AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 1/22/19

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The draft 1/22/19 Regular Meeting minutes are attached for consideration.

Fiscal Impact:

Submitted by: Liz Mense **Submitter's Email Address:** EMense@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 2/15/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 2/15/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 2/15/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 2/19/2019

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
January 22, 2019

The January 22, 2019 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Jonathan Houck, Chairperson
John Messner, Vice-Chairperson (ABSENT)
Roland Mason, Commissioner
Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 9:31 am.
Commissioner Houck noted for the record that Commissioner Messner is not in attendance as he is on his way to Denver for meetings. He may call into the meeting once he is in cell service range.

Amendment; Declaration of Grants, Covenants, Conditions & Restrictions; Rock Creek Village: **Moved** by Commissioner Mason, seconded by Commissioner Houck to authorize Chair signature on the amendment to the declaration of grants, covenants, conditions and restrictions for Rock Creek. Motion carried.

ADJOURN: **Moved** by Chairperson Houck to adjourn the meeting. The meeting adjourned at 9:33 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 9:33 am.

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

CONSENT AGENDA: **Moved** by Commissioner Mason, seconded by Commissioner Houck to approve the Consent Agenda as presented.

1. Ratification of County Manager's Signature; Memorandum of Understanding; Gunnison County & Colorado Energy Office
2. Ratification of BOCC Chair Signature; Grant Application; Historic Preservation Commission & History Colorado; $17,451
3. Acknowledgment of County Manager's Signature; Agreement for Receipt of Court Security Grant Funds; $42,057
4. Memorandum of Understanding; Gunnison County & Six Points Evaluation & Training, Inc.; $12,000
5. Memorandum of Understanding; Gunnison County & Safe Ride; $4,500
6. Memorandum of Understanding; Gunnison County & Project Hope; $10,000
7. Memorandum of Understanding; Gunnison County & Gunnison Valley Welfare League; $7,000
8. Memorandum of Understanding; Gunnison County & Gunnison Country Food Pantry; $5,700
9. Memorandum of Understanding; Gunnison County & Gunnison Conservation District; $5,000
10. Memorandum of Understanding; Gunnison County & Center for Mental Health; $11,000
11. Memorandum of Understanding; Gunnison County & Crested Butte / Mt Crested Butte Bartenders and Servers Association, Inc.; $5,000
12. Liquor Licenses; CMC F&B LLC dba Cimarron Mountain Club & Almont Resort Inc. dba Almont Resort
13. Agreement; Gunnison County & Gunnison Conservation District; Consulting Services
14. Ratification of County Manager's Signature; Consulting Agreement; Gunnison County & Cochran Fish & Wildlife Consulting, LLC
15. Contractor Agreement; Janitorial Services; Gunnison County & T&A Enterprises
16. Grant Extension Request; Department of Local Affairs & Gunnison County; EIAF #8682 – Coal Mine Methane Facilitation
17. Amendment; Declaration of Grants, Covenants, Conditions & Restrictions; Rock Creek Village

SCHEDULING:

The next Mayors and Managers meeting is scheduled for 2/11/19 and will be hosted by the City of Gunnison.
Commissioner Messner will be out of the office on 2/5/19. Commissioner Houck and Commissioner Mason will be in attendance for the BOCC Regular Meeting.
There is a Work Session scheduled on the 5th Tuesday in January. The Gunnison County boards and commissions interviews will be done that day.
The annual Strategic Planning Retreat is scheduled for February 7th & 8th.
The Annual 7th Judicial District meeting in Montrose is scheduled for Thursday, 1/24/19.

DRAFT

Commissioner Houck and Commissioner Mason will not be able to attend due to scheduling conflicts.

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

1. The County received three responses to the Request for Proposals on the Lot 22 project.
2. The Stallion Park project is moving forward on schedule. CM Birnie stated that he hopes to have all the units completed by the end of March.

DEPUTY COUNTY MANAGER'S REPORT: Deputy County Manager Marlene Crosby and Public Works Operations Manager Sparky Casebolt were present for the discussion.

1. Intergovernmental Agreement; Montrose County; Winter Road Maintenance
   Moved by Commissioner Houck, seconded by Commissioner Mason to authorize Chair signature on the Intergovernmental agreement with Montrose County for winter road maintenance.
2. Colorado Department of Transportation; Highway Users Tax
   Moved by Commissioner Houck, seconded by Commissioner Mason to authorize Board signature on the mileage sheet for the annual highway user tax report for the Colorado Department of Transportation. Motion carried.

DCM Crosby provided the Board with an update regarding the Cottonwood Project. She stated that United Companies is requesting a later date to open Cottonwood Pass to traffic. She discussed the rationale and welcomed questions from the Board. Commissioner Houck requested that the request be added to a future agenda for discussion and consideration.

Boundary Line Adjustment; Roberts Land & Cattle LLC: Neal Starkebaum, Assistant Director of Community and Economic Development was present for the discussion.
Moved by Commissioner Mason, seconded by Commissioner Houck to approve the boundary line adjustment for Roberts Land & Cattle, LLC and authorize Chair signature. Motion carried.

Request for Amendment to Protective Covenants; Whetstone Industrial Park: Neal Starkebaum, Assistant Director of Community and Economic Development was present for the discussion. Attorney Marcus Lock was also present. Attorney Lock explained that the principle reason for the request is to address height restrictions. He also addressed the other changes that were made and welcomed questions from the Board. There were no questions from the Board.
Moved by Commissioner Mason, seconded by Commissioner Houck to approve the request for amendment to the protective covenants for Whetstone Industrial Park and authorize Chair signature. Motion carried.

VOUCHERS AND TRANSFERS:
Finance Director Linda Nienhueser presented the voucher approval report dated January 22, 2019 and the cash transfer authorization report dated December 2018 for discussion and approval.
Moved by Commissioner Houck, seconded by Commissioner Mason to approve the vouchers in the amount of $3,134,385.75 Motion carried.
Moved by Commissioner Houck, seconded by Commissioner Mason to authorize the cash transfers in the amount of $2,778,444.21 Motion carried.

TREASURER'S REPORT:
Treasurer Debbie Dunbar was not present for the discussion. The December 2018 Treasurer's report and Investment report dated December 31, 2018 were provided for Board review.
Moved by Commissioner Mason, seconded by Commissioner Houck to approve acceptance of the Treasurer's reports as presented and authorize Chair signature. Motion carried.

John Biro, Lake Irwin Coalition v. JW Smith, et al.; 2017CV030060; Joinder of the Board of County Commissioners of the County of Gunnison, Colorado; Possible Executive Session Pursuant to Colo. Rev. Stat. §24-6-402(4)(b) Conference with the County Attorney and Deputy County Attorney to receive legal advice; and Colo. Rev. Stat. §24-6-402(4)(e)(I) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators:
County Attorney David Baumgarten and Paralegal II Rachel Magruder were present for the discussion. Attorney Baumgarten explained that this item is concerning a road from the town site of Irwin to Green Lake Trail. The road has existed for decades and has been listed on a host of maps throughout decades as forest service road. The road was effectively closed by one property owner who put up a gate. The county attorney's office has had multiple meetings with interested parties and has put together a potential solution which would be a recreational easement that could be granted to the County or the Forest Service. The proposed recreational easement would've allowed individuals to cross over the sections of private property and use the road and would've been a shield for the property owners from liability. No agreement was met. Since then, a lawsuit was filed and the County was joined in the lawsuit by order of the court along with the Forest Services and all property owners of land which the road crosses. Attorney Baumgarten explained that the issue in front of the BOCC is to instruct the County Attorney's office on how to proceed.

Moved by Commissioner Houck, seconded by Commissioner Mason to enter an executive session

Pursuant to C.R.S. 24-6-402 (4)(b), to Conference with the County Attorney and Deputy County Attorney to receive legal advice; and C.R.S. 24-6-402 (4)(e)(I) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators. In attendance would be Commissioner Jonathan Houck, Commissioner Roland Mason, Deputy County Attorney Matthew Hoyt, Paralegal Rachel Magruder, County Attorney David Baumgarten and County Manager Matthew Birnie. Motion carried.
The Board will attempt to contact Commissioner John Messner by phone as he is traveling to the Capital and not currently in attendance.
The Board went into executive session at 10:20 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) and C.R.S. 24-6-402 (4)(e)(I).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B) and 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: _____ _____
Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Commissioner Mason to come out of executive session. Motion carried. The Board came out of executive session at 11:11 am. Commissioner Houck 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. Commissioner Houck noted for the record that Commissioner Messner did participate in the executive session via telephone.

Commissioner Houck stated that there is currently no direction being provided to the County Attorney's office from the Board.

UNSCHEDULED CITIZENS:
Rufus Wilderson, the representative for Jonathan W. Smith, commended Attorney Baumgarten's efforts regarding the Green Lake dispute. He encouraged the County to get involved and look at all aspects of the dispute.

COMMISSIONER ITEMS:
Jonathan Houck-
1. Commissioner Houck discussed a recent Colorado Counties, Inc. (CCI) meeting he attended.
2. Commissioner Houck was elected as a traveling member on the Public Lands Traveling Committee for CCI.
3. Commissioner Houck discussed the Gunnison Basin Roundtable meeting he attended in Montrose.

ADJOURN: **Moved** by Commissioner Mason, seconded by Commissioner Houck to adjourn the meeting. The meeting adjourned at 11:24 am.

_____
Jonathan Houck, Chairperson

_____
John Messner, Vice-Chairperson

DRAFT

_____
Roland Mason, Commissioner

Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk