AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft BOCC Minutes; 11-4-2014

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Attached are the draft 11/4/2014 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\khaase Discharge Date: 11/14/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 11/18/2014 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 4, 2014

The November 4, 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 8:30 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the minutes for Special Meetings on October 14th and October 28th as presented. Motion carried unanimously.

1. Draft Special Meeting Minutes; 10/14/14
2. Draft Special Meeting Minutes; 10/28/14

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

1. Acknowledgment of County Manager Signature; Temple Hoyne Buell Foundation Grant Award #7121; Gunnison Hinsdale Early Childhood Council; 10/1/14 thru 8/31/15; $10,000
2. HIPAA Associate Addendum; State of Colorado, Department of Human Services
3. Professional Services Agreement; Heather Peterson; Services to the Office of Juvenile Services Regarding Assessment, Service Planning, Case Management and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services; 11/4/14 thru 10/1/15
4. Fixed Price Agreement for Cloud Seeding Professional Services; North American Weather Consultants, Inc.; 11/15/14 thru 4/15/15; $10,000
5. Out-of-State Travel Request; IT Director Mike Lee; Laserfiche Empower 2015 Conference; Anaheim, CA; 1/12/15 – 1/16/15; $564
6. Out-of-State Travel Request; Assistant Finance Director Ben Cowan; Laserfiche Empower 2015 Conference; Anaheim, CA; 1/12/15 – 1/17/15; $1,503.40
7. Contractor Agreement; OfficeScapes; Design Specification and Services for Courthouse Construction Project; Furniture, Fixtures and Equipment; 11/4/14 thru 12/31/14; $3,200
8. Contract to Buy and Sell Real Estate (Residential); Zachary Marquis; 216 S. Avion Drive, Unit 101, Crested Butte, CO 81224; $123,800
9. Acknowledgment of County Manager Signature; Contractor Agreement; Lacy Construction Company, LTD; Foundation Removal at Stallion Park Property; 10/15/14; $10,000
10. Release of Development Improvements Agreement and Addendum thereto for Lot 2, Ragged Meadow Subdivision; Jacob V. Schloesser
11. Agreement; AmeriTeach; IT Department Microsoft Training Services; 10/24/14 thru 12/31/14
12. San Juan Mountains Cooperative Weed Management Area Memorandum of Understanding between La Plata, Ouray, San Juan, San Miguel, Archuleta, Hinsdale, Dolores, Gunnison and Montezuma Counties
13. Fourth Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 1; Jackson-Shaw/Taylor River Ranch, LLC
14. Development Improvements Agreement for Wilder on the Taylor – Phase 2; Jackson-Shaw/Taylor River Ranch, LLC

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Funding Approval; Consultant Fees; Yellow-billed Cuckoo; $800. County Manager Birnie explained that any approval would need to be ratified on a future agenda. A firm is being hired to perform a review on this species. The consultant's fees will be $2,400 and Delta, Montrose and Gunnison Counties are proposing an equal split of the cost. The Board authorized this cost, and this decision will be on a future meeting agenda for ratification.
2. Courthouse Project Update. County Manager Birnie informed the Board that the project is proceeding according to schedule and that the north side of the facility's exterior should be completed within a week. He also informed the Board that the County received $150,000 in grant funding from DOLA for furniture, fixtures and equipment. The drilling is nearly complete, and some site work will be put off until spring.
3. Director Vacancy Update. County Manager Birnie informed the Board that five finalists have emerged from a strong pool of applicants for the HR Director position, all with diverse backgrounds.

Interviews will take place during the afternoon of 11/12 and the morning of 11/13, with two of the applicants needing to appear via Skype. A decision is expected to be made soon after the interviews take place. With regard to the Health and Human Services Director position, Prothman will begin the review of applicants today. Interviews for that position will likely take place in December. The current Director will remain in the position and not retire until mid-February.

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

1. Bid Award; Crushing; Elk Creek Sand & Gravel, LLC; $271,700. Deputy County Manager Crosby informed the Board that this award will enable us to crush in three different locations. She will work with Finance Director Linda Nienhueser to determine the final dollar amount. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the bid award for crushing with Elk Creek Sand & Gravel, LLC, not to exceed $225,000. Motion carried unanimously.
2. Six Points Project Update. Deputy County Manager Crosby informed the Board that the in-kind support being supplied by the County will enable the parking area to be paved in the spring.
3. Whitewater Park Repairs. Deputy County Manager Crosby informed the Board that the contractor is on site, and that the damage is significantly more than expected. They applied for a permit to divert the river while the repairs are completed, and she expects to receive approval within a couple of days.
4. Gunnison Home Association Request for Contribution/Trade. Deputy County Manager Crosby informed the Board that our Facilities crews have been mowing the grass at the health care center and at the Willows, while the Home Association mows Lots B, C and D approximately three times per month. The Home Association has asked for a blade and an operator for some roadwork, which would cost the County approximately $2,100 compared to the estimated $2,700 of in-kind assistance that the Home Association provides via mowing. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the contribution. Motion carried unanimously.
5. Mountain Pass Update. Deputy County Manager Crosby informed the Board that Chaffee County plans to keep its side of Cottonwood Pass open through the hunting seasons. She also indicated that her crews will continue to plow a portion of Kebler Pass up until Thanksgiving.

BUILDING ENVELOPE ADJUSTMENT; LOT 3, TOMICHI CREEK PRESERVE, SECTION 14, T.49 N, R.1 W OF THE NMPM; TODD HUCKABEE: Planner Cathie Pagano and AJ Cattles, representing the homeowner, were present for discussion. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Homesite Envelope Adjustment for Lot 3 in Tomichi Creek Preserve as shown in the packet and on the plat. Motion carried unanimously.

GUNNISON-CRESTED BUTTE REGIONAL AIRPORT: Airport Manager Rick Lamport was present for discussion.

1. Resolution Incorporating Certain Real Property into the Gunnison-Crested Butte Regional Airport and Designation of Federal Aviation Administration Requirements and Restrictions. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2014-29, a Resolution Incorporating Certain Real Property into the Gunnison-Crested Butte Regional Airport and Designation of Federal Aviation Administration Requirements and Restrictions. Motion carried unanimously.
2. Affiliate Airline Operating Agreement, Gunnison-Crested Butte Regional Airport, Gunnison, Colorado; Express Jet Airlines; 11/1/14 thru 10/31/15. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Affiliate Airline Operating Agreement between the Gunnison-Crested Butte Regional Airport and Express Jet Airlines from 11/1/14 through 10/31/15. Motion carried unanimously.
3. Affiliate Airline Operating Agreement, Gunnison-Crested Butte Regional Airport, Gunnison, Colorado; SkyWest Airlines, Inc.; 11/1/14 thru 10/31/15. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Affiliate Airline Operating Agreement between the Gunnison-Crested Butte Regional Airport and SkyWest Airlines, Inc. between 11/1/14 and 10/31/15. Motion carried unanimously.
4. Lease Agreement; Ramon Ray, dba Ray Trucking and Backhoe; 11/1/14 thru 10/31/15; $13,527.96. Airport Manager Lamport informed the Board that the corrected insurance certificate had not been received yet. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Lease Agreement for Ramon Ray, dba Ray Trucking and Backhoe from 11/1/14 thru 10/31/15, and that approval is based on finalizing the insurance requirements as noted by the County Attorney's Office. Motion carried unanimously.

BREAK: The meeting recessed from 9:05 until 9:07 am.

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

Commissioner Houck:

1. City of Gunnison; Recreation Master Planning Process. Commissioner Houck informed the Board that the City has asked him to participate in this process, and he has agreed to assist.

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2. Meeting with Lt. Governor Joseph Garcia. All three commissioners attended this meeting on 10/28. Commissioner Houck expressed his opinion that good gains were made and there is now a better understanding of Western State Colorado University's role in the community as an economic driver.
3. Community Builders Task Force Update. Commissioner Houck informed the Board that this group is still meeting and that he should be able to provide an update to the Board after next week.
4. Western State Colorado University Draft Marketing Plan. Commissioner Houck stated that he attended the presentation given by WSCU Director of Communications Brian Barker to the Gunnison City Council, and that Mr. Barker would be giving the same presentation to the Board during an upcoming meeting.

Commissioner Chamberland:

1. Region 10 Economic Development Grant Requests for Proposal. Commissioner Chamberland informed the Board that interviews are scheduled to take place on 12/4. This program is between Gunnison and Delta Counties, and it is hoped that it will help to counteract the effects of the recent mine closures.
2. Broadband Update. Commissioner Chamberland informed the Board that there have been additional meetings, and that the process will hopefully end up creating redundancy for Gunnison County.

Commissioner Swenson:

1. Colorado Workforce Development Council Update. Chairperson Swenson informed the Board that she will be helping to host the CWDC meeting that is scheduled to take place at WSCU in July.
2. Gunnison Valley Rural Transportation Authority Update. Chairperson Swenson informed the Board that the RTA plans to release a survey in mid-November to find out how people feel about the RTA and the current programming.

KEBLER PASS; WINTER TRAILHEAD MANAGEMENT PLAN: Deputy County Manager Crosby was present for discussion, and she provided copies of four email messages to enter into the record. She explained that she had worked with the Forest Service to arrive at permit fees, though some Irwin residents are opposed to having to pay a fee for overnight parking. Some Irwin residents have also asked that, if they have to pay a fee, the recreation users should also have to pay, and she explained to them that the cost of keeping a gatekeeper in the area is prohibitive. Some residents also expressed concern about others taking their permitted spots.

Chairperson Swenson asked if Irwin Guides would be paying for spaces, and Deputy County Manager Crosby explained that they will pay permittee fees. Chairperson Swenson also suggested that the posted notices be more specific related to moving vehicles on a regular basis. Deputy County Manager Crosby explained that she hadn't been specific as to the length of time since the need is slow related. Deputy County Attorney Trezise suggested that a time limit be created and posted. Deputy County Manager Crosby noted that new signage will need to be created.

Deputy County Manager Crosby also informed the Board that some Irwin residents would like two permits per residence.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the policy for Kebler Winter Trailhead Parking for the 2014-2015 year as presented today, with the modification of specifying what a regular basis means and the extended period of time relative to trailers. Motion carried unanimously. County Attorney David Baumgarten requested that a clean version of the policy be attached to the minutes, and distributed to the Board and the Irwin residents.

GUNNISON COUNTY, COLORADO REGULATIONS FOR THE USE OF GEOTHERMAL RESOURCES FOR THE COMMERCIAL GENERATION OF ELECTRICITY: Assistant Community Development Director Neal Starkebaum was present for discussion, and he provided a technical correction to the regulations relative to water body quality.

1. Resolution; Adopting the Gunnison County, Colorado Regulations for the Use of Geothermal Resources for the Commercial Generation of Electricity. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2014-30, a Resolution Adopting the Gunnison County, Colorado Regulations for the Use of Geothermal Resources for the Commercial Generation of Electricity, as amended in the section on water body quality. Motion carried unanimously.
2. Resolution; Adopting a Schedule of Fees for Geothermal Electrical Generation Operation Applications. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2014-31, a Resolution Adopting a Schedule of Fees for Geothermal Electrical Generation Operation Applications. Motion carried unanimously.

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GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION (TA) BYLAWS UPDATE: Deputy County Attorney Art Trezise, Community Development Director Russ Forrest and TA Board member Ryan Johnson were present for discussion.

Community Development Director Forrest informed the Board that he and Deputy County Attorney Trezise drafted a set of bylaws, and they met with four members of the TA board to begin working through the document. Discussions have centered on the purpose of the organization along with the roles and responsibilities of the board members.

The group has discussed the possibility of changing the TA's legal name to something that would include the word "marketing". By changing the name and creating new bylaws, a new entity would essentially be created, which some believe may be a faster process than working through the process of modifying the current bylaws and retaining the old name.

The next regular TA board meeting is scheduled to take place on 11/11, and the Board asked that Community Development Director Forrest and Deputy County Attorney Trezise attend that meeting if invited.

Deputy County Attorney Trezise asked about the process for continuing marketing efforts during the transition. The Board asked that the TA provide a report on the amount of money that has been contracted out through the end of the year as everyone would prefer to avoid any gaps in marketing. An interim funding agreement may need to be created, based on the transition timing, since the current funding expires on 12/31. Due to pending issues, a partial-year contract may be created.

Mr. Johnson asked about including the town of Marble in the organization, but Chairperson Swenson explained that the Gunnison River Valley Local Marketing District contracts with the Marble Crystal River Chamber of Commerce separately and there is no desire to alter that arrangement.

GUNNISON VALLEY HEALTH (GVH) PROPOSED PURCHASE OF THE MOUNTAIN CLINIC: Finance Director Linda Nienhueser and GVH CEO Rob Santilli were present for discussion.

Mr. Santilli explained that GVH would like the clinic's operational schedule to match the resort's winter schedule, although GVH is also evaluating the possibility of also being operational during the summer months in order to provide access to healthcare for non-ski accidents. The services will be based on orthopedic and rehabilitation needs, as well as overall wellness. An additional 3,000 square feet of space is adjacent to the clinic, and GVH may pursue utilization of that space in the future.

Commissioner Chamberland agreed that it would be beneficial for GVH to have a presence in the Mt. Crested Butte area. He asked about GVH's plans to fund this endeavor, and Mr. Santilli explained that the purchase cost would come from this year's operations as GVH does not see a need to use reserve funds.

Commissioner Houck agreed that a GVH presence in the north end of the valley will be important, and he expressed his appreciation for the detailed proposal.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Gunnison Valley Health proposed purchase of the Mountain Clinic. Motion carried unanimously. Attorney David Leinsdorf, in attendance, asked if the approval included the signing of the lease and other documents to complete the purchase, and the Board confirmed that it did.

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

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:06 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

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_____
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: 14-29

A RESOLUTION INCORPORATING CERTAIN REAL PROPERTY INTO THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT AND DESIGNATION OF FEDERAL AVIATION ADMINISTRATION REQUIREMENTS AND RESTRICTIONS

WHEREAS, on March 7, 2006 the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), pursuant to recommendation by the Federal Aviation Administration, by Resolution No: 2006-23 adopted the Gunnison-Crested Butte Regional Airport Master Plan (herein "Master Plan"); and

WHEREAS, in accordance with the Master Plan it is important for air navigation and safety purposes that real property lying within the Gunnison-Crested Butte Regional Airport (herein "Airport") be formally incorporated into the Airport and subject to the same Federal Aviation Administration (herein "FAA") requirements and restrictions as the Airport; and

WHEREAS, it is in the best interest of the public and Airport operations that the following parcel be formally incorporated into the Airport and subject to the same FAA requirements and restrictions as the Airport:

Block 12 in its entirety, including the alley lying within, Block 17 in its entirety, including the alley lying within, Block 18 in its entirety, including the alley lying within, that portion of Railroad Avenue lying between and adjacent to Block 12 and Block 17 and that portion of 10th Street lying between and adjacent to Block 17 and Block 18, all according to the Plat of Rio Grande Addition to the City of Gunnison, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 247973 located within the County of Gunnison, State of Colorado and as identified on Appendix "A" attached hereto and incorporated herein by reference ("herein "Parcel").

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Parcel described above and as identified in "Appendix A", shall be and hereby is incorporated into the Gunnison-Crested Butte Regional Airport and is subject to the same Federal Aviation Administration requirements and restrictions as the Gunnison-Crested Butte Regional Airport. 2

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted on this 4th day of November, 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. 14-30

A RESOLUTION ADOPTING THE *GUNNISON COUNTY, COLORADO REGULATIONS FOR THE USE OF GEOTHERMAL RESOURCES FOR THE COMMERCIAL GENERATION OF ELECTRICITY*

WHEREAS, it is the goal of the Board of County Commissioners of Gunnison County to foster the full, orderly and efficient development of geothermal resources for the commercial generation of electricity while protecting public health, safety and welfare, the environment and wildlife, and protecting public and private property rights; and

WHEREAS, these *Regulations* are authorized by, *inter alia*, C.R.S. 24-65.1-101 through 24-65.1-502; 30-28-101, et seq.; 30-28-201, et seq.; and 29-20-101, et seq.; and

WHEREAS, the Gunnison County Planning Commission did, on October 17, 2014 forward a recommendation of unanimous approval of the *Regulations* to the Board of County Commissioners; and

WHEREAS, the Board of Commissioners did, receive and review the Planning Commission's recommendation and on October 21, 2014 held a properly noticed public hearing to hear public testimony on the *Regulations*;

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

1. The *Gunnison County, Colorado Regulations for the Use of Geothermal Resources for the Commercial Generation of Electricity* are hereby adopted as identified in Exhibit A (attached).

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2. The *Gunnison County, Colorado Regulations for the Use of Geothermal Resources for the Commercial Generation of Electricity* become effective upon the recordation of this Resolution with the Office of the Gunnison County Clerk and Recorder.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted on this 4th day of November, 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. 14-31

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR GEOTHERMAL ELECTRICAL GENERATION OPERATION APPLICATIONS

WHEREAS, the Board of County Commissioners adopted the *Gunnison County, Colorado Regulations for the Use of Geothermal Resources for the Commercial Generation of Electricity* on November 7, 2014; and

WHEREAS, *Section 1-105: Impact Classification, Gunnison County, Colorado Regulations for the Use of Geothermal Resources for the Commercial Generation of Electricity* identifies the level of County review for Geothermal Electrical Generation Operation applications; and

WHEREAS, the Gunnison County Community Development Department charges fees to defray the cost of processing and reviewing applications by the County; and

WHEREAS, the Board of County Commissioners is informed of the costs associated with the review of Geothermal Electrical Generation Operation applications;

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

1. The Gunnison County Community Development Department Schedule of Fees for Geothermal Electrical Generation Operation applications is hereby adopted as identified in Exhibit A (attached).
2. The Gunnison County Community Development Department Schedule of Fees for Geothermal Electrical Generation Operation becomes effective upon the recordation of this Resolution with the Office of the Gunnison County Clerk and Recorder.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted on this 4th day of November, 2014.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

EXHIBIT A

GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
SCHEDULE OF FEES FOR GEOTHERMAL ELECTRICAL GENERATION OPERATION APPLICATION

Impact Classification	Application Fee
Minor Impact - Geothermal Electrical Generation Operation	$ 2,500.00
Major Impact - Geothermal Electrical Generation Operation	$ 4,500.00

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