AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft Minutes; 5-6-14

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Attached are the draft 5/6/14 meeting 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: 5/23/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 6/3/2014 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 6, 2014

The May 6, 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 (ABSENT)
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

CALL TO ORDER: Chairperson Swenson called the Gunnison River Valley Local Marketing District meeting to order at 8:29 am.

FACILITATION CONTRACT; MANAGING RESULTS, LLC; FACILITATION BETWEEN GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION (TA), CRESTED BUTTE-MT. CRESTED BUTTE CHAMBER OF COMMERCE AND GUNNISON COUNTRY CHAMBER OF COMMERCE; $10,000: Community Development Director Russ Forrest requested approval of the contract, and he explained that the process will yield a report with a set of recommendations regarding expectations, roles and a unified business plan. He noted that any recommendations related to structure may require future action by the Board. Chairperson Swenson noted that recommendations may be added to the language within the annual service contracts. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the facilitation contract. Motion carried.

ADJOURN: **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adjourn the meeting. Motion carried. The Gunnison River Valley Local Marketing District meeting adjourned at 8:33 am. After the meeting adjourned, TA Secretary Jen Bickford asked about the process' scope and which entity members will be participating. Community Development Director Forrest explained that the first step will be to conduct one-on-one meetings with the directors and chairpersons, and that additional meetings will be based on what comes of the original conversations. Citizen Mark Schumacher questioned the use of LMD funds for this purpose, and he distributed copies of correspondence to the Board. Chairperson Swenson re-adjourned the Gunnison River Valley Local Marketing District meeting at 8:39 am.

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 8:39 am.

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

MINUTES APPROVAL: Commissioner Houck noted a ministerial error within the 4/15/14 minutes, that being the need for a second on the motion to approve the liquor license for the Blue Mesa Grill. The change was agreed upon. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the minutes of April 1st, April 15th and April 22nd with that addition. Motion carried.

1. 4/1/14 Regular Meeting
2. 4/15/14 Regular Meeting
3. 4/22/14 Special Meeting

CONSENT AGENDA: Commissioner Houck requested that Item #2 be pulled for further discussion. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Consent Agenda excluding Item #2. Motion carried unanimously.

1. Out-of-State Travel Request; AAAE Conference; Gunnison-Crested Butte Regional Airport Manager; San Antonio, TX; $2,168
2. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Contract to Auction; Ritchie Bros. Auctioneers; Surplus Public Works Department Equipment; 4/30/14
3. Release of Financial Assurance Agreement for Bear Ranch; Bear Ranch, LLC
4. Consultant Agreement; RPI Consulting, LLC; Update the Transportation and Law Enforcement Impact Fees Study and Report; 5/6/14 thru 12/31/14; $12,400
5. Acknowledgment of County Manager Signature; Community Grants Application; Rotary Club of Gunnison, Colorado; Child Oral Health Operating Expenses; $500
6. Amendment No. Two (2) to Contract Dated April 23, 2013 between Jviation, Inc. and Gunnison County and the Gunnison Crested Butte Regional Airport, Gunnison, CO; ARFF Vehicle Acquisition; $15,968
7. Cooperative Agreement between Gunnison and Hinsdale County Department of Human Services and Colorado State Patrol

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8. Approved Task Order Contract – Waiver #154; Colorado Department of Public Health and Environment Routing No. 15 FLA 66972; Family Planning Services; 7/1/14 thru 6/30/16; $100,670
9. Budget Request Form; Colorado Department of Public Health and Environment, Office of Emergency Preparedness and Response; 7/1/14 thru 6/30/15; $19,213
10. Contract for Professional Services; Ben White Architecture, LLC; Architectural Services for Bidding and Construction Administration to Carry Out the Scope of Work for Phase I of the Ohio City Town Hall Foundation Stabilization and Historic Rehabilitation Project; 5/6/14 thru 4/18/16; $6,010
11. Community Foundation of the Gunnison Valley Grant Application; Nurturing Parenting Program; $2,000
12. 4H Building Sunroom Addition; $2,438.15

CONSENT AGENDA ITEM #2: Commissioner Houck asked for confirmation that the equipment would not be sold via live auction. County Manager Birnie explained that this contract is with a specialty company that performs this type of auction, and that the auction would not be performed live. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve Consent Agenda Item #2. Motion carried.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2014 County Board of Equalization Hearing Dates. The Board agreed to set aside 7/21/14 and 7/23/14 for hearings. Any overflow can be scheduled on 8/5/14.

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

1. Courthouse Construction Project. County Manager Birnie informed the Board that the team is in the process of reconciling the design and costs since the collapse of the original portion has caused scheduling and financial issues. He hopes to be able to make some decisions by the end of the week.

CORRESPONDENCE; FUNDING REQUEST; WESTERN STATE COLORADO UNIVERSITY; COLORADO WATER WORKSHOP: **Moved** by Commissioner Houck, seconded by Chairperson Swenson to take $1,000 from the 2014 budget for sponsorship, specifically for the Western State Colorado University Water Workshop. Chairperson Swenson clarified that the County Manager would use one of the complimentary tickets and that the County Attorney's Office would use the other. Motion carried.

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

1. Whitewater Park. Deputy County Manager Crosby informed the Board that a fishing guide recently told her that County work performed at the Park created a danger for fishing boats. She informed the guide that any unsafe issues have been caused by the water and that the County has only performed survey work at the Park.
2. Cottonwood and Kebler Passes. Deputy County Manager Crosby informed the Board that both passes are generally open by Memorial Day each year, but that they may be able to open sooner than that this year.
3. Lease Agreement; Crystal River Civic Commission, dba The Marble Hub; 5/6/14 thru 1/1/15. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Lease Agreement. Motion carried.
4. Provider Agreement; Mark Wright dba Horizon Vegetation Management; 5/6/14 thru 10/30/14; $12,500. Deputy County Manager Crosby explained that hiring a contractor to perform this work is more cost effective than having the County Weed Coordinator handle it because of the associated travel time and moving equipment. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the agreements with Mark Wright, dba Horizon Vegetation Management, and Jim Lewis, dba Eco-Right Solutions, for undesirable plant management as presented in the packet. Motion carried.
5. Agreement; Jim Lewis dba Eco-Right Solutions; Undesirable Plant Management; 5/6/14 thru 10/30/14; $12,000. See previous item for discussion and motion.

BREAK: The meeting recessed from 9:05 until 9:15 am.

GUNNISON VALLEY ANIMAL WELFARE LEAGUE (GVAWL) ANIMAL SHELTER UTILITIES: Deputy County Manager Crosby was present for discussion, along with GVAWL representatives Lora VanRenselaar, Sandy Guerrieri and Debra Callihan.

1. Water Tap Fee. Deputy County Manager Crosby asked the Board if the County should waive the $3,000 tap fee. She explained that the County's guarantee for the Industrial Park is that water and sewer will be available to the property, and that from the property to the facility will be the lessees' responsibility. All agreed that Phase II of GVAWL's project will change the water requirements. County Manager Birnie opined that the County shouldn't pay the City's tap fee since the City is also partnering with GVAWL in this project. The Board agreed to pay the $3,000 tap fee via the General Fund.
2. Sewer Tap Fee. Deputy County Manager Crosby asked the Board if the County should waive the $2,500 tap fee. The Board agreed to pay this fee via the General Fund, and that the next phase's costs will be the responsibility of GVAWL.

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3. Electrical Power. Deputy County Manager Crosby explained that the County supplies single-phase electrical to all lots at a cost of $1,358 per lot. GVAWL's facility will require three-phase electric at an additional cost of $3,118.09, and she doesn't believe that the Park should have to bear that cost. The Board agreed to pay $1,358 via Industrial Park rent funds.
4. Propane Heat. Deputy County Manager Crosby explained that she has been working with GVAWL to convert the heat source from natural gas to propane as a result of Atmos Energy's inability to provide natural gas. She noted that she will continue to pursue the options of making gas available, and she recommended that GVAWL be allowed to participate in the County's volume purchasing of propane. The Board was supportive of her recommendation.
5. Construction Costs. Deputy County Manager Crosby explained that the County has incurred hard and soft costs related to this project, and she asked the Board to decide what portion of those costs would be considered a contribution and what portion should be reimbursed by GVAWL. The Board agreed that the Public Works budget should absorb the costs incurred to date.

Moved by Commissioner Houck, seconded by Chairperson Swenson to fund the water tap fee of $3,000 and the County's portion of the sewer tap fee of $2,500 out of General Fund, fund the one-phase portion of the electrical out of Industrial Park Rent Fund in the amount of $1,358, and then have the Public Works Department absorb the costs incurred to date for not only labor and materials, but materials as well. Motion carried.

LOT CLUSTER APPLICATION; LOTS 5-20, BLOCK 5, TOWN OF TIN CUP; EUGENE AND KARYL RICKARD: Community Development Department Services Manager Beth Baker was present for discussion, and she explained that the clustering of the 17 lots would result in one lot over two acres in size. The property already includes a home, septic and well. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Lot Cluster Application for Eugene and Karyl Rickard. Motion carried.

PETITION FOR ABATEMENT OR REFUND OF TAXES; M3B, LLC; LOT C-2, PROSPECT AT MT. CRESTED BUTTE PHASE I, #612761: Deputy County Attorney Art Trezise and Senior Assessment Analyst William Spicer were present for discussion.

Senior Assessment Analyst Spicer explained that this petition was missed by the applicant when all other related property petitions were submitted by the petitioner in the past. Deputy County Attorney Trezise explained that the court has since ruled that the service plan cannot limit the ability of the District to tax, so he recommended that the Board deny the petition. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to deny the Petition for Abatement or Refund of Taxes. Motion carried.

PETITION FOR ABATEMENT OR REFUND OF TAXES; SAFEWAY, INC.; 112 S. SPRUCE STREET, GUNNISON, CO 81230; CY 2011 AND 2012: Deputy County Attorney Trezise and Senior Assessment Analyst Spicer were present for discussion.

Senior Assessment Analyst Spicer informed the Board that the petitioner requested an administrative denial of this petition, which is related to depreciation of some of the refrigeration equipment, and he agreed with that request. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to administratively deny the Petition for Abatement or Refund of Taxes. Motion carried.

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

Commissioner Houck:

1. Community Builders Team. Commissioner Houck informed the Board that the Team is scheduled to meet again on 5/7/14.
2. Trailhead Parking Issues. Commissioner Houck informed the Board that Crested Butte Nordic Center Executive Director Keith Bauer spoke with him about trailhead issues. He suggested that Mr. Bauer contact the County Manager's office to request placement on an upcoming agenda.

Commissioner Swenson:

1. Gunnison Valley Rural Transportation Authority. Chairperson Swenson informed the Board that the United Airlines winter flight is promising, and that pre-booking for summer service indicates that seats are almost half full already.

BREAK: The meeting recessed from 9:53 until 10:12 am.

ACCESS PERMIT APPLICATION; MONTROSE FOREST PRODUCTS, LLC: Deputy County Manager Crosby and Montrose Forest Products, LLC Resource Forester Normand Birtcher were present for discussion.

Deputy County Manager Crosby explained the request that would include bonding for road damage and dictate that no hauling would be permissible on weekends, long holiday weekends or when an event is taking place. Mr. Birtcher added that the trucks would be staggered about 20 minutes apart.

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Chairperson Swenson suggested that Mr. Birtcher work with the Town of Crested Butte to decide on a route through Crested Butte. Deputy County Manager Crosby stated that Mr. Birtcher and his company do a good job of conveying expectations to their drivers. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Access Permit Application for Montrose Forest Products, LLC with conditions, and that part of the conditions will be the bonding. Motion carried.

WILDEARTH GUARDIANS VS. SALLY JEWEL AND UNITED STATES FISH AND WILDLIFE SERVICE (FWS); NEW LAWSUIT REGARDING FWS DECISION NOT TO LIST THE GUNNISON PRAIRIE DOG PURSUANT TO THE ENDANGERED SPECIES ACT; BRIEFING BY AND INSTRUCTIONS TO COUNTY ATTORNEY; POSSIBLE EXECUTIVE SESSION: County Attorney David Baumgarten, Community Development Director Russ Forrest and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

County Attorney Baumgarten asked the Board if an executive session was desired, and the Board asked for an open session. County Attorney Baumgarten then suggested that the County approach a decision of whether or not to participate in the lawsuit and, if so, how to participate. For the audience, he provided an overview of the issue that began with litigation in 2004 and led to the April 2014 lawsuit filed by Wildearth Guardians challenging the legality of the USFWS decision not to list the Gunnison Prairie Dog.

County Attorney Baumgarten explained that the County has the opportunity to participate in the legislation as an intervener or as an amicus. He suggested that the County approach the issue as an intervener with amicus status as a fallback. **Moved** by Commissioner Houck, seconded by Chairperson Swenson that the Board of County Commissioners, through its Attorney's Office, take a position initially as an intervener in regards to the Gunnison Prairie Dog and follow through with making sure that our position is established to be able to participate. Motion carried.

MT. EMMONS; VOLUNTARY CLEAN-UP PROGRAM (VCUP); MULTI-PARTY DISCUSSION; INSTRUCTIONS TO STAFF: County Attorney Baumgarten and Town of Crested Butte Manager Todd Crossett were present.

County Attorney Baumgarten explained that two separate, but related, discussions are currently going forward. The first discussion is related to the VCUP, and the second discussion is related to a multi-party discussion between High Country Conservation Advocates (HCCA), the Town of Crested Butte and US Energy. He asked for Board direction on both issues. He also indicated that, due to the execution of confidentiality agreements, he is not privy to all of the details.

County Attorney Baumgarten recommended that the County begin participating in the multi-party discussion only after all parties agree that the conversations need to be facilitated. He also suggested that the County immediately begin participating in the VCUP discussions since the State has asked for additional information. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to, through the County Attorney's Office, make the correspondence of our desire to participate and be informed with happenings with the VCUP process through the State. Motion carried.

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

BREAK: The meeting recessed from 10:55 until 11:13 am.

GUNNISON COUNTY HOUSING ITEMS: Gunnison Valley Regional Housing Authority (GVRHA) Executive Director Karl Fulmer was present for discussion.

1. Adoption of 2014 Gunnison County Housing Guidelines. GVRHA Executive Director Fulmer explained that these guidelines should be adopted each year with the new income data. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adopt the 2014 Gunnison County Housing Guidelines. Motion carried.
2. Sale of County Properties in Stallion Park and Rock Creek. County Manager Birnie stated his agreement with the recommendations outlined in the memo provided by GVRHA Executive Director Fulmer. He also asked the County Attorney's Office to research the issue of HOA fees and special assessments with regard to how they affect low-income residents and what was agreed during previous discussions. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to follow the suggestions outlined in the packet for the sale of County properties in Stallion Park and Rock Creek as presented. Motion carried.

ADJOURN: **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 11:27 am.

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Paula Swenson, Chairperson

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(Absent from meeting – no signature.)

Phil Chamberland, Vice-Chairperson

Jonathan Houck, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

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