AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes; 6-16-15

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 6/16/15 BOCC meeting minutes for consideration.

Fiscal Impact: None

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/1/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 7/7/2015

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 16, 2015

The June 16, 2015 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.

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the regular Board minutes for April 21, 2015 and May 19, 2015 as presented. Motion carried unanimously.

1. Regular Meeting; 4/21/15
2. Regular Meeting; 5/19/15

CONSENT AGENDA: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Consent Agenda. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; GE Johnson Construction Company Owner Change Order #012; Gunnison County Courthouse Project; $13,735
2. Request to Serve Alcohol in a Gunnison County Facility; Gunnison County Library District; 8/6/16, Beginning at 7:00 pm
3. Acknowledgment of County Manager Signature; Contract #46557, Amendment #3, CMS #77964; Colorado Department of Human Services, Office of Early Childhood; $59,202
4. Acknowledgment of County Manager Authorization to Submit; Delta Dental Oral Health Mini-grant Project; Gunnison Dental Initiative; 5/1/16 thru 9/30/16; $15,000
5. Amendment to Avis Airport Facilities Lease and Rental Car Concession Agreement; Extension of Term to 5/31/17
6. Amendment to Micar Airport Facilities Lease and Rental Car Concession Agreement; Extension of Term to 5/31/17
7. Amendment to Hertz Airport Facilities Lease and Rental Car Concession Agreement; Extension of Term to 5/31/17
8. Assignment of Ground Lease Agreement; Julee C. Nelson, as Personal Representative of the Estate of Douglas Towle Nelson, Jr., also known as Douglas T. Nelson, Jr., Douglas T. Nelson and Douglas Towle Nelson, and Julee C. Nelson
9. Letter of Support; Colorado Energy Office; Trillium CNG; Construction of a Compressed Natural Gas Station in Gunnison, Colorado
10. Statement of Work; Colorado Department of Public Health and Environment; Prevent, Prepare for, Respond and Recover from Ebola Virus Disease; 4/1/15 thru 9/30/16; $15,000
11. Intergovernmental Agreement, Nurse Home Visitor Program; Montrose County; 7/1/15 thru 6/30/16; $70,410
12. Contract; Region 10 Area Agency on Aging; Senior Transportation; 7/1/15 thru 6/30/16; $20,000
13. Contract; Region 10 Area Agency on Aging; Senior Services; 7/1/15 thru 6/30/16; $43,000

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2015 Board of County Commissioner Meeting Agenda Posting Locations. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to make the official posting area the doorway outside the BOCC boardroom in the new Gunnison county courthouse. Motion carried unanimously.

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

1. Schedule Update. County Manager Birnie informed the Board that he will be traveling to Breckenridge to attend a Colorado Association of Ski Towns (CAST) meeting this Thursday, and then he will be attending a Colorado City and County Management Association (CCCMA) meeting on Friday. He also plans to be on vacation during the last week or June. The final courthouse contractor meeting will take place on 6/24.
2. Historical Preservation Commission. County Manager Birnie informed the Board that the HPC's Administrative Assistant, Debbie Schoonover, resigned her 10 hours/month position. He has not yet visited with Community Development Director Russ Forrest or Human Resources Director Amy Sharkey to discuss the vacancy. The Board suggested that a work session be scheduled to discuss how the HPC can be better aligned with the County.

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

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1. Temporary Road Use Agreement; City of Gunnison; Portion of County Road 49; 7/4/15 at 6:00 am thru 7/5/15 at 10:00 am; Fireworks Aerial Display. DCM Crosby informed the Board that all of the details, including the insurance information, have not yet been worked out. She asked that County Manager Birnie be allowed to sign the agreement once it's been approved by County Attorney David Baumgarten. She confirmed that the City of Gunnison plans to hire a private company to perform the aerial show. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the temporary road closure for County Road 49 and authorize County Manager Birnie's signature. Motion carried unanimously.
2. Temporary Road Use Agreement; Quartz Creek Improvement Association; Portion of County Road 771; 8/8/15 from 8:30 am until 12:00 pm; 5K/10K Walk/Run Fundraising Event. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Temporary Road Use Agreement for Quartz Creek Improvement Association. Motion carried unanimously.
3. Contractor Agreement; Lacy Construction Company, Ltd; Professional Services Regarding Mobilization, Crushing and Stock Piling of Specified Aggregate Materials at Various Gunnison County Pits; 6/8/15 thru 9/30/15; $122,500. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve County Manager Birnie's signature on the agreement. Motion carried unanimously.
4. Somerset Utilities. DCM Crosby informed the Board that she met with Somerset's utility representative and attended a conference call with the mine. It appears as though a new sewer and water system will be pursued, and grant funding may be available for the majority of the cost.
5. Carriage Rides on Kebler Pass. DCM Crosby informed the Board that a local guide and outfitter would like to provide carriage rides on Kebler Pass from the old gravel pit area to Lost Lake. The company has Forest Service permission for the Lost Lake area, but she is not yet in agreement with using Kebler Pass. She thought that a representative from the company may approach the Board during the next regular meeting to ask for permission.
6. Road Work on Forest Service or Primitive Roads. DCM Crosby informed the Board that her department is receiving a lot of pressure from seasonal subdivisions that are becoming demanding about providing road work on Forest Service roads or primitive roads. She met with one of the groups, and they are willing to commit some funding. Her staff met with another group, and the group was disrespectful. There is no action to take at this time.

REQUEST FOR CONVERSION OF UNITS, CONDOMINIUMS TO TOWNHOMES; PARK CREST TOWNHOMES: Community Development Director Russ Forrest, Planner Cathie Pagano and attorney Mike Dawson were present for discussion.

Mr. Dawson explained that this approval will make a positive difference in financing options available to the owners. Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Park Crest Townhomes conversion from condos to townhomes on Lot 17, Block 5 in Crested Butte South. Motion carried unanimously.

BREAK: The meeting recessed from 9:01 until 9:06 am for a short break, and then again from 9:06 until 9:17 am in order to hold the below Public Hearing.

PUBLIC HEARING; MARIJUANA FACILITY LICENSE APPLICATION; PURE INDUSTRIES, LLC: CDD Forrest, Building/Environmental Health Official Crystal Lambert and Will Browne, representing Pure Industries, LLC, were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:06 am.

2. Public Notice Confirmation. CDD Forrest 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. CDD Forrest explained that this is the first marijuana manufacturing license application that has come before the Board, and that this is relative to created marijuana-infused products on Riverland Drive in a 280-square-foot area. There are two other cultivation facilities in that area, and two individuals are growing personal plants within the same building. He noted that marijuana manufacturing and marijuana cultivation operations are subject to the same criteria. CDD Forrest also confirmed that this request has been approved by the application homeowners association. From an administrative standpoint, he confirmed that the application is approvable.

   CDD Forrest also informed the Board that there has been one complaint received about odors coming from the building, so he and BEHO Lambert performed an inspection and found a couple of vents that needed additional mitigation. All parties have agreed to install these vents prior to issuance of a building permit and occupancy.

   CDD Forrest stated that this type of operation prompts close evaluation of fire, security and emergency services to ensure that the operation doesn't create any life-safety issues. BEHO Lambert and the Fire District requested a specific report for this facility to confirm that the intended

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use is compatible with the building. The applicant agreed, and a report was generated. There is no kitchen associated with this building.

5. Applicant Presentation. Mr. Browne stated that the applicant has taken advanced steps through the process for the last eight months, and a professional engineering firm was utilized. He noted that there is no food component to the model at this point, and that the company will focus on extracting essential oils from marijuana plants. He stated that hydrocarbon extraction is a common process and that all details are outlined in the facility report. All life-safety issues have been eliminated. Lastly, he stated that there are over 100 of these types of facilities operating in Colorado, and that there is no evidence of any negative effects.

6. Board Questions. Commissioner Chamberland asked about the two individuals that are growing personal plants in the building, specifically whether the plant was being grown for medical or personal purposes. CDD Forrest explained that the plants are grown in apartments for personal use. Commissioner Chamberland also asked about the process for regulating fumes, and CDD Forrest suggested that the topic was not related and could be discussed at another time.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:16 am, and no comments were provided.

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

9. Applicant Response. N/A.

10. Close Public Hearing. CDD Forrest confirmed that the list of conditions on page 6 of the document includes mitigation of odors. Chairperson Swenson closed the Public Hearing at 9:17 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the license application for Pure Industries, LLC as presented here today for Lot 9 in Riverland with the conditions and recommendations presented by staff. Motion carried unanimously.

BREAK: The meeting recessed from 9:17 until 9:20 am in order to hold the below Public Hearing.

PUBLIC HEARING; GUNNISON COUNTY, COLORADO REVENUE REFUNDING BOND; WESTERN STATE COLORADO UNIVERSITY FOUNDATION PROJECT, SERIES 2012A; 2015 REISSUANCE: County Clerk and Recorder Kathy Simillion, WSCU representative Tom Burggraf, and WSCU Foundation Financial Manager Pamela Johnston were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:17 am.

2. Public Notice Confirmation. Mr. Burggraf 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. N/A.

5. Applicant Presentation. Mr. Burggraf thanked the County for all of the assistance provided. He also explained that this will provide a way for the college to be as responsive as possible to students.

6. Board Questions. N/A.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:19 am, and no comments were provided.

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 9:20 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2015-14 as presented today. Motion carried unanimously.

CERTIFICATION OF DELINQUENT TAXES AND AUTHORIZATION FOR COUNTY TREASURER DEBBIE DUNBAR TO COLLECT THOSE TAXES PURSUANT TO C.R.S. 30-20-420; DOS RIOS,

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ANTELOPE HILLS, SOMERSET AND NORTH GUNNISON DIVISIONS OF THE GUNNISON COUNTY SEWER AND WATER DISTRICT: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Treasurer to collect these fees. Motion carried unanimously.

LOT CLUSTER APPLICATION; MJZ & ASSOCIATES II, LLC; LOTS S-99 AND S-100, SKYLAND THIRD FILING, PHASE 1: Community Development Department Services Manager Beth Baker and attorney David Leinsdorf were present for discussion.

CDDSM Baker confirmed that all utility companies and the homeowners association were in agreement with the application. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the lot cluster as presented today. Motion carried unanimously.

BUCKHORN RANCH SIGN PLACEMENT REQUEST: DCM Crosby was present for discussion. Earlier in the day, she distributed hard copies of some letters of support that arrived after the meeting packet deadline.

DCM Crosby explained that the signage, if approved, would be located in the County's right of way, and that a sign permit from the County requires a letter of consent. Color pictures of the proposed signage were provided, and new signage will also be placed at the entrance to Stallion Park. DCM Crosby confirmed that the signage would not interfere with plowing, so she recommended that County Manager Birnie be authorized to sign a License Agreement when one is ready. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the sign placement and license with Buckhorn Ranch for a large entry sign within County Road 738A right-of-way, adjacent to Whetstone Vista open space as presented today and authorize County Manager Birnie's signature. Motion carried unanimously.

RIVER FESTIVAL UPDATE: DCM Crosby informed the Board that the majority of the scheduled activities had to be rescheduled to 6/27 due to high-water concerns.

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

Commissioner Chamberland:

1. Mountain Connect Conference. Commissioner Chamberland informed the Board that he attended this conference last week, and he also served on one of the panels. Region 10 has been approached by EDA related to a $1,000,000 grant for economic development that would be used toward the match for the DOLA grant. The full project cost is expected to be approximately $3,400,000.

Commissioner Houck:

1. Western Governor's Meeting. Commissioner Houck and Gunnison Wildlife Conservation Coordinator Jim Cochran attended this meeting in Denver last week. There may be more funding available for Gunnison Sage-grouse conservation efforts.
2. Outdoor Summit. Commissioner Houck attended this meeting in Denver last week. He noted that GOCO has spent funding since 1992 on open space and recreation. Also, there may be an opportunity coming up for the County and the City of Gunnison to work together to become one of the chosen areas for an initiative related to kids living within 10 minutes of open space. He will discuss this and other possibilities with the City.
3. Historical Group Meeting. Commissioner Houck plans to speak at this meeting in Pitkin on 6/19.
4. Outdoor Discovery Center. Commissioner Houck met with a representative from Colorado Parks and Wildlife to discuss the outdoor discovery center.

Commissioner Swenson:

1. Colorado Workforce Development Council Meeting. Chairperson Swenson informed the Board that she will assist with hosting the Council next month. The One Valley Prosperity Project will be a topic of discussion. Approximately 50-60 business and community leaders from across the state will be here.
2. Gunnison Valley Rural Transportation Authority. Chairperson Swenson informed the Board that the RTA will be hosting community meetings on Wednesday night in Mt. Crested Butte and early Thursday in Gunnison to discuss air service.

BREAK: The meeting recessed from 10:00 until 10:18 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes), then from 10:18 until 10:31 am for a short break.

GUNNISON COUNTY BOARD OF HEALTH: Health and Human Services Director Joni Reynolds, Public Health Division Director Carol Worrall and Dr. John Tarr, the County Medical Officer (arrived at 10:36 am), were present for discussion.

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of Health meeting to order at 10:31 am.

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CONSUMER PROTECTION UPDATE: HHSD Reynolds reminded the Board that facility inspections have been the responsibility of Montrose County, and that arrangement will terminate when the State assumes responsibility on 7/1/15. There is no proposal yet for a local restaurant inspection program, and she is not certain that it will be financially viable. County Manager Birnie said that the State wants counties to take this responsibility, but that the legislature is not supportive. HHSD Reynolds has met with the State to request a complete list of all inspection points in the County. She noted that it may take a few months to get to create a plan for assuming the responsibility in 2016. PHDD Worrall noted that the restaurants have been informed of the pending changes.

We have a point of contact at the state and she has met with them to ask for a whole list of all inspection points in the county. May take a few months to get to a point where were can look at what to do beginning in 2016. CW – when Montrose has been coming, they've been informing the restaurants.

STAFFING CHANGES RELATED TO CHILDCARE CONSULTATIONS: PHDD Worrall explained that the completion of facility inspections is a requirement in the childcare center licenses, but that the temporary absence of a program won't threaten the licenses. She also indicated that the Colorado Department of Public Health and Environment grant for nurse visits ends on 6/30, and that she is working on a different grant to address the need.

PHDD Worrall informed the Board that a large salmonella outbreak recently occurred in a Montrose childcare center. Over 19 interviews have been conducted so far, and at least 18 people were sick. Most of the ill people have been children under the age of five and staff members. The protocol is normally to keep sick people out for 72 hours after symptoms are gone, and Dr. Tarr noted that this may not be enough time since people can become asymptomatic carriers for months. No hospitalizations have been necessary yet. Environmental Health staff have had to perform daily onsite visits to observe diapering and food preparation.

EPIDEMIOLOGY UPDATES: PHDD Worrall informed the Board that a recent outbreak of Middle East Respiratory Syndrome (MERS) coronavirus occurred in Korea. It appears to have begun to spread after a 68-year-old man visited the Arabian Peninsula. There are now 108 cases and 9 deaths. One of the sick people visited China and, subsequently, at least one case has been reported in China. MERS coronavirus has been detected since 2012. Since 2012, 45 US states have submitted testing to the Centers for Disease Control and Prevention. Out of almost 600 tests, two were positive. Her office has communicated with all local healthcare providers to request that they pay attention to travel history when patients report with symptoms.

PHDD Worrall informed the Board that the surveillance for Liberia has been dropped. Now, if any Liberians come to the US, they will self-monitor.

PHDD Worrall informed the Board that there are eight confirmed cases of Legionnaires disease in the state, which is well above the average of two by this time of year. She noted that there are usually spikes after flooding and rain, and that the disease can be fatal. It tends to affect immunocompromised people, and it is tolerant to chlorine.

FAMILY PLANNING STAFFING CHANGES: PHDD Worrall informed the Board that the previous nurse coordinator has retired. She reassessed the program, and she feels that it a nurse practitioner is needed in that role, not an RN. She met with County Manager Birnie and Finance Director Linda Nienhueser to discuss the issue. As well, she would like clinical staff to work with women who over 40 years old. Approximately one third of all clients seen by this office are billable.

ADJOURN: Chairperson Swenson adjourned the Gunnison County Board of Health meeting at 10:54 am.

MOSQUITO CONTROL PROGRAM: HHSD Reynolds, PHDD Worrall, CA Baumgarten, Dr. John Tarr and Colorado Mosquito Control, Inc. Office Manager Chris Kruthaupt were present for discussion.

Mr. Kruthaupt provided copies of maps that showed sites within Gunnison County that no longer receive any mosquito control services. One of the areas is in the State Wildlife Area, which is one of the main breeding sites, where only the first 400 feet can be treated. He also explained that we can treat north of the river up Tomichi Creek for larva, but we cannot perform any adult mosquito control. Additionally, the owner of a large private ranch won't allow any mosquito treatments on their property. County Manager Birnie relayed that, per Gunnison Wildlife Conservation Coordinator Jim Cochran, the larvacide treatments should not pose a threat to sage grouse.

Mr. Kruthaupt informed the Board that over 3,500 mosquitos were recently collected in one trap in an area located a mile east of town. In the same time frame, the remainder of the traps collected less than 100 mosquitos each. He expressed concern about the weather pattern and how it may contribute to the

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problem, and he stated that he would prefer that the option to spray aerially would be available if needed. He explained that the aerial applications utilize less chemical product than the larvacide does, and that the aerial applications can have non-target impacts though the size of the droplets is designed to limit impacts as much as possible. Lastly, he said that there will be a larger mosquito hatch this year, and that it will be condensed into a shorter timeframe than in the past.

Commissioner Houck agreed that controlling the mosquitos is important, but he would also like to protect the insects that pollenate.

Dr. Tarr opined, from the standpoint of documented disease, that this program may be akin to a solution looking for a problem. He also stated that, when considering serious impacts to public health, West Nile Virus is not a major consideration, and that broadcast spraying of any toxic substances can have unintended consequences. Lastly, he noted that we can monitor the presence or absence of human disease that is reasonably attributable to mosquitoes, though he acknowledged that it may be too late by the time a disease is detected.

PHDD Worrall provided a list of repellents that included information such as how long they are effective. Chairperson Swenson suggested that she put an ad in the local newspapers with the information.

Chairperson Swenson reminded everyone that the community opted to tax themselves so that the mosquito problem would be addressed. Commissioner Houck stated his preference to limit the program to larvacide unless the situation presents the threat of significant public health issues. Commissioner Chamberland didn't have any strong feelings either way. In the end, the Board asked Mr. Kruthaupt to continue with applications of ground larvacide only.

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

ADJOURN: Chairperson Swenson adjourned the meeting at 11:20 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 GUNNISON COUNTY, COLORADO
RESOLUTION NO. 15-14

A Resolution Authorizing the Reissuance of the Gunnison County, Colorado Revenue Refunding Bond (Western State Colorado University Foundation Project) Series 2012A (*2015 Reissuance*) in the Aggregate Principal Amount of not to Exceed $6,000,000; Ratifying Certain Actions Heretofore Taken; Authorizing the Execution and Delivery by the County of a First Supplemental Indenture and a First Amendment to the Loan Agreement, a Supplemental Tax Compliance Certificate, Closing Documents and Such Reissued Bond; Approving the Form of Certain Ancillary Documents; and Repealing Any Action Heretofore Taken in Conflict Herewith.

WHEREAS, Gunnison County, Colorado (the "County"), is a duly organized and validly existing political subdivision of the State of Colorado (the "State"); and

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WHEREAS, the Board of County Commissioners of the County (the "Board") is authorized by the County and Municipality Development Revenue Bond Act, Sections 29-3-101, *et seq.*, Colorado Revised Statutes, as amended (the "Act") and by the Supplemental Public Securities Act, Section 11-57-201 et seq., Colorado Revised Statutes, as amended (the "Supplemental Public Securities Act"), to issue development revenue bonds; and

WHEREAS, on April 30, 2012, the County issued in an aggregate principal amount equal to $6,023,043.37 the Gunnison County, Colorado Revenue Bond (Western State College Foundation Project) Series 2012A (the "2012A Bond") for the purposes of (a) current refunding the City of Gunnison, Colorado Revenue Bond (Western State College Foundation Project) Series 2006, issued in an aggregate amount of $6,000,000 (the "Series 2006 Bond") to finance the construction of the Borick Business Building located on the northwest corner of Georgia Avenue and Adams Street on the Western State College of Colorado campus, in Gunnison, Colorado 81231 (the "2006 Facilities"); (b) current refunding the Gunnison County, Colorado Revenue Bond (Western State College Foundation Project) Series 2009, issued in an aggregate amount of $6,120,000 (the "Series 2009 Bond" and together with the 2006 Bond, the "Refunded Bonds") to finance a portion of the construction of the student center building located at 600 North Adams, on the Western State College of Colorado campus, in Gunnison, Colorado 81231 (the "2009 Facilities" and together with the 2006 Facilities the "Refinanced Facilities"; and (c) paying costs of issuance of the 2012A Bond (collectively, the "Refunding Project"); and

WHEREAS, the 2012A Bond was issued by the County pursuant to the terms of an Indenture of Trust, dated as of April 1, 2012 (the "Indenture"), by and between the County and Wells Fargo Bank, National Association, as trustee thereunder (the "Trustee") and by a loan of the proceeds thereof to the Western State Colorado University Foundation (formerly known as the Western State College Foundation and referred to herein as "WSCUF") upon the terms and conditions set forth in the Loan Agreement, dated as of April 1, 2012 (the "Loan Agreement"), by and between the County and WSCUF; and

WHEREAS, WSCUF desires to amend certain terms of the 2012A Bond, the Indenture and the Loan Agreement and such amendments will cause the 2012A Bond to be deemed reissued pursuant to the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the 2012A Bond as reissued will be referred to herein as the "Bond"; and

WHEREAS, Wells Fargo Bank, National Association (the "Purchaser") proposes to purchase the Bond from the County; and

WHEREAS, in order to amend the Indenture, a First Supplemental Indenture of Trust, dated as of June 1, 2015 (the "First Supplemental Indenture"), by and between the County and the Trustee will be executed subsequent to the adoption of this Resolution; and

WHEREAS, in order to amend the Loan Agreement, a First Amendment to the Loan Agreement, dated as of June 1, 2015 (the "First Amendment to Loan Agreement"), by and between the County and WSCUF will be executed subsequent to the adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

Section 1. All action not inconsistent with the provisions of this Resolution heretofore taken by any of the County's officials and the efforts of the County directed toward the reissuance of the Bond therefor be, and the same hereby are, ratified, approved and confirmed.

Section 2. The County shall undertake the reissuance of the Bond all in accordance with the provisions and conditions of the First Supplemental Indenture and the First Amendment to Loan Agreement, the Act and the Supplemental Public Securities Act. The County hereby elects to have the provisions of the Supplemental Public Securities Act apply to the Bond.

Section 3. There is hereby authorized and created a series of development revenue bonds designated as "Gunnison County, Colorado Revenue Refunding Bond (Western State Colorado University Foundation Project) Series 2012A (*2015 Reissuance*)" in an aggregate amount not to exceed $6,000,000 to be dated the date of reissuance and delivery. The Bond shall bear interest at a fixed or variable rate as provided in the First Supplemental Indenture and the maximum net effective interest rate on the Bond shall not exceed 10.00%.

The Fixed Rate Period (as such term is defined in the First Supplemental Indenture) will be until July 15, 2025. The Bond will mature no later than July 15, 2032. Principal and interest on the Bond shall be payable semiannually on the dates provided in the First Supplemental Indenture. The Bond will be reissued as a fully registered bond in accordance with the provisions of the Act, the Supplemental Public Securities Act, the First Supplemental Indenture and the First Amendment to the Loan Agreement.

The Bond shall be subject to redemption prior to maturity and shall be in substantially the form provided as an exhibit to the First Supplemental Indenture. The Bond shall be sold to the Purchaser in a negotiated, private sale at a purchase price equal to the original outstanding principal amount of the Bond.

Section 4. The following determinations and findings, based upon information supplied and representations made by WSCUF, are hereby made by the County:

(a) The maximum amount necessary to pay the principal and interest on the Bond will not be more than $6,000,000.

(b) The terms of the First Supplemental Indenture and the First Amendment to the Loan Agreement pursuant to which the County has loaned the proceeds of the Bond to WSCUF provide that WSCUF shall cause the facilities being financed and refinanced to be maintained in good repair and shall carry all proper insurance with respect thereto.

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(c) The revenues payable by WSCUF under the First Amendment to the Loan Agreement are sufficient to pay all requirements of the First Supplemental Indenture and the First Amendment to the Loan Agreement and this Resolution.

(d) No reserve funds shall be established for the Bond.

Section 5. The form, terms and provisions of the First Supplemental Indenture and the First Amendment to the Loan Agreement be and they hereby are approved, and the Board shall enter into the First Supplemental Indenture and the First Amendment to the Loan Agreement substantially in the form of such documents presented at this meeting, but with such changes therein as the officers of the Board executing such documents shall approve, their execution thereof being deemed conclusive of their approval of any such changes, and the Chairperson, or in the absence thereof, the Vice-Chairperson of the Board, is hereby authorized and directed to execute and deliver the First Supplemental Indenture and the First Amendment to the Loan Agreement and the County Clerk or, in the absence thereof, the Deputy County Clerk, is hereby authorized and directed to affix the seal of the County to, and to attest the First Supplemental Indenture and the First Amendment to the Loan Agreement in substantially the forms of such documents attached hereto.

Section 6. The form, terms and provisions of the Bond, in substantially the form contained in the First Supplemental Indenture, be and they hereby are approved; and the Chairperson or, in the absence thereof, the Vice-Chairperson of the Board, is hereby authorized and directed to execute the Bond, the County Clerk or, in the absence thereof, the Deputy County Clerk, is hereby authorized and directed to attest the Bond and is authorized to deliver the Bond in the form contained in the First Supplemental Indenture but with such changes therein as the officer of the Board executing the Bond shall approve, his or her execution thereof being deemed conclusive of his or her approval of any such changes. The seal of the County is hereby authorized and directed to be affixed to or imprinted on the Bond. The signature of the Chairperson or Vice-Chairperson, as the case may be, or the signature of the County Clerk or Deputy County Clerk, as the case may be, on the Bond, and the County seal, may be a facsimile.

Section 7. The officers of the Board shall take all action which they deem necessary or reasonably required in conformity with the Code, the Act and the Supplemental Public Securities Act to undertake the reissuance of the Bond which is hereby authorized, and for carrying out, giving effect to and consummating the transactions contemplated by this Resolution, the First Supplemental Indenture and the First Amendment to the Loan Agreement, including without limitation the execution and delivery of any tax documents and closing documents to be delivered in connection with the reissuance, sale and delivery of the Bond.

Section 8. The cost of the reissuance of the Bond shall be paid by WSCUF. THE BOND AND THE INTEREST THEREON SHALL NEVER CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION WHATSOEVER OF THE COUNTY OR THE DEBT OR INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY PROVISION OR LIMITATION OF THE CONSTITUTION OR STATUTES OF THE STATE AND SHALL NEVER CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER.

Section 9. Pursuant to Section 147(f) of the Code, the Board hereby approves the reissuance of the Bond and the Refunding Project and hereby requests that the Chairperson or, in the absence thereof, the Vice-Chairperson of the Board execute a public approval certificate which approves the issuance of the Bond and the Refunding Project.

Section 10. The County hereby designates the Bond as a "Qualified Tax-Exempt Obligation" pursuant to and as defined in Section 265(b) of the Code. The County covenants that it shall not designate more than $10,000,000 of tax-exempt obligations during the calendar year 2015. The County does not reasonably anticipate that it will issue in the aggregate more than $10,000,000 principal amount of tax-exempt obligations during the calendar year 2015. In applying this $10,000,000 limitation, the County has taken into account: (A) tax-exempt obligations that it has issued and anticipates issuing; (B) tax-exempt obligations that any "subordinate entity" has issued or anticipates issuing; (C) tax-exempt obligations that any entity that issues obligations on behalf of the County has issued or anticipates issuing; and (D) tax-exempt obligations that an entity formed to avoid this $10,000,000 limitation has issued or anticipates issuing.

Section 11. After the Bond is reissued, this Resolution shall be and remain irrepealable until the Bond and interest thereon shall have been fully paid, cancelled and discharged.

Section 12. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 13. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith or with the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance, or part thereof.

Section 14. This Resolution shall be in full force and effect upon adoption. This Resolution shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Chairperson or Vice-Chairperson of the Board, as the case may be, and the County Clerk or Deputy County Clerk, as the case may be, and shall be published in accordance with law.

ADOPTED this 16th day of May, 2015.

Gunnison County Board of County Commissioners

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