AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes - 7/19/2016

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 7/19/16 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:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/10/2016

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

Agenda Date: 8/16/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 19, 2016

The July 19, 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, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:31 am.

AGENDA REVIEW: The 9:10 am Lot Cluster Application for Robert and Betty Norton was pulled from the agenda because it was not yet ready for discussion.

CONSENT AGENDA: Commissioner Houck requested that Item #1 be pulled for further discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda, except Item #1. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Acknowledgement of County Manager Signature; Assistant County Manager Recruitment Contract; Prothman; $16,500 plus Expenses
2. Subcontractor Budget; Rocky Mountain Health Plans Foundation; Baby and Me Tobacco Free Program; $7,500
3. Intergovernmental Agreement, RE: Nurse Home Visitor Program; County of Montrose, CO; 7/1/16 thru 6/30/17; $70,410
4. Agreement; Jim Lewis, dba Eco-Right Solutions; Professional Services Regarding Application of Herbicide to Control Noxious Weeds Mandated for Control within Gunnison County; 7/19/16 thru 10/30/16; $8,000

CONSENT AGENDA ITEM #1: Commissioner Houck asked for confirmation that the County will not be seeking another Assistant County Manager. CM Birnie confirmed that the search will be for a department director only, unless an appropriate candidate presents themselves during the process. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #1. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Boards and Commissions Vacancy Interviews. The Board decided to hold all current and upcoming vacancies until the regular interview and appointment cycle at the end of the year.
2. CBOE Hearings. The Board reserved 9/26, 9/28, and 9/30 for hearings. If needed, hearings may also be scheduled to occur on 10/3.

COUNTY MANAGER'S REPORTS:

1. Marble Trip Update. CM Birnie requested confirmation of the planned meetings, and the Board decided to visit with the Marble Town Council and the Pitkin County Commissioners during separate meetings on 8/9. An agenda will be posted prior to the meetings. The Board might also visit the Somerset area in September.
2. Compressed Natural Gas (CNG) Project Update. CM Birnie informed the Board that the County is close to an agreement with Trillium. County vehicles have been ordered, and the City of Gunnison is considering the purchase of CNG vehicles for their new trash trucks.

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

1. Weed Management Update. DCM Crosby informed the Board that her office is coordinating maintenance and mowing schedules with Weed District Coordinator Jon Mugglestone. As well, the Bureau of Land Management will be increasing their efforts toward cheatgrass management this fall.
2. Italian Creek Road Update. Commissioner Chamberland requested an update on this road, specifically if any work was planned. DCM Crosby stated that it currently needs a lot of work, and that the property owners will want to coordinate efforts with the Forest Service since it is a Forest Service road.

APPROVAL FOR TOWNHOME; LOT 31, BLOCK 21, CRESTED BUTTE SOUTH, FILING 3; CBHD, LLC; LUC-16-00011: Planner Cathie Pagano was present for discussion, and she stated that the Certificate of Occupancy was received last week. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve and authorize the Chairperson's signature (on the plat). Motion carried unanimously.

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

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Commissioner Chamberland:

1. Club 20 Update. Commissioner Chamberland informed the Board that Club 20's strategic plan actions are nearing finalization. He will distribute copies of the final plan in about a week.
2. Broadband Update. Commissioner Chamberland stated that he and a few other County personnel would be meeting with Region 10 next week to continue broadband discussions.

Commissioner Houck:

1. Camp Mapping Update. Commissioner Houck stated that the camp mapping efforts have been showing improvement in the Gothic Valley.
2. Community Foundation Awards Ceremony. Commissioner Houck attended this event last week.
3. Cypress Site Visit. Commissioner Houck attended this site visit. The public hearing was continued to 8/5.

CONTINUED PUBLIC HEARING; PETITION TO VACATE A CERTAIN PORTION OF AN ALLEY IN THE TOWNSITE OF IRWIN, COLORADO: DCM Crosby informed the Board that no progress had been made. She suggested further continuance until the first meeting in October, but Community Development Director Russ Forrest indicated that it would may be better to just begin the process again when the issue is ready to be heard. Chairperson Swenson closed the public hearing at 9:01 am.

REQUEST TO CHANGE DESIGNATION OF RNQ-1 QUADRAPLEX LOT TO RNSF SINGLE-FAMILY LOT; STEVE JENNINGS; LOT RNQ-1, SKYLAND RIVER NEIGHBORHOOD: Assistant Community Development Director Neal Starkebaum and Steve Jennings, owner of Lot RNQ-1, were present for discussion.

Mr. Jennings stated that he purchased the land behind his property in order to protect his view and that, if anything, he would only want a single family residence to be built. He received HOA approval, and the Metropolitan District requires a resolution for final approval. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2016-30, a Resolution Changing the Designation of Lot RNQ-1 Quadraplex Lot Skyland River Neighborhood to RNSF-Single Family Lot. Motion carried unanimously.

LOT CLUSTER APPLICATIONS: Community Development Department Services Manager Beth Baker was present for discussion.

1. Lawrence and Virginia Riffel; Tincup; LUC-16-00019. CDDSM Baker explained that this request, if approved, would cluster Lots 11, 12, 13 and 14 in Block 7. The resulting parcel, which already includes a house, septic and a well, would be approximately ½ acre in size. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve. Motion carried unanimously.
2. Robert and Betty Norton; Lots 1-32, Block 26, LaVeta Addition to the Town of Pitkin; LUC-15-00030. This item was pulled from consideration at the start of the meeting.

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated July 19, 2016 and the cash transfer authorization dated June 2016 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the vouchers in the amount of $1,490,728.24. Motion carried unanimously. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the cash transfers in the amount of $3,751,467.90. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the June 2016 Treasurer's report, an investment report dated June 30, 2016, and a quarterly interest report for April-June 2016 for discussion and acceptance. **Moved** Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report as presented. Motion carried unanimously.

AUTHORIZATION FOR ENFORCEMENT ACTION; CONSTRUCTION WITHOUT PERMITS; TIMOTHY COAKLEY; 1134 COVE ROAD, SITE 62, MASDEN LAKE FORK COVE: CDD Forrest and Building/Environmental Health Official Crystal Lambert were present for discussion.

BEHO Lambert explained that the property owner applied for a building permit in April, but additional information relative to the building and septic system was needed. The property owner has not submitted the additional documentation, and he has refused receipt of written correspondence. He has also continued to build on the property, even though a permit has not been issued. There is a historic septic system on the site, permitted in 1986, but it is unknown whether or not it would comply with current standards because it likely utilized materials that are currently prohibited.

CA Baumgarten suggested that, as a first step, he would visit with the property owner to discuss the issues. If those conversations are not successful, he would like the authority to seek court action. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Attorney to enforce the action of construction without a permit at 1134 Cove Road, Site 62, Masden Lake Fork Cove. Motion carried unanimously.

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SHANNON V. GARDNER; BOARD OF COUNTY COMMISSIONERS; LITIGATION; POSSIBLE EXECUTIVE SESSION: CA Baumgarten explained that this Spring Creek property has a deed restriction in place, and that the current owners would like the deed restriction lifted. All affected parties, as far as his office could determine, have passed away. The owners are currently pursuing quiet title action, with plans to eventually go through the County's subdivision process.

CM Birnie opined that the restriction should be in perpetuity, and he stated that there will be a difference in value when the land is sub-divisible. He also suggested that the Board view this as a public policy question because it could affect future discussions related to other properties with deed restrictions.

A decision by the County must be made within 20 days of the date that CA Baumgarten accepted the documents, which was on 7/5. The options before the County are to object to the lawsuit or wait for a court decision. The Board agreed that the County would object if it remained in the lawsuit, so the Board decided that the County should be removed from the court's decision.

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

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:40 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 UNNISON COUNTY
RESOLUTION NO. 16-30

A RESOLUTION CHANGING THE DESIGNATION OF LOT RNQ-1 QUADRAPLEX LOT SKYLAND RIVER NEIGHBORHOOD TO RNSF - SINGLE FAMILY LOT

WHEREAS, the owner of Lot RNQ-1, Skyland River Neighborhood, requests a change in the designation of the lot from RNQ "Quadraplex Lot" to RNSF- "Single Family Lot", solely for the use of one single-family residence; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. The *Amended Plat of Portions of Skyland* was approved by the Board of County Commissioners on December 24, 1996, recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 473132, January 3, 1997.
2. The Board of County Commissioners approved the *Special Covenants of Skyland River Neighborhood,* recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 473134, January 3, 1997. The Covenants designated uses on each individual lot, including RNQ-1, as a "Quadraplex Lot", which shall be used solely for the development of four single-family units.
3. The Board of County Commissioners approved the "Amendments to Special Covenants of Skyland River Neighborhood", Board Resolution #2002-33, June 18, 2002. Part of the amended covenants modified the definition of "Quaraplex Lot" to be used solely for two, three or four single-family units. The amended

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Covenants are recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 521552, June 28, 2002.

4. The owner does not wish to construct any residential units on the property at this time.

5. The owner has indicated that he is required to pay water availability for four units, due to the "Quadraplex Lot" designation and the designation to RNSF will provide relief.

6. The request is supported by the Skyland Community Association, noted in a letter from Michael Billingsly, Association Manager, dated June 7, 2016.

7. The request is supported by the River Neighborhood Association, noted in a letter from Sarah Huckins, Board Member, dated May 19, 2016.NOW, THEREFORE, BASED ON THE FINDINGS SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the request is approved .

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland and approved on this 19th day of July, 2016.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

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