AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft BOCC Minutes; 10-7-2014

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Attached are the draft 10/7/14 meeting minutes.

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:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 10/16/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 10/21/2014 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 7, 2014

The October 7, 2014 meeting was held in the Planning Commissioners' boardroom in the Blackstock Government Center located at 221 N. Wisconsin Street, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner (ABSENT)
Art Trezise, Deputy 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 8:45 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 as presented for the September 16, 2014 regular meeting and the September 23, 2014 special meeting. Motion carried.

1. 9/16/2014 Regular Meeting
2. 9/23/2014 Special Meeting

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

1. Amendment to Memorandum of Understanding between Rocky Mountain Health Plans Foundation and Gunnison County Health and Human Services; Extension of Term Date; 7/1/14 thru 6/30/15
2. Professional Services Agreement; Marcie Telander (East River Counseling); Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Safety, Wellbeing and Permanency for Children and Families Referred from the Gunnison County Department of Health and Human Services; 9/16/14 thru 5/31/15
3. Adult Protective Services Cooperative Agreement between the Gunnison/Hinsdale County Department of Human Services and Gunnison County Attorney's Office, Gunnison County Sheriff, 7th Judicial District Attorney, Gunnison Police Department, Mt. Crested Butte Police Department, Crested Butte Town Marshall, Hinsdale County Sheriff, Colorado State Patrol
4. Ratification of County Manager Signature; Grant Application; Colorado Department of Health and Environment Amendment 35 Grants Program; Office of Gunnison County Health Equity Project; Gunnison County Multicultural Resources Office; 7/1/15 thru 6/30/18; $274,866
5. Bylaws of the Gunnison County Community Services Block Grant Tripartite Board
6. Acknowledgment of County Manager Signature; Grant Application; Colorado Department of Health and Environment Amendment 35 Grants Program; Gunnison County Tobacco Education, Prevention and Cessation Grant Program; 7/1/15 thru 6/30/18; $99,999
7. 4-H Forever Fund Match; $1,347.03
8. Contract Agreement; Gunnison-Crested Butte Regional Airport, Gunnison, CO; AIP Project No. 3-08-0030-49; E-ONE, Inc.; Construction of Airport Improvements including Acquire Aircraft Rescue and Fire Fighting ARFF Vehicle (Class 4) and ARFF Additional Auxiliary Equipment and other Incidental Work at the Gunnison-Crested Butte Regional Airport; $579,364.56
9. Acknowledgment of County Manager Signature; Recruitment Contract; Prothman; Director of Health and Human Services Position; $18,500 plus Expenses

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. 2015 Budget Update. County Manager Birnie informed the Board that the staff-proposed budget would be presented to the Board on 10/15. He noted that the closure of Oxbow Mine will present challenges, but that the County has flexibility with the mill levy. At this time, a 2% cost of living allowance for employees has been included in the budget. Merit increases have not been included, though County Manager Birnie would like to keep merit increases under consideration.
2. Courthouse Construction Project Update. County Manager Birnie informed the Board that the project is currently scheduled for completion at the end of May 2015. The project is going well, and he will keep the Board informed.
3. Strategic Goal Update; Conversion of Fleet to Natural Gas. County Manager Birnie informed the Board that Facilities and Grounds Director John Cattles, Finance Director Linda Nienhueser and Fleet Manager Lee Partch are working toward the successful completion of this goal. Colorado Department of Local Affairs and the State Energy Office have come out with some new grants related to natural gas, and Western State Colorado University may be interested in pursuing a natural gas project. If the County pursues a project, which would be open to the public, it will need to wait until after completion of the Courthouse Construction Project.
4. Meeting with Dick Bratton; Expansion Ideas. County Manager Birnie and Community Development Director Russ Forrest met with Mr. Bratton to discuss his expansion ideas, though a full plan has

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not yet been developed. The Board agreed that the discussion would likely need to begin at the Gunnison City Council.

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

1. Services Agreement; Board of Governors of the Colorado State University System; Administrative Assistant Position for Weed Coordination; $14,562.81. **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to approve the Services Agreement for the Board of Governors of the Colorado State University System and Gunnison County for the assistant position for Weed Coordination. Motion carried.
2. Water Treatment Regulations. Deputy County Manager Crosby informed the Board that the Colorado Department of Public Health and Environment (CDPHE) will be enforcing current regulations regarding how much contact time water has with the treatment. She met with CDPHE representatives last week to discuss our compliance issues and the potential solutions. The CDPHE will have fully funded planning grant funds of up to $250,000 available in the near future. Grant loan funding of $5,000,000 each year for water and sewer projects will also be available. The facilities in Somerset are on the water and sewer priority lists.
3. Quartz Creek Bridge Update. Deputy County Manager Crosby informed the Board that her department is evaluating options for this bridge. She will return to the Board with a recommendation in the near future. Correcting the issue may impact the 2015 Road and Bridge budget.
4. Kebler Trailhead. Deputy County Manager Crosby informed the Board that her department is still working on the parking issues, and that she hopes to return with a recommendation on 10/21. Commissioner Chamberland spoke with a resident who was concerned about what to do when he has family visiting for the holidays since each property owner will only get one overnight parking permit. Commissioner Chamberland asked her to evaluate the issue, and she opined that residents may need to handle their own parking issues in those circumstances.
5. Waterpark Repairs. Deputy County Manager Crosby informed the Board that repairs may be done during the first week of November. She also stated her belief that the construction fencing has worked to keep people out of the dangerous areas.
6. Annual Holiday Party and Employee Recognitions. Deputy County Manager Crosby represented the party planning committee to ask the commissioners if they might be open to changing how these events are handled. Longevity awards may be separated from the holiday party and presented during Board meetings throughout the year. She also suggested that the County schedule a mid-June picnic event to include families in lieu of holding annual holiday parties. Chairperson Swenson suggested that the holiday party could potentially be held during work hours.

GRANT AGREEMENT BETWEEN THE STATE OF COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND GUNNISON COUNTY; #14EM-15-27; THRU 9/30/16; $61,680: **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to approve the grant agreement between the State of Colorado Department of Public Safety, Division of Homeland Security and Gunnison County Emergency Management as presented in the amount of $61,680 and authorize signature. Motion carried.

APPLICATION FOR EXTENSION; SUBMITTAL OF MAJOR IMPACT PRELIMINARY PLAN LUC-13-00005; SCARP RIDGE, LLC: Planner Cathie Pagano and attorney David Leinsdorf were present for discussion.

Planner Pagano reminded the Board that Scarp Ridge, LLC received sketch plan approval in February 2014. The applicants are not yet ready to present the plan, so they applied for this extension. Per the Gunnison County Land Use Resolution, one extension is allowed. Mr. Leinsdorf stated that all details were presented in the packet and that the request would be to extend the date to 2/4/16. **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to approve the application for extension submitted for the Major Impact Preliminary Plan 13-5 for Scarp Ridge, LLC to February 4, 2016. Motion carried.

BREAK: The meeting recessed from 9:31 until 9:32 am for a short break, and then again from 9:32 until 9:52 am in order to hold the below Public Hearing.

PUBLIC HEARING CONCERNING A MARIJUANA CULTIVATION FACILITY LICENSE; 398 RIVERLAND DRIVE, SUITE 1A, LOT 9, RIVERLAND INDUSTRIAL PARK, CRESTED BUTTE, CO; CRESTED BUTTE CONCENTRATES, LLC; WILKINSON FORT JONES: Community Development Director Russ Forrest, Deputy County Attorney Art Trezise and applicant Wilkinson Fort Jones were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:32 am.

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

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

4. Applicant Presentation. Mr. Jones explained that the total square footage would be 1,200 on the lower portion and 400 in the loft. A security system will be installed to provide 24/7 surveillance without blind spots. A license has been issued by the State, and the Riverland HOA is agreeable with the proposal. Mr. Jones will take steps to mitigate the odor, and he provided a handout detailing those steps.

5. Staff Presentation. Community Development Director Forrest explained that two of the three applicants that would be heard today have received conditional licenses from the State. Extensive financial and criminal background checks have been completed. Two of the three also received administrative land use change approval yesterday. This particular applicant has a conditional license from the State. All property owners within 1,000 feet of the property were noticed, and the application was also noticed on site and in both local newspapers. He confirmed that this applicant met all six standards adopted by the Board for marijuana licensing, and that all three applications have been referred to the appropriate fire districts or fire departments. Water quality will be sampled at the applicant's expense in this case. The Planning Commission recommended approval.

6. Board Questions. Commissioner Chamberland asked if the County will be notified if the applicants lose their State licenses, and Community Development Director Forrest confirmed that the County would be notified. Commissioner Chamberland asked if the application fees will pay for the cost of permitting, and Community Development Director Forrest opined that they appear to be sufficient at this time.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:48 am. Greg Wiggins, adjoining property owner, expressed his concern about the odor, though he stated his hope that the mitigation efforts will fix the issue. Currently, he can smell the medical marijuana operation throughout the summer, and he asked for clarification related to the differing rules for the two types of operations. Community Development Director Forrest explained that they follow separate regulatory structures as smaller medicinal grows are regulated by the Colorado Department of Public Health and Environment.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:52 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Chamberland, seconded by Chairperson Swenson to approve the marijuana cultivation facility license for 398 Riverland Drive, Suite 1A, Lot 9, Riverland Industrial Park in Crested Butte for Crested Butte Concentrates, LLC and Wilkinson Fort Jones with the recommended conditions discussed today. Motion carried.

BREAK: The meeting recessed from 9:53 until 10:00 am in order to hold the below Public Hearing.

PUBLIC HEARING CONCERNING A MARIJUANA CULTIVATION FACILITY LICENSE; 398 RIVERLAND DRIVE, SUITE 1B, 1C, 2C, LOT 9, RIVERLAND INDUSTRIAL PARK FILING 1, CRESTED BUTTE, CO; PURE INDUSTRIES, LLC; WILL BROWNE: Community Development Director Forrest, Deputy County Attorney Trezise and applicant Will Browne were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:53 am.

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

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

4. Applicant Presentation. Mr. Browne explained that there would be 3,600 square feet of cultivation space, and that the operation would be used to cultivate for a Crested Butte retail operation that is licensed and operating. Regarding odor, he stated that the ventilation system will exchange the air in the working area approximately six times per hour. Security is already in place and water sampling has been discussed with the Riverland Board.

5. Staff Presentation. Community Development Director Forrest confirmed that the application meets the adopted standards with the recommended conditions of approval. This applicant is in the process of getting the final license from the State, though the State has confirmed that the applicant is in good standing with a clean background.

6. Board Questions. Commissioner Chamberland asked for details related to how debris will be managed. Mr. Browne explained that most of the debris is biodegradable and that the branches will be composted. Baseline water testing will be done next week.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:59 am. Mr. Wiggins provided the same comments as he did in the prior hearing (see above).

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 10:00 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Chamberland, seconded by Chairperson Swenson to approve the marijuana cultivation facility license for 398 Riverland Drive, Suites 1B, 1C and 2C, Lot 9, Riverland Industrial Park Filing 1 in Crested Butte for Pure Industries, LLC and Will Browne with the recommended conditions discussed today. Motion carried.

BREAK: The meeting recessed from 10:01 until 10:06 am in order to hold the below Public Hearing.

PUBLIC HEARING CONCERNING A MARIJUANA CULTIVATION FACILITY LICENSE; 103 BASIN PARK DRIVE, LEASE AREA 7, GOLD BASIN INDUSTRIAL PARK, GUNNISON, CO; CCCENTERSEVEN, LLC; LOUIS F. COSTELLO: Community Development Director Forrest, Deputy County Attorney Trezise and applicant Louis Costello were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 10:01 am.

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

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

4. Applicant Presentation. Mr. Costello stated his intention to building a new 6,000 square foot facility. He noted that the security will be extensive, which will include inside and outside cameras with motion detectors. He explained that the State tracks all seeds and plants. He stated that the facility will be efficient while trying to mitigate the need for extensive power, and that he will ensure that all odor-control measures are taken.

5. Staff Presentation. Community Development Director Forrest stated that the applicant has gone through the State process and that there are no background issues. This facility will be located in the Gold Basin Industrial Park, which will require input from the Department of Energy. Community Development Director Forrest asked the Board to approve this application conditional on the approval from the Department of Energy. This facility will utilize Dos Rios water and sewer.

6. Board Questions. N/A.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 10:06 am, and no comments were provided.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 10:06 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Commissioner Chamberland asked if this operation would be connected to a retail operation, and Mr. Costello explained that it would not and that he intends to sell to licensed retailers. **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to approve the marijuana cultivation facility license at 103 Basin Park Drive, lease area 7 in the Gold Basin Industrial Park to CCCenterSeven, LLC with the stipulations presented today. Motion carried. Deputy County Attorney Trezise stated that he has been in communications with the US Attorney's Office regarding this application since they have a right to approval all construction building plans pursuant to the deed by which the County acquired the property from the Colorado Department of Public Health and Environment. Deputy County Manager Crosby stated that she received confirmation on 10/6 that the Colorado Department of Public Health and Environment would be issuing their approval.

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

COMMISSIONER ITEMS:

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Commissioner Chamberland:

1. Colorado Counties, Inc. Update. Commissioner Chamberland informed the Board that Colorado Counties, Inc. has agreed to sponsor 11 bills, including off-highway vehicle and broadband legislation.

Commissioner Swenson:

1. Lt. Governor Visit. Chairperson Swenson informed the Board that the Lt. Governor would be visiting the area on 10/28. He is visiting all higher education institutions in the State, and she plans to present information to him related to how the business community is connected to Western State Colorado University.
2. Sage grouse Conservation Update. Chairperson Swenson stated that a lot of activity has been taking place and that she would like have information to report at the next meeting.
3. Gunnison River Valley Local Marketing District Report. Chairperson Swenson stated her intention of meeting with Perry Anderson to discuss this report since Mr. Anderson is a former commissioner who dealt with the related issues.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 10:21 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:

_____
Stella Dominguez, County Clerk

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