AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Meeting Minutes; 5/15/2018

Action Requested:

Parties to the Agreement:

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

Summary:

The draft 5/15/2018 minutes are attached for consideration.

Fiscal Impact:

Submitted by: Josh Ost **Submitter's Email Address:** jost@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: 5/31/2018

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

Agenda Date: 6/5/2018

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 15, 2018

The May 15, 2018 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson (ABSENT)
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner

Matthew Birnie, County Manager
Josh Ost, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Vice-Chairperson Houck called the meeting to order at 8:33 am.

AGENDA REVIEW: There were no changes made to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the regular meeting minutes of 4/17/2018, 4/24/18 and 5/1/18 as presented. Motion carried.

1. 4/17/18 Regular Meeting
2. 4/24/18 Special Meeting
3. 5/1/18 Regular Meeting

CONSENT AGENDA: Commissioner Houck asked to pull Consent Agenda Item #1 for further discussion. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Consent Agenda with the exception of item #1. Motion carried.

1. **PULLED FOR FURTHER DISCUSSION:** Agreement Regarding Payment for Coroner's Work Space; Gunnison Funeral Services, L.L.C.; 106 S. Taylor #2, Gunnison, Colorado 81230; April 1, 2018 – March 31, 2019; $442.50/Month
2. Grant Application; Community Foundation of the Gunnison Valley; Gunnison County Family Advocacy Support Team; $3,500
3. Contractor Agreement; Christopher Klein Construction, Inc.; Asbestos Remediation Services; Gunnison County Family Services Building Remodel, Phase II; $146,372
4. Grant Application; COACT Continuation Application for Communities of Excellence for Year 3; $49,974
5. Grant Agreement; Colorado Department of Public Health and Environment; Task Order Amendment # 1; Routing #19 FHLA 109556; July 1, 2018 – June 30, 2019; $175,920
6. Acknowledgement of County Manager's Signature; Donation Agreement; Western State Colorado University; ICELab; $50,000
7. Acknowledgement of County Manager's Signature; Grant Agreement; The State Board of the Great Outdoors Colorado Trust Fund; Shady Island River Park Planning; $30,000
8. Resolution 2018-14; A Resolution Repealing Resolution No. 15-15 and Approving ATV, OHV and UTV use on a Certain Portion of County Road #3
9. Modification of Grant or Agreement; USFS Grant/Agreement Number 13-PA-11020407-034; Change in Performance Period and Funding; 07/01/2018 - 09/30/2018; $6,540

Consent Agenda Item #1; Agreement Regarding Payment for Coroner's Work Space; Gunnison Funeral Services, L.L.C.; 106 S. Taylor #2, Gunnison, Colorado 81230; April 1, 2018 – March 31, 2019; $442.50/Month:
Commissioner Houck asked about the lease going into a new election and if this locks a new Coroner into a lease. CM Birnie explained why this new lease was created and that if needed the lease can be terminated if a new Coroner chooses a new space.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve Consent Agenda Item #1; Agreement Regarding Payment for Coroner's Work Space; Gunnison Funeral Services, L.L.C.; 106 S. Taylor #2, Gunnison, Colorado 81230; April 1, 2018 – March 31, 2019; $442.50/Month. Motion carried.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Request to Serve Alcohol on County Property; Gunnison Public Lands Initiative; May 17, 2018; Gunnison County Courthouse: **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the Request to Serve Alcohol on County Property; Gunnison Public Lands Initiative; May 17, 2018; Gunnison County Courthouse. Motion carried.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby and Operations Manager Sparky Casebolt were present for the discussion.

1. Modification of Agreement; USDA Forest Service; Agreement #13-RO-11020400-026; Change in Performance Period; Expiration 5/30/2022: DCM Crosby explained the agreement with the forest service. She stated this agreement covers all Schedule A agreements that are currently in place. **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the Modification of Agreement; USDA Forest Service; Agreement #13-RO-11020400-026; Change in Performance Period; Expiration 5/30/2022. Motion carried.

2. Slurry Seal Bid Award; Multi Agency 2018 Slurry Seal Project; $53,760: DCM Crosby discussed the joint bid with the municipalities. She asked the Board to approve bid and authorize County Manager's signature once contract is approved. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Slurry Seal Bid Award; Multi Agency 2018 Slurry Seal Project; $53,760 and authorize the County Manager's signature on a contract once completed. Motion carried.
3. Vacation of Public Right-of-Way Easements; County Road 3: DCM Crosby discussed the need for the vacations of the easements in the Marble area in order to gain access to the bridge for maintenance.
    a. Acceptance of Deed of Dedication; Jason A. Darien; Gunnison County Road 3, East Bridge Easement, West Bridge Easement and West Bridge Access Easement: **Moved** by Commissioner Messner, seconded by Commissioner Houck to accept the Deed of Dedication; Jason A. Darien; Gunnison County Road 3, East Bridge Easement, West Bridge Easement and West Bridge Access Easement. Motion carried.
    b. Acceptance of Deed of Dedication; Larry Vaugh Darien; Gunnison County Road 3, East Bridge Easement, West Bridge Easement and West Bridge Access Easement: **Moved** by Commissioner Messner, seconded by Commissioner Houck to accept the Deed of Dedication; Larry Vaugh Darien; Gunnison County Road 3, East Bridge Easement, West Bridge Easement and West Bridge Access Easement. Motion carried.
    c. Resolution 2018-15; A Resolution Vacating Certain Public Right of Way Easements Relative to County Road 3 Lying Within Section 20, Township 11 South, Range 88 West, 6th P.M., Gunnison County, State of Colorado: **Moved** by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution 2018-15; A Resolution Vacating Certain Public Right of Way Easements Relative to County Road 3 Lying Within Section 20, Township 11 South, Range 88 West, 6th P.M., Gunnison County, State of Colorado. Motion carried.
4. DCM Crosby discussed the recent workshop in Salida. She stated there was good attendance.
5. Operations Manager Casebolt gave update on road damage on Kebler Pass from the winter. He stated it should be open by the end of the week once the damage it repaired.

Restrictive Covenant for a Ridgeline Vantage; Cost Ridgeline Residence; John G. & Anne G. Coster; Lot 27, Star Mountain Ranch:
Planner II Rachel Sabbato was present for the discussion. She discussed the location and stated that the property is fully screened and that the covenant stated they there will always be screening.
Moved by Commissioner Messner, seconded by Commissioner Houck to approve the Restrictive Covenant for a Ridgeline Vantage; Cost Ridgeline Residence; John G. & Anne G. Coster; Lot 27, Star Mountain Ranch. Motion carried.

Resolution 2018-16; A Resolution Approving the Preliminary/Final Plan for Whetstone Industrial Park LUC No. 2016-00013 Part of Lot 1, All of Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-Acres in SWSE. 0.41-Acres in SESE Section 18, Lot 1 E1/2NW 3.51-Acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M. L&D Ranches, LLC:
Community and Economic Development Assistant Director Neal Starkebaum was present for the discussion. He discussed the planning commission's recommendation for this plan and the correction to the resolution in the Commissioner's packet.
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution 2018-16; A Resolution Approving the Preliminary/Final Plan for Whetstone Industrial Park LUC No. 2016-00013 Part of Lot 1, All of Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-Acres in SWSE. 0.41-Acres in SESE Section 18, Lot 1 E1/2NW 3.51-Acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M. L&D Ranches, LLC. Motion carried.

Proposed North Fork Ambulance Health Service District Formation; Setting of Public Hearing Date:
North Fork Ambulance Executive Director Kathy Steckel and Consultant Jeff Moffatt were present for the discussion. Ms. Steckel discussed the ambulance service history why they are pursuing a service district along with the need for sustained funding. Ms. Steckel and Mr. Moffat requested that the Board set a public hearing date for the proposed service district. A public hearing for June 19th at 10:00am was set.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

COMMISSIONER ITEMS:

Commissioner Houck:
1. Commissioner Houck attended the all-county meeting for the Forest Plan revision. There will be comments on future work session for discussion. Commissioner Houck stated he would like to have Jim Cochran work on Sage Grouse comments.
2. Commissioner Houck and Commissioner Messner attended the CoilSx conference in Breckenridge on Friday. Topics of the conference were discussed.
3. Commissioner Houck reported on the proposed Curecanti bill and will be meeting with representatives from Colorado Senators and Representatives offices to discuss the details.

Commissioner Messner:

1. Commissioner Messner attended the Wright conference in Boulder. This was a meeting where outdoor industry entrepreneurs self-select industry leaders to promote their business and the industry as a whole.
2. After the Wright conference Commissioner Messner attended the Partners in the Outdoors conference. There were over 500 participants at this conference and it was sold out. The makeup of the attendees was discussed.
3. There was a Coal Mine Methane meeting yesterday. The group discussed the next action steps with the information they have gathered so far.

ADJOURN: **Moved** by Commissioner Messner to adjourn the meeting. The meeting adjourned at 9:39 am.

(Absent from meeting – no signature)
Phil Chamberland, Chairperson

Jonathan Houck, Vice-Chairperson

John Messner, Commissioner

Minutes Prepared By:

Josh Ost, 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: 18 - 14

A RESOLUTION REPEALING RESOLUTION NO. 15-15 AND APPROVING ATV, OHV AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3

WHEREAS, on July 7, 2015, pursuant to Colo. Rev. Stat. §§33-14-110 and 33-14-118 (2015), the Board of County Commissioners of the County of Gunnison, Colorado ("Board") adopted Resolution No. 15-15, *A Resolution Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3*; and

WHEREAS, Resolution No. 15-15 was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 7, 2015, bearing Reception No.633893; and

WHEREAS, the authority provided in Colo. Rev. Stat. §§ 33-14-110 and 33-14-118 (2015) is limited to regulation of snowmobiles; and

WHEREAS, pursuant to Col. Rev. Stat. §18-9-117(1)(f) (2018), the Board has the authority to adopt rules and regulations for use of all vehicles as to place, time and manner of use; and

WHEREAS, the Board understands that the public has historically used all-terrain vehicles ("ATVs"), off-highway vehicles ("OHVs") and utility terrain vehicles ("UTVs") on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the bottom of that area known as "Daniel's Hill", a distance of approximately 0.7 of a mile; and

DRAFT

WHEREAS, continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3 described above is in the best interest of the public; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that:

1. Resolution No. 15-15, *A Resolution Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 7, 2015, bearing Reception No.633893 shall be and hereby is repealed and rescinded; and

2. Use of ATVs, OHVs and UTVs shall be and hereby is authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the bottom of that area known as "Daniel's Hill", a distance of approximately 0.7 of a mile.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 15th day of May, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2018 - 15

A RESOLUTION VACATING CERTAIN PUBLIC RIGHT OF WAY EASEMENTS RELATIVE TO COUNTY ROAD 3 LYING WITHIN SECTION 20, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M., GUNNISON COUNTY, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") is the owner of certain right of way easements lying within the County of Gunnison, State of Colorado; and

WHEREAS, currently there is a portion of County Road 3 that has three right of way easements conveyed to the Board for public use as more specifically described in the following documents:

1. Quit Claim Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 31, 1986 in Book 628 at page 214, bearing Reception No: 393368; and

2. Special Warranty Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 31, 1986 in Book 628 at page 216, bearing Reception No: 393369; and

3. Quit Claim Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 29, 1991 in Book 690 at page 891,bearing Reception No: 426927 (collectively "Right of Way Easements"); and

WHEREAS, there are two Deeds of Dedication that have been conveyed to the Board that replace the above referenced Right of Way Easements and more thoroughly describe that portion of County Road 3 public right of way; and

WHEREAS, the two Deeds of Dedication are recorded in the records of the Clerk and Recorder of Gunnison County, Colorado on May 15, 2018 bearing Reception Nos: 653175 and 653176; and

WHEREAS, the Board having received the conveyance of the Deeds of Dedication, the above referenced Right of Way Easements are no longer necessary and may be vacated; and

WHEREAS, the vacation of the above referenced Right of Way Easements will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above referenced Right of Way Easements; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Right of Way Easements, as more specifically described in the following documents, shall be and hereby are vacated:

1. Quit Claim Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 31, 1986 in Book 628 at page 214, bearing Reception No: 393368; and

2. Special Warranty Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 31, 1986 in Book 628 at page 216, bearing Reception No: 393369; and

3. Quit Claim Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 29, 1991 in Book 690 at page 891,bearing Reception No: 426927.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until it is recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 15th day of May, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2018 - 16

A RESOLUTION APPROVING THE PRELIMINARY/FINAL PLAN FOR
WHETSTONE INDUSTRIAL PARK
LUC NO. 2016-00013
PART OF LOT 1, ALL LOTS 2, 3, 4, PART OF THE SENW,
PART OF NESW, SESW 33.93-ACRES IN SWSE,
0.41-ACRES IN SESE SECTION 18, LOT 1 E1/2NW
3.51-ACRE IN W1/2NWNE
SECTION 19, TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH P.M.
L & D RANCHES, LLC

WHEREAS, L & D Ranches, LLC, represented by Marcus J. Lock, Law of the Rockies, submitted the Whetstone Industrial Park Preliminary/Final Plan application, which proposes the subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial use. Water is proposed to be supplied by a central water system and wastewater treatment will be provided by individual onsite wastewater treatment systems. Access will be via a new access road, via Buckley Drive, to State Highway 135. The property is located in Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.; and

WHEREAS, a joint public hearing was conducted March 16 and April 6, 2018, by the Planning Commission and Board of County Commissioners; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on April 6, 2018 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

1. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

2. The applicant has satisfactorily addressed all of the items identified in Condition No. 3 of the Sketch plan approval.

3. The proposed land use change is compatible with the character of existing land uses in the development area, and will not adversely impact the future development of the development area.

4. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution*, pursuant to *Division 7-300: Preliminary Plan for Major Impacts* and *Division 7-400: Final Plan for Major Impact Projects* of the Resolution.

5. Pursuant to Section 16-117 of the *Gunnison County Land Use Resolution* a Development Improvement

Agreement, including cost estimates certified by a licensed professional engineer, is required to be achieved during a Final Plan review, ensuring collateral and identified dates of completion to ensure the installation of: construction and paving of the subdivision roads, construction of turn lane improvements on Highway 135, drainage improvements, a potable water system, water system for fire protection and landscaping, the installation of electrical and natural gas lines, landscaping, berming and reclamation, as rendered within plans listed within the above "Documents Informing this Review and Action."

6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Whetstone Industrial Park Preliminary/Final Plan need be conducted by the Board, and further, the Board hereby approves the Whetstone Industrial Park Preliminary/Final Plan for LUC No. 2016-00013 as recommended by the Planning Commission, with the following conditions:

1. A mylar subdivision plat, in compliance with Section 7-401 M., *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

2. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

3. The applicant shall record the *Declaration of Protective Covenants – Whetstone Industrial Park* contemporaneously with the subdivision plat.

4. The applicant shall have an approved CDOT Highway access permit in place with the initial acceptance of the improvements as recommended in the traffic study.

5. A Development Improvements Agreement shall be executed by the applicant and Gunnison County, including identified infrastructure costs, subject to review and approval by the Gunnison County Attorney, referencing the infrastructure plans, to include: construction and paving of the subdivision roads, construction of turn lane improvements on Highway 135, drainage improvements, a potable water system, water system for fire protection and landscaping, the installation of electrical and natural gas lines, landscaping, berming and reclamation, as rendered within plans identified in the "Documents Informing this Review and Action."

6. The Development Improvement Agreement shall require the applicant to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the project improvements, and the improvements to State Highway 135, payable on demand to the County. Said surety shall be retained by the County to a date acceptable to the County to certify completion of improvements.

7. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted on this 15th day of May, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.