AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Meeting Minutes; 10/17/2017

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 10/17/2017 BOCC meeting minutes for consideration.

Fiscal Impact: N/A

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 11/15/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 11/15/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/15/2017

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

Agenda Date: 11/21/2017

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 17, 2017

The October 17, 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 (ABSENT)
Jonathan Houck, Vice-chairperson
John Messner, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Vice-chairperson Houck called the meeting to order at 8:30 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Messner, seconded by Vice-chairperson Houck to approve the October 3rd Regular Meeting minutes. Motion carried unanimously.

1. 10/3/2017 Regular Meeting

CONSENT AGENDA: **Moved** by Vice-chairperson Houck, seconded by Commissioner Messner to approve the Consent Agenda. Motion carried unanimously.

1. Resolution; Ratifying and Reaffirming a Previous Resolution Involving the Vacation of Certain Portions of Main Street and Road White Pine to North Star Mining Camp within the Townsite of White Pine, County of Gunnison, State of Colorado
2. Grant Application; Gunnison County Multicultural Resource Services; City of Gunnison; 12/1/17 thru 11/30/18; $8,840
3. Ratification of Chairperson Signature; State of Colorado, Colorado Department of Higher Education Grant Agreement with Western State Colorado University Foundation and Gunnison County, Hinsdale County, Ouray County, Saguache County, and San Miguel County; Second Phase of the Scholarship Initiative; Term 6/30/19; Up to $32,372
4. Colorado Department of Public Health and Environment, Colorado Local Public Health Agency Indirect Cost Negotiation Agreement; Gunnison County Public Health; 1/1/18 thru 12/31/18; 50.94%

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. ICMA Conference. CM Birnie informed the Board that he will be in San Antonio, TX next week for the annual ICMA conference. He will return to the office next Thursday afternoon.
2. 2017 Leadership Academy Graduation. CM Birnie informed the Board that the Leadership Academy graduation ceremony will take place in the boardroom on 10/26 at 4:00 pm. The Board was invited to attend.

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

1. Recycling Center Update. DCM Crosby informed the Board that the in-town center will cease operation on 10/31. She will issue a release for the papers and social media.

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Commissioner Messner:

1. Cold Harbor Fundraiser Banquet. Commissioner Messner informed the Board that he still has tickets available for the fundraiser taking place this weekend.
2. City of Gunnison's Downtown Initiative Forum; 10/19, 4:30 pm. Commissioner Messner stated that he plans to attend this event.
3. Black Canyon Initiative Meeting. Commissioner Messner attended this meeting last week. It went well and had god attendance.

Commissioner Houck:

1. Colorado Counties, Inc. (CCI) Update. Commissioner Houck attended CCI meetings on 10/12 and 10/13. During those meetings CCI made decisions regarding which legislative issues it would sponsor. Among those bill that will be sponsored are the ones related to landfill regulation, campfire extinguishing notices, lodging taxes being used for workforce housing, and abundant/redundant affordable broadband. CCI also designated Tier II support for bills related to aquatic nuisances and the establishment of one statewide geographic area being used to set health insurance premiums.

BREAK: The meeting recessed from 8:53 until 9:02 am in order to hold the below Public Hearing.

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PUBLIC HEARING; RIVERLAND REMEDIES, LLC; MARIJUANA FACILITY LICENSE FOR CULTIVATION; 80 BUCKLEY ROAD, UNITS 2A, 2B AND 2C, RIVERLAND INDUSTRIAL PARK: Administrative Services Manager Beth Baker and applicant Rob Carney were present.

1. Open Public Hearing. Vice-chairperson Houck opened the Public Hearing at 8:53 am.

2. Public Notice Confirmation. ASM Baker confirmed that the Public Hearing had been properly public noticed.

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

4. Staff Presentation. ASM Baker introduced Rob Carnie as the owner applicant for the proposed 4,500 square foot facility. She also noted that the Certificate of Occupancy had not yet been received, so she explained that the hearing could continue for approval or denial based on that omission, or the hearing could be continued to a future date. If the Board opted to continue with the hearing and approval of the application, signing of the documentation could be postponed until receipt of the Certificate of Occupancy.

5. Applicant Presentation. Mr. Carnie explained that he and his two other staff members are all graduates from Western State Colorado University, and he provided a copy of the current site plan. He also explained that the facility would include a closed-loop system to help mitigate odors, as well as an air-chilling system, which would be more efficient than a traditional HVAC system. He stated his desire to be proactive regarding water cleanliness, and he is evaluating two potential options for managing wastewater; an underneath capture system and dehumidifiers that will reuse the water. Security will be stringent and compliant with sensor and lighting requirements, parking issues will be mitigated, and there are no traffic concerns. He stated that the facility will produce 200-300 pounds of product with each bimonthly harvest, and distribution will be limited throughout the state.

6. Board Questions. N/A.

7. Public Comments. Vice-chairperson Houck opened the Public Hearing to comments at 9:01 am, but no comments were provided.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Vice-chairperson Houck closed the Public Hearing at 9:01 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Messner, seconded by Vice-chairperson Houck to approve the Riverland Remedies, LLC marijuana facility license for cultivation on 80 Buckley Road, Units 2A, 2B and 2C at Riverland Industrial Park, contingent on receipt of the CO (Certificate of Occupancy). Motion carried unanimously. ASM Baker stated that final approval will appear on a future consent agenda.

GUNNISON SECURE STORAGE LOT SUBDIVISION; LUC-17-00015: Assistant Community and Economic Development Department Director Neal Starkebaum, Planner II Rachel Sabbato, and applicant representative AJ Cattles were present for discussion.

Planner II Sabbato stated that the application the subdivide 4.43 acres into two lots received unanimous approval from the Planning Commission, and that there have been no changes to the application since the joint public hearing. ACEDDD Starkebaum stated that Public Works will be allowing a requested waiver.

Moved by Commissioner Messner, seconded by Vice-chairperson Houck to approve the Gunnison Secure Storage Lot Subdivision, #LUC-17-00015. Motion carried unanimously.

1. Resolution; Approving Gunnison Secure Storage Subdivision, SE4SW4, Section 25 Township 50 North, Range 1 West New Mexico Principal Meridian at 1012 Highway 135, Gunnison County, Colorado, LUC #2017-15. **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve Resolution #2017-39, a Resolution Approving Gunnison Secure Storage Subdivision as presented. Motion carried unanimously.

FINANCIALS:

1. Vouchers and Transfers Approval. Finance Director Linda Nienhueser presented the voucher approval report dated October 17, 2017 and the cash transfer authorization dated September 2017 for discussion and approval. **Moved** by Commissioner Messner, seconded by Vice-chairperson Houck to approve the vouchers in the total of $1,700,901.10. Motion carried unanimously. **Moved** by Commissioner Messner, seconded by Vice-chairperson Houck to approve the Cash Transfer in the total of $2,756,248.52. Motion carried unanimously.

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2. Treasurer's Monthly Report. County Treasurer Debbie Dunbar presented the September 2017 Treasurer's report and a quarterly interest report for July thru September 2017 for discussion and acceptance. **Moved** by Vice-chairperson Houck, seconded by Commissioner Messner to accept the Treasurer's report as presented. Motion carried unanimously.

COMMISSIONER ITEMS (continued): This discussion continued earlier than scheduled due to another gap in the meeting.

Commissioner Messner:

4. Initiative to Restore America's National Parks. Commissioner Messner stated that he had forwarded a potential letter of support to the board, along with a resolution. He and Community and Economic Development Department Director Cathie Pagano discussed this idea to develop a funding stream for progressive improvements with the requestors. He asked whether or not the Board would be interested in discussing adoption of a resolution, and the Board agreed to schedule this on an upcoming agenda.

Commissioner Houck:

2. Communities and Counties Acting Together (CCAT). Commissioner Houck attended a recent CCAT meeting, during which the transportation bill was heavily discussed. He also noted that CCAT has agreed to support the housing bill.

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

CONSULTANT AGREEMENT; RESOURCE ENGINEERING GROUP, INC.; STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING ENGINEERING SERVICES FOR PHASE II OF THE REMODEL OF THE GUNNISON COUNTY FAMILY SERVICES BUILDING; 10/17/17 THRU 6/30/18: County Attorney David Baumgarten explained that he had not yet received any of the document changes, and that the execution of the contract had no time constraints. He suggested that the Board authorize CM Birnie to sign the contract when it is ready. **Moved** by Vice-chairperson Houck, seconded by Commissioner Messner to approve Matthew (CM Birnie) signing the final agreement upon David's (CA Baumgarten) recommendation once the pieces have been worked out with the Resource Engineering Group for Structural, Mechanical, Electrical and Plumbing Engineering Services, Phase II of the remodel of the Gunnison County Family Services building, and that consultant agreement is effective from today, or from the point at which Matthew signs it, through 6/30/18. Motion carried unanimously.

BREAK: The meeting recessed from 9:23 until 9:30 am for a short break and then from 9:30 until 9:49 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

EXECUTIVE SESSION; DETERMINING NEGOTIATING STRATEGIES AND POSITIONS AND INSTRUCTING NEGOTIATORS; CONDUCTED AS PER C.R.S. 24-6-402 (4)(E)(I): CA Baumgarten was present for discussion and requested that the Board enter into an executive session, pursuant to C.R.S. 24-6-402(4)(e)(I), 24-6-402(4)(a) and 24-6-402(4)(b). He also stated that he and CM Birnie would serve as negotiators in this issue. Because the discussion was subject to attorney-client privilege, no contemporaneous electronic recording was made. **Moved** by Vice-chairperson Houck, seconded by Commissioner Messner to go into executive session using the reasons being the three different statute citations that David (CA Baumgarten) just put on the record; no contemporaneous recording will be made; and the participants will be limited to County Commissioners Jonathan Houck and John Messner, County Attorney David Baumgarten and County Manager Matthew Birnie. Motion carried unanimously.

The board went into executive session at 9:52 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)(e)(I), 24-6-402(4)(a) and 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)(e)(I), 24-6-402(4)(a) and 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

Vice-chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Vice-chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive

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session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(e)(I) 24-6-402(4)(a) and 24-6-402(4)(b).

Date: _____ _____

Jonathan Houck, Vice-chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:37 am. **Moved** by Vice-chairperson Houck, seconded by Commissioner Messner to come out of executive session; we (the participants) stayed on topic; the participants were those that were listed at the beginning, and it was John Messner and Jonathan Houck as commissioners, Matthew Birnie the County Manager and David Baumgarten the County Attorney; no decisions were made; and we stayed on topic. Motion carried unanimously.

ADJOURN: **Moved** by Vice-chairperson Houck, seconded by Commissioner Messner to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:38 am.

(Absent from meeting – no signature)
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

Minutes Prepared By:

_____
Katherine Haase, 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: 2017-38

A RESOLUTION RATIFYING AND REAFFIRMING A PREVIOUS RESOLUTION INVOLVING THE VACATION OF CERTAIN PORTIONS OF MAIN STREET AND ROAD WHITE PINE TO NORTH STAR MINING CAMP WITHIN THE TOWNSITE OF WHITE PINE, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), by virtue of Colorado law, has authority and is the owner of certain alleys and roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted alleys and roads are necessary for public access to privately owned property; and

WHEREAS, on September 6, 1974, pursuant to Colo. Rev. Stat. §139-19-101, *et seq.*, the Colorado Secretary of State determined that the town of White Pine was an abandoned town and Gunnison County acquired all the real property owned by the town including the roads and alleys; and

WHEREAS, that Colorado Secretary of State determination is titled: *Findings of Fact and Determination* which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 23, 1974 in Book 476 at page 234, bearing Reception No: 302811; and

WHEREAS, prior to September 6, 1974 certain portions of Main Street and Road White Pine to North Star Mining Camp lying within White Pine were vacated by the Board by the resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 8, 1959 in Book 344 at page 171, bearing Reception No: 243314 attached hereto and incorporated herein by reference as Appendix "A"; and

WHEREAS, the Board would like to ratify and reaffirm the above referenced resolution; and

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NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 8, 1959 in Book 344 at page 171, bearing Reception No: 243314 attached hereto as Appendix "A" shall be and hereby is ratified, reaffirmed and effective nunc pro tunc September 6, 1974.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 17th day of October, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 17 - 39

A RESOLUTION APPROVING GUNNISON SECURE STORAGE SUBDIVISION
SE4SW4, SECTION 25 TOWNSHIP 50 NORTH, RANGE 1 WEST NEW MEXICO PRINCIPAL MERIDIAN AT,
1012 HIGHWAY 135, GUNNISON COUNTY, COLORADO
LUC #2017-15

WHEREAS, Gunnison Secure Storage, LLC represented by AJ Cattles is proposing a mixed use facility comprised of up to a 5,000 sq. ft. light industrial shop with two residential, deed restricted units and a maximum 250 unit, phased self-storage complex. The 4.43-acre parcel will be subdivided into two lots; Lot 1 with existing residence is .84 acres and Lot 2 with self-storage units and light industrial shops is 3.64 acres. Water supply will be by central well and augmentation water from the Upper Gunnison River Water Conservancy District and sewer by connection to the North Gunnison Sewer District sewer system. The complex will be secured by gated access and an onsite manager. The subdivision is shown on a plat titled *Gunnison Secure Storage Subdivision*, prepared by Robert E. Brandeberry, PLS, for and on behalf of SGM, dated October 12, 2017. A parking easement and an access easement for benefit of the owners of the subdivision, is identified on the plat.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on September 15, 2017. The Gunnison County Planning Commission approved a Recommendation of conditional approval of the *Gunnison Secure Storage Subdivision* on September 15, 2017, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on October 17, 2017, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's September 15, 2017 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. The property is within 400 feet of the North Gunnison Sewer District sewer system, and any uses requiring wastewater treatment will connect to the North Gunnison Sewer District sewer system.
4. The water plan assessment is complete and additional augmentation water was purchased from the Upper Gunnison River Water Conservancy District in compliance with Colorado Division of Water Resources.
5. A fence will be constructed at the perimeter of the storage area and light industrial shops along with existing and additional trees and will shield and buffer the existing single family residence and the surrounding residential neighborhood.
6. The Commission finds that the proposed two-lot subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.
8. The subdivision plat was reviewed and approved by the County Attorney's office, as to form.
9. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and Section 6-10: *Standards of Approval for Minor Impact Projects*.
10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

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2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
3. The approval shall be memorialized by Board Resolution and Certificate of Minor Impact Project Approval. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
4. A Development Improvements Agreement with Gunnison County, prepared by the Gunnison County Attorney's office, referencing the road construction plans, previously approved by the Gunnison County Public Works Department, prepared by Gerald Burgress, P.E., SGM titled "Gunnison Secure Storage Drainage Report", and "Gunnison Secure Storage Preliminary Drainage Plan, Screening and Road Plan" dated September 28, 2017 shall be executed by the applicant and the Board of County Commissioners and the financial security required is provided by the applicant.
5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
6. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2017-00015 Gunnison Secure Storage Subdivision, is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 17th day of October, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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