AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 2/19/19

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The DRAFT meeting minutes from the 2/19/19 Regular Meeting 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 3/15/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 3/15/2019 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 3/15/2019

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

Agenda Date: 3/19/2019

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
February 19, 2019

The February 19, 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
Roland Mason, Commissioner
Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 12:31 pm.
Chairperson Houck noted for the record that Commissioner Mason is currently en route to the meeting.

Contract; U.S. Imaging; Preservation of Recording Records:
Kathy Simillion, Gunnison County Clerk & Recorder was present for the discussion.
Moved by Commissioner Messner, seconded by Commissioner Houck to execute the contract with U.S. Imaging for the preservation of recording records and authorize Chair signature. Motion carried.

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

NOTE: Commissioner Mason arrived at 12:34 pm.

MINUTES APPROVAL: **Moved** by Commissioner Mason, seconded by Commissioner Messner to approve the meeting minutes of 1/22/19 as presented. Motion carried.

1. 1/22/19 Regular Meeting

Moved by Commissioner Mason, seconded by Commissioner Messner to amend the previous motion and approve the 2/19/19 meeting minutes with a revision stating that Commissioner Messner participated in the meeting via telephone. Motion carried.

CONSENT AGENDA: **Moved** by Commissioner Mason, seconded by Commissioner Messner to approve the Consent Agenda as presented with the exception of Consent Agenda Item No. 2 that was pulled for further discussion by Commissioner Houck. Motion carried.

1. Contractor Agreement; Christopher Klein Construction, Inc.
2. **PULLED FOR FURTHER DISCUSSION:** BOCC Correspondence; Letter of Support; Colorado Outdoor Recreation & Economy (CORE) Act
3. Grant Application; Colorado Parks & Wildlife Impact Assistance Grant; $16,013.04
4. Contractor Agreement; Eddie Avila; Aircraft Airframe & Power Plant Maintenance Services
5. Memorandum of Understanding; Gunnison Valley Rural Transportation Authority; Airline Mechanic Services

Consent Agenda Item No. 2; BOCC Correspondence; Letter of Support; Colorado Outdoor Recreation & Economy (CORE) Act:
Commissioner Houck discussed the letter of support he drafted and requested input from Commissioner Messner and Commissioner Mason regarding any additions or revisions.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve the letter of support regarding the Colorado Outdoor Recreation & Economy Act with recommended additions. Motion carried.

SCHEDULING:
Commissioner Houck will not be in attendance at the 3/5/19 BOCC Regular Meeting. He will be in Washington, DC attending the 2019 National Association of Counties Legislative Conference.
Commissioner Houck will not be in attendance at the 3/19/19 BOCC Regular Meeting.
The Joint Elected Officials meeting is scheduled for 2/27/19. The City of Gunnison is hosting the meeting.
The 2/26/19 BOCC Work Session will be held in the afternoon beginning at 1:00 PM.
The Annual Conservation District banquet is scheduled for Thursday, 3/7/19.

Subdivision Request; Adagio Properties, LLC; Crested Butte South Block 6 Subdivision One:
Rachel Sabbato, Planner II from Community & Economic Development was present for the discussion. The Applicant's representative, Clark Atkinson was also presented for the discussion.
Moved by Commissioner Mason, seconded by Commissioner Messner to approve Resolution 2019-5; A Resolution Approving Land Use Change Permit No. LUC-2018-00040 Crested Butte South Block 6 Subdivision One N1/2 Block 6, Crested Butte South, Filing No. 2 Adagio Properties LLC. Motion carried.

BREAK: The Board took a break at 12:51 pm. The meeting resumed at 1:00 pm.

Public Hearing; Leigh Marie, LLC Request for Waiver:

1. Open Public Hearing: Chairperson Houck opened the Public Hearing at 1:00 pm.

2. Public Notice Confirmation: Marlene Crosby, Deputy County Manager, confirmed that the hearing was advertised in the Gunnison Country Times newspaper on three separate occasions. She also confirmed that adjacent property owners were also notified.

3. Identify Ex Parte Communications: There were no ex parte communications identified.

4. Applicant Presentation: Attorney Noah Klug from Klug Law Firm LLC presented for the Applicant, Leigh Marie, LLC. Attorney Klug explained that Leigh Marie is requesting a waiver of County permitting requirements to allow a private access road, without requiring any further work to the road. Attorney Klug discussed the Leigh Marie LLC property characteristics and its access points. Leigh Marie is requesting waiver of permitting requirements for the eastern access point that begins at County Road 887 and runs through a neighboring property, Waunita Hot Springs Ranch, and ends on Leigh Marie property. Attorney Klug discussed the history of the properties, including former disputes regarding easement rights and lawsuits that resulted in various stipulations. Attorney Klug made arguments in favor of the County granting a waiver of permitting requirements for Leigh Marie. He indicated that Leigh Marie is unable to use the access road without a permit and unable to obtain a permit without remedying previous damage.

5. Waunita Presentation: Attorney Rufus Wilderson from Wilderson Lock & Hill, LLC representative for Waunita Hot Springs Ranch, presented on behalf of his client. Attorney Wilderson argued that the County does not have the jurisdiction to grant the request made by the applicant.

6. Public Comments: Chairperson Houck opened the Public Hearing to comments at 1:55 pm. Tony Smith indicated that eastern access should be granted for safety reasons. Jeremiah Putman expressed support for granting access for safety reasons. He also spoke to the dangerous condition of the access road prior to Mr. Wagner working on the road. Warren Wilcox commented on the poor quality of the soil on the property. He stated he's drove the access road and it inevitably can be slick and dangerous due to the soil content. He is in favor of granting access for safety reasons. Levi Kessler made comments about the condition of the road and stated that access is imperative for fire concerns. Penni Ashinhurst made comments in favor of granting an access permit and discussed safety concerns. Ryan Pringle, owner of Waunita Hot Springs, stated that Leigh Marie was allowed emergency access as it was outlined in the stop order. He also outlined inconsistencies in the applicant's presentation. Scot Sengelman made comments in favor of granting the access permit. Joseph Scott Wagner, owner of Leigh Marie LLC, made comments rebutting Attorney Wilderson.

7. Staff Presentation: County Attorney Baumgarten discussed the legal aspects of the request for Waiver. Attorney Baumgarten explained that the Board is being asked to grant a waiver for Leigh Marie, but the predicates to granting it have not been established. Attorney Baumgarten stated that the courts are the proper entity to establish the parameters and conditions of reclamation. His recommendation to the Board is to deny the request.

BREAK: The Board took a break at 2:59 pm. The meeting resumed at 3:02 pm.

8. Applicant Response: Attorney Klug rebutted certain comments made by Attorney Wilderson and provided clarification to the Board.

9. Board Questions: Commissioner Messner asked whether the access road is for access to a residence. Attorney Klug confirmed that the access road is in fact to access two residential homes on the Leigh Marie property. Commissioner Mason asked Attorney Baumgarten if the County has jurisdiction over the permitting of the access road. Attorney Baumgarten confirmed that the County does.

10. Acknowledge Correspondence Received: Deputy County Manager Crosby submitted correspondence from Timothy J. Kelly, Yon & Melissa Iaccio, Vanessa Farrar and Michael Kenna for the record.

11. Close Public Hearing. Chairperson Houck closed the Public Hearing at 3:22 pm.

Moved by Commissioner Messner, seconded by Commissioner Mason to deny the request for the waiver for Leigh Marie LLC. Motion carried.

COUNTY MANAGER'S REPORT: There was no County Manager Report.

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

1. DCM Crosby requested 30 minutes on the 2/26/19 Work Session agenda to discuss various project updates.
2. DCM Crosby requested to set a date and time for a public hearing for a Waiver of Standards. The hearing was scheduled for 3/19/19 at 8:45 am.

VOUCHERS AND TRANSFERS:
Finance Director Linda Nienhueser presented the voucher approval report dated February 19, 2019 and the cash transfer authorization report dated January 2019 for discussion and approval.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve the vouchers in the amount of $2,541,671.42. Motion carried.
Moved by Commissioner Houck, seconded by Commissioner Mason to authorize the cash transfers in the amount of $3,777,330.46 Motion carried.

TREASURER'S REPORT:
Treasurer Debbie Dunbar was not present for the discussion. The January 2019 Treasurer's report and Investment report dated January 31, 2019 were provided for Board review.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve acceptance of the Treasurer's reports as presented and authorize Chair signature. Motion carried.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

BREAK: The meeting briefly recessed at 3:37 pm for the Gunnison / Hinsdale Board of Human Services Regular Meeting. The meeting resumed at 3:59 pm.

COMMISSIONER ITEMS:
John Messner-
1. Commissioner Messner discussed recent meetings he attended in Denver.
2. Commissioner Messner discussed the Coal Mine Methane Working Group Meeting that he attended.

Roland Mason-
1. Commissioner Mason discussed the Gunnison County Housing Authority meeting he attended.
2. Commissioner Mason discussed a recent Early Childhood Council meeting.

Jonathan Houck-
1. Commissioner Houck discussed a recent Sustainable Tourism & Outdoor Recreation Committee meeting he attended. Kevin Alexander was appointed as Chair and Noel Durant as Vice-Chair for the committee.
2. There is a Gunnison Basin Sage-Grouse Strategic Committee meeting scheduled for 2/20/19.

ADJOURN: **Moved** by Commissioner Houck to adjourn the meeting. The meeting adjourned at 4:17 pm.

_____
Jonathan Houck, Chairperson

_____
John Messner, Vice-Chairperson

_____
Roland Mason, Commissioner

Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

DRAFT