

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 5, 2014**

The August 5, 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
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:29 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the meeting minutes for July 15, 2014 and July 22, 2014 as presented. Motion carried unanimously.

1. Regular Meeting; 7/15/14.
2. Special Meeting; 7/22/14

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

1. Agreement; John Pickering; Professional Services Regarding Application of Herbicide to Control Noxious Weeds Mandated for Control within Gunnison County; 8/5/14 thru 10/30/14; \$9,000
2. Three-Year Microsoft Enterprise Agreement; Microsoft Licensing, GP; \$99,240.54
3. Emergency Mutual Aid and Assistance Agreement for Local Colorado Public Health Agencies
4. West Region Healthcare Coalition Memorandum of Agreement; Delta, Gunnison, Hinsdale, Montrose, Ouray and San Miguel Counties
5. Memorandum of Understanding; Mesa County Health Department and Gunnison County Health and Human Services
6. Acknowledgement of County Manager Signature; Amended Application for Federal Assistance SF-424; AIP Project No. 3-08-0030-48; \$3,090
7. Acknowledgment of County Manager Signature; Consultant Agreement; David Primus; Professional Services Regarding Research for Historical Mapping as Identified in the Scope of Work; 7/1/14 thru 12/31/14; \$3,000
8. Correspondence; Office of Economic Development and International Trade; Community Development Block Grant for the Business Loan Fund Administered by Region 10 Economic Assistance and Planning, Inc.; Excessive Force Policy
9. Design of Maintenance Repairs to Two Existing Whitewater Features and Support for Public Process; Gunnison County Whitewater Park Repair Project; McLaughlin Whitewater Design Group; \$19,634
10. 2014 Community Grant Cycle Grant Contract; Community Foundation of the Gunnison Valley; Nurturing Parenting Program; 7/1/14 thru 4/30/15; \$1,800
11. Grant Agreement; US Department of Transportation, Federal Aviation Administration; Gunnison-Crested Butte Regional Airport AIP Number 3-08-0030-048; Conduct Airport Master Plan Study; \$640,606 (total grant maximum), \$35,590 (sponsor share)
12. Grant Agreement; US Department of Transportation, Federal Aviation Administration; Gunnison-Crested Butte Regional Airport AIP Number 3-08-0030-049; Aircraft Rescue and Fire Fighting (ARFF) Truck; \$568,172
13. USDA, Forest Service Agreement No. 14-RO-11020407-051; Road Project Agreement between Gunnison County and the USDA, Forest Service, Grant Mesa, Uncompahgre and Gunnison National Forest, Gunnison Ranger District; Schofield Pass Road NFSR 7317 and Snowblind Campground #7888.1A Project
14. Grants of Perpetual Easement; Antelope Hills Water Project; Antelope Creek Development, LLC, \$10; Edwin Lehrburger, \$10; ELRC, LLC, \$10
15. Amendment to Contract Agreement; Terravision Contracting Group; Ohio City Town Hall Project
16. Provider Agreement; Kari Commerford; Professional Services Regarding Facilitation, Leadership, Planning and Oversight to the Crested Butte Youth to Promote Community Inclusion, Substance Abuse Prevention and Wellness to Crested Butte Youth through the Office of Juvenile Services; 8/5/14 thru 9/30/14; \$9,068.80
17. Grant Application; El Pomar Foundation; Gunnison County Substance Abuse Prevention Project (GCSAPP); \$10,000
18. Agreement to Amend/Extend Contract with Broker; Extension of Business Lease; Nesbitt & Company, LLC for RV Commercial Rentals, LLC; Property Lease, 725 South 10th Street, Unit B, Gunnison, CO 81230; Extension to 9/30/15; \$8,040
19. Agricultural Lease; Todd Shallbetter; Parcel No. 1, Township 49 North, Range 1 West, NMPM; 1/1/14 thru 6/30/19

20. Agricultural Lease; Joe Schultheis; Parcel No. 2, Township 49 North, Range 1 West, NMPM; 1/1/14 thru 6/30/19
21. Ground Lease Agreement; BAMP, LLC; Gold Basin Industrial Park; 8/5/14 thru 8/4/34

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Housing Update. County Manager Birnie informed the Board that the County received an offer on one of the County-owned Stallion Park units, and price negotiations are taking place. He requested that the Board reauthorize the sale of the unit and negotiation. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Manager to negotiate the sale of the Stallion Park unit that is currently listed. Motion carried unanimously.
2. Courthouse Construction Project Update. County Manager Birnie informed the Board that the project is going well. All concrete is testing well with regard to strength. He added \$106,000 to the budget for security items. Other than that addition, the County is managing the costs within what was budgeted.

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

1. Complaint; Dust between Beaver Lake and Gold Pan Gallery. Deputy County Manager Crosby informed the Board that a complaint was lodged about ATV and vehicle traffic on the road in excess of the allowable 200 per day. The State asked for a traffic count, which was completed on 8/3 in two different locations and counted 149 total vehicles going both directions that day.
2. Crystal Road Conditions. Deputy County Manager Crosby informed the Board that she visited the Crystal area to assess the roads, and she agrees that there are issues that need to be addressed. She has begun discussions with contractors with the goal of improving the conditions.
3. Marble HUB Update. Deputy County Manager Crosby informed the Board that the Marble City Council no longer holds meetings in the facility and does not want to keep paying for the electric service. County Manager Birnie noted that the marble quarry donated a huge slab of granite for the courthouse project. The County is very grateful, and the slab will be engraved.
4. Whitewater Park Public Meeting. Deputy County Manager Crosby informed the Board that there were approximately 20 citizens in attendance at the recent public meeting. Surveys are also being conducted as people exit their boats at the park. A new GOCO grant application will be submitted.
5. Kebler Pass Trailhead. Deputy County Manager Crosby informed the Board that she will be scheduling a meeting to discuss parking issues, and Commissioner Chamberland and Commissioner Houck stated that they would like to attend the meeting. She will coordinate with them on dates.
6. Water Treatment Plant Update. Deputy County Manager Crosby informed the Board that County received a poor rating on the second phase of the Sanitary Survey Report because some treatment parameters have been changed. She opined that the changes will be difficult for small treatment plants to comply with. She is working with an engineer in Ridgway that is also working with many small treatment centers on the west slope, and the engineer will take the lead on this issue with the State.
7. Gunnison Basin Industrial Park Update; Atmos Energy. Deputy County Manager Crosby informed the Board that Atmos Energy will be able to provide natural gas to the Park by locating meters in the strip of land between the Park and the KOA Campground. The facilities won't be located within the Park boundaries.
8. Approval of Revised Bylaws; Gunnison Basin Weed Commission. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the revised bylaws for the Gunnison Basin Weed Commission. Motion carried unanimously.
9. Gunnison County Street Vacation Process. Deputy County Manager Crosby informed the Board that, upon application, a fee is paid and information is provided. A public notice is then developed, and each stage is approved by the County Attorney's Office. The notice must be advertised for at least two weeks in the Gunnison Country Times, and the notice is also published in the CB News if the requested vacation is located in the north end of the valley. All adjacent property owners are notified by certified mail with return receipt requested. The applicant pays for the cost of all advertising. Comments are sought from the County Attorney's Office, the Community Development Department and all affected utility companies. A resolution is prepared in advance of the Board meeting, and a lot cluster agreement is often prepared at the same time. Colorado law requires that a street vacation will be split evenly between each owner on the sides of the vacation. Lastly, she noted that the Board will need to decide in each case whether or not there is a public benefit to the vacation since land is essentially given away. At times there is no clear public benefit, and the Board must make judgment calls in those cases. County Attorney David Baumgarten further explained that a vacation cannot leave a piece of land landlocked.
10. USDA, Forest Service Agreement No. 14-RO-11020407-052; Road Project Agreement between Gunnison County and the USDA, Forest Service, Grant Mesa, Uncompahgre and Gunnison National Forest, Gunnison Ranger District; Cumberland Pass National Forest System Road 765 Willow Creek Bridge 2 Replacement Project. Deputy County Manager Crosby informed the Board that the costs included within the agreement in the meeting packet had changed by approximately 17%. She explained that the \$150,000 guaranteed from the US Forest Service will cover the cost of the structure, foundation, crane and excavator. Gunnison County will be responsible for the labor and

equipment, and the County has 30 days with which to purchase the structures at a guaranteed price. In total, Gunnison County will be responsible for approximately 33% of the revised cost, which is approximately \$70,000. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the increased scope of work and money for the project on Willow Creek Bridge #2 as presented today by Deputy County Manager Marlene Crosby, and authorize the Chairperson's signature on the agreement. Motion carried unanimously.

11. Marking on Gothic Road. Deputy County Manager Crosby informed the Board that she is considering the allowance of temporary marking on this County road that will benefit Western State Colorado University. The Board didn't express any objections.

BREAK: The meeting recessed from 9:14 until 9:23 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE A CERTAIN ROAD AND CUL-DE-SAC ADJACENT TO DOS RIOS GUNNISON HOMESITES UNIT NO. 2; LEVI KLINGSMITH, ET AL: County Attorney Baumgarten, Assistant Community Development Director Neal Starkebaum and Deputy County Manager Crosby were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:14 am.
2. Public Notice Confirmation. Deputy County Manager Crosby confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Deputy County Manager Crosby explained that an easement for a cul-de-sac currently exists, so she will be requesting that the fence be removed so that the cul-de-sac can be created for her crews to turn around in the winter. She stated that the Community Development Department didn't have any comments related to this vacation request, though Assistant Community Development Director Starkebaum informed the Board that his office didn't have any knowledge of the lot cluster request at the time of review for comments. Deputy County Manager Crosby noted that the new plat and lot cluster would be approvable at the same time.
5. Applicant Presentation. N/A
6. Board Questions. N/A
7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:18 am.

Sue McAllister asked what the plan for the land would be after the vacation, and Chairperson Swenson explained that it would become part of the property owner's land. Deputy County Manager Crosby added that the street will be removed, not extended.

Sandy Rider asked where the sewer and water taps will be located after the property is purchased. Chairperson Swenson clarified that the property is not for sale and that it is owned by the Klingsmith family. If the Klingsmith family wants to add any housing structures to the land, they will need to go through the appropriate land use process. With this vacation, if approved, the county would only be vacating a right-of-way that was never built.

Bob Drexel asked if the cul-de-sac would be moved to the dashed line on the map, and Chairperson Swenson explained that it would.

Dr. Jay Wolkov asked if the vacated portion on the map was already owned by Klingsmith family, and the Board confirmed that it is.

Chairperson Swenson closed the public comment portion of the hearing at 9:23 am.

8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A
10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:23 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Petition to Vacate a Certain Road and Cul-De-Sac Adjacent to Dos Rios Gunnison Homesites Unit No. 2 owned by Levi Klingsmith, et al, including adoption of Resolution #2014-21, a Resolution Vacating an Unbuilt Portion of County Road 33 aka Camino Del Rio and Cul-De-Sac Lying within Dos Rios Gunnison Homesites Unit No. 2, aka Dos Rios Subdivision, Gunnison Homesites Unit No. 2, County of Gunnison, State of Colorado. Deputy County Manager Crosby asked that the motion include that the resolution will be held pending

approval of the lot cluster agreement. Commissioner Chamberland agreed and amended his motion, and Commissioner Houck seconded the amended motion. Motion carried unanimously.

COLORADO COUNTIES, INC. (CCI) 2014 LEGISLATIVE COMMITTEE MEMBER APPOINTMENT: Chairperson Swenson informed the Board that she will be on vacation and unavailable to attend the 10/3 legislative session. **Moved** by Chairperson Swenson, seconded by Commissioner Chamberland that Commissioner Houck will be the legislative appointment for the CCI legislative session on 10/3. Motion carried unanimously.

OUT-OF-STATE TRAVEL REQUEST; COUNTY ATTORNEY; NATIONAL WORKSHOP ON LARGE LANDSCAPE CONSERVATION CONFERENCE; OCTOBER 2014; WASHINGTON DC; \$2,100: County Attorney Baumgarten was present for discussion. He informed the Board that he will be a presenter at this conference, and that there is no stipend available for presenters. He surmised that the potential benefits to the county would be the increased knowledge of large-landscape conservation, and the ability to present on a national stage information relative to the steps that the County has taken in support of the species. Since the mitigation fund is dwindling, County Attorney Baumgarten agreed that the cost of the trip can be split between his department and the Wildlife Conservation Department. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the out-of-state travel to the National Workshop on Large Landscape Conservation Conference in October 2014 in Washington, DC for the County Attorney, with the expenses being split between the sage-grouse (Wildlife Conservation) budget and the County Attorney budget. Motion carried unanimously.

RESOLUTION; APPROVING THE EXTENSION OF GUNNISON COUNTY OIL AND GAS PERMIT OG2011-06 MCINTYRE FLOWBACK PITS 1 AND 2, SG INTERESTS I, LTD: Assistant Community Development Director Starkebaum and SG Interests I, Ltd. Environmental and Permitting Manager Catherine Dickert were present for discussion.

Ms. Dickert presented SG Interests' request for a one-year extension to the permit, and she explained that the extension was necessary due to some internal issues that SG Interests had been experiencing. She explained that Pits 3 and 4 were built, but not yet utilized, and that a draft Environmental Impact Statement is expected to be released in October with final approval scheduled for some time during the summer of 2015. SG Interests would like to reserve the capacity in case it is needed. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2014-22, a Resolution Approving the Extension of Gunnison County Oil and Gas Permit OG2011-06 McIntyre Flowback Pits 1 and 2, SG Interests I, Ltd. Motion carried unanimously.

MASDEN LAKE FORK COVE BUILDING MORATORIUM: Community Development Director Russ Forrest and Planner Cathie Pagano were present for discussion.

Community Development Director Forrest informed the Board that all pending issues have been resolved, or as resolved as they can be, and there is no good legal reason not to take action at this point.

Planner Pagano explained that the Board enacted the moratorium in August 1995 without passing a resolution or other formal documentation other than the meeting minutes. The Planning Commission recommended seven conditions be met before building and septic permits are allowed to be issued, and she believes those conditions have been met as fully as is possible. She discussed this issue with the State Division of Water Resources and the State engineer, and no one has been able to verify, or not, that there is an adequate water supply for the development. A spring is partially owned by the development, but it is unclear how many of the properties will be capable of utilizing the spring for their water supply. Some well permits have been issued for the development, and some of those were exempt from having to provide augmentation water.

Community Development Director Forrest stated that there is no risk to life and safety that would support the continuation of the moratorium. He opined that, since the moratorium was created by motion, a motion would be necessary in order to lift it. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to lift the moratorium on Masden Lake Fork Cove properties. Motion carried unanimously.

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

Commissioner Houck:

1. Whitewater Park Public Meeting. Commissioner Houck informed the Board that the meeting was well attended and that he believes the Board will need to see a whole plan for the area.
2. Gunnison Sage-grouse Subcommittee. Commissioner Houck informed the Board that the Subcommittee would soon be providing a recommendation related to the signal peak process to the Gunnison Sage-grouse Strategic Committee.

Commissioner Chamberland:

1. Broadband Update. Commissioner Chamberland informed the Board that Region 10 selected a consultant to perform broadband planning. The selected firm is located in Colorado Springs and it has been involved in work nationally.

Commissioner Swenson:

- 1. Gunnison Valley Regional Housing Authority (GVRHA) Update. Chairperson Swenson informed the Board that Caddis Flats would be getting a name change during the following week. She also indicated that the County may be capable of managing the properties within the GVRHA instead of contracting the services to an external entity.

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

ADJOURN: Moved by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:50 am.

Paula Swenson, Chairperson

Phil Chamberland, Vice-Chairperson

Jonathan Houck, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2014-21**

A RESOLUTION VACATING AN UNBUILT PORTION OF COUNTY ROAD 33 A/KA CAMINO DEL RIO AND CUL-DE-SAC LYING WITHIN DOS RIOS GUNNISON HOMESITES UNIT NO. 2, A/K/A DOS RIOS SUBDIVISION, GUNNISON HOMESITES UNIT NO. 2, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority and is the owner of certain roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain unbuilt portion of County Road 33, a/k/a Camino Del Rio, and the unbuilt cul-de-sac at the terminus of said road, lying within Dos Rios Gunnison Homesites Unit No. 2, a/k/a Dos Rios Subdivision, Gunnison Homesites Unit No. 2, County of Gunnison, State of Colorado as identified on the plat titled "Dos Rios Gunnison Home Sites Unit No. 2" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado and as more specifically described and identified in Appendix "A" attached hereto and incorporated herein by reference; and

WHEREAS, the vacation of the above described unbuilt portion of road and cul-de-sac will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described unbuilt portion of road and cul-de-sac; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison,

Colorado that the unbuilt portion of County Road 33, a/k/a Camino Del Rio, and the unbuilt cul-de-sac at the terminus of said road, lying within Dos Rios Gunnison Homesites Unit No. 2, a/k/a Dos Rios Subdivision, Gunnison Homesites Unit No. 2, County of Gunnison, State of Colorado as identified on the plat titled "Dos Rios Gunnison Home Sites Unit No. 2" recorded in the records in the Office of the Clerk and Recorder of Gunnison County, Colorado and as more specifically described and identified in Appendix "A" attached hereto shall be and hereby are vacated.

It is the specific intent of the Board that the vacation of the above described unbuilt portion of road and cul-de-sac shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. A Lot Cluster Agreement executed by Gunnison County and the owner(s) of the adjacent property clustering said property and the unbuilt portion of County Road 33, a/k/a Camino Del Rio, and the unbuilt cul-de-sac vacated by this Resolution; and
2. This Resolution.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 5th day of August, 2014.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 14 - 22**

A RESOLUTION APPROVING THE EXTENSION OF GUNNISON COUNTY OIL AND GAS PERMIT OG2011-06 MCINTYRE FLOWBACK PITS 1 AND 2 SG INTERESTS I, LTD.

WHEREAS, the Board of County Commissioners approved Resolution No. 2011-26 A Resolution approving the McIntyre Flowback Pits 1 and 2 on July 12, 2011, Oil and Gas Permit OG2011-06, recorded in the Office of the Gunnison County Clerk and Recorder at Reception No. 606659, July 13, 2011; and

WHEREAS, by letter of July 3, 2014 Catherine Dickert, Environmental & Permit Manager, SG Interests I, Ltd., requests a one year extension of Gunnison County Oil and Gas Permit OG2011-06 McIntyre Flowback Pits 1 and 2; and

WHEREAS, the McIntyre Flowback Pits 1 and 2 have not yet been constructed; and

WHEREAS, this Resolution is not, nor shall not be construed to be, a determination on which the McIntyre Pits 1 and 2 shall be permitted as a Centralized E and P Waste Facility; and

WHEREAS, the Board of Commissioners intends to approve the extension of Gunnison County Oil and Gas Permit OG2011-06 and;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY that:

Gunnison County Oil and Gas Permit OG2011-06 McIntyre Flowback Pits 1 and 2, issued to SG Interests I, Ltd., is hereby extended until July 12, 2015 and SG Interests I, Ltd. shall comply with all conditions, terms and requirements identified in the Permit and that all such conditions, terms and requirements remain in full force and effect;

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and passed on this 5th day of August, 2014.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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