AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft 11-22-2016 BOCC Meeting Minutes

Action Requested:

Parties to the Agreement:

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

Summary:

Attached are the 11/22/2016 BOCC special meeting minutes for consideration.

Fiscal Impact:

Submitted by: Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 12/1/16

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 12/2/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/2/2016

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

Agenda Date: 12/6/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
November 22, 2016

The November 22, 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
Matthew Birnie, County Manager
Josh Ost, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:35 am.

CONSENT AGENDA: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the consent agenda as presented. Motion carried unanimously**.**

1. Ratification of Correspondence; USFS District Ranger John Murphy; Proposed Regulations Concerning Dispersed Camping in the Irwin Area and the Corridor between Taylor Park Trading Post and Mirror Lake
2. Ratification of Correspondence; Great Outdoors Colorado; Grant Application Support for CharMar Park Renovation Project
3. Ratification of County Manager Signature; Contract Agreement; Gunnison-Crested Butte Regional Airport, Gunnison, Colorado, AIP Project No. 3-08-0030-051, CDOT Project No. 16-GUC-01; Oldcastle SW Group, Inc., dba United Companies; Schedule I – Runway 6/24 and Taxiway (A1-A2) Rehabilitation, Schedule II – Runway 6 Extended Safety Area Grading Improvements, Schedule III – Remove and Replace Wind Cones and Segmented Circle, and Schedule IV – Taxiway Safety Area Grading Improvements; $6,477,335.90
4. Assignment of Agreements; Exelis, Inc. and Harris Corporation; ADS-B WAM Facility & Tower Sublease Agreements dated 9/13/11, 9/20/11, and 7/17/12

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated November 22, 2016 and the cash transfer authorization dated October 2016 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the vouchers in the amount of $2,556,490.87. Motion carried unanimously. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to authorize the cash transfers in the amount of $5,670,716.93. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the October 2016 Treasurer's report and Investment report dated October 31, 2016 for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the report as presented. Motion carried unanimously.

Vista Business Center; Request for Release of Deed of Trust; Release of Reclamation Agreement

County Attorney David Baumgarten was present for the discussion. He explained the events and the different approach the County took with this development agreement. He explained that the project is moving forward as expected and recommends the release of Deed of Trust and Release of Reclamation Agreement. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Vista Business Center; Request for Release of Deed of Trust; Release of Reclamation Agreement and approve the Chairperson's signature. Motion carried unanimously.

Resolution; Providing Formal Notice Memorializing the Acceptance of Maintenance and Vacating Certain Temporary Construction Easements and Reversion Areas Associated with the Realignment and Construction of Taylor River Road, A/K/A County Road 742, Within Wilder on the Taylor, County of Gunnison, State of Colorado

County Attorney David Baumgarten was present for the discussion. He explained that the easements were required when the road was under construction. CA Baumgarten stated that since the construction is completed, it is time to vacate the easements. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adopt Resolution 2016-47; Providing Formal Notice Memorializing the Acceptance of Maintenance and Vacating Certain Temporary Construction Easements and Reversion Areas Associated with the Realignment and Construction of Taylor River Road, A/K/A County Road 742, Within Wilder on the Taylor, County of Gunnison, State of Colorado. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of County Commissioners meeting adjourned at 8:45 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Josh Ost, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2016-47

A RESOLUTION PROVIDING FORMAL NOTICE MEMORIALIZING THE ACCEPTANCE OF MAINTENANCE AND VACATING CERTAIN TEMPORARY CONSTRUCTION EASEMENTS AND REVERSION AREAS ASSOCIATED WITH THE REALIGNMENT AND CONSTRUCTION OF TAYLOR RIVER ROAD, A/K/A COUNTY ROAD 742, WITHIN *WILDER ON THE TAYLOR*, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, during the realignment and construction of Taylor River Road, a/k/a County Road 742, certain temporary construction easements were conveyed to the Board of County Commissioners of the County of Gunnison, Colorado ("Gunnison County") within the subdivision *Wilder on the Taylor* as identified in the *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 8, 2013, bearing Reception No: 617846 and in the *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 22, 2013, bearing Reception No: 619125 ("Temporary Construction Easements"); and

WHEREAS, the Temporary Construction Easements state that "*The Temporary Easement shall be in effect upon granting a contract by FHWA for construction on that portion of the Project lying within Grantor's real property identified above and shall exist until Grantee's acceptance of maintenance of the Public Highway*"; and

WHEREAS, during the application process for the development of *Wilder on the Taylor,* an *Agreement Concerning the Taylor River Road and Jack's Cabin Cut Off Road* was entered into by and between Gunnison County and Jackson-Shaw/Taylor River Ranch, L.L.C. recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594949 ("Agreement"); and

WHEREAS, the Agreement at paragraph 2.2 states: *"By execution and delivery of this Agreement, Jackson-Shaw hereby grants to the County temporary construction easements over and across the Temporary Construction Area associated with the Taylor River Road realignment as identified on the Road Plat for its use in the construction and realignment of the Taylor River Road. Such temporary construction easements (i) shall become effective upon the County's approval of any bid for the realignment of the Taylor River Road, over the Property and (ii) shall terminate immediately upon acceptance of maintenance of the realigned road by Gunnison County.*"; and

WHEREAS, the Agreement at paragraph 3.1 states: "*Upon completion of the construction and realignment of the Taylor River Road, the County agrees to….. (ii) vacate the Reversion Areas associated to the Taylor River Road realignment*."; and

WHEREAS, the construction and realignment of Taylor River Road a/k/a County Road 742 have been completed and Gunnison County has accepted and does maintain the public highway, Taylor River Road, a/k/a County Road 742, within the subdivision, *Wilder on the Taylor.* The location of *Wilder on the Taylor* is identified on the plat titled *"Final Plat Wilder on the Taylor-Phase 1 Situated in the W1/2E1/2, E1/2SE1/4 and the W1/2, Section 28, E1/2NE1/4 and the SE1/4 of Section 29, NE1/4NE1/4, NW1/4NE1/4, W1/2NW1/4 and a portion of the SE1/4NW1/4 of Section 33, All In Township 15 South, Range 84 West of the 6th Principal Meridian, Gunnison County, Colorado"* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594948; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that formal notice memorializing the acceptance of maintenance of Taylor River Road a/k/a County Road 742 within the subdivision, *Wilder on the Taylor,* shall be and hereby is given and the following Temporary Construction Easements shall be and hereby are vacated:

1. *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 8, 2013, bearing Reception No: 617846; and

2. *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 22, 2013, bearing Reception No: 619125.

FURTHERMORE, pursuant to the *Agreement Concerning the Taylor River Road and Jack's Cabin Cut Off Road* entered into by and between the Board of County Commissioners of the County of Gunnison, Colorado and Jackson-Shaw/Taylor River Ranch, L.L.C. recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594949, any and all Reversion Areas located within the subdivision, *Wilder on the Taylor*, shall be and hereby are vacated. The location of *Wilder on the Taylor* is identified on the plat titled *"Final Plat Wilder on the Taylor-Phase 1 Situated in the W1/2E1/2, E1/2SE1/4 and the W1/2, Section 28, E1/2NE1/4 and the SE1/4 of Section 29, NE1/4NE1/4, NW1/4NE1/4, W1/2NW1/4 and a portion of the SE1/4NW1/4 of Section 33, All In Township 15 South, Range 84 West of the 6th Principal Meridian, Gunnison County, Colorado"* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594948.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 22nd day of November, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

DRAFT