AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item:

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The draft 9/18/18 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 10/12/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 10/12/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 10/12/2018

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

Agenda Date: 10/16/2018

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 18, 2018

The September 18, 2018 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner

Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF HEALTH: Health and Human Services Director Joni Reynolds, Public Health Manager Carol Worrall, Community Services Supervisor Margaret Wacker and County Health Officer Dr. John Tarr were present for the discussion.

CALL TO ORDER: Chairperson Chamberland called the Gunnison County Board of Health meeting to order at 8:30 am.

Early Childhood Education; Funding Early Childhood Council (ECC):
Community Services Supervisor Margaret Wacker discussed the Early Childhood Council / Early Childhood Resource Subcommittee meeting that she attended on Friday, 9/14/18. The primary focus of the meeting was early childhood issues. Some of the challenges discussed during the meeting included: access to childcare and education, cost of childcare, and early childhood teacher workforce issues. Currently there are not enough childcare slots available in Gunnison County to meet community needs, particularly infant and toddler slots. The high cost of living and childcare costs continues to be an ongoing issue for families within the community. The Board inquired about what the County can do to help alleviate these issues. HSSD Reynolds explained that the problem is multi-faceted. Childcare licensing is currently regulated by the State, however, HHSD Reynolds explained that she is going to look into the possibility of the County taking over the licensing portion in the future. She also explained that funding from the County may be beneficial, particularly in reducing the financial impact to local families, but that alone does not solve the entire issue. Even with additional licensing and funding there needs to be in-home providers and/or childcare facilities available within the community to children to go to. Discussion ensued regarding possible measures that may help mitigate these issues in the future.

Public Health Improvement Plan:
CSS Wacker provided a review of the West Central Public Health Partnership's (WCPHP) Public Health Improvement Plan. She explained that the WCPHP was formed in 2006 in an effort to increase public health effectiveness and efficiency in supporting six local public health agencies. The regional grants and projects discussed within the plan included: health assessment and planning, well water, radon, behavioral health, health equity, and tobacco. The three regional health priorities discussed were behavioral health, health eating active living and healthy housing. CSS Wacker explained that community involvement played a large role in developing the plan. She stated that over 100 entities were engaged throughout the process and over 300 different encounters occurred.
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt the Public Health Improvement Plan as presented. Motion carried.

Vital Statistics Update:
HHSD Reynolds provided an update regarding Gunnison suicide data. She explained that in 2018 there have been seven suicide deaths to date. The ages have varied between 24-55 years and were split between genders. The County will be receiving a grant from the El Pomar Foundation that will fund train-the-trainer suicide prevention education programming. Suicide prevention continues to be one of the main focuses of the Community Health Coalition.

ADJOURN: The Gunnison County Board of Health meeting adjourned at 9:09 am.

GUNNISON COUNTY BOARD OF EQUALIZATION:

CALL TO ORDER: Commissioner Chamberland called the meeting to order at 9:09 am.

Assessment Roll of Taxable Real and Personal Property: County Assessor Kristy McFarland presented the assessment roll. There were 123 appeals for real property and 25 protests for personal property. The approximate assessed value for Gunnison County is $561,500,000 for real property and $42,500,000 for personal property for a total of $604,000,000. County Assessor McFarland explained how these figures compare to previous years.

2018 Failure to Report Personal Property Log:
County Assessor McFarland presented the list of businesses who failed to report personal property.

DRAFT

2018 Protest Master Log:
County Assessor McFarland presented the master log which shows everyone who has protested the Assessor's decisions.

ADJOURN: The Gunnison County Board of Equalization meeting adjourned at 9:15 am.

GUNNISON COUNTY BOARD OF COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Chamberland called the meeting to order at 9:15 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the meeting minutes of 8/21/18 as presented. Motion carried unanimously.

1. 8/21/18 Regular Meeting

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

1. Airline Operating Agreement; Gunnison-Crested Butte Regional Airport; American Airlines
2. Contract Agreement; Notice of Award; Gunnison-Crested Butte Regional Airport; AIP 54; O.J. Watson Equipment, Inc.; $644,900
3. Affiliate Airline Operating Agreement; Gunnison-Crested Butte Regional Airport; Trans States Airlines
4. Grant; Gunnison County Substance Abuse Prevention Program; Daniels Fund; Choice Pass Program; $20,000
5. Memorandum of Agreement; West Region Wildfire Council
6. Landscaping Improvements Agreement; Swiss Holdings LLC
7. Appointment; Gunnison Crested Butte Tourism Association Board; Kelly Osness

SCHEDULING:
Jonathan Houck-

1. Commissioner Houck will be out of the office Thursday, 9/20/18 through Wednesday, 9/26/18.
2. There is an all-day Colorado Counties Inc. legislative meeting scheduled for 9/20/18.

John Messner-

1. Commissioner Messner is planning to attend the Coal Mine Methane Working Group Meeting on 9/25/18.
2. There is an RTA meeting scheduled for 9/28/18.

BREAK: The Board took a break at 9:18 am. The meeting resumed at 9:21 am.

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

1. CM Birnie will be at the ICMA conference in Baltimore, MD 9/22/18-9/27/18.
2. County Forest Payment / Secure Rural Schools (SRS) Funds Disbursement-
   CM Birnie explained that the County will be receiving Payment in Lieu of Taxes (PILT) funding and recommended giving all the SRS funds to the schools. The total amount of SRS funds is $742,955.11.
   Moved by Chairperson Chamberland, seconded by Commissioner Messner to disperse the full SRS funding to the schools for the upcoming year.
   Moved by Chairperson Chamberland, seconded by Commissioner Messner to approve amended motion to disperse full SRS funding to the schools for the upcoming year with the understanding that a discussion regarding early childhood will occur. Motion carried.

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

1. DCM Crosby presented lease purchase documents for a motor grader. She requested BOCC Chairperson's approval and signature on the lease presented and approval for County Manager Birnie to sign off on any subsequent lease related documents.
   Moved by Commissioner Houck, seconded by Commissioner Messner to authorize Board Chairperson's signature on the lease agreement and authorize the County Manager's signature on further documents and finalization of the purchase of this lease. Motion carried.
2. DCM Crosby stated that she made her annual trip to Crystal last week and met with residents. She reviewed potential road work that needs to be done. She discussed the increased traffic within the area, primarily pertaining to Utility Terrain Vehicles (UTV) and dirt bikes. She explained that Marble is currently working on parking issues and discussing additional solutions going forward. The BOCC visit to Somerset and Marble is scheduled for Thursday, 10/11/18.
3. DCM Crosby inquired whether the Board would like her to move forward with a five-year lease agreement or Memorandum of Understanding for the snow plowing of the primary roads in Pitkin. The Board discussed the possibility of a three-year lease with the opportunity for renewal for the remaining two years. DCM Crosby explained that new plow agreements are generally authorized

for one year. If there are no issues within that first year, agreements can then continue as one-year renewable leases for three consecutive years.

4. DCM Crosby discussed the upcoming natural gas line work that Xcel Energy will be completing. The work spans across the Gunnison River through the north bridge boat launch area, ending just north of the Apache road intersection. The work is scheduled for the last two weeks of October and potentially the month of November.
5. DCM Crosby attended the Region 10 Transportation Planning meeting on Thursday, 9/13/18. She provided the Board with a copy of the factsheet regarding the two ballot initiatives that was dispersed during the meeting. She also explained that CDOT is willing to make a presentation to the Board and/or public regarding both initiatives, if requested. DCM Crosby will reach out to the League of Women Voters to see if they'd be interested in a presentation.

Gunnison-Crested Butte Tourism Association; Request for Funds; Arrivalist 3.0 Technology Launch: Laurel Runcie was present for the discussion.
Laurel Runcie provided the Board with an overview of the Arrivalist 3.0 technology and its capabilities. Initial start-up costs as well as operational costs going forward were discussed. Laurel explained that Central Reservations, the programming that was previously used, will no longer be used and help off-set costs of Arrivalist. Laurel explained that the Colorado Tourism Office and other organizations currently use this technology. The Tourism Association board would like to launch this technology this fall to use in conjunction with their winter advertising. The Board was in support of staff working towards getting the request for funds approved through the Local Marketing District.

VOUCHERS AND TRANSFER APPROVAL:
Finance Director Linda Nienhueser presented the voucher approval report dated September 18, 2018 and the cash transfer authorization dated August 2018 for discussion and approval.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve the vouchers in the amount of $1,879,411.33. Motion carried.
Moved by Commissioner Houck, seconded by Commissioner Messner to authorize the cash transfers in the amount of $3,729,463.09. Motion carried.

TREASURER'S REPORT:
County Treasurer Debbie Dunbar presented the August 2018 Treasurer's report and Investment report dated August 31, 2018.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve acceptance of the Treasurers reports as presented. Motion carried.

FINAL DRAFT CAPITAL IMPROVEMENT PLAN 2019-2023:
Finance Director Linda Neinhueser and Accountant Alicia Corliss were present for the discussion. It was explained that the Draft Capital Improvement Plan is not a budget document, rather it is a planning document or a prioritization of projects. Questions were welcomed from the Board.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve the Capital Improvement Plan for 2019-2023 as presented. Motion carried.

BREAK: The Board took a break at 10:15 am. The meeting resumed at 10:18 am.

Resolution; Resolution Opposing Amendment 74 and Proposition 112 Seeking Voter Approval to Artificially Impose Universal Oil and Gas Setbacks and Dramatically Expand Takings Law to the Detriment of Local Governments and Proper Land Use Planning and Regulation:
Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution No. 2018-35; A Resolution Opposing Amendment 74 and Proposition 112 Seeking Voter Approval to Artificially Impose Universal Oil and Gas Setbacks and Dramatically Expand Takings Law to the Detriment of Local Governments and Proper Land Use Planning and Regulation as presented. Motion carried.

Possible Executive Session; Pursuant to C.R.S. 24-6-402 (4) (a), for the potential purchase of real property, and pursuant to C.R.S. 24-6-402 (4) (e) (I), for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, and pursuant to C.R.S. 24-6-402 (4) (b) conferences with the County Attorney and/or Deputy County Attorney for Gunnison County for the purposes of receiving legal advice on such negotiations and potential purchase:
Moved by Commissioner Houck, seconded by Commissioner Messner to enter an executive session Pursuant to C.R.S. 24-6-402 (4) (a), for the potential purchase of real property, and pursuant to C.R.S. 24-6-402 (4) (e) (I), for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, and pursuant to C.R.S. 24-6-402 (4) (b) conferences with the County Attorney and/or Deputy County Attorney for Gunnison County for the purposes of receiving legal advice on such negotiations and potential purchase. In attendance would be the Board of County Commissioners, County Manager Matthew Birnie, County Attorney David Baumgarten and Deputy County Attorney Matthew Hoyt. Motion carried.
The Board went into executive session at 10:27 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).*

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: _____ _____

Phil Chamberland, 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 10:53 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.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

COMMISSIONER ITEMS:

Jonathan Houck-

1. Commissioner Houck had a discussion with Tim Kugler from Gunnison Trails regarding the grant application for the Signal Peak project.
2. Commissioner Houck attended a meeting in Ridgway with Ann Timberman from the Fish & Wildlife Service as well as a representatives from Delores and Delta counties.
3. There is a Strategic Committee Meeting scheduled for Wednesday, 9/19/18.

John Messner-

1. Commissioner Messner attended a meeting with KC Becker, House Majority Leader, regarding developing an informal interim committee on housing.
2. There is a stakeholder meeting regarding the Shady Island project scheduled for today, 9/18/18. It will be the final opportunity to provide input on the plan itself. The meeting will be held in the Blackstock building.
3. Commissioner Messner provided an update on the Coal Mine Methane Working Group.
4. There is a presentation Wednesday, 9/19/18 at Western State Colorado University regarding mega fires.

ADJOURN: Moved by Commissioner Houck to adjourn the meeting. The meeting adjourned at 11:30 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, 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: 2018-35

A RESOLUTION OPPOSING AMENDMENT 74 AND PROPOSITION 112 SEEKING VOTER APPROVAL TO ARTIFICIALLY IMPOSE UNIVERSAL OIL AND GAS SETBACKS AND DRAMATICALLY EXPAND TAKINGS LAW TO THE DETRIMENT OF LOCAL GOVERMENTS AND PROPER LAND USE PLANNING AND REGULATION

WHEREAS, for decades Gunnison County has maintained a Land Use Resolution process which has repeatedly and successfully promoted the health, safety, and general welfare of the citizens of Gunnison County by giving reasonable consideration to the social, economic and environmental characteristics of the community and the compatibility of proposed land use changes with existing uses;

WHEREAS, Gunnison County has consistently and historically supported responsible and sustainable economic development and industry so long as it is consistent with the requirements and principles set forth in the County's Land Use Resolution and other applicable law;

WHEREAS, Gunnison County recognizes and supports the fact that since statehood, Article II, Section 15 of the Colorado Constitution has recognized that "[p]rivate property shall not be taken or damaged, for public or private use, without just compensation[;]"

WHEREAS, this provision of our Constitution provides a private property owner the right to seek compensation from the government as a result of a "taking" of his or her property, if the property owner can demonstrate that the owner's investment backed expectations for the property is substantially diminished by the regulation and the owner has suffered a unique burden or impact from the regulation;

WHEREAS, notwithstanding this Constitutional protection for private property owners that has existed for hundreds of years as well as successful zoning and land use regulations in place across the State of Colorado, including here in Gunnison County, that protect and promote responsible economic development while at the same time recognizing private property rights, special interests have placed a new ballot measure, Amendment 74 (previously, Ballot Initiative No. 108), on the November 2018 general election ballot;

WHEREAS, Amendment 74 is seeking to substantially expand Colorado's "takings" clause to the point that local governments would likely be substantially constrained, if not essentially prevented, from implementing and enforcing land use planning and regulations;

WHEREAS, Amendment 74, if passed, would likely create a regulatory "free for all" that could result in almost no zoning or land use regulation in Colorado, severely harming the public health, safety and welfare of Colorado citizens, such as allowing dangerous or toxic industrial operations to locate directly next to homes, schools and playgrounds;

WHEREAS, Amendment 74, if passed, would create a grave threat to the Land Use Resolution process and could lead to unfettered development in Gunnison County that would serve to undo years of responsible and economically beneficial development that has resulted in a net positive benefit to the County, its residents, and its visitors;

WHEREAS, a different group of special interests has placed another ballot measure, Proposition 112 (previously, Initiative No. 97), on the November 2018 general election ballot, and like Amendment 74, Proposition 112 threatens local land use planning and regulation to the detriment of Gunnison County's economy, residents and visitors;

WHEREAS, Proposition 112, if passed, would impose virtually across-the-board 2500-foot buffer zones, or

setbacks, for new oil and gas development on non-federal lands in Colorado, regardless of whether such setbacks are necessary to protect health, safety or the environment;

WHEREAS, Gunnison County has historically supported responsible and sustainable oil and gas development in the County so long as it is consistent with and authorized by the County's Land Use Resolution as well as other applicable law;

WHEREAS, Gunnison County currently has Oil and Gas Regulations that include setbacks for the protection of public health, safety and the environment that are in addition to regulations and setbacks placed by the State of Colorado;

WHEREAS, as recognized by the County's Land Use Resolution Proposition 112's "one size fits all" oil and gas development setback requirement is unnecessary, impracticable, and could severely restrict responsible and sustainable oil and gas operations that provide revenue and job opportunities for the citizens of Gunnison County without adding any necessary additional protections to public health, safety and the environment that are not already currently included in Gunnison County's oil and gas regulations;

WHEREAS, Proposition 112's "one size fits all" oil and gas development setback requirement unduly restricts the authority of Gunnison County to preside over land use decisions in its own County, taking authority away from local governments and placing it in the hands of distant bureaucrats lacking both the knowledge and the interest in the needs and issues facing Gunnison County;

WHEREAS, Gunnison County has found success in the implementation and exercise of its local authority to create minimum setbacks for oil and gas development pursuant to its Land Use Resolution process, and, to the extent other counties do not have such a process, Gunnison County would encourage those governments to consider enacting them as opposed to Proposition 112's "one size fits all" approach; and

WHEREAS, both Amendment 74 and Proposition 112 are classic examples of the dangerous gamesmanship, lack of common sense and upside-down policy that special interests play in the State of Colorado, most often to the detriment of the citizen;

WHEREAS, the bi-partisan Gunnison County Board of County Commissioners do not support this approach from the far left or the far right but believe that good governance comes from good common-sense decision making, listening to all sides of the party and finding ways to work together to arrive at common and collaborative solutions; and

WHEREAS, these ballot measures are certainly not that.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Gunnison, Colorado opposes Amendment 74 and Proposition 112.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 18th day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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