AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes; 7/11/2017

Action Requested:

Parties to the Agreement:

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

Summary:

Attached are the draft 7/11/17 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 7/27/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 7/28/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/28/2017

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

Agenda Date: 8/1/2017

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 11, 2017

The July 11, 2017 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner
Matthew Birnie, County Manager (VIA PHONE)
Josh Ost, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Chairperson Chamberland called the meeting to order at 8:30 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the 6/6/2017 regular meeting minutes as presented. Motion carried unanimously.

1. 6/6/2017 Regular Meeting

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

1. Rocky Mountain Health Plans Foundation; Baby & Me Tobacco Free Program Budget; Fiscal Year 2018; $7,994
2. Gunnison-Crested Butte Tourism Association Board Appointment; Jennifer Barvitski; Expiring 2/1/2019
3. Grant Application; Women's Wellness Connection; Cancer Prevention & Early Detection Request for Applications #6342; $6,668
4. Vacation Plat Approval; Gunnison Valley Health Senior Care Center; Formerly Warranty Deed B758 P57 and Lots A, B, C, & D, and Gunnison Home Assoc. Senior Housing PH. 1 Located in SW1/4 Sec. 35, T50N, R1W, NMPM City of Gunnison, Gunnison County, Colorado
5. Resolution 2017-26; Repealing/Rescinding Previously Adopted Gunnison County Policies
6. Contract; Region 10 LEAP Area Agency on Aging; July 1, 2017 – 6/30/2019; $43,000
7. Consultant Agreement; Resource Engineering Group, Inc.; Phase 1 – Schematic Design through Design Development for the Remodel of the Gunnison County Family Services Building; $10,000
8. Ratification of County Manager's Signature; Colorado Housing & Finance Authority; Automatic OCAF Rent Increase; Mountain View Apartments CO99H001099/10135339
9. Memorandum of Understanding among the Board of County Commissioners of the County of Gunnison, Colorado, the Town of Crested Butte, the Town of Mt. Crested Butte and the Crested Butte Land Trust for the 2017 Weed Management Program Seasonal Employee; May 1, 2017 – October 31, 2017
10. Grant Agreement; Gunnison County Family Services Facility Remodel; EIAF 8312; $478,307
11. Memorandum of Agreement; Eric Thorson, M.D.; Venue for Immunization Administration Services; May 1, 2017 – December 31, 2017

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Road Project Agreement; USDA, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest, Gunnison Ranger District; Taylor Canyon National Forest System Road 742 Reconstruction and Surfacing; 17-R0-11020407-052: DCM Crosby explained the agreement and where the work will be taking place. DCM Crosby stated that mag-chloride was not included in the agreement. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Road Project Agreement; USDA, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest, Gunnison Ranger District; Taylor Canyon National Forest System Road 742 Reconstruction and Surfacing; 17-R0-11020407-052 for the Chairpersons signature. Motion carried unanimously.
2. Contractor Agreement; A-One Chipseal; Dos Rios Filings 1/North Elk Meadows Filings 1 & 2 Type II Slurryseal; $93,910.12; Gunnison County Fairgrounds Type 2 Slurryseal; $12,929.76: DCM Crosby explained the need for the seal. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Contractor Agreement; A-One Chipseal; Dos Rios Filings 1/North Elk Meadows Filings 1 & 2 Type II Slurryseal; $93,910.12; Gunnison County Fairgrounds Type 2 Slurryseal; $12,929.76 for the Chairpersons signature. Motion carried unanimously.
3. Sanitary Survey: DCM Crosby stated she sent the Board a copy of the report from the water treatment plant. She explained the one violation that was identified and asked if there were any other questions.
4. Tomichi Park Subdivision: DCM Crosby stated there was jurisdiction issue in regards to the road maintenance in the area. She stated that there is not much can be done with the road because of the composition.

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5. Calls about road blading: There may be some call about road blading because of being behind expectations due to the time needed to build the new recycle center. DCM Crosby stated that they will get to this as soon as they can.
6. Buzzard Divide: There may be calls about a road conflict on the road to Buzzard Divide.

Correspondence; National Wild, Scenic, and Recreational Designation for the Crystal River; Citizen's Committee:
The Board discussed the request from the citizens committee. The Board stated they would like to schedule for a work session in the future and instructed staff to schedule.

Mountain Coal Company, LLC. Update:
Environmental Engineer III Kathy Welt, Manager of Engineering and Environmental Affairs Weston Norris and Mine Geologist Casey Smith were present for the discussion. They gave an overview of the West Elk Mine site in regards to where the current mining is taking place and where the proposed lease modifications would be located. Mr. Norris gave an overview of the reclamation plan and complete projects at the West Elk Mine Site. Ms. Welt presented the lease modifications to the Board and explained the reasons the applications have been submitted. The Board asked in the event the lease modifications are approved, would there be another modification request once the current ones are completely mined. Ms. Welt stated due to the geology of the area, it would be highly unlikely. Ms. Welt gave an overview of the timeline thus far in the lease modification application process. Mr. Smith presented the issue of the royalty rate reduction and where the rates have been the past few years as well as the timeline of the requests. Commissioner Messner asked if the funds saved by a royalty rate reduction would have to be used at the mine. Mr. Smith and Ms. Welt stated that the funds go towards all costs at West Elk Mine but not for a particular purpose. Commissioner Houck asked why Mountain Coal has not approached the County for their support as they did when asking for a royalty rate reduction in 2012. Ms. Welt stated that because that this was a renewal and not a new application the approach from Mountain Coal was not needed and apologized to the Board. The Board asked the representatives from Mountain Coal Company about methane capture and the feasibility at the West Elk Mine. The Board stated their dedication to finding a way to capture methane in the North Fork Valley and would like commitment from Mountain Coal Company to capture this at the West Elk Mine before a letter of support from the Commissioners can be given. The Board gave their opinions and what would be needed from Mountain Coal Company if their support is given on the lease modification and royalty rate reduction requests.

BREAK: The Board of County Commissioners regular meeting recessed at 10:43 am. The meeting resumed at 10:47 am.

The Board continued having a discussion on their potential comments on the lease modifications and royalty rate reduction and gave direction to the County Attorney in drafting the comments.

Executive Session; Pursuant to C.R.S. 24-6-402 (4)(a) – the Purchase, Acquisition, Lease, Transfer, or Sale of any Real, Personal or other Property Interest:
Moved by Commissioner Houck, seconded by Commissioner Messner to enter an executive session to discuss the Purchase, Acquisition, Lease, Transfer, or Sale of any Real, Personal or other Property Interest. In attendance would be the Board of County Commissioners, County Attorney David Baumgarten and County Manager Matthew Birnie. Motion carried unanimously.
The board went into executive session at 11:29 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).*

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)(a).

Date: _____ _____
Phil Chamberland, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Chairperson Chamberland to come out of session. Motion carried unanimously**.** The Board came out of executive session at 11:40 am. Chairperson Chamberland 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.

The following item occurred earlier in the meeting than scheduled to accommodate staff member's schedules.

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Executive Session; Pursuant to C.R.S. 24-6-402 (4)(b) – Attorney-Client Privileged Communication; Gunnison County Building Code Enforcement:
Moved by Commissioner Houck, seconded by Commissioner Messner to enter an executive session to discuss the Gunnison County Building Code Enforcement. In attendance would be the Board of County Commissioners, County Attorney David Baumgarten, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby and Community and Economic Development Director Cathie Pagano. Motion carried unanimously.
The board went into executive session at 11:41 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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)(b) 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)(b).

Date: _____ _____
Phil Chamberland, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Commissioner Messner to come out of session. Motion carried unanimously**.** The Board came out of executive session at 12:01 pm. Chairperson Chamberland 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. **Moved** by Commissioner Houck, seconded by Commissioner Messner to delegate and authorize the County Manager along with his leadership team the latitude to determine and follow through with legal action to initiate appropriate code enforcement litigation when appropriate and at their discretion. Motion carried unanimously**.**

Gunnison County Board of County Commissioners Funding Requests:
The Board discussed funding for the ICElab Accelerator Program and Recreation Maintenance funding requests. CM Birnie explained the funds available to the Board. **Moved** by Chairperson Chamberland, seconded by Commissioner Houck to approve $10,000 set aside for Western State Colorado University along with the remainder of Economic Development funds and Commissioner Discretionary funds to get to a $15,000 donation to the ICElab Accelerator Program. Motion carried unanimously**.**
Commissioner Houck stated he was comfortable spending come of the available discretionary funds to support a recreation maintenance matching fund. **Moved** by Commissioner Messner, seconded by Commissioner Houck to commit $20,000 from the Commissioner discretionary funds for a dollar for dollar matching fund for recreation infrastructure maintenance. Motion carried unanimously**.**

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

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the regular meeting. The meeting adjourned at 12:23 pm.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

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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 GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2017-26

A RESOLUTION REPEALING/RESCINDING PREVIOUSLY ADOPTED GUNNISON COUNTY POLICIES

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, during a review of previously adopted policies, Gunnison County has determined that some of those policies should be rescinded/repealed due to the inclusion of language that is in conflict with other adopted policies, or because of their general obsolete nature; and

WHEREAS, rescission/repeal of these policies, due to their nature, may not occur via the adoption of current and related policies in the future; and

WHEREAS, the rescission/repeal of these policies does not create any lapses in guidance for the organization's employees or the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that rescission/repeal of the following policies is effective with the passage of this resolution:

1. Policy; *Denying Assistance for Any Applicant Convicted of a Felony in the Ten Years Prior to the Application for Assistance and Refer to the Now Being Formed Housing Advisory Committee the Question of More Detailed Policies Relating to Admission and Occupancy for People Engaged in or Convicted of Criminal Activity*; adopted July 7, 1998. (Exhibit A)
   Reasoning: This policy was adopted on a temporary, interim basis without a term date, and the Housing Advisory Committee is defunct. As well, the responsibility for processing and managing of assistance applications has been transferred to the Gunnison Valley Regional Housing Authority.

2. Policy; *Regarding Use of Copyright, Trademark, or other Advertising Material*; adopted October 6, 1998 (Exhibit B).
   Reasoning: This policy document cannot be located. It was discovered during a review of Board of County Commissioner meeting minutes, and it has likely not been utilized since its adoption. As well, responsibility for marketing of the Gunnison Valley is annually contracted to the Gunnison-Crested Butte Tourism Association.

3. Resolution #2002-21; *A Resolution Concerning Designation of a Representative to the County Health Pool*; adopted April 23, 2002 (Exhibit C).
   Reasoning: Gunnison County no longer participates in the County Health Pool, therefore a representative need not be designated.

4. Resolution #2003-31; *A Resolution Changing the Title of County Manager to Chief Executive Officer and Modifying the Duties Thereof*; adopted May 20, 2003 (Exhibit D).
   Reasoning: The title of Chief Executive Officer is not in use, and the duties of the County Manager are much too varied to exist in an all-inclusive list. Resolution #1983-20, adopted on June 21, 1983, states the correct title and appropriately states the County Manager's overall responsibilities. The County Manager is employed by the Board of County Commissioners via an employment contract.

5. Policy Statement #004; *Land Acquisition Policy for Essential Housing*; adopted April 4, 2006 (Exhibit E).

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Reasoning: This policy document cannot be located. It was discovered during a review of Board of County Commissioner meeting minutes, and it has likely not been utilized since its adoption. The County considers the individual merits and potential benefits of land acquisition opportunities as they are presented.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 11th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Messner – yes.

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