AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft 5/3/16 BOCC Meeting Minutes

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 5/3/16 BOCC meeting minutes for consideration.

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:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/29/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 1

Agenda Date: 7/5/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 3, 2016

The May 3, 2016 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 (ABSENT)
Jonathan Houck, Commissioner
David Baumgarten, County Attorney
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.

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

1. Acknowledgment of County Manager Approval; Caring for Colorado Grant Application Statement of Work; Youth Substance Use Prevention; $90,994
2. Ratification of County Manager Signature; Agreement; Board of Trustees of Gunnison Valley Hospital and the Gunnison Valley Regional Transportation Authority; 4/1/16 thru 12/31/16
3. Provider Agreement; Benjamin Gallegos; 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 Department; 4/1/16 thru 3/31/17
4. Statement of Work; Colorado Department of Public Health and Environment; Care Coordination Services for Breast and Cervical Cancer Screenings; $1,716

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Courthouse Project Update. CM Birnie informed the Board that the architect will be performing a walkthrough of the building to look for any outstanding warranty issues since the courthouse has been inhabited for a year.

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

1. Correspondence; Colorado Department of Transportation; Letter of Support; Little Blue Creek Highway Project. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the letter to CDOT for the Little Blue Creek Highway Project. Motion carried.
2. Road Project Agreement between Gunnison County and the USDA, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest, Gunnison Ranger District; FS Agreement No. 16-RO-11020407-019; Cumberland Pass National Forest System Road 765 Reconstruction and Surfacing. DCM Crosby stated that this project would likely stretch over two years, and that it will significantly improve the road. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the contract and the Chairperson's signature. Motion carried.
3. Master Product Purchase and Sale Agreement; Suncor Energy (U.S.A) Inc. County Attorney David Baumgarten informed the Board that Suncor agreed to the contract language relative to governmental immunity and open records laws, and DCM Crosby noted that some other language still needed to be changed and initialed on the original. She requested approval so that she could buy asphalt from Suncor. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the contract with the additions provided by the County Attorney. Motion carried.
4. Letters of Support for a Trails Grant. DCM Crosby asked for input relative to the entities that she should request letters of support from, and the Board suggested that she reach out to Western State Colorado University, the school district, the Chambers of Commerce, the Town of Crested Butte, and any others that might be applicable. She will have the grant application ready for signature at the next meeting.

RESOLUTION; APPROVING LAND USE CHANGE PERMIT NO. 2015-17 FOR LAKESIDE ON THE COLORADO, LTD. LITTLE CIMARRON CREEK RANCH SUBDIVISION, W1/2 SECTION 35, TOWNSHIP 48 NORTH, RANGE 6 WEST, N.M.P.M: Assistant Community Development Director Neal Starkebaum was present for discussion, and stated that there were no issues to present. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve Resolution #2016-19, a Resolution Approving Land Use Change Permit No. 2015-17 for Lakeside on the Colorado, Ltd. Little Cimarron Creek Ranch Subdivision, W1/2 Section 35, Township 48 North, Range 6 West, N.M.P.M. Motion carried.

DEVELOPMENT IMPROVEMENTS AGREEMENT; LINK, LLC; LAND USE CHANGE PERMIT NO: 2011-35, VISTA BUSINESS CENTER: CA Baumgarten and Hal Hearne were present for discussion.

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CA Baumgarten stated his agreement with the alternate arrangements requested, which would enable Mr. Hearne to proceed with the project. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to authorize the Chairperson's signature on the DIA when ready. Motion carried.

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

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

Commissioner Houck:

1. Gunnison Sage-grouse Update. Commissioner Houck informed the Board that the County coalition meeting went very well.
2. New Voting Equipment. Commissioner Houck asked for input since he wasn't able to attend the recent event to showcase the new machines, and CM Birnie stated that the machines are user friendly and simple to use. CM Birnie also noted that the County has already benefitted from a good level of technical support from the vendor.
3. Driver's License Office Update. Commissioner Houck informed the Board that the office was scheduled to move to its new location on 5/13 and be open to the public on 5/16.

Commissioner Swenson:

1. Air Program Update. Chairperson Swenson informed the Board that the program is moving forward, and that contracts for next winter will hopefully be signed within the next month.
2. Colorado Counties, Inc. Update. Chairperson Swenson informed the Board that the legislative issue discussions are coming to a close. She also noted that the item related to restaurant inspections is moving forward.

ADJOURN: **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 9:01 am.

_____
Paula Swenson, Chairperson

(Absent from meeting – no signature)
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. 16-19

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2015-17 FOR LAKESIDE ON THE COLORADO, LTD. LITTLE CIMARRON CREEK RANCH SUBDIVISION
W1/2 SECTION 35, TOWNSHIP 48 NORTH, RANGE 6 WEST, N.M.P.M.

WHEREAS, Lakeside on the Colorado, Ltd., represented by Bob William, P.E., submitted a land use change application for the subdivision of 66.27-acres into four single-family residential lots, ranging between 16 and 17-acres each. Each lot would be served by an individual well and on-site wastewater system. No secondary residences are proposed. Access to all of the parcels will be via a new road, to be constructed from of County Road 864 (Cimarron Trail). The applicants have submitted protective covenants, titled Declaration of Protective

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Covenants for Little Cimarron Creek Ranch, which identify specific design standards and limitations on each lot; and

WHEREAS, after a review of the information, documentation and testimony related to it, the Gunnison County Planning Commission did, after a joint public hearing, on September 4, 2015 unanimously approve a recommendation of approval with certain Findings and Conditions:

FINDINGS:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. The Commission finds that the proposed four-lot residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
4. The property is beyond snowplowed access. The Planning Commission finds that the applicant has demonstrated that there are no conflicts with the requirements of Article 1, there is no increased risk to emergency services personnel, it is not disruptive to existing travel modes, there is no increased environmental detriment and that the benefits outweigh the detriments.
5. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

CONDITIONS:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:
   1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
   2) Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.
   3) All development on this parcel shall be clustered in the area east/northeast of the Little Cimarron River. Development shall be sited and designed to minimize impacts to Gunnison Sage-grouse and their habitats, as determined by Gunnison County. If this subdivision is approved, building and other Gunnison County authorizations shall be reviewed individually for Gunnison Sage-grouse impacts.
   4) No woven wire fencing is allowed for perimeter fencing or as interior cross fencing unless required to exclude domestic sheep. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind*.
   5) No additional roads, routes or trails, with the exception of the proposed driveways shall be constructed on the property without additional review by Gunnison County for impacts to Gunnison Sage-grouse.
   6) If the owner intends to utilize the area for grazing animals, they must contact the Natural Resources Conservation Service (NRCS) in Montrose at 970-249-8407 for assistance in conservation planning. This will help avoid unintended impacts to sage-grouse habitat.
   7) Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. A Gunnison County Reclamation Permit is required for any land-disturbing activities on this property. It may contain additional site-specific reclamation requirements.
   8) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout. The Gunnison County Weed District should be contacted (970-641-4393) for additional information and technical assistance.
   9) Additionally, the applicant is advised that the Gunnison Sage-grouse is listed under the Federal Endangered Species Act (ESA). The Federal government may require additional mitigation or other actions beyond those found necessary by Gunnison County for activities that may result in "take" of the species, including loss of or impacts to Gunnison Sage-grouse habitat.

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3. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
4. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
5. The applicant shall record the *Declaration of Protective Covenants for Little Cimarron Creek Ranch Subdivision* contemporaneously with the subdivision plat.
6. This recommendation is subject to the approval by the Board of County Commissioners of the requested waiver to the *Gunnison County Standards and Specifications for Road and Bridge Construction*, for the Cimarron Trail Road.
7. The applicant shall provide for installation of a dry hydrant on Little Cimarron Creek, as identified on the site plan, which shall be inspected and approved by the Gunnison Fire Protection District. All hydrant fittings must be compatible with the Gunnison County Fire Protection District fittings. No building or on septic permits shall be issued until the applicant has provided documentation of approval of the installation by the Gunnison County Fire Protection District.
8. A Development Improvements Agreement shall be entered into by the applicant with Gunnison County, subject to review and approval by the Gunnison County Attorney, referencing the construction design plans, titled "Cimarron Trail – Plan and Profile", dated April 20, 2015, prepared by Williams Engineering, LLC, Sheet 1, including provision of reclamation.
9. A performance bond, letter of credit or other means of surety, acceptable to the County, shall be submitted to cover costs of road construction and reclamation, plus 25 percent, as referenced in the Development Improvements Agreement. Said surety shall be retained by the County to a date acceptable to the County Public Works Director to warrant integrity of the road construction and establishment of reclamation.
10. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
11. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
12. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

AND WHEREAS, the Board of County Commissioners approved a waiver of standards for the construction of Cimarron Trail, at a public hearing on March 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2015-17, for Little Cimarron Creek Ranch Subdivision is approved as a Minor Impact, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Swenson, and passed on this 3rd day of May, 2016.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

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