AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 9/3/19

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The draft 9/3/19 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:
Appears legally sufficient. MRH

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 9/27/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/27/2019

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

Agenda Date: 10/1/2019

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 3, 2019

The September 3, 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 9:03 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Mason, seconded by Commissioner Messner to approve the meeting minutes of 8/6/19 and 8/13/19 as presented. Motion carried.

1. 8/6/19 Regular Meeting
2. 8/13/19 Special Meeting

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

1. Contract Amendment #1; Colorado Department of Public Health & Environment; Women, Infants and Children Program
2. Liquor License Renewal; Kebler Corners Liquors, LLC dba Kebler Corner Liquors; October 2, 2019– October 2, 2020
3. Contract Amendment #3; Colorado Assertive Community Treatment (COACT); Colorado Department of Human Services – Office of Behavioral Health
4. Professional Services Agreement; Merrick & Company; Shady Island
5. Contractual Services Agreement; Gunnison County Sheriff's Office
6. Ratification of Approval to Submit Grant Application; Colorado Department of Public Health & Environment; Gunnison County Colorado State University Extension; $920.00
7. BOCC Letter; Re: Colorado Outdoor Recreation & Economy Act & Draft Colorado Recreation Enhancement & Conservation Act
8. Contract; Supporting CommUnity – Lori A. Hoffner; Suicide Prevention

SCHEDULING:

- There is a joint meeting with the Planning Commission on Friday, 9/6/19.

Colorado Counties, Inc.; 2019 Legislative Committee Member Appointment:
Moved by Commissioner Messner, seconded by Commissioner Mason to appoint Commissioner Houck as the 2019 Colorado Counties, Inc. Legislative Committee Member. Motion carried.

Gunnison County Boards and Commissions Appointments:
Moved by Commissioner Messner, seconded by Commissioner Mason to appoint the following individuals. Motion carried unanimously.

- **Board of Adjustments & Board of Appeals:** Bill Wallace
- **Historical Preservation Commission:** Elinda Card
- **Library Board of Trustees:** Kim Sherman
- **Watershed Weed Commission:** Thomas Walker

Census Outreach Grant; Census Outreach Specialist:
Moved by Commissioner Houck, seconded by Commissioner Messner to approve the Census Outreach Grant Application and authorize County Manager Matthew Birnie's signature.

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

1. **Gunnison Arts Center Funding Request:**
   The Board requested that this item appear on a future agenda and that the Gunnison Arts Center provide a presentation for Board review and consideration.

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

1. **Resolution; A Resolution Approving Removal and Sale of Snowmobiles / Grooming Machines Abandoned on County Road #12, Kebler Pass:**

Moved by Commissioner Mason, seconded by Commissioner Messner to approve Resolution 2019-21; A

Resolution Approving Removal and Sale of Snowmobiles / Grooming Machines Abandoned on County Road #12, Kebler Pass. Motion carried.

-DCM Crosby and the Board briefly discussed the schedule for the October Work Sessions in Marble.
-DCM Crosby provided an update on the Cottonwood Pass project. The project is nearly complete.

Discussion; Colorado Department of Transportation; Project Prioritization:
Deputy County Manager Marlene Crosby was present for the discussion. The Brush Creek, Cement Creek, Gold Basin Road, County Road 114 and County Road 17 intersections were discussed. A wildlife corridor was also discussed. DCM Crosby explained traffic patterns and safety concerns. She indicated that the Brush Creek intersection is high priority.

UNSCHEDULED CITIZENS:
Brad Phelps was present and discussed concerns regarding parking and access to the Timberline trailhead off Cottonwood Pass and urged the County to look into the issue.

Agreement; Architectural Services; Gunnison-Crested Butte Regional Airport; M. Arthur Gensler, Jr. & Associates:
Sustainable Operations Director John Cattles and Airport Manager Rick Lamport were present for the discussion. SO Director Cattles explained that this agreement is for the airport terminal sematic design. The structure of the agreement ensures that the project costs and budget align.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve the agreement for architectural services for the Gunnison-Crested Butte Regional Airport with M. Arthur Gensler, Jr. & Associates and authorize Chair signature. Motion carried.

Grant Agreement; Gunnison Valley Land Preservation Fund & Gunnison Ranchland Conservation Legacy; McDermand Ranch Conservation Easement:
Mike Pelletier, Geographic Information Services Manager and Stacy McPhail, the Executive Director of Gunnison Ranchland Conservation Legacy were present for the discussion. Director McPhail explained that is this a donation of a conservation easement on 572 acres, comprised of 13 lots in the Elk River Ranch Subdivision, along with an adjacent 145-acres. The parcels will be merged into one ranch and all current subdivision boundaries will be eliminated. Commissioner Messner recused himself from voting on this matter due to a potential conflict of interest.
Moved by Commissioner Houck, seconded by Commissioner Mason to approve the Gunnison Valley Land Preservation Board funding request for $98,495 as presented and authorize Commissioner Houck and Commissioner Mason's signature on the agreement. Motion carried.

Professional Services Agreement; Gunnison County Historical Preservation Commission & Metcalf Archaeological Consultants, Inc.; Crystal Townsite:
Mike Pelletier, Geographic Information Services Manager and Justin Lawrence, an archaeologist from the U.S. Forest Service were present for the discussion. The contract would allow Metcalf Archaeological Consultants to perform a survey of the historical structures in the Crystal townsite area via a grant from History Colorado.
Moved by Commissioner Mason, seconded by Commissioner Messner to approve the Professional Services Agreement between Gunnison County Historical Preservation Commission and Metcalf Archaeological Consultants, Inc. for the Crystal townsite survey and authorize Chair signature. Motion carried.

Grant Application; Colorado Department of Local Affairs & Gunnison Valley Regional Housing Authority:
Jennifer Kermode, the Executive Director of the Gunnison Valley Regional Housing Authority was present for the discussion. Director Kermode explained the Department of Local Affairs grant application and welcomed questions from the Board.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve the grant application to the Department of Local Affairs for the Gunnison Valley Regional Housing Authority in the amount of $193,295 and authorize Chair signature. Additionally, if the grant is awarded, a management agreement or intergovernmental agreement with the County will be drafted and executed. Motion carried.

Discussion; North Fork Mancos Master Development Plan:
Cathie Pagano, Community & Economic Development Director was present for the discussion. Director Pagano explained that she reviewed the Final Environmental Assessment for the North Mancos Master Development Plan at the request of the Board in order to identify any discrepancies or issues. She provided the Board with a memo detailing her findings and welcomed questions from the Board. The Board provided feedback including additional comments they'd like added. Director Pagano will draft a formal letter and present it at a future meeting for review and approval.

Possible Executive Session; Pursuant to C.R.S. 24-6-402 (4)(b) Conference with the County Attorney, Deputy County Attorney & County Manager 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 negotiations:
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, Deputy County Attorney & County Manager 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 John Messner, Commissioner Roland Mason, County Attorney David Baumgarten, Deputy County Attorney Matthew Hoyt, and County Manager Matthew Birnie. Motion carried.

The Board went into executive session at 10:39 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 unanimously**.** The Board came out of executive session at 11:12 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. Confidential direction was given regarding negotiations.

Possible Executive Session; Pursuant to C.R.S. 24-6-402 (4)(b) Conference with the County Attorney, Deputy County Attorney, County Manager & Gunnison County Sheriff 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 negotiations:
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, Deputy County Attorney, County Manager and Gunnison County Sheriff 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 John Messner, Commissioner Roland Mason, County Attorney David Baumgarten, Deputy County Attorney Matthew Hoyt, County Manager Matthew Birnie and Sheriff John Gallowich. Motion carried.

The Board went into executive session at 11:13 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.

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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 unanimously**.** The Board came out of executive session at 12:10 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.

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

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, Deputy County Attorney and County Manager 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 John Messner, Commissioner Roland Mason, County Attorney David Baumgarten, Deputy County Attorney Matthew Hoyt and County Manager Matthew Birnie. Motion carried.

The Board went into executive session at 12:11 pm. *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 unanimously**.** The Board came out of executive session at 2:18 pm. 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.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

COMMISSIONER ITEMS:

Roland Mason-
1. Commissioner Mason discussed a meeting he attended at the Delta Montrose Electrical Association.
2. Commissioner Mason discussed a recent Region 10 meeting be attended. The 2020 Census was discussed.

John Messner-
1. Commissioner Messner discussed a Colorado River District meeting that he attended. Drought contingency planning was discussed.
2. Commissioner Messner has a conference tomorrow, 9/4/19 regarding the Coal Mine Methane Working Group.
3. Commissioner Messner has a conference call on 9/5/19 with the Counties & Commissioners Acting Together (CCAT) governing body.

Jonathan Houck-
1. Commissioner Houck discussed a recent Thompson Divide Coalition meeting he attended.

ADJOURN: **Moved** by Commissioner Houck to adjourn the meeting. The meeting adjourned at 2:38 pm.

_____
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 - 21

A RESOLUTION APPROVING REMOVAL AND SALE OF
SNOWMOBILES/GROOMING MACHINES ABANDONED ON COUNTY ROAD #12, KEBLER PASS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has the authority pursuant to C.R.S. 18-9-117 to limit or prohibit certain types of conduct on public property, including restriction on, or limitation of, the use of all vehicles as to place, time, manner, or permitted activities; and

WHEREAS, C.R.S. 33-14-101(11) defines a "snowmobile" to be a "vehicle"; and

WHEREAS, "snowmobile" for the purposes of this Resolution means any self-propelled vehicle, including snowcats, intended for travel primarily on snow, driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow; and

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WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has the authority pursuant to C.R.S. 33-14-118, by resolution, to regulate the use of snowmobiles on public lands, waters and property under Gunnison County's jurisdiction and on public highways within County boundaries; and

WHEREAS, pursuant to C.R.S. 33-14-119, every peace officer of the State of Colorado and the political subdivisions of Colorado shall have the authority to enforce the provisions of a resolution adopted pursuant to C.R.S. 33-14-118; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has the authority pursuant to C.R.S. 42-13-101, 102, 103, 104, 107, 108 and 109 regarding the disposition of property reasonably believed to be abandoned; and

WHEREAS, it is in the best interests of the public and Gunnison County for such authorizations to be operationalized regarding snowmobiles.

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

1. It is a violation of this Resolution for any snowmobile to remain on any public road right-of-way in violation of signage posted by Gunnison County or for more than twenty-four (24) hours after notification to move the snowmobile is placed on the snowmobile by Gunnison County Public Works. The owner will be responsible for proportionate share of the tow bill and Thirty Dollars and No/100 ($30.00) per day storage. Any unit not claimed by September 1st of the same year will be offered for sale at a Sheriff's sale.

2. The Gunnison County Sheriff's Department, or its designee, is authorized to remove any snowmobile that is in violation of this Resolution.

This resolution shall remain in force until and unless further action by the Board of County Commissioners is taken.

INTRODUCED by Commissioner Mason, seconded by Commissioner Messner, and adopted this 3rd day of September, 2019.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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