

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 16, 2019**

The July 16, 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 (ABSENT)

Matthew Birnie, County Manager (VIA PHONE)
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 8:30 am. Chairperson Houck noted for the record that County Manager Birnie is participating in the meeting via telephone.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the meeting minutes of 6/18/19 as presented. Motion carried.

1. 6/18/19 Special & Regular Meeting

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

1. Public Service Grant; City of Gunnison; Early Childhood Council; \$3,000
2. Public Service Grant; City of Gunnison; Multicultural Resource Services; \$8,000
3. Affiliate Airline Operating Agreement; Mesa Airlines
4. Grant Award Approval (2); Community Foundation of the Gunnison Valley; Early Childhood Council; \$2264.00 & \$1760.00
5. Contractor Agreement; Bethany Montlary; Janitorial Services; Blackstock Government Center
6. Liquor License Renewal; Tassinong Farms LLC dba Tassinong Farms Food & Wine; October 3, 2019 – October 3, 2020
7. Liquor License Transfer; SkyHigh Colorado LLC dba Taylor Park Trading Post; July 1, 2019 – July 1, 2020

SCHEDULING:

- Commissioner Messner will not be attendance at the 8/13/19 Work Session.
- Commissioner Houck will not be attendance at the 8/20/19 Regular Meeting.
- Gunnison County Budget Kick-off Meeting is scheduled for 8/15/19.
- The BOCC Joint Work Session with the Gunnison County Planning Commission is scheduled for 8/2/19. The meeting will be held in the Blackstock Government Building.
- The BOCC will be scheduling a Work Session in Marble in September or October. Scheduling will be discussed during the 7/23/19 Work Session.

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

1. Lot 22 Workforce Housing Delegation of Authority:

Moved by Commissioner Messner, seconded by Commissioner Houck to delegate authority for negotiations and contracts for the Lot 22 Workforce Housing Development to County Manager Matthew Birnie. Motion carried.

Moved by Commissioner Messner, seconded by Commissioner Houck to amend the previous motion to include execution and negotiations for the Lot 22 Workforce Housing Development. Motion carried.

2. Gunnison Valley Hospital; Elk Crest Condominium Real Property Purchase; Delegation of Authority:

County Manager Birnie explained that the BOCC authorized the Gunnison Valley Hospital purchase of the Elk Crest Condominiums on 6/18/19. CM Birnie is requesting explicit authority to execute the closing documents on behalf of the County for their role within the purchase.

Moved by Commissioner Messner, seconded by Commissioner Houck to approve authorization for County Manager Matthew Birnie to sign all necessary closing documents for the Gunnison Valley Health purchase of the Elk Crest Condominiums that was approved during the 6/18/19 meeting. Motion carried.

3. Stallion Park Workforce Housing Project Delegation of Authority:

Moved by Commissioner Messner, seconded by Commissioner Houck to delegate authority for the signing of contracts regarding Stallion Park Workforce Housing Project to County Manager Matthew Birnie. Motion carried.

Commissioner Messner requested to schedule a discussion regarding the 2020 U.S. Census on an upcoming Work Session.

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

- Cleanup and recycling efforts in Somerset continue. Public Works crew members will be bringing a load of tires to the Gunnison County Landfill today, 7/16/19.
- DCM Crosby provided an update on Cattlemen's Days.
- DCM Crosby discussed the Colorado Department of Transportation, Transportation Alternates grant submittal that is due 8/1/19. The grant was intended to be used to help fund the Crested Butte to Crested Butte South Trail, however, the grant submittal will not be completed due to grant requirements and overall project costs. The grant requires a County commitment of 20% of the project cost. With the projected costs at 1.5 million, the funding isn't currently available.

BREAK: The Board took a break at 9:00 am. The meeting resumed at 9:05 am.

Resolution; A Resolution Approving the Referral of a Ballot Issue for the November 5, 2019 Coordinated General Election that would Impose an Ad Valorem Property Tax for the Gunnison County Library District of 1.9 Mills, Such Increase in Taxes to be Used for Capital Construction and General Operating Purposes, and for Any Other Purpose Allowable by Law:

Drew Brookhart, Executive Director of Gunnison County Libraries was present for the discussion. Director Brookhart explained that the way the Library District is set up, it statutorily requires BOCC approval to place the question on the ballot. The Library Board of Trustees passed a Resolution and identified the ballot question. The Resolution from the BOCC does not take a position on the ballot question, rather it formalizes it and allows the Library District to move forward with getting the question on the ballot. Director Brookhart thanked the BOCC for their efforts and support of the Gunnison County Library District.

Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution 2019-15; A Resolution Approving the Referral of a Ballot Issue for the November 5, 2019 Coordinated General Election that would Impose an Ad Valorem Property Tax for the Gunnison County Library District of 1.9 Mills, Such Increase in Taxes to be Used for Capital Construction and General Operating Purposes, and for Any Other Purpose Allowable by Law. Motion carried.

Resolution; A Resolution Authorizing the Board to Purchase Real Property:

CM Birnie explained that this Resolution was drafted at the request of the Gunnison Abstract title company for the Gunnison Valley Hospital purchase of the Elk Crest Condominiums that was approved by motion on 6/18/19.

Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution 2019-16; A Resolution Authorizing the Board to Purchase Real Property, specifically, the Elk Crest Condominium units. Motion carried.

UNSCHEDULED CITIZENS:

Greg Flesser was present. He provided comments regarding the Brush Creek Project.

Possible Executive Session Pursuant to C.R.S. 24-6-402 (4)(b) Conference with the County Attorney & 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; and C.R.S. 24-6-402 (4) Personnel Matters:

Moved by Commissioner Houck, seconded by Commissioner Messner 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 and 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; and C.R.S. 24-6-402 (4) Personnel Matters. In attendance would be Commissioner John Messner, Commissioner Jonathan Houck, County Attorney David Baumgarten, Deputy County Attorney Matthew Hoyt and County Manager Matthew Birnie (via phone). Motion carried.

The Board went into executive session at 9:19 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), C.R.S. 24-6-402 (4)(e)(I) and C.R.S. 24-6-402 (4).*

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 Messner to come out of executive session. Motion carried unanimously. The Board came out of executive session at 10:43 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 ITEMS:

John Messner-

1. Commissioner Messner and CM Birnie briefly discussed the Community Development Block Grant (CDBG) for housing rehabilitation that Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority introduced. Discussions are still taking place. Additional information and guidance is needed. The Board agreed to allow the Housing Authority to move forward with a partial application.
2. Commissioner Messner was asked to discuss information regarding funding mechanisms for the Colorado Water Plan and determine whether the BOCC wants to support Conservation Colorado in pushing for additional funding. After reviewing information in further detail, the Commissioners will decide at a later date whether a letter of support will be drafted.
3. Commissioner Messner discussed a recent meeting he attended with Dan Gibbs and Tim Mauck from the Department of Natural Resources.
4. Commissioner Messner will be attending a Colorado Oil & Gas Conservation Commission meeting on Friday, 7/19/19.

Jonathan Houck-

1. Commissioner Houck is meeting with Jim Cochran from Cochran Fish & Wildlife Consulting, LLC and County Attorney Baumgarten today to discuss the Sage Grouse elements of the Resource Management Plan.
2. There is a Gunnison Basin Sage-Grouse Strategic Committee meeting and County Coalition Sage Grouse meeting scheduled for 7/17/19.

ADJOURN: Moved by Commissioner Houck to adjourn the meeting. The meeting adjourned at 10:55 am.

Jonathan Houck, Chairperson

John Messner, Vice-Chairperson

Roland Mason, Commissioner

Minutes Prepared By:

Elizabeth Mense, 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: 2019-15

A RESOLUTION APPROVING THE REFERRAL OF A BALLOT ISSUE FOR THE NOVEMBER 5, 2019 COORDINATED GENERAL ELECTION THAT WOULD IMPOSE AN AD VALOREM PROPERTY TAX FOR THE GUNNISON COUNTY LIBRARY DISTRICT OF 1.9 MILLS, SUCH INCREASE IN TAXES TO BE USED FOR CAPITAL CONSTRUCTION AND GENERAL OPERATING PURPOSES, AND FOR ANY OTHER PURPOSE ALLOWABLE BY LAW

WHEREAS, the Gunnison County Library District (the "District") is a Library District as defined in the Colorado Library Law, § 24-90-101, *et seq.*, of the Colorado Revised Statutes ("C.R.S."); and

WHEREAS, the District is a publicly supported library that is principally supported by monies derived from ad valorem property taxes levied by Gunnison County, Colorado (the "County"); and

WHEREAS, on July 8th, 2019 the Board of Trustees for District (the "Trustees") adopted a resolution requesting the Board of County Commissioners (the "Board") place an Issue on the November 5, 2019 election ballot requesting voter approval to impose an ad valorem property tax levy of 1.9 mills for the support of the District, a copy of which is attached hereto and incorporated herein as "Exhibit A"; and

WHEREAS, pursuant to § 24-90-112(1)(b)(III), C.R.S., upon request by the Trustees, the Board must submit to a vote of the registered electors residing within the library's boundaries a proposition containing the desired maximum tax levy specified in the request.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Gunnison, State of Colorado:

1. Without taking any position for or against the proposition, pursuant to § 1-5-203(3), C.R.S., the Board hereby authorizes and directs that the following ballot issue be certified herewith to the Gunnison County Clerk and Recorder ("Clerk and Recorder") for submission to the registered electors within the District to be included on the ballot for the November 5, 2019 coordinated general election:

SHALL GUNNISON COUNTY PROPERTY TAXES FOR THE SUPPORT OF GUNNISON COUNTY LIBRARY DISTRICT BE INCREASED \$1,150,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF 1.9 MILLS, PROVIDED THAT THE TOTAL MILL LEVY MAY BE ADJUSTED TO OFFSET REVENUE LOSSES FROM REFUNDS, ABATEMENTS, AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION, FOR THE PROVISION OF LIBRARY SERVICES AND FACILITIES, AND SHALL ALL REVENUES FROM THE MILL LEVY BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY LIMITS PROVIDED BY LAW?

2. This Resolution shall serve to set the ballot title and text of the ballot issue.

3. The election shall be conducted by the Gunnison County Clerk and Recorder ("Clerk and Recorder") in accordance with the Uniform Election Code, C.R.S § 1-1-101, *et. seq.*, and other laws and regulations of the State of Colorado, including without limitation, the requirements of article X, section 20 of the Colorado Constitution (hereinafter "TABOR").

4. The Clerk and Recorder shall cause all acts required or permitted by the Uniform Election Code and the Rules relevant to be performed by the Clerk and Recorder or designees.

5. The Clerk and Recorder shall cause a notice of election to be published in accordance with the laws of the State of Colorado, including but not limited to, the Uniform Election Code and TABOR.

6. The Clerk and Recorder shall mail a TABOR notice package to all active registered voter households within the District, pursuant to Colo. Canst., art. X, § 203(3)(b), which shall include the ballot issue adopted herein.

7. Pursuant to §§ 24-90-112(1)(b)(I) and 24-90-103(12), C.R.S., as amended, the Clerk and Recorder is directed to publish the text of this Resolution once a week for two consecutive weeks in a newspaper of general circulation within the District or in more than one newspaper if no single newspaper is generally circulated throughout the District. Not less than seven days, excluding the day of the first publication but including the day of the last publication, shall intervene between the first and the last publications.

8. All prior acts, orders or resolutions, or parts thereof, by the County inconsistent or in

conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

9. If any section, paragraph, clause or provision of this Resolution shall be adjudged invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

10. This Resolution shall take effect immediately upon its passage.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 16th day of July, 2019.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck- yes; Messner – yes; Mason – absent.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 2019 - 16

A RESOLUTION AUTHORIZING THE BOARD TO PURCHASE REAL PROPERTY

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(b), Gunnison County has the legal authority to purchase and hold real property for the use of the County;

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(c), Gunnison County has the legal authority to make such order respecting real property owned by Gunnison County as the Board may deem conducive to the interests of the inhabitants of Gunnison County and to lease the same in the best interest of the County;

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(d), Gunnison County has the legal authority to make all contracts and do all other acts in relation to the property necessary to the exercise of Gunnison County’s corporate or administrative powers--any such contract may, by its terms, exceed one year, and be binding upon the parties thereto as to all of its rights, duties and obligations; and

WHEREAS, the Board of County Commissioners of the County of Gunnison desires to purchase certain real property located at 711 North Colorado Street, Gunnison, Colorado, more fully described as:

Units 1, 2, 3, 4, 5, 6, 7, and 8, Elk Crest Condominiums, according to the Plat recorded June 16, 2006 as reception No. 566088 and re-recorded June 19, 2006 as reception No. 566110 and the declaration of Elk Crest Condominiums pertaining thereto recorded June 16, 2006 as reception No. 566089,
County of Gunnison,
State of Colorado (“Property”);

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that county officials and staff perform all actions necessary to effect the purchase of the Property.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 16th day of July, 2019.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Messner – yes; Mason – absent.