

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
January 19, 2016**

The January 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
David Baumgarten, 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 8:30 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. Motion carried unanimously.

1. Corporate Membership Agreement; Colorado Fitness; 1/1/16 thru 12/31/16
2. Out-of-State Travel Request; 2016 At-Risk Youth National Forum; Myrtle Beach, SC; Gunnison County Substance Abuse Prevention Project Staff; 2/14/16 thru 2/17/16; \$4,997
3. Resolution; Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions
4. Ground Transportation Agreement, Gunnison Crested Butte Regional Airport; CB Limo, LLC; 12/1/15 thru 11/30/16
5. Ratification of Correspondence; Coy and Deane Marriott; Cottonwood Pass Project
6. Ratification of Correspondence; Gary Merrifield; Cottonwood Pass Project
7. Ratification of Correspondence; Secretary of Agriculture Tom Vilsack; Supplemental Draft Environmental Impact Statement (SDEIS) to Reinstate the North Fork Coal Mining Area Exception of the Colorado Roadless Rule
8. Exhibit D, Form of Notice of Lease Renewal; Zions First National Bank; Lease Purchase Agreements Dated 9/1/2010 and 12/30/2013
9. Acknowledgment of County Manager Signature; 2016 EMPG-LEMS (Emergency Management Program Grant-Local Emergency Manager Support) Grant Application; \$85,198.63
10. Resolution; Directing the Gunnison County Treasurer to Distribute Specific Ownership Tax Monies among Various County Funds
11. Food and Beverage/Retail Lease Agreement; KRN Enterprise, LLC, dba Niky's; Gunnison-Crested Butte Regional Airport Terminal; 1/1/16 thru 4/8/16
12. Arbitrage Compliance Specialists, Inc.; 2010 Bond Issue Report; \$3,325

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Ice Blockage Update. CM Birnie informed the Board that there has not been a lot of movement in the ice since the last update. The water has risen in the Neversink area and flooding the meadow, and a family had to leave their home last week due to the rising water.

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

Commissioner Chamberland:

1. Club 20 Meeting. Commissioner Chamberland informed the Board that Club 20 is going through a strategic planning process with Marv Weidner. During the last meeting, health care premiums and the related issues were discussed.

Commissioner Houck:

1. Gunnison Sage-grouse Strategic Committee Update. Commissioner Houck informed the Board that the group is remaining in contact with Jim Cochran during his transition to retirement. The group is trying to assemble a County coalition meeting for early February.
2. Drivers' License Office Update. Commissioner Houck informed the Board that the Department of Revenue representatives toured local facilities, and that they have narrowed the possibilities to two properties. Facilities and Grounds Manager John Cattles is assisting with the move, which may not occur until the end of February.

Commissioner Swenson:

1. Gunnison-Crested Butte Tourism Association Update. Chairperson Swenson informed the Board that the packaging of the Gunnison lodging appears to be working well, and that the load factors for the Houston flight are up to 70%.
2. Gunnison Valley Rural Transportation Authority. Chairperson Swenson informed the Board that she will participate in the strategic planning meetings in March. The transit master plan is

being crafted, which will include a senior transportation element. While the compressed natural gas (CNG) bus was in the area, the temperatures reached approximately -22° F. Since the bus performed well in spite of the weather, the RTA approved the purchase of two CNG busses. The busses are expected to arrive in September. CM Birnie noted that the DOLA grant may not be confirmed by 2/1, and that timing may create a funding issue.

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

1. Annual Colorado Department of Transportation Highway Users Tax Fund Report. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the CDOT fact sheet and authorize signatures. Motion carried unanimously.
2. Resolution; Adopting Backflow Prevention Regulations for the Protection of the Public Water System. DCM Crosby indicated that passage of the resolution would bring the County into compliance with the water treatment plant. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2016-2, a Resolution Adopting Backflow Prevention Regulations for the Protection of the Public Water System. Motion carried unanimously.
3. Approval of Log Hauling; Montrose Forest Products; County Road #12. DCM Crosby indicated that, if approved, the contract would be similar to the previous one. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the log hauling for Montrose Forest Products on County Road #12 for the upcoming season. Motion carried unanimously.

BREAK: The meeting recessed from 8:57 until 9:05 am in order to hold the below Public Hearing.

PUBLIC HEARING (CONTINUED); PETITION TO VACATE CERTAIN ALLEYS WITHIN THE TOWNSITE OF IRWIN, COLORADO; SANDRA J. STRATMAN: DCM Crosby and Community Development Department Services Manager Beth Baker were present for discussion.

1. Open Public Hearing. Chairperson Swenson reopened the Public Hearing at 9:05 am.
2. Public Notice Confirmation. DCM Crosby 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. DCM Crosby confirmed that the request is consistent with other actions that have been taken in the area. She also confirmed that the resulting lot will be big enough to build upon.

County Attorney David Baumgarten read part of an email dated 1/7/16 from Paralegal Rachel Magruder indicating that the associated lot cluster application was not yet ready for Board approval. He stated that the configuration of the lot cluster has changed a couple of times with respect to some of the elements within it, including the lots that are intended for eventual cluster and the legal descriptions, and that the public notice for today's hearing identified Block 16 instead of Block 14. As well, some of the lots have been sold, which will affect the clustering process. He suggested that the Board suspend any action for two weeks so that the public notice could be updated and repeated.

5. Applicant Presentation. N/A.
6. Board Questions. N/A.
7. Public Comments. N/A.
8. Acknowledge Correspondence Received. N/A.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:12 am and immediately reconvened the Gunnison County Board of County Commissioners meeting. A new public hearing was scheduled to take place on 2/16/16. CDDSM Baker informed the Board that the lot cluster process has been complicated by the receipt of incomplete and inaccurate documentation, so she is working with the current owner to fix the documentation issues.

LOT CLUSTER APPLICATION; SANDRA J. STRATMAN: Action on this request was suspended until the above issues have been resolved.

RESOLUTION; APPROVING AN AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS OF GLACIER LILY ESTATES: Marc Solari was present for discussion.

Mr. Solari, owner of 20 Glacier Lily Lane, submitted correspondence to the Board in December, and he reminded the Board of the contents of his correspondence during the meeting. When he purchased the

property in 2008, it was a vacation rental and had been since 2002. He stated that the proposed amendment has not been discussed during any HOA meetings before the HOA took action over the holidays. He asked that his circumstances be considered and grandfathered so that he could continue using his property as a rental. He noted that the owners who voted in favor of the change only reside in the community for a couple of weeks each year. Chairperson Swenson explained to him that changes to the covenants require a 67% vote of the homeowners, and that the HOA had gone through the appropriate process to make this change. Since the change will not take effect for two years, she suggested that Mr. Solari discuss the idea of grandfathering with the HOA. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2016-3, a Resolution Approving an Amendment to the Declaration of Protective Covenants of Glacier Lily Estates. Motion carried unanimously.

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated January 19, 2016 and the cash transfer authorization dated December 2015 for discussion and approval. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the vouchers in the amount of \$1,844,058.56. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the cash transfers in the amount of \$2,831,423.44. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the December 2015 Treasurer's report; an investment report dated December 31, 2015; and a quarterly interest report for October thru December 2015 for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report as presented. Motion carried unanimously.

PUBLIC LANDS PARTNERSHIP MEMBERSHIP: Commissioner Houck informed the Board that the Public Lands Partnership added a board seat for Gunnison County and Hinsdale County, and that there was no funding commitment or expectation associated with that creation. **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to appoint Jonathan Houck to our newly created position on the Public Lands Partnership. Motion carried unanimously.

CORRESPONDENCE; US FOREST SERVICE SUPERVISOR SCOTT ARMENTROUT: Deputy County Manager Marlene Crosby provided two different letters for consideration, and she explained that the letters were in response to conversations that took place last week with USFS representatives. CM Birnie was present for those conversations, and he stated that they were productive. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve both letters as presented to the Board for Matthew Birnie's signature. Motion carried unanimously.

BREAK: The meeting recessed from 9:39 until 9:45 am for a short break, and then again from 9:45 until 10:05 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE PORTIONS OF A CERTAIN ALLEY AND STREETS IN THE TOWNSITE OF IRWIN, COLORADO; DAVID J. GOTTORFF: Deputy County Manager Marlene Crosby and David Gottorff were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:45 am.
2. Public Notice Confirmation. DCM Crosby confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified, other than an email that was received by an email submitted by Mr. Gottorff yesterday.
4. Staff Presentation. DCM Crosby confirmed that the vacation of the alley was consistent with previous actions. Because she was not supportive of the inclusion of Avenue F or 9th Street due to access issues, she recommended vacation of only the alley.
5. Applicant Presentation. Mr. Gottorff explained that he would like Avenue F and 9th Street to eventually be placed in a conservation easement with the Crested Butte Land Trust. He provided a survey that was conducted in 2008, which showed that the historical 9th Street access wasn't legally granted. County Attorney David Baumgarten explained that the access has existed long enough to qualify for legal access. Mr. Gottorff stated that there are two other access points to that property, and he also stated that the County has never maintained his road.
6. Board Questions. Commissioner Chamberland requested details related to accessing properties if this request is granted, and Mr. Gottorff stated that he would use the existing road in the easement.

Chairperson Swenson asked if approval of the request would restrict the neighbors' access, and Mr. Gottorff said that he would let the neighbors decide how to access their properties.

Chairperson Swenson asked if the neighbors would still be able use the road for access if the conservation easement is granted, and Mr. Gottorff said that they would be able to use it for access if they chose to do so. He confirmed that he would write this into the conservation easement if they chose to access their property that way.

Commissioner Chamberland asked about the ownership of the property on both sides of the alley, and Mr. Gottorff confirmed that he owns the property.

DCM Crosby expressed concern related to protection of access because her staff has had to move rocks in order to protect access in the past. Vehicles have also been parked in such a way that access is limited.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 10:00 am. Ruta Martel owns a property in this area, and she expressed concern with the prescriptive easement. She stated that she previously shared her concerns with Mr. Gottorff. CA Baumgarten explained that the prescriptive right takes effect at 21 years of use. DCM Crosby noted that, since the main road is well established, Ms. Martel may be concerned about roads other than the main road. The Board clarified that even previous owners' use of access counts toward the 21-year requirement. Chairperson Swenson closed the public comment portion of the hearing at 10:05 am.
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 10:05 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

The Board agreed with the staff recommendation to exclude 9th Street and Avenue F from this vacation. Chairperson Swenson also stated that a conservation easement doesn't seem to be the best public use of the property at this time. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to direct staff to draft a resolution vacating the alley of Block 21, but not Avenue F. Motion carried unanimously.

LOT CLUSTER APPLICATION; LOTS 6-13, BLOCK 21, TOWN OF IRWIN; DAVID J. GOTTORFF: DCM Crosby, CDDSM Baker and David Gottorff were present for discussion.

CDDSM Baker explained that the vacation of the alley, as discussed above, will result in these properties being adjacent. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Lot Cluster Application for Lots 6-13, Block 21 in the Town of Irwin for David J. Gottorff. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; JENNINGS REVOCABLE TRUST: Planner Cathie Pagano and attorney Kendall Burgemeister, representing the applicant, were present for discussion.

Mr. Burgemeister informed the Board that the southern parcel has been developed, and the northern parcel is vacant. The applicant would like to make this adjustment to include the driveway, and the resulting two lots will roughly be the same size. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Boundary Line Adjustment for the Jennings Revocable Trust as presented today. Motion carried unanimously.

POSSIBLE EXECUTIVE SESSION; MT. EMMONS MINE; INSTRUCTION TO NEGOTIATORS; ATTORNEY-CLIENT PRIVILEGED COMMUNICATION: County Attorney David Baumgarten was present for discussion, and he suggested that the Board enter an executive session so that the Board could provide instructions him as their attorney and as their negotiator. No extemporaneous recording would be kept. He explained that negotiations are ongoing, and that the parties to the negotiation include the Town of Crested Butte, Gunnison County, some State departments, and Freeport-McMoRan, Inc. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to go into executive session for the reasons outlined by the County Attorney. Motion carried unanimously. The participants were the Board, CA Baumgarten and CM Birnie.

The board went into executive session at 10:15 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 10:29 am. Chairperson Swenson confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

BREAK: The meeting recessed from 10:30 until 11:03 am so that the BOH could be called to order.

GUNNISON COUNTY BOARD OF HEALTH: Health and Human Services Director Joni Reynolds and Public Health Division Director Carol Worrall were present for discussion. Dr. John Tarr arrived at 10:40 am.

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of Health meeting to order at 10:30 am.

OUTLINE OF 2016 MEETING TOPICS: HHSD Reynolds proposed the following outline, and the Board was in agreement with it.

- 1. January: Multicultural Resource Services
- 2. March: Worksite Wellness Considerations, Public Health Funding
- 3. June: Child Health Issues (Immunization Rates, Childcare Health Consultation, Early Childhood Council, Nurse Family Partnership)
- 4. September: Consumer Protection, Communicable Diseases
- 5. December: Women’s Health and Family Programs, Women and Infant Children Program, Family Planning, Prenatal, Women’s Wellness Connection, Nurturing Parenting Program, 2016 Review and 2017 Planning

MULTICULTURAL RESOURCE SERVICES UPDATE AND POLICY DISCUSSION:

- 1. Funding Summary. HHSD Reynolds informed the Board that the Caring for Colorado grant will end in March, and carryover funding can be used until it is depleted. In 2016, the Multicultural Resources employee will have a projected time of 33 hours per week. She noted that there is a 17% gap in projected funding, which equates to approximately \$30,000, so she asked for guidance. Because the commissioners rely on her expertise, the Board asked her to seek the necessary funding, and then suggest reallocations when necessary.
- 2. Program Contacts. HHSD Reynolds informed the Board that the office had approximately 3,408 contacts during 2015.
- 3. Prenatal Care. The County’s cost has decreased because patients are helping to pay for their care. The county is capped at \$4,000 annually, and we paid \$1,303 last year. There were 19 participants in the Prenatal Program during 2015, the highest number since 2009.

PUBLIC HEALTH PROGRAM UPDATES AND UPCOMING PROGRAM OFFERINGS: HHSD Reynolds provided a handout and noted that her staff will work on providing a written report ahead of time in the future.

- 1. Upcoming Cooking Matters Classes. This class is now being offered in Spanish.
- 2. Upcoming Nurturing Parenting Program Classes. Two classes will begin in January.
- 3. Upcoming Outbreak Training. The department hopes to have at least 12 participants.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The Board of Health meeting adjourned at 11:03 am, and Chairperson Swenson immediately called the Board of County Commissioners meeting back to order.

POSSIBLE EXECUTIVE SESSION; INSTRUCTION TO NEGOTIATORS; POTENTIAL LITIGATION; ATTORNEY-CLIENT PRIVILEGED COMMUNICATION: County Attorney David Baumgarten suggested that the Board go into executive session so that he and Deputy County Attorney Gretchen Stuhr could receive instruction as the Board’s negotiators regarding potential litigation. Outside counsel has been retained. Because of the attorney-client privileged information, no extemporaneous recording would be kept. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to go into executive session for the reasons outlined by the County Attorney, with the Board, David Baumgarten, Gretchen Stuhr and Matthew Birnie. Motion carried unanimously.

The board went into executive session at 11:05 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)(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 11:26 am. Chairperson Swenson confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

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 11:27 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: 2016-2**

A RESOLUTION ADOPTING BACKFLOW PREVENTION REGULATIONS
FOR THE PROTECTION OF THE PUBLIC WATER SYSTEM

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Gunnison County") owns and operates a public water system; and

WHEREAS, it is the intent of Gunnison County to protect such public water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection; and

WHEREAS, the authority to implement this program includes, but is not limited to:

- A. Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes
- B. Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations
- C. Colorado Plumbing Code; and

WHEREAS, Gunnison County has the authority to survey all service connections within Gunnison County's public water distribution system to determine if the connection is a cross connection; and

WHEREAS, Gunnison County has the authority to control all service connections within the distribution system if the connection is a cross connection; and

WHEREAS, Gunnison County may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly; and

WHEREAS, Gunnison County may collect fees for the administration of this program; and

WHEREAS, Gunnison County shall maintain records of cross connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for contaminant and contaminants by isolation purposes;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that, in the best interest of public health, safety and welfare, that the following Backflow Prevention Regulations shall be and hereby are adopted, retroactive January 1, 2016, and shall apply to all commercial, industrial and multi-family residential service connections served by Gunnison County's public water supply system, but do not apply to single family residential service connections unless Gunnison County becomes aware of a cross connection at the single family connection.

BACKFLOW PREVENTION REGULATIONS

1. DEFINITIONS.

- A. "ACTIVE DATE" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.
- B. "AIR GAP" is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.
- B. "BACKFLOW" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.
- D. "BACKFLOW CONTAMINATION EVENT" means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.
- E. "BACKFLOW PREVENTION ASSEMBLY" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
- F. "BACKFLOW PREVENTION METHOD" means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.
- G. "CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN" means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.
- H. "CONTAINMENT" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.
- I. "CONTAINMENT BY ISOLATION" means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's

water system such that backflow from a cross connection into the public water system is prevented.

- J. "CONTROLLED" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
 - K. "CROSS CONNECTION" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.
 - L. "MULTI-FAMILY" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.
 - M. "SINGLE-FAMILY" means:
 - 1. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - 2. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.
 - N. "UNCONTROLLED" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
 - O. "WATER SUPPLY SYSTEM" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.
2. REQUIREMENTS.
- A. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 120 days the public water system must take action to control or remove the cross connection, suspended service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
 - B. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
 - 1. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.
 - C. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
 - D. Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.
 - E. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a mater which does not impact waters of the state.
 - F. All assemblies and devices shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The devices must be reinstalled and then tested by a certified cross-connection control technician prior to the service being activated.
 - G. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
 - H. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician.
 - I. The public water system shall require inspection testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.
 - J. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
 - K. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.
 - L. For new buildings, all building plans must be submitted to the public water system and approved prior to the issuance of water service. Building plans must show:
 - 1. Water service type, size and location
 - 2. Meter size and location
 - 3. Backflow prevention assembly size, type and location

4. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - a. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - b. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - c. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - d. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system will not require the backflow protection. The public water system will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspect water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.
3. INSPECTIONS, TESTING AND REPAIR.
 - A. Backflow prevention devices or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.
 1. Any backflow prevention devices or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
 - B. As necessary, backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective.
 - C. Testing gauges shall be tested and calibrated for accuracy at least once annually.
4. REPORTING AND RECORDKEEPING.
 - A. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
 - B. Copies of records of test reports, repairs and retests shall be submitted to the public water system by mail, facsimile or e-mail by the testing company or testing technician.
 - C. Information on test reports shall include, but may not be limited to,
 1. Assembly or method type
 2. Assembly or method location
 3. Assembly make, model and serial number
 4. Assembly size
 5. Test date; and
 6. Test results including all results that would justify a pass or fail outcome
 7. Certified cross-connection control technician certification agency
 8. Technician's certification number
 9. Technician's certification expiration date
 10. Test kit manufacturer, model and serial number
 11. Test kit calibration date
5. RIGHT OF ENTRY.

A properly credentialed representative of the public water system shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the public water system's distribution system.
6. COMPLIANCE.
 - A. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the public water system shall complete one of the following actions within 120 days of its discovery:
 1. Control the cross-connection
 2. Remove the cross-connection
 3. Suspend service to the cross-connection
 - B. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public waters system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply with the order.
 1. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply with the order.
7. VIOLATIONS AND PENALTIES.

Any violation of the provisions of this resolution, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations.

8. CONFLICT OF OTHER CODES:

If a dispute or conflict arises between the Colorado Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 19th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 3, SERIES 2016**

A RESOLUTION APPROVING AN AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS OF
GLACIER LILY ESTATES

WHEREAS, the Glacier Lily Association has submitted a request for approval of an Amendment to Declaration of Protective Covenants of Glacier Lily Estates ("Amendment"); and

WHEREAS, the Amendment has received approval by the requisite number of lot owners specified in the Declaration of Protective Covenants of Glacier Lily Estates bearing Reception No. 385812, as extended by Resolution bearing Reception No. 630630 in the office of the Gunnison County Clerk and Recorder ("Declaration"); and

WHEREAS, the Amendment was recorded as Reception No. _____ office of the Gunnison County Clerk and Recorder; and

WHEREAS, Glacier Lily Estates is a subdivision approved by Gunnison County, and the Declaration provides that an amendment of the Declaration is not effective without Gunnison County approval;

NOW, THEREFORE, BE IT RESOLVED, The Board of County Commissioners of Gunnison County, Colorado, hereby approves the Amendment to Declaration of Protective Covenants of Glacier Lily Estates recorded as Reception No. _____ in the office of the Gunnison County Clerk and Recorder.

THIS RESOLUTION and the approval granted hereby shall not be effective until recorded in the office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 19th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2016-4**

A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF
CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS

WHEREAS, Colorado Revised Statute 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund "unless such investment is made from specific funds allocated for a definite purpose and so maintained"; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board has previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

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

- 1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

Treasurer's Acct #

Reserve Accounts within the General Fund:

General – Water Resources	150
General – Workforce Impact Fees	155
General – Courthouse Renovation	103
Road and Bridge Fund	002
Human Services	003

- Public Health Agency 004
 - Conservation Trust Fund 007
 - Bond Fund 008
 - Bond Fund Series 2010 101
 - Airport Operations Fund 010
 - Reserve Account within the Airport Operations Fund:
 - Airport – Terminal Construction 102
 - Sales Tax Fund 012
 - Land Preservation Fund 013
 - Mosquito Fund 030
 - Sage Grouse Trust Fund 032
 - Risk Management Fund 034
 - Airport Construction Fund 041
 - Capital Expenditures Fund 043
 - Gunnison County Sewer 050
 - Reserve Account within the Sewer Fund:
 - Sewer – Restricted 135
 - Gunnison County Water 051
 - Reserve Account within the Water fund
 - Water – Restricted 136
 - Solid Waste Fund – Operations 052
 - Reserve Accounts within the Solid Waste Fund:
 - Solid Waste - Landfill Closure 125
 - Solid Waste – Landfill Construction 126
 - Gunnison Housing Authority Fund 070
 - Reserve Accounts within the Housing Authority Fund:
 - Senior Housing – Operations 071
 - Senior Housing – Deposits 140
 - Internal Service Fund I 080
 - Internal Service Fund II 082
 - Internal Service Fund III, Health Insurance Trust 090
 - Reserve Account within the Health Insurance Trust Fund
 - Health Insurance Claims 115
 - Gunnison River Valley Local Marketing District 091
 - Gunnison Valley Transportation Authority 092
2. All remaining interest gained from the investment of County funds may be credited to the County General Fund. 001
 3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 2015-04, Series 2015 is hereby canceled as of January 1, 2016 and the provisions of this resolution shall supersede the previous resolutions.
 4. The effective date of this resolution shall be January 1, 2016.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 19th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2016-5**

A RESOLUTION DIRECTING THE GUNNISON COUNTY TREASURER TO DISTRIBUTE SPECIFIC OWNERSHIP TAX MONIES AMONG VARIOUS COUNTY FUNDS

WHEREAS, Gunnison County has or will receive during fiscal 2016 certain monies derived from the payment, pursuant to C.R.S. (1973) 42-3-107, of specific ownership taxes; and

WHEREAS, the impact of this Resolution will only affect the distribution of funds to the Gunnison County General Fund and the Gunnison County Road and Bridge Fund; and

WHEREAS, after apportionment pursuant to C.R.S. (1973) 42-3-107, such monies have traditionally been divided between the General Fund and the Road and Bridge fund of Gunnison County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that, effective immediately from the date this Resolution is passed by such Board, that the Treasurer of Gunnison County shall distribute and deposit such monies as Gunnison County receives after apportionment from such specific ownership taxes pursuant to C.R.S. (1973) 42-3-107 as follows: to the Gunnison County General Fund sixty-five percent (65%); to the Gunnison County Road and Bridge Fund thirty-five percent (35%). The effective date of this Resolution shall be retroactive to January 1, 2016 and shall be valid for each year subsequent to the passage of this resolution until repealed or amended by this Board.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this

19th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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