# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Draft BOCC Minutes; 5/19/2015

**Action Requested:** Motion

**Parties to the Agreement:**

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

**Summary:**

Attached are the draft 5/19/2015 Regular Meeting Minutes for consideration

**Fiscal Impact:**

**Submitted by:** Bre Shelton **Submitter's Email Address:** bshelton@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: 6/4/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 6/16/2015

*Revised April 2015*

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS**
**REGULAR MEETING MINUTES**
**May 19, 2015**

The May 19, 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
Others Present as Listed in Text

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Bre Shelton, Clerk to the Board
Katherine Haase, Clerk to the Board

**CALL TO ORDER:** Chairperson Swenson called the meeting to order at 8:33 am.

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

**CONSENT AGENDA:** Chairperson Swenson requested that Item #6 be pulled for further discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda, excluding Item #6, as presented. Motion carried unanimously.

1. Acknowledgment of County Manager Authorization to Submit; Grant Application and Work Plan; Office of Behavioral Health, Law Enforcement Assistance Fund; Gunnison County Substance Abuse Prevention Project; $51,100
2. Amendment for Task Order #3; Colorado Department of Public Health and Environment OERP-FHJA, FAAA, Contract Routing Number 16-79717; Emergency Preparedness; Term Extension to 6/30/16; $20,075
3. Acknowledgment of County Manager Signature; Grant Contract; State of Colorado Department of Human Services, Division of Child Welfare; Tony Grampsas Youth Services (TGYS); 7/1/15 thru 6/30/16; $49,982
4. Acknowledgment of County Manager Signature; GE Johnson Construction Company Owner Change Order #011; Gunnison County Courthouse Project; $47,921
5. Acceptance of Nominations and Appointments; Gunnison Basin Sage-grouse Strategic Committee; Natural Resources Conservation Service; Gunnison District Conservationist Elizabeth With as a Regular Member; Wildlife Biologist Steve Woodis as an Alternate Member
6. **Pulled for Discussion and Separate Action:** Amendment for Task Orders #2; Colorado Department of Public Health and Environment, Office of Planning and Partnerships, FAAA, Contract Routing Number 16-78519; Assessment and Planning Efforts Facilitated by the Office of Planning and Partnerships; Term Extension to 6/30/16; $73,700
7. Amendment No. 2 to Contract for Services; Hilltop Health Services Corporation, dba Hilltop Community Resources, Inc.; Health Coverage Guide Services for the Connect for Health Assistance Network; 4/1/15 thru 6/30/15; $3,476
8. Acknowledgment of County Manager Signature; Approved Task Order Contract – Waiver #154; Colorado Department of Public Health and Environment, CMS Routing No. 16 FHLA 76453; Tobacco Education and Prevention; 7/1/15 thru 6/30/16; $36,062
9. US Department of Transportation, Federal Aviation Administration, Antenna and Rack Space Lease for Real Property, Lease No: DTFAWN-15-L-00118; Gunnison, CO AWOS Equipment Space; 6/1/15 thru 9/30/34
10. Correspondence; Scoping for Supplemental Draft Environmental Impact Statement to Reinstate the North Fork Coal Mining Area Exception of the Colorado Roadless Rule
11. Gunnison County Weed Management Plan including, but not Limited to, the Gunnison Basin

**CONSENT AGENDA ITEM #6:** Chairperson Swenson requested additional information about this item. Since this contract is for environmental health inspections, and it begins on 7/1/15, she asked whether or not the County would be adding a position mid-year. County Manager Birnie explained that, while he supports this in theory, he has concerns about the State setting fees without covering the costs and that there is no plan to hire an additional employee at this time. He explained that the State is obligated to provide the service until the County takes over the duties, and that he has been discussing this issue with Health and Human Services Director Joni Reynolds. He also explained that submission of this grant contract will not obligate the County to assume responsibility for the inspections, but that the discussions would begin. **Moved** by Chairperson Swenson, seconded by Commissioner Chamberland to approve Consent Agenda Item #6. Motion carried unanimously.

*( Clerk to the Board Haase had to leave the meeting at this point due to illness, and Clerk to the Board Shelton took over.)*

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

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

1. Courthouse Construction Project Update. The County received the Temporary Certificate of Occupancy for Courthouse on 5/15.
2. Requests to Serve Alcohol in County Facilities. County Manager Birnie asked the Board for permission to serve beer and wine at the Courthouse reception on 5/29. Also, a citizen has requested permission to serve alcohol in the Ohio City Town Hall pm 6/6 during an anniversary party. **Moved** by Commissioner Chamberland for the approval to serve beer and wine at the ribbon cutting of the Courthouse, seconded by Commissioner Houck. Motion carried unanimously. **Moved** by Commissioner Chamberland to approve the Quartz Creek Valley Association (request) to serve beer and wine at their event, seconded by Commissioner Houck. Motion carried unanimously.
3. Western State Colorado University Bond Issue. County Manager Birnie received emails indicating that the County was going to be involved in a bond issue. Gunnison County received these emails because they served as a conduit regarding the Student Center Project for the Western Foundation. A Public Hearing must be held after approval of the issuance of the bond. Gunnison County does not have any liability, they are only assisting WSCU. At the June 9th Work Session, it is scheduled to be discussed, and June 16th will be the date of the Public Hearing.
4. Contributions for WSCU "Write the Rockies". Gunnison County is not going to make a contribution.

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

1. Intergovernmental Agreement for Trail Services between Town of Crested Butte, State of Colorado, Crested Butte, Skyland Metropolitan District, County of Gunnison; **Moved** by Commissioner Chamberland for approval of the IGA for Trail Services between the Town of Crested Butte, Skyland Metropolitan District for the extension of Riverbend Trail (aka The Deli Trail) from Riverbend Drive North for .3 tenths of a mile, seconded by Commissioner Houck. Motion carried unanimously.
2. Intergovernmental Agreement for Road Maintenance; Town of Marble; Maintenance on Certain Streets Located within the Incorporated Town of Marble; **Moved** by Commissioner Chamberland to approve the IGA for road maintenance between Gunnison County and the Town of Marble including small changes that will occur and authorize County Manager Birnie's signature. Seconded by Commissioner Houck. Motion carried unanimously.
3. Award Bid; Landfill Crushing; Deputy County Manager Marlene Crosby will present the contract documents for both the Landfill Crushing and the Gravel Crushing at the June 2nd BOCC meeting. She received five bids ranging from $143,886 to $217,565. Gunnison Gravel is the low bidder, and Gunnison County will be issuing the notice of award to them on 5/19/15.
4. Award Bid; Gravel Crushing; Five bids were received, ranging from $122,500 to $200,500. Lacy Construction was the low bidder on this project. Western Gravel will receive the bid if Lacy Construction cannot fulfill the role.
5. River Festival; Friday, June 12th. There will be a fish fry dinner on June 12th and the river festivities will take place on June 13th at the Whitewater Park.
6. Kebler and Cottonwood Passes; The County plans to open both passes on 5/21/15.
7. State Revolving Loan Fund Workshop; There is some grant money and loan money available for utilities. Grants are now 30 years for wastewater.

**BREAK:** The meeting recessed from 9:08 am until 9:12 am in order to hold the below Public Hearing.

**PUBLIC HEARING; REQUEST FOR WAIVER OF GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION; HIGH CIMARRON, LLC:** Deputy County Manager Crosby was present for the discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:08 am.

2. Public Notice Confirmation. Deputy County Manager 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. There were no comments from the staff identified.

5. Applicant Presentation. N/A

6. Board Questions. There were no questions from the Board.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:10. There were no public comments presented in the room. Deputy County Manager Crosby stated she received a phone call from Roger Rolph (adjacent property owner) asking for copies of maps and specific locations of the realigned exceptions. Deputy County Manager Crosby informed Rolph of the Community Development website to obtain this information. Chairperson Swenson closed public comments at 9:10 am.

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

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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.

**RESOLUTION; WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARDS AND SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR ROADS LYING WITHIN HIGH CIMARRON, LLC, LOCATED WITHIN SECTIONS 22, 27, 28, 33, 34, 35, TOWNSHIP 47 NORTH, RANGE 7 WEST, N.M.P.M., COUNTY OF GUNNISON, STATE OF COLORADO:** **Moved** by Commissioner Houck to approve Resolution 2015-11 Waiving Certain Provisions of the Gunnison County Standards and Specifications for New Construction of Roads and Bridges for Roads Lying within High Cimarron, LLC as presented. Seconded by Commissioner Chamberland. Motion carried unanimously.

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated May 19, 2015 and the cash transfer authorization dated April 2015 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the May 19th Vouchers of $2,100,641.46. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the April 2015 cash transfers of $4,979,181.42. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** County Treasurer Debbie Dunbar presented the April 2015 Treasurer's report and an investment report dated April 30, 2015 for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report for April 2015 as presented. Motion carried unanimously.

**RESOLUTION; ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN INDUSTRIAL PARK:** **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2015-12 Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park as presented. Motion carried unanimously.

**CORRESPONDENCE; SENATOR MICHAEL BENNET, SENATOR CORY GARDNER AND CONGRESSMAN SCOTT TIPTON; LEGISLATIVE EXCHANGE PROPOSAL FOR THOMPSON DIVIDE LEASES:** SG Interests representative Eric Sanford was present for the discussion. Delta County, Garfield County, and Mesa County signed and gave a letter of support for the Thompson Divide leases. Pitkin County has not submitted a letter of support. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the letter of support sent to our delegation for the legislative exchange proposal for Thompson Divide leases held by SG Interests and to authorize the use of signature stamps from the Gunnison County Commissioners and County Manager Birnie.

**UNSCHEDULED CITIZENS:**

1. Mark Daily. Mr. Daily is running for a position with the Gunnison County Electric Board of Directors for District 7 (At-Large District). Ballots will be mailed May 26th. Commissioner Chamberland mentioned the REA will play an important role in the broadband issues presented.

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

**Commissioner Houck:**

1. Marble Parking Area; Deputy County Manager Crosby has contacted the Forest Service to work together with Gunnison County to develop a parking area in Marble.
2. Office for Resource Efficiency; Director Ryan Atwell has decided not to renew his contract with WSCU or with ORE.
3. KBUT; KBUT recorded a piece about the Gunnison Sage-grouse that aired the weekend of May 15th.
4. Tin Cup Meeting; This was predominately a Forest Service meeting to discuss the replacement of Willow Creek 1-2, the fencing project around the gravel pit, and the Travel Management Plan. There was a level of satisfaction with the Tin Cup residents regarding the signage Gunnison County posted for OHV's to slow down.
5. Winter Travel Management; Commissioner Houck suggested that Gunnison County should offer comments to the Forest Service regarding Winter Travel Management in the Gunnison National Forest.
6. Outdoor Summit; Commissioner Houck will be attending this meeting in Denver on June 11th.

**Commissioner Chamberland:**

1. West Slope County Commissioners & CCI Meeting; Commissioner Chamberland will put together a report of the meeting topics/notes.
2. EDA; A draft copy of this report was provided to the Gunnison County Commissioners.
3. Broadband; Still waiting on a final report for consumer grants.

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**Commissioner Swenson:**

1. Executive Leadership Team of the State Human Services Department; A letter was submitted to the Governor's office recently regarding the executive leadership team of the State Human Services Department. The letter described several concerns from members of the legislature and indicated they had "lost confidence" in the department's leadership.

**CORRESPONDENCE; GUNNISON VALLEY AVIATION, LLC; NOTICE OF ASSIGNMENT FBO (FIXED BASE OPERATOR) MASTER OPERATING AGREEMENT AND LEASE; POSSIBLE EXECUTIVE SESSION:** County Manager Birnie, Airport Manager Rick Lamport, Peter Kirsch of Kaplan Kirsch & Rockwell, LLP Law firm and County Attorney David Baumgarten were present via conference call for the discussion.

County Attorney Baumgarten stated that some of the scheduled discussion would be appropriate to handle during an executive session. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to continue into executive session with the individuals previously stated by County Attorney Baumgarten to discuss the legal process and authority of Gunnison County regarding the FBO Master Operating Agreement and Lease. Motion carried unanimously.

The board went into executive session at 9:54 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)(a).*

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 10:09 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.

Chairperson Swenson recessed the executive session at 10:09 am. The individuals previously identified were involved in the discussion and no decisions were made. County Attorney Baumgarten requested that the Board of County Commissioner's authorize staff and attorneys to continue in negotiations regarding the FBO Lease and Master Operating Agreement between Gunnison Valley Aviation and Gunnison County. Chairperson Swenson stated that Gunnison County would like to see further discussions regarding minimum standards and industry standards identified and added into the current lease as moving forward. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the signature of County Manager Birnie to execute the FBO Lease and Master Operating Agreement between Gunnison Valley Aviation and Gunnison County prior to the June 2, 2015 meeting. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:12 am.

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_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Katherine Haase, Deputy County Clerk

_____
Bre Shelton, 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. 2015-11**

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARDS AND SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR ROADS LYING WITHIN HIGH CIMARRON, LLC, LOCATED WITHIN SECTIONS 22, 27, 28, 33, 34, 35, TOWNSHIP 47 NORTH, RANGE 7 WEST, N.M.P.M., COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, a written petition by Mesa Engineering on behalf of High Cimarron, LLC a Colorado Limited Liability Company was received by the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board"), requesting a waiver of certain provisions of the Gunnison County Standards and Specifications for New Construction of Roads and Bridges (hereinafter the "Standards and Specifications"), for horizontal and vertical exceptions for access roads only within the High Cimarron, LLC property located within Sections 22, 27, 28, 33, 34, 35, Township 47 North, Range 7 West, N.M.P.M., County of Gunnison, State of Colorado, that is the subject of Gunnison County Land Use Change Application 14-00028.

WHEREAS, the request is to waive for the following:

1. Horizontal Alignment: Section 4.3.1 Table 4-1. A waiver of the requirement specifying that access roads should have a minimum curve radius of 80'.
2. Vertical Alignment: Section 4.3.2B. A waiver of the requirement specifying that access roads should not exceed a 12% minimum grade.

WHEREAS, the Board has conducted a duly noticed public hearing regarding that petition.

THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO FINDS that High Cimarron, LLC has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions that make compliance with the Standards and Specifications technically unfeasible; and
2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic, there will be a limited amount of traffic using the road, and it is a seasonal use road; and
3. The waiver will not adversely affect health and safety; and
4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and
5. The waiver will not cause substantial injury to the environment; and
6. The waiver will provide the functional equivalent of the Standards and Specifications.

THEREFORE, the Board of County Commissioners of Gunnison County, Colorado resolves as follows:

1. The following waiver is hereby granted for access roads only within the High Cimarron, LLC property located within Sections 22, 27, 28, 33, 34, 35, Township 47 North, Range 7 West, N.M.P.M., County of Gunnison, State of Colorado, that is the subject of Gunnison County Land Use Change Application 14-00028:
    a. Horizontal Alignment: A waiver of the requirement specifying that access roads should have a minimum curve radius of 80'.

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b. Vertical Alignment: A waiver of the requirement specifying that access roads should not exceed a 12% minimum grade.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 19th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY. COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**
**RESOLUTION NO. 15-12**

A RESOLUTION ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN INDUSTRIAL PARK

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gold Basin Industrial Park located in the County of Gunnison, State of Colorado and as legally described as 38.79 acres in NE4NW4. Section 11 49N1W #499861 and portions of 21.28 acres in SE4SW4. Section 2 49N1W #499861; and

WHEREAS, the Board of County Commissioners wants to adjust the ground rental rate where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation and maintenance of the Gold Basin Industrial Park; and

WHEREAS, the Denver-Boulder-Greeley Consumer Price Index for All Urban Consumers, as published by the United State Department of Labor Bureau of Labor Statistics, for 2014 was 237.200, a 2.8% increase from 2013.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that effective on April 1, 2015:

1. The ground rental rate shall be in the amount of $2,794 per annum per acre of premises occupied.
2. Premises occupied will be rounded to the nearest thousandth of an acre (x.xxx acres).

BE IT FURTHER RESOLVED THAT these rates shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 19th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY. COLORADO

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

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