AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Minutes Approval; Draft Minutes; 6/4/2013

Action Requested: Motion

Parties to the Agreement:

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

Summary:
These are the draft minutes for the 6/4/2013 BOCC meeting.

Fiscal Impact: $0.00

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: MBirnie Discharge Date: 6/14/2013

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

Agenda Date: 6/18/2013 Follow Up Agenda Date: N/A

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 4, 2013

The June 4, 2013 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, 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.

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

1. Release of Development Improvements Agreement and Addendums Thereto for Tomichi Creek Subdivision; West Elk Properties, LLC; Tomichi Creek Subdivision
2. City of Gunnison Special Event Permit Application; UC Denver Dental Van; Dental Cleanings and Treatment for Children Ages 3 through 18; Gunnison County Multicultural Resources Office; 6/24/13 thru 6/28/13 and 7/8/13 thru 7/12/13
3. Out-of-State Travel Request; Expenditure in Excess of 2/19/13 Approval for $2,773; Family Planning Staff; Contraceptive Technologies Conference; Washington, DC; 4/17/13 thru 4/20/13; $40.03
4. Release of Development Improvements Agreement for Creekside Subdivision; Colvin Properties, Inc.
5. Resolution; Amending Section D.1.B of Resolution No: 2008-15, a Resolution Establishing Gunnison County Emergency and Disaster Management and Procedures
6. Release of Development Improvements Agreement for Bear Ranch
7. Agreement for Services; Deana Cullinan; Janitorial Cleaning Services for 202 E. Georgia Avenue, Gunnison, CO 81230; 5/24/13 thru 12/31/14
8. Computer Programming; Facility Dude; MaintenanceEdge Quick Start and First Year Investment; Centralized Requests, Automated Maintenance Workflow and Reporting; $2,394
9. Advertisement Agreement; Western Slope Seniors Blue Book; 7/1/13 thru 6/30/14; $450
10. Lease Agreement; Marble Bank Lease with Crystal River Civic Commission dba The Hub; 6/4/2013 thru 6/4/2014.
11. Acknowledgement of Chairperson Signature on Submittal for MAP 21 Funding for work on Cottonwood Pass

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Director Vacancies. County Manager Birnie informed the Board that Rick Lamport has been hired as the new Airport Manager and will begin employment on 8/1/13. Also, Russ Forrest has been hired as the new Community Development Department Director and will likely begin near the start of August after he has met the terms or been released from the 90-day notice clause that he has with his current employer.
2. Courthouse Project Update. County Manager Birnie informed the Board that Roth Sheppard-Humphries Poli submitted a proposal for this project and that the costs came in lower than expected. The firm will be interviewed on 6/11/13 at 10:00 am in the boardroom.
3. Senior Transportation. County Manager Birnie informed the Board that he met with Health and Human Services Director Renee Brown, Senior Resources Program Manager Karin Stewart, Gunnison Valley Rural Transportation Authority Director Scott Truex and Mountain Express Transportation Director Chris Larsen to discuss senior transportation issues. If the RTA pursues a tax, he believes it will be supported. The group will meet again later this month.
4. Lots in Marble. County Manager Birnie informed the Board that a resident in Marble has expressed a desire to purchase the County-owned lots that are surrounded by his property. The resident does not intend to build on the lots as he wants to keep the wetlands. County Manager Birnie stated that he did not see a downside of this, and that he had discussed the issue with GIS Manager Mike Pelletier, Assistant County Manager Crosby and County Attorney Baumgarten about the possibility of a sale. He noted that the County-owned lots are not very valuable. Chairperson Swenson felt that, since the County received the land from the dissolution of the Marble Metro District, the purchase price could be reinvested into the Marble area, and Assistant County Manager Crosby opined that the bridge into Hermit's Hideaway would be a good project for the funds.

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

1. Road Update. Assistant County Manager Crosby informed the Board that major gravel hauling would take place on Kebler Pass this week. Magnesium chloride applications will take place next week. Cottonwood Pass work will be completed during the last week of June prior to the 4th of July holiday.
2. Parking and Take-Out Area at the Gunnison Water Park. Assistant County Manager Crosby informed the Board that, despite intentions, people have been parking south of the pedestrian bridge on Gold Basin Road. There are ongoing safety issues related to people leaving commercial fishing boats before entering the water park as there is no place to exit the boats and the boats are too heavy for a couple of guys to stabilize while people are exiting. This traffic is creating heavier use on the trail, and rafters and boaters are concerned about the available time with which to exit their crafts. In response to these issues, the Public Works crew laid down granite rocks and built a take-out area. This area was not designed for launch purposes, and no parking will be allowed. The take-out area on the other side of the water park will be removed.
3. Temporary Road Use Agreement for Chainless Bicycle Race. Assistant County Manager Crosby provided the necessary paperwork for this race. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Manager's signature (on the document). Motion carried unanimously.
4. Request for Maintenance on Murdie Flat's Road. Bernie and Debora Williams were present for discussion. Assistant County Manager Crosby explained that the Williams' came to her with a request for maintenance last year via a Schedule A Agreement with the Forest Service since the road is on Forest Service property. Assistant County Manager Crosby explained that the County would standardly maintain a road with a Schedule A Agreement, but that this particular road is not maintainable by blade so the water bar could not be maintained with a motor grader. If the HOA installed a culvert, the County could maintain the road until just past the subdivision, but the HOA cannot afford a culvert. Ms. Williams stated that the HOA has maintained part of the road on the lower end, and rock was brought in. Assistant County Manager Crosby felt that the County could assist with this request via once-per-year maintenance, and only to the first water bar, which equates to the intersection of FS Road 587 and FS Road 765 to the first driveway into the subdivision. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Schedule A Maintenance for the Murdie Flats HOA Subdivision on the Forest Service road at the intersection of 765 and 587 to the first driveway. Motion carried unanimously.

BREAK: The meeting recessed from 9:10 until 9:19 am for a short break and then from 9:20 until 9:28 am in order to hold the below Public Hearing.

PUBLIC HEARING ON THE REQUEST BY THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY (RMBL) FOR VACATION OF STREETS, ALLEYS, BLOCKS AND LOTS WITHIN THE TOWNSITE OF GOTHIC: County Attorney David Baumgarten, attorney Jim Starr on behalf of RMBL, RMBL Executive Director Ian Billick, and Lee and Polly Spann were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:20 am.

2. Public Notice Confirmation. Assistant County Manager Crosby confirmed that the Public Hearing had been properly public noticed. County Attorney Baumgarten noted that there may be a request to re-notice this hearing by as a clause was missing from the notice. Both Mr. Starr and Mr. Spann would like the clause added.

3. Identify Ex Parte Communications. There were no ex parte communications identified.

4. Staff Presentation. N/A.

5. Applicant Presentation. Mr. Staff presented the application to vacate the streets and alleys, blocks and lots in Gothic that are owned by RMBL. He stated that the reason for request is that, over the years, RMBL has worked to move building within the townsite. However, RMBL has encountered problems related to the need to observe setbacks. He opined that, in order to do the most effective expansion possible, the vacation would need to happen. He also explained that, in order to maintain access for the Spanns, a land exchange has been agreed to. RMBL would also convey an easement to that new lot. After publication, he realized that the public notice indicated that the streets and alleys within Block 37 would remain and not be vacated because they are owned by the Spanns, which is the reasoning for performing another notice. County Attorney Baumgarten stated that the County could move forward and then have an abbreviated Public Hearing at a later date just for this new issue. He also confirmed that the parties are agreeable, that the end result will serve all parties, and that there is a public benefit to performing this action.

6. Board Questions. Commissioner Chamberland posed questions related to the map and Mr. Starr illustrated the details on the map that he provided. Mr. Staff confirmed that all properties that currently have access will continue to have access.

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7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:27 am. Mr. Butch Clark stated that he had been involved with this process and supports the request.

8. Acknowledge Correspondence Received. No additional correspondence was identified. Assistant County Manager Marlene Crosby confirmed that information was submitted to all involved utility companies and that, per Assistant Community Development Director Neal Starkebaum, all were in support of the request.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:28 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; VACATING CERTAIN STREETS, ALLEYS, BLOCKS AND LOTS WITHIN THE PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY THE CORPORATION OF THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT GOTHIC, COUNTY OF GUNNISON, STATE OF COLORADO: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adopt Resolution #2013-08, a Resolution Vacating Certain Streets, Alleys, Blocks and Lots within the Portion of the Townsite of Gothic, Colorado Owned by the Corporation of the Rocky Mountain Biological Laboratory at Gothic, County of Gunnison, State of Colorado. Motion carried unanimously.

RESOLUTION; GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND" FOR THE LAND EXCHANGE BETWEEN THE CORPORATION OF THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT GOTHIC AND THE SPANNS (LEE L. SPANN AND POLLY M. SPANN): **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adopt Resolution #2013-09, a Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange between the Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns. Motion carried unanimously.

2010 PETITION FOR ABATEMENT OR REFUND OF TAXES; HANDLER MARILYN MISHEL; 300 EAST TOMICHI AVENUE, 3701-363-74-001/R043139: Senior Assessment Analyst William Spicer, Assistant County Manager Crosby and Administrative Assistant III Bobbie Lucero were present for discussion.

Senior Assessment Analyst Spicer explained that this is the Sonic drive-in property. He also explained that the abatement for 2010 was filed on 12/31/12 and asks for a value of $450,000, for which the Assessor recommends denial since the property sold in November 2006 for $1,150,000. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to deny the Petition for Abatement for the Handler Marilyn Mishel property at 300 E. Tomichi Avenue. Motion carried unanimously.

ADOPTION; REVISED GUNNISON COUNTY STRATEGIC PLAN: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adopt the Gunnison County Strategic Plan. Motion carried unanimously.

CORRESPONDENCE; SENTER GOLDFARB & RICE, LLC; COLORADO GOVERNMENTAL IMMUNITY ACT, C.R.S. § 24-32-116: County Attorney Baumgarten and Assistant County Manager Crosby were present for discussion.

County Attorney Baumgarten explained that the County must identify an agent and then inform DOLA with the name of the agent. He suggested that County Manager Birnie be designated as the agent. He also explained that there will be an increase in the amount that someone can claim. The damage cap will go from $150,000 for one person in a single occurrence and $450,000 for two or more people in a single occurrence to $350,000 and $990,000, respectively. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to make the County Manager the contact person for the Colorado Governmental Immunity Act. Motion carried unanimously.

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

Commissioner Houck:

1. Agricultural Group. Commissioner Houck is continuing to work with this group. They are currently picking project to assemble the grant proposal.

Commissioner Swenson:

1. Gunnison-Crested Butte Tourism Association Update. Chairperson Swenson informed the Board that Jim McDonald will serve as the President, Jake Callicutt will serve as the Vice-President, Jen Stephens will serve as the Secretary, and Frank Kugel will serve as the Treasurer.

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2. Gunnison Valley Rural Transportation Authority. Chairperson Swenson stated that the airbus will continue to provide service, that the group is still working on the issue of year-round service, and that the group is committed to providing the Houston flight. A local voucher program may be created to lower fares for locals.
3. Chamber of Commerce Fishing Tournament. Chairperson Swenson stated that this tournament was successful, and she reminded the Board that the annual golf tournament will be held on 9/6/13.

REQUEST TO AMEND THE CONSERVATION LAND COVENANT, RECEPTION NO. 514768, AMENDED 10/22/01 AT RECEPTION NO. 515286: County Attorney Baumgarten, Assistant County Manager Crosby and attorney Jill Norris were present for discussion.

Ms. Norris stated that she would be happy to draft the documentation for this request. County Attorney Baumgarten agreed, and stated that it could then be placed on a future Consent Agenda for Board approval and signature.

UNSCHEDULED CITIZENS:

1. Butch Clark. Mr. Clark suggested that the County work with Colorado Parks and Wildlife, Western State Colorado University and any others that may cooperate in order to obtain drones to update population and location information for the Gunnison Sage-grouse. He stated that it would be cheaper and more accurate to monitor the grouse and other wildlife. He noted that US Fish and Wildlife Service owns the predator drones that are in use in Monte Vista to identify the location of Sandhill Cranes. Additionally, Summit County is using drones to monitor the grouse.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn. The meeting adjourned at 10:17 am.

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Paula Swenson, Chairperson

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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

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