AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Minutes Approval; 5/7/2013

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Draft minutes for the 5/7/2013 BOCC meeting.

Fiscal Impact: $0.00

Submitted by: Katherine Haaase **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
May 7, 2013

The May 7, 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 (ABSENT)
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 9:31 am.

AGENDA REVIEW: Consent Agenda Item #8 was deleted as it was mistakenly repeated as the 10:20 am discussion item.

MINUTES APPROVAL: **Moved** by Commissioner Houck, seconded by Commissioner Swenson to approve regular meeting minutes of March 19, 2013. Motion carried.

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

1. Ratification of Donation of 2012 Board of County Commissioners' Discretionary Funds; Community Foundation of the Gunnison Valley; $18,200
2. Acknowledgment of County Manager Signature; Grant Agreement between State of Colorado Department of Local Affairs and Gunnison County; Gunnison County Courthouse Adaptive Re-use & Renovation Project; $175,000
3. Medicare Enrollment Application; Influenza Vaccination Billing
4. Department of Public Health and Environment, Routing No. 13 FLA 54767, Approved Task Order Contract - Waiver #154, PO FLA PSD1354767; Women's Wellness Connection Program Initiative to Conduct Breast and Cervical Cancer Screenings for Eligible Women; 6/30/13 thru 8/31/17; $23,875
5. Acknowledgment of County Manager Signature; Gunnison County Facilities and Grounds Director Employment Agreement; John Cattles; 2/11/2013
6. Community Foundation of the Gunnison Valley Grant Proposal; Gunnison County Substance Abuse Prevention Project (GCSAPP); Middle-School Curriculum and After-Prom Support; $3,843.00
7. Community Foundation of the Gunnison Valley Grant Proposal; Family Advocacy Support Team (FAST); Prevention Programming and Activities; $4,000
8. **DELETED:** ~~Notice of Acceptance of Maintenance of Public Highway; Taylor River Road, a/k/a County Road 742~~
9. Spring Creek Estates; Dedication of Bridge; Resolution; Accepting Ownership and Maintenance of the Reconstructed Bridge Located on Jolee Trail within Spring Creek Estates; Quit Claim Deeds for: Mitzi Camp Family Trust, a Living Trust Agreement dated May 14, 1998; Steven C. Woodley and Gail K. Woodley; Kelly B. Koons and Derinda L. Koons; Michael B. Draper and Barbara A. Draper; Donald G. Gordon and Sydna H. Gordon; Brian Haenish; David P. Folks and Jayne Underwood; James R. Porter and Lela M. Porter; James Kelly Mahone, David Hunter Mahone and Molly Mahone Holder; Helen M. Borth Revocable Trust, under Trust dated April 25, 1996; and Estates of Spring Creek Association, Inc.
10. Grant of Perpetual Easement for Sewer Line and New Lift Station; Deed of Dedication; Brighton Hospitality Group, LLC; Tomichi Village Sewer Line and Lift Station
11. Colorado Department of Public Health and Environment Routing No. 13 FLA 55319, Approved Task Order Contract – Waiver #154; Colorado Family Planning Initiative; 6/30/13 thru 6/30/14; $79,670

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2013 County Board of Equalization Hearing Dates. Administrative Assistant Bobbie Lucero was present for discussion and informed the Board that she had previously spoken with Commissioner Phil Chamberland regarding his availability. The Assessor's Office recommended that the Board set aside five full days for the hearings. The Board agreed to schedule hearings from 8:00 am until 5:00 pm on 7/22/13, 7/25/13/ 7/29/13 and 7/31/13. Hearings will also be scheduled to take place between 1:00 and 5:00 pm on 7/24/13, and between 8:00 am and 12:00 pm on 8/1/13.

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

1. Executive Director Vacancies. County Manager Birnie informed the Board that interviews for the Airport Director will be held on 5/22/13, with a lunchtime reception for the finalists at the fairgrounds. Also on 5/22/13, a reception for the Community Development Director finalists will

DRAFT

be held at the fairgrounds from 5:30 until 7:30 pm, with interviews occurring the following day. The interview schedule has not yet been determined. Interview panels, comprised of County and community representatives, are being assembled.

2. Stream Monitoring Study. County Manager Birnie informed the Board that Colorado Parks and Wildlife will be capable of funding the portion of the project that it had proposed. The County has sufficient funding in the Mosquito Program reserves to fund the Western State Colorado University study. Both project portions will happen this season.
3. Renewable Energy Standard Portfolio. County Manager Birnie stated that this will create incentives for local mines because it will include methane capture.
4. County Strategic Business Plan. County Manager Birnie informed the Board that the Community Development Department is drafting regulations for geothermal development. He stated that he would be including a draft strategy in the Gunnison County Strategic Plan for Board consideration, and the Board was supportive of the idea.

BREAK: The meeting recessed from 9:44 until 9:49 am.

ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Assistant County Manager Marlene Crosby was unavailable due to a scheduling conflict, so Special Projects Foreman Jim Kint was present for discussion in her place.

1. Colorado Access Program Project Application for Cottonwood Pass Project. Foreman Kint reminded the Board that this placeholder will ensure that all deadlines are met, and that a lot of applications are expected due to the broad range of projects eligible for MAP 21 funding. County Manager Birnie confirmed that the County does not yet have a plan for the $1,500,000. **Moved** by Commissioner Houck, seconded by Commissioner Swenson to approve the application. Motion carried.

NOTICE OF ACCEPTANCE OF MAINTENANCE OF PUBLIC HIGHWAY; TAYLOR RIVER ROAD PROJECT: Foreman Kint was present for discussion and explained that execution of the contract would accept last year's project, accept all work performed to date, and terminate all temporary construction easements on the project. **Moved** by Commissioner Houck, seconded by Commissioner Swenson to approve the Notice of Acceptance. Motion carried.

BREAK: The meeting recessed from 9:54 until 10:21 am.

ROAD MAINTENANCE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, GUNNISON FIELD OFFICE AND GUNNISON COUNTY, COLORADO BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS; 20 YEARS: County Attorney David Baumgarten, BLM Gunnison Field Manager Brian St. James and attorney Bob Thomas were present for discussion.

Mr. Thomas explained that his office is located in Montrose and that he has taken over some of Rod Landwehr's work. He stated that the subdivision was originally approved by the County in 1978 and that he has been working with Assistant County Manager Crosby on this issue. He is opposed to the agreement, as outlined in an email that he submitted to County Attorney Baumgarten and Mr. St. James. He asked that the maps and corresponding legend be changed to indicate that County Road 42, also known as Six Mile Lane, is considered a public County road. Currently, it appears as though it is a Forest Service road that is only maintained by the County.

Mr. St. James stated his approval of the agreement. He noted that he has worked with Assistant County Manager Crosby for a great deal of time on this issue, and he expressed gratitude to both her and the Board.

Moved by Commissioner Houck, seconded by Chairperson Swenson to approve the Road Maintenance Agreement between the Bureau of Land Management and Gunnison County. County Attorney Baumgarten explained that staff has been working toward this goal for approximately 30 years, and he thanked everyone for their work and cooperation. Motion carried.

COOPERATIVE FOREST ROAD AGREEMENT BETWEEN THE GUNNISON COUNTY, COLORADO AND THE USDA, FOREST SERVICE, GRAND MESA, UNCOMPAHGRE AND GUNNISON NATIONAL FOREST; AGREEMENT NO. 13-RO-11020400-026; 5/7/13 THRU 5/7/18: County Attorney Baumgarten and US Forest Service District Road Manager Janice Chapman were present for discussion.

Ms. Chapman stated that this agreement will include a lot of roads within the Gunnison District, as well as some roads in other districts. She stated her appreciation for the County's work on this project. County Attorney Baumgarten explained that execution of the document would clarify jurisdictions. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Agreement between Gunnison County and the Forest Service. Motion carried. Mr. St. James indicated that the next logical step would be to create an agreement between the BLM and the FS so that all three entities can operate under a single agreement.

DRAFT

PROCLAMATION; GUNNISON COUNTY CHILDREN'S MENTAL HEALTH AWARENESS DAY; 5/9/13: Commissioner Swenson read the draft proclamation out loud to the audience. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adopt the Proclamation for Children's Mental Health Awareness Day for May 9th. Motion carried.

UNSCHEDULED CITIZENS:

1. Warren Wilcox. Mr. Wilcox stated his preference that some of the 27 local small businesses that perform excavation work be given upcoming road work.

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

Commissioner Houck:

1. Office for Resource Efficiency (ORE). Commissioner Houck informed the Board that ORE interviewed candidates for the Executive Director position on 5/6/13. The second round of interviews will be held in the near future, and the group has narrowed its focus to two finalists. He also stated that a movement has been started at Western State Colorado University (WSCU) to evaluate the practice of single-use plastic bags. WSCU has asked ORE to lend some expertise with this project.
2. Western Rural Philanthropy Days. This event will take place in Ouray from 6/17/13 through 6/19/13 in Ouray. Commissioner Houck has discussed attending the event with the local managers as it would be advantageous to send leaders to work with groups to identify potential funding sources. Commissioner Houck may attend the event for the first two days.

Commissioner Swenson:

1. Cattlewoman's Agriculture Day; 4/25/13. Chairperson Swenson participated in this event where she was able to enjoy time with local children.
2. Meeting with US Fish and Wildlife Service Regional Director. Chairperson Swenson informed the Board that she, County Attorney Baumgarten and Gunnison Wildlife Conservation Coordinator Jim Cochran had a productive meeting with the USFWS Regional Director in Denver. The Regional Director asked for more information relative to our local regulations, population estimates, and which range-wide plan objectives have been met. More in-depth population estimates will begin to be drafted through a joint effort between the City of Gunnison and the County, beginning 5/8/13. After the economic impact study is completed in July, additional comments will be accepted.
3. Mayors and Managers Meeting. Chairperson Swenson was unable to attend the meeting, so she asked County Manager Birnie for an update. He explained that the bulk of the conversation was led by Gunnison Valley Health CEO Rob Santilli, who will be meeting with the Board in the near future. Also during the meeting, Upper Gunnison Water Conservancy District General Manager Frank Kugel reported that water content went up about 30% in April.

BREAK: The meeting recessed from 10:52 until 11:01 for a short break, and then again from 11:01 until 11:04 am in order to hold the below Public Hearing.

PUBLIC HEARING; AMENDMENTS TO THE GUNNISON COUNTY LAND USE RESOLUTION CONCERNING FLOODPLAIN REGULATIONS: Assistant Community Development Director Neal Starkebaum were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 11:01.

2. Public Notice Confirmation. Assistant Community Development Director Starkebaum confirmed that the Public Hearing had been properly public noticed.

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

4. Staff Presentation. Assistant Community Development Director Starkebaum explained that the set of proposed amendments to the Gunnison County Land Use Resolution are necessary in order to maintain compliance with FEMA regulatory changes and Colorado Water Conservation Board requirements. He confirmed that the proposed changes were reviewed by the Planning Commission, and that no public comment had been received by his office.

5. Applicant Presentation. N/A.

6. Board Questions. None.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 11:02 am, but no comments were received.

DRAFT

8. Acknowledge Correspondence Received. No additional correspondence was identified. Assistant Community Development Director Starkebaum explained that the map and study would become effective on 5/16/13, and he asked the Board to consider modifying language on Page 3 of the document, which identified "the insurance study of Gunnison County, Colorado unincorporated areas", to replace "unincorporated areas" with "and incorporated areas". He expressed agreement with this change as it creates continuity between the flood plains on the rivers that flow through the municipalities. Previously, this was managed via separate documents. Assistant Community Development Director Starkebaum opined that the municipalities will likely go through a process to update their flood insurance studies, but that the individual municipalities would need to decide on a course of action.

9. Applicant Response. N/A

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 11:04 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION: Assistant Community Development Director Starkebaum was present for discussion.

Moved by Commissioner Houck, seconded by Commissioner Swenson to approve Resolution #2013-06, a Resolution Amending the Gunnison County Land Use Resolution. Motion carried.

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 11:06 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:

_____
Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2013-06

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

WHEREAS, pursuant to the *Gunnison County Land Use Resolution ("the Resolution")*, Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, the Planning Commission on February 15, 2013, forwarded its written recommendations to the Board regarding the proposed amendments; and

DRAFT

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments May 7, 2013; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

- Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
- Changed conditions, including the economy of Gunnison County;
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Changes in applicable law;
- Public health, safety and welfare; and
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Houck, seconded by Commissioner Swenson, and adopted this 7th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2013-07

A RESOLUTION ACCEPTING OWNERSHIP AND MAINTENANCE OF THE RECONSTRUCTED BRIDGE LOCATED ON JOLEE TRAIL WITHIN SPRING CREEK ESTATES

WHEREAS, on August 3, 2009, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") and the property owners of Spring Creek Estates entered into an agreement addressing certain issues regarding the roads in Spring Creek Estates as identified on the plat titled "Spring Creek Estates", dated September 15, 1978, recorded on September 20, 1978, bearing Reception No: 330990 (herein the "Agreement") (the "Roads"); and

WHEREAS, an integral part of the Agreement states that the Roads were to be improved by Gunnison County with the costs of personnel, equipment and materials necessary to perform such improvements allocated between Gunnison County and the property owners. The Agreement also states that the Roads in Spring Creek Estates are to be dedicated to and accepted by Gunnison County for maintenance and snowplowing at the expense of Gunnison County; and

WHEREAS, on August 7, 2012 the Board accepted ownership and maintenance of the roads by adoption of Resolution No: 2012-23, A Resolution Accepting for Maintenance and Snowplowing the Roads in Spring Creek Estates; and

WHEREAS, the two lane bridge located on Jolee Trail (a road in Spring Creek Estates) has required reconstruction. The expense of the bridge reconstruction was allocated to the property owners and that reconstruction has been now been accomplished; and

WHEREAS, pursuant to the intent of the Agreement, the reconstructed bridge is to be dedicated to and accepted by Gunnison County with future maintenance and snowplowing provided at the discretion and expense of Gunnison County; and

WHEREAS, the property owners who utilize the reconstructed bridge to access their respective parcels, along with the Estates of Spring Creek Homeowners Association, have conveyed any and all interest in the reconstructed bridge to Gunnison County by executed quitclaim deeds; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that ownership of the reconstructed bridge located on Jolee Trail within Spring Creek Estates as identified on the plat titled "Spring Creek Estates", dated September 15, 1978, recorded on September 20, 1978, bearing Reception No: 330990 shall be and hereby is accepted by the Board of County Commissioners of the County of Gunnison, Colorado as a public bridge, with future maintenance and snowplowing responsibilities to be at the discretion and expense of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Swenson, and adopted this 7th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

DRAFT