

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 21, 2015**

The July 21, 2015 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, 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 9:59 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to approve the minutes for the July 7, 2015 regular meeting. Motion carried. Commissioner Houck didn't vote on the motion because he was not present for the 7/7 meeting. **Moved** by Chairperson Swenson, seconded by Commissioner Houck to approve the May 5, 2015 and June 23, 2015 meeting minutes. Motion carried. Commissioner Chamberland didn't vote on the motion because he wasn't present for those meetings.

1. 5/5/15 Regular Meeting
2. 6/23/15 Special Meeting
3. 7/7/15 Regular Meeting

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

1. Sub-lease Agreement; Crested Butte Snowsports Foundation; Gunnison County Family Advocacy Support Team; 214 6th Street, #8, Crested Butte, CO 81224; 4/1/15 thru 3/31/15; \$190/month
2. Amendment 2 to Memorandum of Understanding between Rocky Mountain Health Plans Foundation RMHPF and Gunnison County Health and Human Services; Revised Statement of Work; 7/1/15 thru 6/30/16
3. Professional Services Agreement; Seasons Schoolhouse, LLC; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Safety, Stability and Permanency for Children and Families Referred from the Gunnison County Department of Health and Human Services; 6/8/15 thru 6/30/16
4. Release of Development Improvements Agreement for Fairway Lane – Tomichi Creek Subdivision; West Elk Properties, LLC
5. 2015 Community Grant Cycle Grant Contract; Community Foundation of the Gunnison Valley; Gunnison County Juvenile Services; 7/1/15 thru 4/30/16; \$2,750
6. Standard Agreement for Professional Services; DOWL; Laboratory Testing or Field Sampling of Aggregate Base Course or Other Borrow Material from Various Pits and Locations as Requested by Gunnison County Public Works; 7/29/15
7. Community Foundation of the Gunnison Valley, 2015 Community Grant Cycle Grant Contract; Gunnison County Substance Abuse Prevention Project (GCSAPP); 7/1/15 thru 4/30/16; \$2,300
8. Out-of-State Travel; Certified Prevention Specialist Training; Rochester/Minneapolis, MN; 7/28/15 thru 7/31/15; \$1,234
9. Additional Documentation; Federal Aviation Administration Application for Federal Assistance SF-424; Gunnison-Crested Butte Regional Airport AIP Project No. 3-08-0030-050; Taxiway A1-A3 Rehabilitation Project
10. Out-of-State Travel; Managing for Results Annual User's Conference; Tempe, AZ; 10/7/15 thru 10/10/15; \$1,025.79

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Northwest Colorado Council of Governments (NWCCOG) Quality/Quantity (QQ) Meeting. County Manager Birnie informed the Board that he attended the meeting in Crested Butte last week. Dorothea Farris also attended, and she requested a resolution in support of the Crystal River designation. The Colorado River District is not yet ready to support the designation, and QQ passed a resolution in support of a Forest Service evaluation. He suggested that, prior to offering support from the County, we should find out what Colorado River District's concerns are. The Standard Mine Cleanup was also discussed during the meeting, and the Board is scheduled to receive an update on 8/4.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby and County Attorney David Baumgarten were present for discussion.

1. Authorization to Pursue RS2477 Status on a Portion or All of the Road between the Town of Marble and the Townsite of Crystal. DCM Crosby informed the Board that she and Commissioner Chamberland met with Forest Service representatives in Marble to discuss the trailhead issue. She noted that a long-term solution may be the construction of a trailhead, though there are short-term options to consider as well.

DCM Crosby explained that question about asserting RS2477 came about because the Forest Service stated that the surveyor knew that the road was used to access the mines. If pursued, the County would incur surveying expenses. DCM Crosby requested direction, and she indicated that the Forest Service is eager to work with the County to fix outstanding issues.

Commissioner Chamberland said that he was surprised to see how much public land is being assumed by private landowners.

CA Baumgarten explained that the RS2477 process is an important and useful tool, and pursuing it now would be a preemptive way of solving an expected problem. He noted that it would set a precedent, but that the County won't have to manage those concerns at this time. DCM Crosby explained that the first step in the process would be for the County Attorney's Office to perform the legal research and a site visit.

Commissioner Houck asked about the maintenance and responsibilities that the County will incur, and DCM Crosby explained that approximately \$5,000 in work was performed in that area last year. She also explained that the County wouldn't be obligated to any maintenance on the primitive road, even to the extent of maintaining the road at the level that we receive it. CA Baumgarten confirmed that any maintenance performed would be at the County's discretion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to pursue RS2477 on a section of road from the intersection of County Road 3 and Marble Village Drive to the Townsite of Crystal. Motion carried unanimously.

2. Irwin Townsite Parcel Exchange. DCM Crosby explained that the easements that were granted do not coincide with the work that needs to be accomplished. She received a suggestion that the proposed vacation and clustering be allowed so that the result would be a sellable one-acre lot. She noted that clustering could be a condition of the exchange. The exchange would also result in the provision of access to other property owners. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to have staff enter into negotiations to do the swaps and clustering as described here today. Motion carried unanimously.
3. Taylor Canyon Road Update. Commissioner Houck informed the Board that he noticed some of the required seeding work has not yet been completed. DCM Crosby stated that the issue has been documented, and that the seeding company has been unresponsive to date.

ACKNOWLEDGMENT OF COUNTY MANAGER SIGNATURE; PROJECT AUTHORIZATION (SERVICE AGREEMENT) – REVISED; AVIATION MANAGEMENT CONSULTING GROUP; GUNNISON-CRESTED BUTTE REGIONAL AIRPORT FEE STUDY; NOT TO EXCEED \$10,250: Airport Manager Rick Lampert was present for discussion.

CM Birnie explained that he asked AM Lampert to provide an update on the process even though the agreement had already been signed.

AM Lampert stated that changes to the documentation were necessary after the last discussion with the Board. He noted that the County will maintain ownership of the ramp, which will result in the County retaining the majority of the associated revenue. The study, which will include the cost to maintain the ramp, will take about four weeks to complete. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Gunnison-Crested Butte Regional Airport and Aviation Management Consulting Group agreement and authorize the County Manager's signature. Motion carried unanimously.

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated July 21, 2015 and the cash transfer authorization dated June 2015 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the vouchers for July 21, 2015 in the amount of \$1,633,692.47. Motion carried unanimously. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the cash transfers in the amount of \$4,264,147.01. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the June 2015 Treasurer's report; an investment report dated June 30, 2015; and a quarterly interest report for April through June 2015 for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the June 2015 Treasurer's report. Motion carried unanimously.

SUBDIVISION EXEMPTION REQUEST; RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND

"SUBDIVIDED LAND" FOR A TRACT OF LAND WITHIN THE SE1/4SW1/4 SECTION 23, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M. PETROCCO EXEMPTION: Assistant Community Development Director Neal Starkebaum was present for discussion.

ACDD Starkebaum stated that all relevant information had been included in the meeting portfolio. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Gunnison County Resolution #2015-16, a Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for a Tract of Land within the SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M. Petrocco Exemption as presented today. Motion carried unanimously.

BREAK: The meeting recessed from 10:50 until 10:53 am for a short break.

SPRUCE BEETLE EPIDEMIC AND ASPEN DECLINE MANAGEMENT RESPONSE (SBEADMR) COMMENTS: Commissioner Houck reminded the Board that he had been attending related meetings on behalf of the County in order to go through public input regarding the possible Forest Service recommendations. The draft Environmental Impact Statement (EIS) has been released, and he noted that the alternatives outlined in the draft EIS overlap quite a bit. Of the four alternatives, he opined that the County should support the second. Comments are due by 7/31, and he agreed to draft the correspondence.

Commissioner Houck explained that the Forest Service arrived at a maximum of 120,000 acres for treatment, compared to the projected 718,000 acres that are either impacted or projected to be impacted. The proposal would allow a mixture of commercial and noncommercial applications, and it would make wood available to people with wood cutting permits. He believes that the County should urge the Forest Service to reach the maximum of 120,000 acres. He also questioned whether or not the 300' buffers are sufficient. The issuance of permits could take between three and five years. The Board agreed to go forward with his suggestions.

UNSCHEDULED CITIZENS: This discussion began earlier than scheduled due to a gap in the meeting.

1. Hal Hearne. Mr. Hearne, a subcontractor for GE Johnson on the courthouse construction project, informed the Board that GE Johnson had not yet paid him for his services. He asked the Board to consider a mechanism for payment of local contractors when the required work is 100% complete. Per his contract with GE Johnson, final payments can take several months to process, so CM Birnie suggested that he carefully evaluate contracts prior to signature in the future. GE Johnson has admitted to a mistake related to some of Mr. Hearne's payments for the demolition phase.

SENATE BILL 05-152; DIRECTION TO COUNTY CLERK & RECORDER AND STAFF TO TAKE ALL NECESSARY ACTIONS TO ESTABLISH AND CONDUCT FALL 2015 ELECTION: County Attorney David Baumgarten was present for discussion.

CA Baumgarten explained that the proposed ballot item would be related to excluding the County from the requirements outlined in Senate Bill 05-152. As a first step in the process, the Gunnison County Clerk and Recorder requested formal direction from the Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to instruct staff to pursue a ballot question for this November that would allow the County and cities to opt out of Senate Bill 05-152, and direct the Clerk and Recorder to proceed with that election. Motion carried unanimously.

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. Broadband Update. Commissioner Chamberland informed the Board that he discussed this issue with Elyse Ackerman from the Colorado Department of Local Affairs. A final consolidated report is expected, and he is not sure that we will be ready to move forward by December.

Commissioner Houck:

1. Forest Service Meeting. Commissioner Houck informed the Board that he attended a recent meeting. Also in attendance were Forest Supervisor Scott Armentrout, District Ranger John Murphy, Mt. Crested Butte Mayor David Clayton, and CB Nordic Center Director Keith Bauer and four guests that he invited. He plans to meet with Mayors Huckstep and Clayton to discuss winter travel management and the specific issues.
2. Curecanti Recreation Area. Commissioner Houck informed the Board that he met with Senator Michael Bennet representative John Whitney to discuss this ongoing issue. He also met with Park Service representative Bruce Noble and CA Baumgarten. He indicated that nothing has changed, though he would like to include any new parties in the discussion as a result of property ownership changes that have occurred since the last time this issue was being discussed.

Commissioner Swenson:

1. Thompson Divide Issue. Chairperson Swenson stated that the County may want to provide follow-up correspondence. She will provide a draft for discussion and approval next week.

2. Director Vacancies. Chairperson Swenson served on the interview panels for the Deputy County Attorney and IT Director positions. A Deputy County Attorney is now under contract, and CM Birnie is close to contracting with an IT Director. She indicated that office space for the IT Director is an issue, and that the best location would be where the Coroner currently offices. Since space has become available in the Public Safety Center, the Coroner will likely move to that space. The Board agreed with this approach.
3. Colorado Workforce Development Council Meeting. Chairperson Swenson attended this recent meeting, during which the Community Development staff gave a presentation. The meeting went well, and the visitors were impressed with the area.
4. Chamber of Commerce Update. Chairperson Swenson informed the Board that the Chamber is working with the City of Gunnison to reduce fees in an effort to sustain the Chamber's funding.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:36 am.

Paula Swenson, Chairperson

Phil Chamberland, Vice-Chairperson

Jonathan Houck, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 15-16**

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND" FOR A TRACT OF LAND WITHIN THE SE1/4SW1/4 SECTION 23, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M. PETROCCO EXEMPTION

WHEREAS, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt a division of land from the statutory definitions of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. In 1940, Antonio Petrocco, the owner's grandfather, purchased a 20-acre parcel, which included the subject parcel.
2. In 1970, Antonio Petrocco sold 15-acres to the Marble Ski Area, Inc. and retained 5-acres, which included the subject parcel.
3. In 1978, the subject parcel was deeded to Antonio Petrocco's heirs and was divided into 4 parcels (1.25-acres each). Debbie Petrocco's immediate family was deeded a 1.25-acre parcel and purchased the adjoining 1.25-acre parcel from their cousin Edward Hogue and combined it into the existing 2.5-acre parcel.
4. In 1990, Debbie Petrocco's father, Erocle Petrocco, deeded the property to his 6 children.
5. In 1994, the family built a cabin on the property and hauled water for seasonal household use during the summer months and hunting season.
6. The owner would like to the opportunity to obtain a well permit from the Colorado Division of Water Resources to provide for a water supply for the existing residence.
7. The property is located within the Crystal River drainage, which is over-appropriated and

groundwater is subject to priority administration.

- 8. In discussions between Gunnison County and the Colorado Division of Water Resources, a solution, which is acceptable to the Division of Water Resources, would be to have the County exempt the parcel from the statutory definition of "subdivision" and "subdivided" land. The Division of Water Resources would then be able to issue an exempt "household-use only" well permit for single-family residential use; and

WHEREAS, a "household-use-only" well is the planned water supply for the existing cabin on the 2.5-acre parcel, legally described as within the SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M.; and

WHEREAS, the Board of County Commissioners desires that the owner of the subject parcel should not be impaired in their general ability to obtain a "household-use-only" well permit; and

WHEREAS, the Board of County Commissioners desires to exempt the subject parcel from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the limited purpose of facilitating the "exempt" status of a single "household-use-only" well.

NOW, THEREFORE, BASED ON THE FINDINGS SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d), for the 2.5-acre parcel, SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M., from the definition of "subdivision" and "subdivided land" for the limited purpose of facilitating the "exempt" status of a single "household-use-only" well.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 21st day of July, 2015.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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