation, and the Board agreed to the change. He also asked that the word "affected" be placed in quotation marks in two instances within CBOE #6, and the Board agreed to this change. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the County Board of Equalization meeting minutes for July 25, 2012, as amended. Motion carried unanimously.
3. July 31, 2012. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the County Board of Equalization meeting minutes for July 31, 2012 as presented and authorize signatures. Motion carried. Commissioner Chamberland did not vote to approve the minutes as he was not present for the 7/31/12 meeting.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Equalization meeting adjourned at 8:34 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:

CALL TO ORDER: Chairperson Channell called the Gunnison County Board of County Commissioners meeting to order at 8:35 am.

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

CONSENT AGENDA: Commissioner Chamberland requested that Item #1, 5, 15 and 17 be pulled for further discussion. Chairperson Channell requested that Item #9 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #1, #5, #15, #17 and #9, and authorize signatures. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Standard Consulting Agreement; MJM Project Consulting, LLC; Gunnison County Courthouse Renovation Project
2. Professional Services Agreement; West Elk Soo Bahk Do / Andy Tyzzer; Provide Service 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; 8/7/12 thru 6/30/13
3. Professional Services Agreement; Eric Krawczyk; Provide Service 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; 8/7/12 thru 6/30/13
4. Professional Services Agreement; Gunnison/Hinsdale Youth Services, Inc.; Provide Service 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; 8/7/12 thru 6/30/13

5. **Pulled for Discussion and Separate Action:** Professional Services Agreement; Cindy Chamberland; Provide Service 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; 7/12/12 thru 6/30/13
6. Acknowledgment of County Manager Signature; Community Foundation of the Gunnison Valley 2012 Community Grant Cycle Grant Contract; Nurturing Parenting Program; 7/1/12 thru 4/30/13; \$3,000
7. Acknowledgment of County Manager Signature; Community Foundation of the Gunnison Valley 2012 Community Grant Cycle Grant Contract; Community Health Services; 7/1/12 thru 4/30/13; \$2,750
8. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract; 7/1/12 thru 6/30/13; \$47,000
9. **Pulled for Discussion and Separate Action:** Baggage Delivery Service Agreement, Gunnison Crested Butte Regional Airport; The Delivery Company; 5/1/12 thru 4/30/13
10. Acknowledgment of County Manager Signature; Amendment 35 Core Services Funding Statement of Work Acceptance; 7/20/12 thru 6/30/13; \$10,272
11. Acknowledgment of County Manager Signature; Caring for Colorado Foundation Grant Agreement; Access to Health Care Project; 8/1/12 thru 7/31/13; \$50,000
12. Acknowledgment of County Manager Signature; Westlaw Order Notification; County Attorney's Office Access to Case Law and Statutes for Legal Research
13. Acknowledgment of County Manager Signature; Memorandum of Understanding Renewal; Delta, Gunnison, Montrose, San Miguel and Ouray County Departments of Social, Health and Human Service and Hilltop Community Resources, Inc.; Brown Center Residential Program; 8/1/12 thru 2/1/13
14. Ratification of Correspondence; House Subcommittee on National Parks, Forests and Public Lands; HR 6089, the Healthy Forest Management Act of 2012
15. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Project Contract; Western Water & Land, Inc.; Site Visit and Assessment of Construction Site Associated with Mile 200/Leigh Marie LLC Property; \$1,825
16. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, Colorado Immunization Program, Statement of Work; 2012-13 DTaP Winnable Battle Project; 8/15/12 thru 6/30/13; \$19,558
17. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Gunnison County Department of Health and Human Services, FY 2012-13, Purchase Order, Statement of Work Services; Nurturing Parenting Program; 7/1/12 thru 6/30/13; \$22,000
18. Acknowledgment of County Manager Approval to Submit; Colorado Department of Public Health and Environment, Immunization Program, Request for Application; Collaboration between Environmental Health Inspectors and Childcare Health Consultant to Enhance Inspection Quality; 9/15/12 thru 6/30/13; \$14,268
19. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement Fund Full Year Grant Application; 1/1/13 thru 12/31/13; \$16,000
20. Acknowledgment of County Manager Signature; Agreement; MDM Public Affairs, LLC; Communications Services; 1/1/12 thru 12/31/12; \$5,000

CONSENT AGENDA ITEM #1: Commissioner Chamberland requested information relative to the construction timeline for this project. County Manager Birnie explained that the County will first issue a Request for Qualifications in order to select the firms that we will ask for proposals from. Detailed information will be obtained through the Request for Proposal process. The initial phase will begin within approximately one week. Commissioner Chamberland also asked if the County may incur any reimbursable equipment expenses throughout the project. County Manager Birnie explained that he was not anticipating any such purchases, but that the County would retain any items that are purchased during the construction. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve Consent Agenda Item #1. Motion carried unanimously.

CONSENT AGENDA ITEM #5: Commissioner Chamberland recused himself from voting on this contract as it involves a family member. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve Consent Agenda Item #5. Motion carried.

CONSENT AGENDA ITEM #9: Chairperson Channell pointed out that Assistant Finance Director Ben Cowan's comments on the agenda routing form indicate that the previous contract expired over a year ago in April 2011. County Attorney David Baumgarten explained that the County does not automatically renew contracts and that it is the responsibility of the individual office or department to initiate the process. He also explained that, during the period of time between expiration of the previous contract and this renewal, the County didn't have the authority to audit the income. Chairperson Channell asked that Airport Director John DeVore be reminded to be timelier with his department's contracts. County Manager Birnie noted that the pending document management system should alleviate timeliness issues such as this. **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to approve Consent Agenda Item #9 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #15: Commissioner Chamberland asked for confirmation that this expense is the County's responsibility. County Attorney Baumgarten confirmed that it is, at least initially, as he wanted to have the inspection completed as soon as possible. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve Consent Agenda Item #15. Motion carried unanimously.

CONSENT AGENDA ITEM #17: Commissioner Chamberland asked for discussion related to Assistant Finance Director Cowan's notation on the agenda routing form, in particular whether or not this expense should reside in the Children and Family Services budget instead of the Child and Family Health budget. County Manager Birnie stated that he had not yet spoken with Assistant Finance Director Cowan about this, but that the issue would be with what activity the cost would be budgeted within and not with the contract itself. He also noted that Assistant Finance Director Cowan may not be cognizant of the fact that this is a health-funded activity. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve Consent Agenda Item #17. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Annual Meeting with Pitkin County Board of County Commissioners. County Manager Birnie has been working on scheduling this meeting via the Pitkin County Manager. Discussions would include the County's temporary oil and gas regulations, Thompson Divide, communications and broadband issues, and general water-related issues. The meeting was tentatively set for 9/10/12.

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

1. Land Preservation Ballot Issue. County Manager Birnie asked for direction on this issue. County Attorney Baumgarten has been discussing the logistics with Jim Starr, relative to which entity would place this on the November ballot and how the costs would be paid. Mr. Starr's thought is that the advocacy group can put it on the ballot, and that the County should pay the related costs; however, County Manager Birnie suggested that the County take responsibility for placing it on the ballot if the County will also be responsible for the costs. He noted that the County placed the original issue on the ballot, that it was a County initiative, and that the costs could be absorbed within the general fund. Commissioner Chamberland informed the Board that he has had conversations with members of the public about the appropriateness of pursuing more conservation easements. Chairperson Channell stated that he attended the Gunnison City Council meeting a couple of weeks ago when this issue was discussed. During that meeting, he asked that a sunset provision be considered, and he believes that the Land Preservation Board is considering another 15-20 year sunset. Commissioner Swenson acknowledged Commissioner Chamberland's comment, but added that the County has not conserved many acres in the last 15 years. Gunnison Wildlife Conservation Coordinator Jim Cochran, present for discussion, confirmed that the County preserved approximately 17,000 acres within the last 15 years. The Board agreed that the County should be the entity that places this on the ballot. The content of the ballot language will be discussed at a later date. County Manager Birnie stated that, while the costs are unknown at this point, it won't add to the cost of the general election.
2. Vacation Rentals By Owner and Lodging Tax. County Manager Birnie informed the Board that the Colorado Association of Ski Towns (CAST) went through a Request for Proposals process last year to locate firms that track these issues. Last week, he and Senior Accountant Maureen Eden watched a presentation given by the firm that CAST selected. The firm's services are reasonably priced, and the County Attorney's Office is drafting a contract. Since the County doesn't have enforcement ability, the initial phase will be informational and educational. It will also serve to locate as many as 100 properties within the County that may need to begin participation. The State of Colorado has the collection authority. The hope is that the State will follow up with the properties if the County provides enough documentation.
3. Wildfire Update. County Manager Birnie informed the Board that the approximate 100-acre wildfire burning in the Cabin Creek area is contained. Since the fire is entirely within State land boundaries, a State crew was brought in. The State's original stance was that the County would have to pay for the State to fight the fire, though that changed after County Manager Birnie spoke with State representatives. County Manager Birnie agreed to inform the Board about any future fires as they occur.

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

1. Resolution; Accepting for Maintenance and Snowplowing the Roads in Spring Creek Estates. Representatives from the subdivision were present for discussion. Assistant County Manager Crosby recommended Board approval of the draft resolution. She explained that County standards would be utilized instead of the State's because the State assumes that all traffic is traveling at 65 miles per hour. Chairperson Channell asked how many of these roads have been accepted by the County for maintenance, and Assistant County Manager Crosby explained that many have been accepted though some have not as they are evaluated on a case-by-case basis related to how fulfillment of a request may impact County equipment, personnel and costs. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution

#2012-23, a Resolution Accepting for Maintenance and Snowplowing the Roads in Spring Creek Estates and authorize signatures. Motion carried unanimously.

2. Discussion of Potential Status of Six Mile Lane as a County Road. Assistant County Manager Crosby provided some history on this road that leads to the landfill. Approximately two years ago, the private land owners requested permission to place gates on the road, and the County gave permission to gate on private land only, not this public road. This past spring a gate was installed across the publically dedicated County portion of the road, so the County requested placement of a cattle guard. The residents declined this request. Assistant County Manager Crosby asked the Board if the County should assert ownership of the road from the Bureau of Land Management, with the understanding that the County would continue to maintain it at the same level as it is currently being maintained. If the County asserted ownership, the County would control plowing, gates and winter closures in order to protect the road. She also proposed that Six Mile Lane, Gold Basin Road, and Vulcan Road to the Saguache County line should all be handled the same way. County Attorney Baumgarten agreed that it will be important to clarify the land manger in each of these cases. If ownership assertion is pursued, the County would need to consider current ATV usage on these roads. The Board asked that Assistant County Manager Crosby and County Attorney Baumgarten proceed with evaluating this idea.
3. Gunnison Valley Landscapes, Inc. (GVL); Authorization to Initiate Legal Action; Collection. Assistant County Manager Crosby explained that GVL was a tenant at the industrial park before giving up its site at the end of October. She requested payment on the delinquent water billing and site fee by 7/27/12, yet nothing has been paid. The total due is less than \$1,000. GVL is still in business at another location. Since it may not be cost effective to pursue this with legal action, County Attorney Baumgarten asked that he be allowed to discuss the issue with GVL and to explain that he is authorized to pursue the issue legally. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize County Attorney David Baumgarten's interaction. Warren Wilcox, present for discussion, stated that he was once asked by GVL for assistance when their water was turned off and trees were dying. However, Assistant County Manager Crosby confirmed that the water was never turned off. Motion carried unanimously.
4. South Parlin Flats Bridge. Assistant County Manager Crosby informed the Board that she received a total of four engineering proposals for this bridge, all from local contractors. Two of the proposals were for over \$40,000, while the other two were for under \$20,000; she stated her intention of awarding the project to one of the two lowest bidders. She asked for permission to have County Manager Birnie award the bid and sign the associated contract when it is ready. She confirmed that the property owners are in support of this project. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize Matthew Birnie to sign the contract for the low bidder for the engineering for the bridge at South Parlin Flats. Commissioner Swenson amended her motion to include that the bid will be awarded to one of the two low bids. Commissioner Chamberland seconded the amended motion. Motion carried unanimously.
5. Power Outage. Assistant County Manager Crosby informed the Board that there was a power outage on the west end of town last night. She provided an aerial image of the area, and she explained that she is working to accept part of the leaky water line as a County line for the nearby condos.

COLORADO COUNTIES, INC. (CCI) LEGISLATIVE COMMITTEE MEMBER APPOINTMENT: **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to appoint Hap Channell as our designee. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; EAGLES REST SUBDIVISION, PHASE 2 AND 3; GARY AND DON STEPHENS, ROSE PRICE AND KEVIN GUGIN: Assistant Community Development Director Neal Starkebaum was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Stephens Boundary Line Adjustment at Eagles Rest Subdivision, Phase 2 and 3, and authorize signatures. Motion carried unanimously.

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS; RAGGED MEADOW SUBDIVISION; JACOB SCHLOESSER: Assistant Community Development Director Starkebaum was present for discussion.

Assistant Community Development Director Starkebaum explained to the Board that the Planning Commission previously directed staff to prepare an approval decision for the requested Land Use Change application. If approved, this will allow commercial or light industrial use on the property. Some of the adjacent neighbors were in opposition, though the site visit indicated very low noise coming from the operating equipment, which was the original contention of the neighbors. He specified that the neighbors aren't opposed to the covenants change, and that they are only opposed to the land use change. No expansion of the storage yard will be permitted, per the pending planning approval. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the covenant amendment for the Ragged Meadow Subdivision with the understanding that these amendments will be recorded contemporaneously with the Certificate of Minor Impact Approval on this application, and to authorize the chair to so sign on a separate sheet with the amendments. Motion carried unanimously.

APPROVAL OF COMMENTS; FEDERAL 11-90-9 GAS WELL PROJECT, A/K/A HENDERSON 611S90W#9 SWNW 383447: Assistant Community Development Director Starkebaum and County Attorney Baumgarten were present for discussion.

Assistant Community Development Director Starkebaum informed the Board that the Planning Commission has been reviewing the project, and that some comments were received by Colorado Parks and Wildlife. The Forest Service has asked for comments, and he provided draft correspondence for consideration by the Board. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter dated August 1, 2012 to Ryan Taylor, Paonia Ranger District regarding the comments on the wildlife issue on the Henderson well. Motion carried unanimously.

BREAK: The meeting recessed from 10:13 until 10:20 am.

MEMORANDUM OF AGREEMENT; GUNNISON VALLEY TRANSPORTATION AUTHORITY; PROVIDE FUNDING FOR AIRLINE FLIGHTS FROM HOUSTON, TX TO GUNNISON, CO; 2012-2013 HOLIDAY SEASON, AND WEEKENDS IN FEBRUARY AND MARCH OF 2013: Chairperson Channell asked if it is the assumption of the four entities that this \$89,000 shortfall be split evenly. Commissioner Swenson explained that the City of Gunnison authorized \$10,000, Mt. Crested Butte authorized \$20,000, and that Crested Butte intends to authorize \$20,000 if the County agrees to fund the balance of \$39,000. She also noted that the City of Gunnison believes that Crested Butte should bear a larger portion of the responsibility.

Commissioner Chamberland felt that the City of Gunnison should have authorized \$20,000 because this funds a viable winter ski program that benefits the City. He also opined that the County could contribute \$30 toward this critical issue.

Commissioner Swenson asked, since the County has funding available this year, if it could be returned to the County next year if it's not spent. County Manager Birnie agreed that this would be one approach.

The draft contract was discussed. Chairperson Channell asked that it be made clear that this is a one-time expenditure, because he doesn't want a precedent to be set. The Board agreed to add this language to the agreement. County Manager Birnie recommended that the authorization be to allocate 2012 funds. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the amended Memorandum of Agreement between Gunnison County and the Gunnison Valley Transportation Authority authorizing the funds to come out of the 2012 budget; \$20,000 to come out of the Economic Development line item and \$10,000 to come out of the Discretionary line item, and authorize signatures. Motion carried unanimously.

UNSCHEDULED CITIZENS:

1. Butch Clark.
 - a. Asphalt Plant and Acceleration/Deceleration Lanes. Mr. Clark asked that the County keep these old issues in mind if road modification plans resurface.
 - b. Oil & Gas Drilling; Horizontal Drilling. Mr. Clark provided a copy of an article from *Economist Magazine*. The article references a horizontal reach of over five miles for drilling, and Mr. Clark believes that this information may be relevant to setbacks and the number of wells that can fit on each pad.
 - c. Oil & Gas Drilling; First Responder Training. Mr. Clark referenced an article in Exxon Corporation Magazine relevant to training community members to assist with first responder capabilities. He suggested working with Western State Colorado University to set up the training.

COMMISSIONER ITEMS:

Commissioner Channell:

1. Gunnison County Substance Abuse Prevention Project (GCSAPP). Chairperson Channell informed the Board that he recently attended a meeting in the north end of the valley designed to involve persons from Crested Butte. Among the attendees, were an elementary school counselor and representatives from Crested Butte Mountain Resort. The discussion included information on the expansion of the Choice Pass Program, which will be available to all 6th through 12th graders in the school district this year.
2. Meeting with Colorado Department of Human Services Executive Director Reggie Bicha. Chairperson Channell attended this recent meeting, along with Colorado Department of Human Services Deputy Director Dee Martinez, Health and Human Services Director Renee Brown, Public Health Director Carol Worrall, Child Welfare Manager Greg Meier and Administrative Services Supervisor Randy Morgan. One of the issues that came out of the conversation was how to make the public aware of the existence of programming.
3. Senior Resources Meeting. Chairperson Channell attended this recent meeting. The group is beginning to strategize about the list of identified needs. Well attended.

4. Health and Human Services Commission. Chairperson Channell attended a recent meeting during which the Commission agreed to examine the bylaws since some of the previously stated goals within the bylaws may not match up to what is needed today. A subcommittee will evaluate changing those bylaws.
5. Mayors and Managers Meeting. Chairperson Channell and Commissioner Swenson attended the most recent meeting. During the meeting, the question about whether or not the group should become more of an official organization continued. Crested Butte Town Manager Susan Parker volunteered to perform research to see if other organizations such as the Mayors and Managers group exist. This group has been meeting since approximately 1998, originally just with participation from the County and the local jurisdictions, and has evolved into what we now have with 12 entities.
6. Western State Colorado University Celebration. Chairperson Channell and Commissioner Swenson attended this recent celebration of the college's name change. It was well attended by the community.

Commissioner Swenson:

1. Economic Development Council. Commissioner Swenson informed the Board that the Council is meeting next week with County staff to discuss different development areas.
2. Tourism Association Executive Committee. Commissioner Swenson has attended several Committee meetings. The group is working on organizational structure and transparency issues. Subcommittees for lodging, marketing, public relations and finance will be created, among others. The search for a new Executive Director has yielded five top candidates, and three of those will be interviewed.
3. Gunnison Valley Regional Housing Authority. Commissioner Swenson informed the Board that an additional candidate was interviewed for the Executive Director position. Two finalists will be invited to interview in person.

Commissioner Chamberland:

1. Broadband Initiative. Conversations between our local group and EagleNet are being facilitated. There are issues with EagleNet's grant funding, including the timelines and public/private partnerships with existing infrastructure.
2. Lupine Trail on Smith Hill. Commissioner Chamberland explained that this trail runs parallel to Slate River Road, and that a homeowner has this cutting through his property. People are driving up his driveway and some are even climbing and pulling on his gate, which has been broken. An easement may be pursued.

ADJOURN: Moved by Chairperson Channell, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried. Commissioner Swenson left the room just prior to the motion and the vote. The meeting adjourned at 11:12 am.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk