# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**
Draft BOCC Minutes; 3/3/2015

**Action Requested:** Motion

**Parties to the Agreement:**

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

**Summary:**
Attached are the draft 3/3/15 regular 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:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 3/12/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 3/17/2015 Follow Up Agenda Date:

*Revised April 2013*

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS**
**REGULAR MEETING MINUTES**
**March 3, 2015**

The March 3, 2015 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
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

**GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Swenson called the Gunnison County Housing Authority meeting to order at 8:29 am.

**FINANCIAL AUDIT ENGAGEMENT LETTER; MCMAHAN AND ASSOCIATES, LLC; CALENDAR YEAR 2014:** **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Financial Audit Engagement Letter. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the Gunnison County Housing Authority meeting. Motion carried unanimously. The Gunnison County Housing Authority meeting adjourned at 8:29 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Swenson called the Gunnison River Valley Local Marketing District meeting to order at 8:29 am.

**FINANCIAL AUDIT ENGAGEMENT LETTER; MCMAHAN AND ASSOCIATES, LLC; CALENDAR YEAR 2014:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Financial Audit Engagement Letter. Motion carried unanimously.

**FUNDING REQUEST; GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION; SECOND QUARTER 2015:** Finance Director Linda Nienhueser, TA board representatives Laurel Runcie and Ken Stone were present for discussion, and several other TA board members sat in the audience.

Ms. Runcie explained that the TA's current focus is on summer marketing, particularly mountain biking. The first meeting of the newly appointed board was on 2/20.

The TA has estimated a budget of $1,200,000 for 2015, and requested $450,000 during this quarter. Finance Director Linda Nienhueser indicated that there may be an issue with this large request, but that she can catch up the difference with cash flows. The TA hopes to save approximately $60,000 annually by opting for creation of a brochure instead of a marketing guide. The TA also has plans to create a mountain biking app for smart phone users. The Board was pleased to hear about the new focus.

Mr. Stone informed the Board that a subcommittee has been assigned to evaluate the TA's accounting and budgeting systems. The TA will focus on a zero-based budget for 2016.

**Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the funding request for the Tourism Association for the second quarter. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The Gunnison River Valley Local Marketing District meeting adjourned at 8:42 am.

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:**

**CALL TO ORDER:** Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 8:42 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.

DRAFT

1. Consulting Agreement; Dr. John Tarr; Professional Services Regarding Medical Consultation for the Public Health Nurse and the Environmental Health Official and Other Duties of the Gunnison County Medical Officer for the County Health Department; 1/1/15 thru 12/31/15; $1,200
2. Lease Agreement; Office for Resource Efficiency; 202 E. Georgia, Gunnison, CO 81230; 3/1/15 thru 2/28/17; $8,306.84
3. Lease Agreement; Mountain Roots; 202 E. Georgia, Gunnison, CO 81230; 3/1/15 thru 2/28/17; $4,297.74
4. Memorandum of Agreement; Office for Resource Efficiency; Operational Costs; 1/1/15 thru 12/31/15; $12,000
5. Contractor Agreement; River's Edge Studio; Services to Gunnison County Courthouse Building; 3/3/15 thru 4/30/15; $4,300
6. Grant Agreement; Caring for Colorado Foundation; Community Health Worker Project; 4/29/15 thru 4/30/16; $61,561
7. Interagency Operating Agreement between Gunnison/Hinsdale County Department of Health and Human Services and Community Options, Inc., Early Intervention Colorado/Part C Agency; Child Abuse Protection and Treatment Act (CAPTA)
8. Consulting Services Agreement; Resource Engineering Group, Inc.; Mechanical Engineering on Energy Efficiency Projects
9. AIA Document A151 – 2007, Standard Form of Agreement between Owner and Vendor for Furniture, Furnishings and Equipment; AIA Document A251 – 2007, General Conditions of the Contract for Furniture, Furnishings and Equipment; OfficeScapes; Gunnison County Courthouse Project; 3/4/15 thru 5/15/16; $221,685.48
10. Consulting Agreement; Dr. Marie Matthews, MD; Professional Services Regarding Medical Consultation for the Gunnison County Public Health Family Planning Program; 1/1/15 thru 12/3/15; $1,200
11. Intergovernmental Agreement Regarding Undesirable Plant Management; Gunnison, Saguache and Hinsdale Counties; Towns of Crested Butte, Mt. Crested Butte and Pitkin; and City of Gunnison; 1/1/15 thru 12/31/15
12. Lease Agreement; Ramon Ray, dba Ray Trucking and Backhoe; Portion of W Mountain Ranch; 11/1/14 thru 10/31/15; $13,527.96
13. Extension of Lease Agreement; Trio Investment Enterprises, LLC; Office Space at 108 E. Georgia, Gunnison, CO 81230; 4/30/15 thru 5/31/15; $2,500
14. Memorandum of Understanding; Gunnison Hinsdale Youth Services, Inc.; Center for Mental Health Youth-Based Prevention and Early Intervention of Marijuana Use and Abuse Grant Award; 2/10/15 thru 5/30/15; $21,614
15. Financial Audit Engagement Letter; McMahan and Associates, LLC; Calendar Year 2014
16. Purchase Order Statement of Work; Colorado Department of Public Health and Environment; Women's Wellness Connection Program; 3/1/15 thru 6/29/15; $22,670
17. Modification A002 to Access Agreement Number DE-RO01-05LM70012 – Gunnison, Colorado, Processing Site; Department of Energy, Office of Legacy Management; 1/6/15 thru 1/5/25

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

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

1. Colorado City & County Management Association (CCCMA) Meeting. County Manager Birnie attended the CCCMA meeting last week in Glenwood Springs, and the meeting went well. County Manager Birnie is the incoming CCCMA President. Community Development Director Russ Forrest also attended.
2. County Courthouse Project Update. County Manager Birnie informed the Board that the project is on schedule and that all change orders are within the expectations. The Board's meeting table will be created from reclaimed wood from the previous structure. The County was also able to reuse trusses, brick and tin ceiling tiles from the old building.
3. County Strategic Plan Update. County Manager Birnie informed the Board that he has created a draft plan that incorporates the direction received from the Board during the recent retreat. The draft will be discussed during a work session either later this month or next month.

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

1. Colorado Department of Public Health and Environment Hub and Spoke Recycling Grant Application; $400,000. Deputy County Manager Crosby informed the Board that this opportunity became known to her in between Board meetings, so her office went ahead and submitted an application outside of the normal approval process. The application deadline was 3/2/15. She explained that the current bailer, purchased in 1998, will need to be replaced soon. If awarded, these grant funds would also pay for the costs associated with asphalt and a storage shed on the backside of her lot, and the County would be responsible for the cost of hooking up three-phase power. If the application scores high enough, it will proceed to the next phase. Awards should be announced in May or June. She explained that the recycling drop-off point would likely remain in the current location by the airport terminal, and the remainder of the recycling operation would likely relocate to the industrial park.

DRAFT

2. Whitewater Park Reconstruction Update. Deputy County Manager Crosby informed the Board that the project is moving forward in spite of the inclement weather. Crews are also working under some FAA restrictions, but they will be able to pour the center chute soon.
3. Extension of Natural Gas in the Gold Basin Industrial Park. Deputy County Manager Crosby informed the Board that Atmos Energy will no longer supply natural gas to the park, and they are relocating all of their equipment. Lou Costello, a tenant, and her department filed complaints with the PUC, and Atmos responded by saying that it will pull the meter off of the Public Works building, put it in the right-of-way, and return the $33,000 that the County was charged for the extension of natural gas. Atmos has agreed to provide five pounds of pressure for each lot, although the line to the south will be abandoned. The County will need to give Atmos 20 feet off of the south end of Lot 7, and a boundary line adjustment request will be presented on a future agenda. An application for Design Review Committee (DRC) approval will be placed on the next agenda, as will a request to designate the property owners as the new DRC. This summer, the Gunnison Valley Animal Welfare League is expected to hook up to the line this summer.
4. Marble Hub Update. Deputy County Manager Crosby informed the Board that the Hub received funding from the Marble Crystal River Chamber of Commerce last year for start-up costs, but it was in the form of a loan that has to be repaid. Because of the outstanding loan balance of $1,500, the Hub may not be operational this summer. The Hub requested advice related to how it might be able to pay the $1,500 loan balance and approximately $2,000 in start-up costs this summer. The Board suggested that the Hub speak with the Chamber since the Hub is providing for some of the Chamber's functions, such as housing Chamber offices.
5. Request for Letter of Support; Addition of Marble into the West Elk Loop Scenic and Historic Byway. Deputy County Manager Crosby explained that, when the West Elk Loop was originally created, there was discussion related to including Marble. At that time, the County had little connection with Marble, except through road services, and Marble wasn't added to the loop. The Marble Town Council is supportive of this addition, though a concern was raised by a resident about the additional traffic. Deputy County Manager Crosby plans to meet with the citizen regarding signage, and the Town would need to address the related parking issues. Deputy County Manager Crosby stated her support of this request as she believes the inclusion would benefit the Town. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to have Deputy County Manager Crosby craft a letter in support of adding Marble to the West Elk Scenic Byway, and authorize our signature stamps (on the letter). Motion carried unanimously.

**RESOLUTION; AUTHORIZING TEMPORARY SEASONAL CLOSURE AND WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD 38, ALSO KNOWN AS GOLD BASIN ROAD:** Deputy County Manager Crosby was present for discussion.

Deputy County Manager Crosby indicated that the closure dates would be 3/15 through 5/15, and that the road would be closed to all traffic except for property owners. Loads would also be limited to 10 tons. If the road conditions permit, the road may reopen sooner than 5/15. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2015-5, a Resolution Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38, Also Known As Gold Basin Road. Commissioner Houck seconded. Motion carried unanimously.

**BOUNDARY LINE ADJUSTMENT; LUC-15-00002, LOT 6 CRYSTAL CREEK SUBDIVISION; IDLETIME PROPERTIES:** Community Development Department Services Manager Beth Baker was present for discussion.

Community Development Department Services Manager Baker informed the Board that the half-acre parcel already includes a house, and that the owners would like to enlarge the structure. The owners plan to trade land with the HOA, and the resulting parcel size will not change. The request has been reviewed by the County Attorney's Office, and approved by the HOA. Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Boundary Line Adjustment for LUC-15-00002, Lot 6 Crystal Creek Subdivision, Idletime Properties as presented today. Motion carried unanimously.

**GUNNISON SAGE-GROUSE LITIGATION UPDATE; EXECUTION OF JOINT LITIGATION AGREEMENT AMONG STATE OF COLORADO, GUNNISON COUNTY, AND GUNNISON STOCKGROWERS; AUTHORIZATION TO REQUEST INTERVENTION IN EXISTING LEGAL ACTIONS; POSSIBLE EXECUTIVE SESSION:** County Attorney David Baumgarten and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

County Attorney Baumgarten stated that some of the scheduled discussion would be appropriate to handle during an executive session. He also stated that the agreement is a good indicator of the maturing relationship between the parties. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to authorize David Baumgarten to execute the three-way agreement on behalf of the County. Motion carried unanimously.

County Attorney Baumgarten informed the Board that conservation groups are suing to have the threatened status changed to endangered. While the County agrees with the USFWS decision to not list the species



DRAFT

as endangered, the County disagrees with the decision to list as threatened. He confirmed that the documentation provided was ready to be executed and filed, though he suggested that they be filed after 3/23 so that the County may evaluate other filings that are submitted before the deadline. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to formally authorize the Chairperson to execute some of the documents and David Baumgarten to execute some of the documents, but to hold them until after 3/23 for final corrections. Motion carried unanimously.

County Attorney Baumgarten informed the Board that the State has initiated status elimination litigation, and he is preparing intervention documents. He suggested that the remainder of the conversation take place in an executive session with the Board, Gunnison Wildlife Conservation Coordinator Jim Cochran and County Manager Birnie to review claims in the litigation. Since the discussion would be subject to attorney-client privilege, no contemporaneous electronic record would be kept. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to go into executive session to discuss possible strategies for litigation on the Gunnison Sage-grouse listing, and in that session we will have Mr. Baumgarten, Mr. Cochran, Mr. Birnie and the commissioners. Motion carried unanimously.

The board went into executive session at 9:31 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b)(e).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____ _____

Paula Swenson, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 9:57 am. Chairperson Swenson confirmed that the discussion remained on-topic and that no decisions were made.

**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. Healthy Kids Colorado Survey. Commissioner Houck indicated that he received an email related to possible elimination of State funding for this survey, and he submitted a response, as a commissioner, to the Colorado Department of Education in support of the survey. He asked that the County find out more about the timing of the State Board of Education's decision and how the County might be able to respond. The Board asked County Manager Birnie to draft a letter for approval.
2. Meeting with John Whitney. Commissioner Houck met with Mr. Whitney, a representative from Senator Bennet's office, along with County Attorney Baumgarten and Paralegal Rachel Magruder to discuss the public lands bill and the Curecanti designation. County Attorney Baumgarten suggested that the two issues remain separate. The Gunnison County Stockgrowers' Association and and Montrose County have stated support of the Curecanti designation, and Chairperson Swenson will contact Mr. Whitney to update him.
3. Gunnison Valley Health Retreat Dinner. Commissioner Houck attended the dinner, during which he extended appreciation from the Board to the trustees for their efforts.

**Commissioner Chamberland:**

1. Compressed Natural Gas Update. Commissioner Chamberland informed the Board that Western State Colorado University would like to make the CNG process part of WSCU's Masters Degree program, and WSCU requested that interested parties contribute $54,000 in order to

DRAFT

go forward with their plans. The Board agreed that Facilities and Grounds Manager John Cattles should remain the point person for the County, and that interested parties should partner on the project without providing funding to WSCU. Clear Energy, the developer, would prefer to see plans for 200,000 gallons per month in order to make the case for the program. Montrose, Chaffee and Delta Counties may also be interested in partnering in the program, and the two new Gunnison Valley Rural Transportation Authority busses might utilize CNG. State funding of $500,000 may be available, per station, to assist with costs. He will keep the Board updated on this issue.

2. Resource Advisory Committee Meeting. Commissioner Chamberland attended the meetings on 2/20. The Oil and Gas Subcommittee has been disbanded.
3. Region 10 Meeting. Commissioner Chamberland attended the meeting on 2/26, during which most of the discussion was related to broadband issues.

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

_____
Paula Swenson, Chairperson

_____
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 THE COUNTY OF GUNNISON, COLORADO**
**RESOLUTION NO. 15-5**

A RESOLUTION AUTHORIZING TEMPORARY SEASONAL CLOSURE AND WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD 38 ALSO KNOWN AS GOLD BASIN ROAD

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (hereinafter the "Board") has the legal authority to regulate and control the use of certain highways and roads in Gunnison County, Colorado; and

WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 38 also known as Gold Basin Road (hereinafter "County Road 38"), that has deteriorated and there is resource damage; and

WHEREAS, that certain portion of County Road 38 that has deteriorated is located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 38, temporary closure to the public has been recommended for the season beginning March 15, 2015 through May 15, 2015 or sooner if conditions allow; and

WHEREAS, the Board acknowledges that it is necessary that property owner(s) and occupant(s) of adjacent lands are able to access their land; and

WHEREAS, adjacent property owner(s) and occupant(s) of adjacent lands shall be exempt from the closure of that portion of County Road 38. HOWEVER, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38; and

DRAFT

WHEREAS, closure of County Road 38 will not adversely affect health and safety nor will it cause substantial injury to the owner(s) or occupant(s) of adjacent land(s); and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that certain portion of County Road 38 located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line shall be and hereby is temporarily closed to the public for the season beginning March 15, 2015 through May 15, 2015 or sooner if conditions allow with an exception for adjacent property owner(s) and occupant(s) of adjacent lands who are exempt from the closure of that portion of County Road 38. HOWEVER, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 3rd day of March, 2015.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

DRAFT