AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Meeting Minutes; 11-17-2015

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 11/17/2015 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: 12/3/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 12/15/2015

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 17, 2015

The November 17, 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
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 minutes. Motion carried unanimously.

1. 11/3/2015 Regular Meeting

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

1. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract; 7/1/15 thru 6/30/16
2. Landscaping Agreement for Tomichi Village Self Storage; Brighton Hospitality Group, LLC; $11,075.22 ($8,860.18 plus Security)
3. Quality Improvement Plan Memorandum of Understanding; Little Red Schoolhouse

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. 2016 Gunnison County Budget. CM Birnie asked the Board for input regarding funding for the 2016 service contracts, and the Board agreed that no new entities would be added to the list of those who were funded in 2015. The Board also agreed that the Office for Resource Efficiency should begin transitioning out of the County's funding program after the coming year.
2. Property Disposition Request. CM Birnie asked the Board to consider a request for the tin ceiling tiles that were left over after the completion of the Courthouse construction project. The remaining tiles are in miscellaneous pieces, and he suggested that they be given to the contractor who worked to refurbish many other tiles for the project. The contractor will likely use the remaining pieces as patterns for other projects. Per the County's policy on surplus property, the County Manager must provide a recommendation to the Board for final approval. The Board agreed with the proposed disposition, and the decision will be ratified during a future meeting.

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

1. Request to Issue Private Plow Permit; Portion of County Road 864, aka Little Cimarron Road. DCM Crosby explained this this road is currently plowed by a private entity, which is a condition of the land use change. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the request. Motion carried unanimously.
2. Resolution, Conveyance of Gunnison County Owned Lands to the Colorado Department of Transportation for Highway Purposes; Permanent Easement; Warranty Deed; Project No: NH 050A-015. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2015-20, a Resolution Concerning Conveyance of Gunnison County Owned Lands to the Colorado Department of Transportation for Highway Purposes. Motion carried unanimously.
3. Gothic Road Update. DCM Crosby informed the Board that, due to the weather, the County will suspend work on the Gothic Road safety issues until the spring.

BREAK: The meeting recessed from 8:55 until 9:05 am for a short break, and then again from 9:05 until 9:07 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE A PORTION OF A CERTAIN ALLEY IN THE TOWNSITE OF IRWIN, COLORADO; EDWARD AND CHRISTIE MIEDEMA TRUST: DCM Crosby and Deputy County Attorney Gretchen Sturh were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened 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 informed the Board that the applicants are also working on a lot cluster application, and that the resolution, if approved, wouldn't be recorded until the lot cluster process is complete. The owner will be allowed, if approved, to use an alley and six lots to create a one-acre parcel.

5. Applicant Presentation. N/A.

6. Board Questions. Commissioner Chamberland asked if the proposal involved a street, and DCM Crosby confirmed that only the alley was involved and that the applicant does not own Parcel 2.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:07 am, but 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 9:07 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2015-21, a Resolution Vacating a Certain Portion of the Alley Lying within Block 18, Townsite of Irwin, County of Gunnison, State of Colorado. Motion carried unanimously.

PLAT AMENDMENT; BRUSH CREEK ESTATES; DON OCHS: Assistant Community Development Director Neal Starkebaum was present for discussion.

ACDD Starkebaum explained that, per the conditions that were agreed upon previously, an amended plat would be completed and as-built drawings would be provided after the trail was finished. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the amended plat and authorize the Chairperson's signature. Motion carried unanimously.

BREAK: The meeting recessed from 9:15 until ?? in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE CERTAIN ALLEYS WITHIN THE TOWNSITE OF IRWIN, COLORADO; SANDRA J. STRATMAN: DCM Crosby was present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:15 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 explained that this item was not yet ready for Board action. The proposal to vacate entire alleys was problematic in that multiple property owners were involved. She also stated that the lot cluster application process had not yet begun. Because of this, she asked that the hearing be continued for an indefinite period of time so that staff can prepare a recommendation. Chairperson Swenson noted that, in order to be continued, a hearing must be continued to a specific date. If the issue is not yet ready for discussion at that time, it can be continued again.

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. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to continue this Public Hearing to January 19, 2016 at 9:05 am. Motion carried unanimously. Then immediately reconvened the Gunnison County Board of County Commissioners Meeting.

CB SOUTH ROAD MAINTENANCE: DCM Crosby and Ronnie Benson, Head of Operations for CB South Metropolitan District, were present for discussion.

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Mr. Benson stated that the District was awarded funding to bring the roads up to County standards in 1977, and that the funding has since been exhausted. There is no ongoing revenue source to maintain the roads, so the District would like to implement a fee to offset road maintenance expenses. He noted that the mill levy will provide approximately $240,000 this year to the District, which will go into the general fund and be used for administration and operations. The proposed rates are $14/month per non-commercial unit and $28/month per commercial unit, and the fee would only be charged to current residents, not owners of vacant land. The District will hold a Public hearing on 12/9 at the District offices in Crested Butte.

CORRESPONDENCE WITH SENATOR MICHAEL BENNET, SENATOR CORY GARDNER, AND CONGRESSMAN SCOTT TIPTON; THOMPSON DIVIDE: Commissioner Houck discussed the draft correspondence that clarified the County's position, and he stated that a map was being prepared. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the letter and signatures. Motion carried unanimously.

REQUEST FOR ASSISTANCE; FLAT TOP AND LOS OCHOS RADIO TOWERS: Emergency Manager Scott Morrill and Deputy Emergency Manager Bobbie Lucero were present for discussion.

EM Morrill explained that the relevant area of the County has been a problem with regard to communications and public-safety radio equipment. These sites were approved and built, but there is no power going to them. They were recently sold by Mark Jiganti to Viaero Wireless, who has expressed frustration with the amount of time that this is taking the Bureau of Land Management to complete an assessment. Mr. Jiganti first initiated the process in 2012. Chairperson Swenson stated that she had discussed this issue with John Whitney, a representative from Senator Michael Bennet's office, and he stated that he wasn't aware of the issue so he would be looking forward to receiving the correspondence. The Board opined that similar letters should also be provided from impacted agencies, such as the Gunnison Fire Department and the Gunnison County Sheriff's Office. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the letter that was drafted, on letterhead from the County commissioners with signature by all three commissioners, and authorize the use of signature stamps. Motion carried unanimously.

GUNNISON-CRESTED BUTTE REGIONAL AIRPORT: Airport Manager Rick Lamport was present for discussion.

1. Fourth Amendment to the FBO Master Operating Agreement and Lease between the Board of County Commissioners of Gunnison County and AvFlight Gunnison Corporation. AM Lamport stated that all parties were in agreement with this amendment, and he recommended that the Board approve it as well. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the amendment. Attorney Mike Dawson asked that the execution of the document be contingent upon the sale of the business, and the Board agreed with his request. Commissioner Chamberland modified his motion to reflect the contingency, and Commissioner Houck seconded the modified motion. Motion carried unanimously.
2. First Amendment to the Agreement Regarding Ground Lease, Construction, Ownership and Operation of a Hangar between the Board of County Commissioners of Gunnison County and AvFlight Gunnison Corporation. AM Lamport explained that this amendment would extend the term to the dates within the master agreement. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the First Amendment to the Agreement Regarding Ground Lease, Construction, Ownership and Operation of a Hangar, as discussed today. Motion carried unanimously.

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

Commissioner Houck:

1. Department of Motor Vehicle Office Update. Commissioner Houck stated that he had spoken with John Swartout, a representative from Governor Hickenlooper's office, about this issue because local office space has been identified. It has been suggested that the State can only afford up to $150/month on rental space, and Commissioner Houck explained to Mr. Swartout that this amount of rent is unrealistic. Mr. Swartout agreed to follow-up with the Department of Revenue, and then he will touch base with Commissioner Houck again.
2. Outdoor Recreational Market Update. Commissioner Houck informed the Board of his plans to meet with Luis Benitez, State Director of Outdoor Industry, to discuss including Gunnison in the outdoor recreational market as the State moves forward with associated plans.

Commissioner Swenson:

1. Gunnison-Crested Butte Tourism Association Budget Update. Chairperson Swenson informed the Board that the TA's proposed budget will include operational funding for both local chambers of commerce. The proposed funding will be the same as was included in the 2015 budget. As well, the City of Gunnison will allocate 1% in sales tax collections to the Gunnison Country Chamber of Commerce.

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BROADBAND UPDATE: Community Development Director Russ Forrest, IT Director John Felix, City of Gunnison IT Director Mike Lee, and Region 10 Executive Director Michelle Haynes were present for discussion. Chairperson Swenson recused herself from the discussion since her spouse owns Internet Colorado / IC Connex and she has a financial interest in this issue. She left the room at 9:58 am and Commissioner Chamberland assumed control over the meeting as the Vice-chairperson.

CDD Forrest explained that the project continues to evolve and that a Memorandum of Understanding (MOU) can be prepared for consideration on 11/24.

Ms. Haynes stated that the lack of broadband has been identified as a key economic barrier for the region, and that Region 10 would like for internet to be abundant, redundant and affordable. She provided a visual presentation, and she confirmed that the County can participate, to a degree, since the County opted out of SB-152. She summarized the status by stating that Region 10 has been working with internet service providers (ISPs), Colorado Department of Local Affairs (DOLA) has set aside $20,000,000 for broadband projects, Delta-Montrose Electric Association (DMEA) lines will be available to further the efforts, and Region 10 received $1,250,000 in additional economic development funding for the project. Region 10 is evaluating many possible options to bring broadband into a Gunnison-area location, and then branch out from that location to central locations in Crested Butte and Mt. Crested Butte. DOLA has until 12/1 to set aside the broadband funding, and the local project will cost approximately $14,000,000.

CDD Forrest stated that there are potential partnership opportunities within the City of Gunnison that could decrease the community's overall cost. IT Director Felix provided a spreadsheet showing the costs and particulars of bringing broadband to Gunnison, CB and Mt. CB, including sub-locations within each jurisdiction.

CDD Forrest confirmed that the MOU would include up to six counties and multiple municipalities. Region 10 suggested that Western State Colorado University, Gunnison Valley Hospital, and the Gunnison Library District be brought into the MOU to serve as anchors for broadband service. All three entities are evaluating the project and are expected to give feedback by 11/24.

The Board agreed with including anchor locations in the MOU, as well as dividing the infrastructure costs into the four jurisdictions as presented.

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

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried. The meeting adjourned at 11:01 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

RESOLUTION NO.: 2015-20
OF THE GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS CONCERNING:
CONVEYANCE OF GUNNISON COUNTY OWNED LANDS TO THE COLORADO DEPARTMENT OF TRANSPORTATION FOR HIGHWAY PURPOSES

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WHEREAS, the Board of County Commissioners considered the terms for conveyance of lands to the Colorado Department of Transportation (CDOT) for Project NH 050A-015 over US Highway 50 at their regularly scheduled meeting on October 6, 2015.

WHEREAS, the Board of County Commissioners APPROVED the conveyance terms presented in the offer to acquire a real property interest from Gunnison County and the contract was duly signed by the chairperson.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, State of Colorado that conveyance of two right of way parcels identified as RW-205 and PE-205 to the Colorado Department of Transportation is APPROVED subject to the following:

1. Paula Swenson, BOCC Chairperson is hereby authorized to act on behalf of Gunnison County to sign all customary documents necessary to effect the conveyance of Parcels RW-205 and PE-205 to CDOT.
2. Conveyance will be accomplished by a Warranty Deed for Parcel RW-205 and a Permanent Easement Deed for Parcel PE-205.
3. This Resolution, Warranty Deed and Permanent Easement Deed will be entered into the public record of the Gunnison County office of the Clerk and Recorder.

APPROVED AND ACCEPTED this 17th day of November, 2015.

BOARD OF COUNTY COMMISSIONERS:

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

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2015-21

A RESOLUTION VACATING A CERTAIN PORTION OF THE ALLEY LYING WITHIN BLOCK 18, TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority and is the owner of certain roads and alleys lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads and alleys are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain portion of the alley lying within Block 18, Townsite of Irwin, County of Gunnison, State of Colorado described as follows:

> That portion of the alley adjacent to Lots 4 through 6, inclusive, and Lots 13 through 15, inclusive, lying within Block 18, Town of Irwin according to the official plat recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 6, 1894, bearing Reception No: 7055; and

WHEREAS, the vacation of the above described portion of the alley lying within Block 18, Townsite of Irwin, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described portion of the alley lying within Block 18, Townsite of Irwin; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following described portion of the alley lying within Block 18, Townsite of Irwin, County of Gunnison, State of Colorado described as follows shall be and hereby is vacated:

> That portion of the alley adjacent to Lots 4 through 6, inclusive, and Lots 13 through 15, inclusive, lying within Block 18, Town of Irwin according to the official plat recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 6, 1894, bearing Reception No: 7055.

It is the specific intent of the Board that the vacation of the above described portion of the alley lying within Block 18, Townsite of Irwin shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. A Lot Cluster Agreement executed by Gunnison County and the owner(s) of the adjacent property clustering said property and that portion of the alley lying within Block 18, Townsite of Irwin vacated by this Resolution; and
2. This Resolution.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 17th day of November, 2015.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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