AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes; October 4, 2016

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 10/4/2016 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:
ok db 10/27/16

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 10/27/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\jost Discharge Date: 10/28/2016

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

Agenda Date: 11/1/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 4, 2016

The October 4, 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
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 9:46 am.

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

CONSENT AGENDA: Commissioner Chamberland requested that Item #6 be pulled for further discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda, excluding Item #6. Motion carried unanimously.

1. Regional Human Service Agency Core Allocations Intergovernmental Agreement; Gunnison, Hinsdale, San Miguel, Ouray, Montrose and Delta Counties
2. Notice of Award; Old Castle SW Group, Inc. dba United Companies; Gunnison-Crested Butte Regional Airport AIP Project No. 3-08-0030-051; $6,477,335.90
3. Letter of Support; Western State Colorado University Master's Candidate; Chris Nutgrass
4. Letter of Support; Ratification; Mountain Roots; USDA Grant Application
5. Out of State Travel Request; Family Planning Contraceptive Technologies Conference; Atlanta, GA
6. **Pulled for Discussion and Separate Action:** Out of State Travel Request; Public Works; Local Roads Conference; Rapid City, SD
7. Agreement; Western State Colorado University, Center for Environmental Sustainability; Energy, Material, and Greenhouse Gas (GHG) Emissions Footprint Baseline and Forecast; 10/4/16 thru 12/31/16; $12,480

CONSENT AGENDA ITEM #6: Commissioner Chamberland requested the travel dates, and Deputy County Manager Marlene Crosby explained that this travel would take place in October. Commissioner Chamberland noted that he plans to be in Rapid City during that time. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #6. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. Letter of Support; Gunnison-Crested Butte Tourism Association Marketing Grant Application. CM Birnie explained he received the request, and he asked for a decision from the Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve. Motion carried unanimously.
2. Library Wine Tasting Event on 11/3. CM Birnie informed the Board that he gave the Library permission to serve alcohol during this event. The decision could not wait until the Board meeting because the City permit application had to be filed 30 days prior to the event.
3. Crested Butte Roundabout Project. CM Birnie stated that he met with CB Town Manager Dara MacDonald to discuss this project, and that she requested a letter of support from the County. He requested permission to draft a letter of support, and the Board gave consent.
4. Correspondence; Bureau of Land Management Environmental Impact Statement. CM Birnie informed the Board that the correspondence was received on 10/3 and that a reply would be due by 10/21. The County can opt to be a cooperating agency, to provide input without being a cooperating agency, or not participate in the process. This will be on 10/18 agenda for a decision.

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

1. Fat Bike Grooming and Winter Recreation. DCM Crosby stated that the Forest Service received a proposal for fat bike grooming and winter recreation, which will require permitting. This issue will be discussed during the 10/25 work session.
2. Quartz Creek Bridge Project. DCM Crosby stated that the work on this project is complete. The contractor had some extra time at completion, so she had them do some additional work on the bridge in Almont.
3. Marble Update. DCM Crosby stated that she met with the Crystal residents last week at the Marble Hub. Work on the road into Crystal will begin soon, and the residents are happy with the work that was performed last year. This project will cost about $10k.

DRAFT 2017-2021 CAPITAL IMPROVEMENT PLAN: Commissioner Chamberland appreciated the concise and easy-to-read format, and CM Birnie reminded the Board that the CIP is a planning document,

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not a budget document. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Capital Improvement Plan presented today for 2017-2021. Motion carried unanimously.

LAND USE ISSUES:

1. Development Improvements Agreement; Foxtrot Subdivision; Moon Ridge Ranch LLC. County Attorney David Baumgarten asked that the signed document not be recorded until the funds have been received. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Development Improvements Agreement for Foxtrot with Moon Ridge Ranch, and hold off recording it until after the funds are in hand. Motion carried unanimously.
2. Development Improvements Agreement; Little Cimarron; Lakeside on the Colorado LTD. CA Baumgarten asked that this signed document also not be recorded until the funds have been received. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Little Cimarron Development Improvements Agreement as presented today, and withhold recording until the funds are in hand. Motion carried unanimously.
3. Correction Plat; Cowan-Carroll; Lots 14 & 15 Spring Meadows Subdivision. Assistant Community and Economic Development Director Neal Starkebaum was present for discussion and provided the plat for signature. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Cowan-Carroll correction plat as presented today and authorize the Chair's signature. Motion carried unanimously.
4. 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 NW1/4 of Section 7 and Within the NE1/4 of Section 8, all within T.50N., R.1E., N.M.P.M. Gunnison County, Colorado (Known as the Rundell Parcel). CA Baumgarten stated that, as the conservation project reaches completion, the County will want to separate this land so that it can be deeded separately. Doing so would leave the opportunity for the Board to say that the subdivision process won't be needed to subdivide, and he stated that this action would be an appropriate use of the exemption. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2016-39, a Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for a Tract, as described in the materials presented today. Motion carried unanimously.
5. Resolution; Releasing Butte Pasture, Lot 5, from a Restrictive Covenant Recorded at Reception No. 541161 of the Records of the Clerk and Recorder of Gunnison County, Colorado. CA Baumgarten explained that this restriction was volunteered by the developer, and that the owner has occupied Lot 5 for beyond the three-year requirement. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2016-40, a Resolution Releasing Butte Pasture, Lot 5, from a Restrictive Covenant as described today. CA Baumgarten noted that he will verify the recordation number on the related document prior to signature of the resolution. Motion carried unanimously. *(Note: CA Baumgarten confirmed the recordation number later in the meeting, and the resolution was signed.)*
6. Resolution; Approving the First Amendment to Declaration of Protective Covenants Larkspur. CA Baumgarten explained that the change in covenants would not be significant, but that it would change a definition and the limit of money that can be spent. Attorney Jacob With, present for discussion, stated that the covenants include a provision for this change. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2016-41, a Resolution Approving the First Amendment to Declaration of Protective Covenants for Larkspur. Motion carried unanimously.

CORRESPONDENCE; PROPOSED WILD AND SCENIC DESIGNATION FOR THE CRYSTAL RIVER: Chairperson Swenson stated that he shared the draft correspondence with both Larry Darien and Dorothea Farris, and that Ms. Farris asked that the letter be suspended until January because other protective efforts are being attempted. After it is executed, the letter will be redistributed to Mr. Darien, Ms. Farris and the Marble Town Council. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Crystal Wild and Scenic Designation letter discussed today to the people mentioned. Motion carried unanimously. The use of signature stamps on the letter was also approved.

NOTICE TO PROCEED; CONTRACT AGREEMENT; OLD CASTLE SW GROUP, INC., DBA UNITED COMPANIES; GUNNISON-CRESTED BUTTE REGIONAL AIRPORT, AIP PROJECT NO. 3-08-0030-051 AND CDOT PROJECT NO. 16-GUC-01; $6,477,335.90: Airport Manager Rick Lamport was present for discussion, and he confirmed that the federal government would be responsible for 90% of the project's cost. The state will also provide up to $250k, which leaves approximately $569k for the local share. A total of three bids were submitted; the highest was $8.64M and the lowest was United's bid of $6.47M. He requested that CM Birnie be permitted to sign the document when it is ready. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Manager to sign the Notice to Proceed once all the performance documents and papers have been submitted. Motion carried unanimously.

SHANNON V. GARDNER AND BOARD OF COUNTY COMMISSIONERS; DISCUSSION AND POSSIBLE ACTION REGARDING SETTLEMENT AGREEMENT; POSSIBLE EXECUTIVE SESSION: CA Baumgarten confirmed that an executive session, while allowed, wasn't necessarily needed. He also explained the request to lift the restrictive covenant and replace it with a new one that would limit property

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division into two pieces. The dividing line will need to be determined. Further division would have to be approved by the Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize County Attorney David Baumgarten to resolve the lawsuit in the narrative manner that he set forward, which is divide the property into two with no further subdivision without approval of the Board. Motion carried unanimously.

VISITOR; COLORADO STATE SENATOR KERRY DONOVAN: Senator Donovan was present for discussion and provided the following updates. She also requested input from the Board related to priorities.

- State Construction Costs. Senator Donovan said that the idea of the state paying for their own court-construction projects was worked on last year, during which the burden that the costs place onto counties was explained. Chairperson Swenson noted that the County and the courts have had ongoing conversations related to security features that the courts have requested but are not willing to pay for. CM Birnie noted that the County doesn't qualify for security funding, so the County needs the courts to share some of the costs.
- Hospital Provider Fees. Commissioner Chamberland asked if this issue will be revisited, and Senator Donovan said that it likely would be discussed. The likelihood of passage is in question.
- Severance Tax. Senator Donovan stated that we will see a decrease in severance tax in the coming years, though she was not sure if it would be a permanent decrease.
- Tabor. Senator Donovan opined that it is time to revisit Tabor to ensure that it's still working and that it's still supported by the voters. She also stated that all of the various funding mechanisms and how they interplay should be revisited to ensure that all needs are being managed appropriately.
- Broadband. Senator Donovan stated that he is committed to figuring out ways to shift funding from some rural telephone service subsidies to broadband efforts.
- Road & Bridge Funding. Commissioner Chamberland asked Senator Donovan if she had any ideas about funding sources. She didn't, but she confirmed that the conversations are ongoing because the price of projects has increased beyond the available funding.
- Healthcare. Senator Donovan stated that the individual market is being hit by a lot of factors, of which some are nationwide trends that are creating a volatile market because people come and go in the healthcare system. Costs are pushing people out of being insured. Conversations are ongoing, and some emergency stopgaps may be available in 2017 with an impact on the system in 2018. Commissioner Chamberland suggested that it may be helpful for the state to assist small rural communities with purchasing expensive imaging equipment.
- State Drivers' License Office. Commissioner Houck thanked Senator Donovan for her assistance with the recent relocation issue. He also asked for a general breakdown in responsibility for titling and registering automobiles because the amount of fees that the County is able to collect does not cover the cost. As well, he believes that there have been at least initial discussions about Counties taking on more of the licensing duties. Senator Donovan agreed to look into the matter.

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

ADJOURN: Chairperson Swenson adjourned the meeting at 11:07 am.

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Paula Swenson, Chairperson

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Phil Chamberland, Vice-Chairperson

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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. 16-39

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 NW1/4 OF SECTION 7 AND WITHIN THE NE1/4 OF SECTION 8, ALL WITHIN T.50N., R.1E., N.M.P.M. GUNNISON COUNTY, COLORADO (KNOWN AS THE "RUNDELL PARCEL")

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

WHEREAS, the Board, historically and currently exercises that authority sparingly; and

WHEREAS, the Board is informed of the following:

1. The Trampe Ranch Conservation Easement Project is nearing completion. The project will contribute greatly to protecting agriculture, the open character of the area and will temper residential and commercial growth, benefit wildlife, groundwater recharge, and various other environmental processes.
2. The home of Don and Bette Rundell, commonly known as 618 County Road 8 lays in the middle of the Trampe Ranch Conservation Easement. This land is further described in the survey titled the "Trampe Ranch Subdivision Exemption", dated September 22nd, 2016, attached hereto and incorporated herein as Appendix "A", and commonly known as the "Rundell Parcel".
3. Don and Bette Rundell own the building and garage on the Trampe Ranch Subdivision Exemption, however, the Trampe Ranches Partnership LLLP owns the land upon which those buildings exist.
4. The Trampe Ranches Partnership LLLP wishes to separately deed the Trampe Ranch Subdivision Exemption.
5. This Resolution is requested by, and supported by Don and Bette Rundell and Trampe Ranches Partnership LLLP.
6. An exemption of this division of land from the statutory definition of "subdivision" and "subdivided land", pursuant to C.R.S. § 30-28-101(10)(d) is an appropriate mechanism to foster the Trampe Ranch Conservation Easement Project, and to enable the separate deeding of the Trampe Ranch Subdivision Exemption.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the Board grants, pursuant to C.R.S. § 30-28-101(10)(d), an exemption from the definition of the terms "subdivision" and "subdivided land" for the division of a tract of land from the Trampe Ranch Conservation Easement Project as follows:

1. The Board of County Commissioners of Gunnison County, Colorado authorizes the division of the Trampe Ranch Subdivision Exemption from the Trampe Ranches Partnership LLLP parcel, as described in Appendix "A" as an exemption from the definition of the terms "subdivision" and "subdivided land", pursuant to C.R.S. § 30-28-101(10)(d).
2. There shall be no subdivision of, or conveyance of, any portion of the Trampe Ranch Subdivision Exemption. There shall be no more than one single family residence on the Trampe Ranch Subdivision Exemption, and no commercial or industrial use shall be permitted on the Trampe Ranch Subdivision Exemption.
3. Any and all land uses, construction, or improvements on the Trampe Ranch Subdivision Exemption must fully comply with all applicable Gunnison County ordinances, resolutions, and requirements including, but not limited to, the Gunnison County Land Use Resolution and the waste water regulations that Gunnison County Community may adopt.
4. The Gunnison County Manager, in his capacity as the Gunnison County Commissioner of Deeds, is authorized to execute, on behalf of the Board of County Commissioners of Gunnison County, Colorado, all legal instruments necessary to implement the intent of this Resolution.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 4th day of October, 2016.

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. 16-40

A RESOLUTION RELEASING BUTTE PASTURE, LOT 5, FROM A RESTRICTIVE COVENANT RECORDED AT RECEPTION NO. 541161 OF THE RECORDS OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO

WHEREAS, on April 20, 2004, the Board of County Commissioners of Gunnison County, Colorado ("Board") entered into a certain Restrictive Covenant ("Restrictive Covenant") by and with Butte Realty Co.,

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which Restrictive Covenant is recorded at Reception No. 541161 of the records of the Clerk and Recorder of Gunnison County, Colorado; and

WHEREAS, the Restrictive Covenant creates and recognizes a certain restriction on Butte Pasture, Lot 5, that was a condition of approval by the Board of the subdivision Plat of the Butte Pasture recorded at Reception No. 541141 of the records of the Clerk and Recorder of Gunnison County, Colorado to wit:

> "Lot 5 shall not be sold by Developer to a person unless such person has resided in Gunnison County for at least ten years immediately preceding their ownership and who earns 80% of his, her or their income from working in Gunnison County. After the owner has occupied a primary residence on Lot 5 for three years, this Restrictive Covenant shall be released by Gunnison County."

WHEREAS, the current owners of Butte Pasture, Lot 5, have occupied a primary residence on Lot 5 for more than three years, fulfilling the requisite to have the Restrictive Covenant released by the Board;

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

1. The Restrictive Covenant recorded at Reception No. 541161 of the records of the Clerk and Recorder of Gunnison County, Colorado be and hereby is released by the Board.
2. The Gunnison County Manager—in his capacity as Gunnison County Commissioner of Deeds—is authorized to execute, on behalf of the Board, all additional legal instruments necessary to implement the intent of this Resolution.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 4th day of October, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 16-41

A RESOLUTION APPROVING THE FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS LARKSPUR

WHEREAS, the Declaration of Protective Covenants Larkspur ("Protective Covenants"), recorded at Reception No. 568253 of the records of the Clerk and Recorder of Gunnison County provides, at Article XVIII, Amendment, that the Protective Covenants shall not be amended except with the written consent of the then owners of seventy-five percent of the lots and tracts within the subdivision and the written consent of the Board of County Commissioners of Gunnison County, Colorado; and

WHEREAS, the First Amendment To Declaration Of Protective Covenants Larkspur ("First Amendment"), a copy of which is attached hereto as Exhibit A, has been duly approved by the written consent and affirmative vote of the record owners of at least seventy-five percent of the lots within the subdivision; and

WHEREAS, the Board of County Commissioners has no objection to the First Amendment;

NOW, THEREFORE, the Board of County Commissioners of Gunnison County, Colorado resolves, approves, and provides this written Resolution Approving The First Amendment To Declaration of Protective Covenants Larkspur.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 4th day of October, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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