AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 20191119

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The draft 11/19/19 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 12/12/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 12/12/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/12/2019

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

Agenda Date: 12/17/2019

Revised April 2015

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

The November 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 (VIA PHONE)
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: Commissioner Houck called the meeting to order at 8:30 am. Commissioner Houck noted for the record that Commissioner Messner is participating in the meeting via telephone. He joined the meeting at 8:30 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 10/22/19 as presented. Motion carried.

1. 10/22/19 Special & Regular Meeting

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

1. Memorandum of Agreement between the Board of County Commissioners of the County of Gunnison, Colorado, the Board of Trustees of Gunnison Valley Hospital, and the Regional Transportation Authority Regarding Senior Transportation; 1/1/20 – 12/30/20; $230,000
2. Funding Agreement; Gunnison County Metropolitan Recreation District; Shady Island Project; $30,000
3. ClearPoint Strategy Software & Support Agreement with Gunnison County, CO; 1/1/20 – 12/31/26; $217,300
4. CDHS Certification of Compliance – Year 2020; County Personnel and Merit System
5. Application for Colorado Liquor Sales Room; Buckel Family Wine, LLC; 1018 Highway 135, Gunnison, CO 81230; 6/1/20 from 10:00 am to 8:00 pm
6. Sale and Purchase Agreement; Runbeck Election Services, Inc.; AgilisDuo Vote-By-Mail Processing System; 1/3/20 – 1/2/24; $81,000
7. Policy 5.1.3, Surplus Property Disposition
8. Contract Amendment #1; Colorado Department of Public Health and Environment; Contract #CT 2020*248; 7/1/19 – 6/30/20; $23.152

SCHEDULING:

1. **Draft 2020 BOCC Meeting Calendar**
   The Board requested that the no Work Session items are scheduled for Tuesday, 11/24/20. The Special Meeting will convene briefly to approve vouchers and transfers. The draft meeting calendar will be formally approved on 1/7/2020.

-Commissioner Messner will not be in attendance at the 12/17/19 Work Session.
-The Public Hearing for the proposed 2020 Gunnison County budget is scheduled for Tuesday, 12/10/19 at 6:00 PM. The BOCC Regular Meeting scheduled for 12/10/19 will be held in the afternoon.
-The 2020 Gunnison County Budget Adoption is scheduled for Friday, 12/13/19 at 8:30 AM.
-The Mill Levy certification is scheduled for Friday, 12/20/19 at 12:00 PM.

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

- County Manager Birnie will be out of the office Friday, 11/22/19 – 12/1/19. He will return to the office, Monday, 12/1/19.
- CM Birnie stated that the Elk Valley Townhomes have all been leased.
- CM Birnie provided an update on the Estonian units.
- CM Birnie discussed a recent meeting with the airport architects regarding the airport terminal redesign project.

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

1. **Letter of Support; Crystal Mill:**
   Moved by Commissioner Mason, seconded by Commissioner Messner to approve the letter of support as presented. Motion carried.

- DCM Crosby anticipates that Public Works will close Kebler Pass this coming weekend.
- Public Works is locking the gate on Cottonwood Pass today. Chaffee County closed their side on 11/18/19.

Public Hearing; Petition to Vacate Certain Streets & Alleys in the Townsite of Ohio City, Colorado; Portion of First Street to the Intersection with County Road 771, Gold Creek Road (aka Broadway Street) towards the West Adjacent to Lots 12-15, Block 11 and Lots 1, 41-43, Block 16 including Adjacent North/South Alleys; Robert Lyle Carver:

Deputy County Manager Marlene Crosby, County Attorney David Baumgarten, Attorney Austin Chambers and Robert and Liz Carver were present for the hearing.

1. Open Public Hearing: Chairperson Houck opened the Public Hearing at 8:59 am.

2. Public Notice Confirmation: DCM Crosby confirmed public notice.

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

4. Staff Presentation:
   DCM Crosby explained that this is request for a street vacation. The application and mailing fees have been paid. This request is to vacate a portion of First Street to the intersection with County Road 771, Gold Creek Road, also known as Broadway Street, towards the west, adjacent to Lots 12-15, Block 11 and Lots 1, 41-43, Block 16 including adjacent north/south alleys. DCM Crosby provided the Board with a copy of the letter of objection received from Cidnee & Eric Hoyt.

5. Applicant Presentation:
   Attorney Austin Chambers stated that the area in question is a wooded area with little public use. Robert Carver stated that public access to Gold Creek will not be restricted.

6. Board Questions:
   Commissioner Mason inquired about future public access. Commissioner Houck inquired about the legal parameters of the vacation. County Attorney David Baumgarten stated that it is currently public property and Board must determine that the street vacation is in the best interest of the public. The 60-foot vacation would be clustered with the adjacent lots. DCM Crosby suggested a 10-foot easement to allow public access. Commissioner Messner inquired how this vacation, if approved, would benefit the public. Attorney Chambers stated that the street vacation would allow the Carvers to further develop their land. Mr. Carver stated that he'd assume responsibility for maintaining the public access easement and bridge to Gold Creek.

7. Public Comments:
   Eric Hoyt stated that he and his wife object the street vacation unless there is a public access easement to Gold Creek. Steve Smith, the adjacent neighbor stated he was in favor of the street vacation.

8. Acknowledge Correspondence Received:
   DCM Crosby presented the objection letter submitted by Cidnee and Eric Hoyt dated November 4, 2019.

9. Applicant Response: N/A.

10. Close Public Hearing:
    Moved by Commissioner Houck to close the public hearing. The hearing closed at 9:33 am.

County Attorney Baumgarten stated that a recreation easement would allow public access and eliminate public liability issues. The Board consensus was to approve the street vacation with the understanding that there will be a public access easement and clear conditions indicating that the Carvers will assume responsibility for maintaining the easement.

Plat Approval; LUC-19-00044, Western Sky Townhomes:
Hillary Seminick, Planner II from Community & Economic Development and Attorney David Leinsdorf were present for the discussion. Bywater, LLC submitted a request for a plat approval for Western Sky Townhomes. The two-unit building is located at 75 Huckeby Way, Crested Butte, legally described as Lot 29, Block 21, Crested Butte South – Third Filing. The County Attorney's office and Crested Butte South Property Owners Association have reviewed and approved the plat.
Moved by Commissioner Mason, seconded by Commissioner Messner to approve the plat approval for Western Sky Townhomes, LUC-19-00044. Motion carried unanimously.

VOUCHERS AND TRANSFERS:
Finance Director Linda Nienhueser presented the voucher approval report dated November 19, 2019 and the cash transfer authorization report dated October 2019 for discussion and approval.
Moved by Commissioner Houck, seconded by Commissioner Mason to approve the vouchers in the amount of $1,764,860.25. Motion carried unanimously.
Moved by Commissioner Houck, seconded by Commissioner Mason to authorize the cash transfers in the amount of $3,244,677.59. Motion carried unanimously.

Sales Tax & Local Marketing District Reports:
Finance Director Nienhueser presented the September 2019 Sales Tax & Local Marketing District reports. Finance Director Nienhueser also presented the August 2019 Purchasing Card Report.

TREASURER'S REPORT:
Treasurer Debbie Dunbar was present for the discussion. The August 2019 Treasurer's report and Investment report dated August 31, 2019 were provided for Board review.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve acceptance of the Treasurer's reports as presented and authorize chair signature. Motion carried.

Renewal of Lease Purchase Agreement, 2010 and 2013 Bonds:
Finance Director Linda Nienhueser presented Exhibit D, Form of Notice of Lease Renewal for the 2010 and 2013 bonds with Zions First National Bank. County Manager Birnie indicated that the County intends to refinance the 2010 bonds in the near future.
Moved by Commissioner Mason, seconded by Commissioner Houck to approve the Renewal of Lease Purchase Agreement for the 2010 and 2013 bonds as presented.

Grant Application; Department of Local Affairs; HVAC/Geothermal Project at Blackstock; $600,000:
John Cattles, Sustainable Operations Director was present for the discussion. Director Cattles explained that the County intends to submit a grant application in December to the Department of Local Affairs (DOLA) for an Energy/Mineral Impact Assistance Fund Grant. The funding would be used for the HVAC and Geothermal upgrades at the Blackstock Government Building. DOLA requires Board action prior to submitting the grant application. The project budget is approximately $1.2 million. The County will ask for $600,000 in funding from DOLA. The grant is due December 2nd.
Moved by Commissioner Mason, seconded by Commissioner Houck to approve the submittal of the grant application to the Department of Local Affairs as presented. Motion carried.

Energy Services Agreement; Johnson Controls, Inc.; Design, Construction and Performance Guarantee of Solar PV Systems and Lighting Retrofit to LED in Select Facilities; $1,818,189 (maximum contract price):
John Cattles, Sustainable Operations Director and Rowena Adams from Johnson Controls, Inc. were present for the discussion. Director Cattles explained that this agreement with Johnson Controls, Inc. is for the design, construction and performance guarantee for solar photovoltaic systems and lighting retrofit to light-emitting diode (LED) technology in various County buildings.
Moved by Commissioner Houck, seconded by Commissioner Mason to approve the Energy Services Agreement with Johnson Controls, Inc. as presented. Motion carried.
Moved by Commissioner Houck, seconded by Mason to amend the previous motion. The project is not to exceed the maximum contract price of $1,818,189. Motion carried.

Equipment Lease Purchase; Sterling National Bank:

1. **Resolution Authorizing the Leasing of Certain Equipment and the Execution and Delivery by the County of a Master Equipment Lease Purchase Agreement and Related Schedules, an Escrow Agreement, a Third Party Custodian Agreement, and Other Related Documents and Certificates; Setting Forth Certain Parameters and Restrictions with Respect to the Leasing of Such Equipment; Authorizing Officials to the County to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby; Ratifying Actions Previously Taken; and Providing for Other Matters Related Thereto:**
   Moved by Commissioner Houck, seconded by Commissioner to adopt and approve Resolution 2019-25; A Resolution Authorizing the Leasing of Certain Equipment and the Execution and Delivery by the County of a Master Equipment Lease Purchase Agreement and Related Schedules, an Escrow Agreement, A Third Party Custodian Agreement, and Other Related Documents and Certificates, Setting Forth Certain Parameters and Restrictions with Respect to the Leasing of Such Equipment; Authorizing Officials of the County to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby; Ratifying Actions Previously Taken; and Providing for Other Matters Related Thereto. Motion carried.
2. **Master Equipment Lease Purchase Agreement; Sterling National Bank**
3. **Third Party Custodian Agreement**
4. **Schedule of Equipment**

Moved by Commissioner Houck, seconded by Commissioner Mason to delegate authority to County Manager Birnie for execution of the Equipment Lease Agreement, Master Equipment Lease Purchase Agreement, the Third Party Custodian Agreement and any other documents necessary for the execution and closing of this transaction. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present.

COMMISSIONER ITEMS:
Roland Mason-

1. Commissioner Mason discussed a recent Community Health Coalition meeting he attended.

Jonathan Houck-

1. Commissioner Houck discussed a recent water planning and roundtable meeting he attended in Montrose.

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

_____
Jonathan Houck, Chairperson

_____
John Messner, Vice-Chairperson

_____
Roland Mason, Commissioner

Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk