

**PARK COUNTY BOARD OF COMMISSIONERS**

**AGENDA**

**TUESDAY, JANUARY 2 , 2024**

**11:00 AM CALL TO ORDER**

**Video**

To join the meeting, click on the link below or copy and paste into your preferred web browser: <https://zoom.us/j/632627219?pwd=Q2gvUVEwd0JuQ0R3TE9qWE9LTk9kQT09>

**Audio**

Upon joining the meeting, you will have the option to use either your computer mic and speakers for audio interaction, or participate by phone. If you are not using your computer speakers and mic to interact in the meeting, you may use the dial- option below:

**Dial by your location**

**(669) 900-6833 US (Western US)**

**(929) 205-6099 US (Eastern US)**

**Meeting ID: 632 627 219**

**Password: 04408**

**\*For the purpose of an accurate public record, you will need to identify yourself when you enter the meeting and when prompted\***

11:00 AM CALL TO ORDER

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

**.I. CONSENT ITEMS:**

APPROVAL OF MINUTES

APPROVAL OF VOUCHERS

APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES

APPROVAL OF PROPERTY VALUATION STIPULATION AGREEMENT

**.II. CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:**

APPROVE/DENY 2024 LEASE AGREEMENT WITH ELK MOUNTAIN CATTLE COMPANY

APPROVE/DENY REVISED 2024 BUDGET RESOLUTION

APPROVE/DENY REVISED 2024 APPROPRIATION RESOLUTION

Documents:

- Sulphur Mtn Pit Lease Agreement 2024.pdf
- 1. 2024 BUDGET RESOLUTION-Corrected GF.pdf
- 2. 2024 Appropriations Resolution - corrected.pdf

PUBLIC HEARING(S)

PUBLIC COMMENTS

EXECUTIVE SESSION IN REGARD TO LEGAL & PERSONNEL MATTERS (CLOSED SESSION)

ADJOURN

TIMES ARE APPROXIMATE. ITEMS MAY BE HEARD EARLIER OR LATER THAN SHOWN ABOVE.

NOTE: Items May Be Added To These Agendas Up To 48 Hours Before The Scheduled Time. Items May Be Deleted Or Cancelled At Any Time. Please Check Website "[parkco.us](http://parkco.us)" for most Updated Agendas. If You Need Further Information, Please Contact The [BOCC](#) (Board of County Commissioners) Office At: 719-836-4201.

## LEASE AGREEMENT

**THIS LEASE AGREEMENT** is entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between **ELK MOUNTAIN CATTLE COMPANY** whose address is P.O. Box 514, Hartsel, CO 80449-0514 (herein called Lessor) and the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, COLORADO**, a Colorado county whose address is 856 Castello Ave. , PO Box 1373, Fairplay, CO 80440 (herein called Lessee).

Lessee hereby agrees to lease from Lessor the premises situated in the County of Park and State of Colorado, described in Exhibit A hereto, upon the following **TERMS** and **CONDITIONS** with special conditions set forth in exhibit B.

**1. Term and Rent.** Lessor leases a 5 acre portion located at 18877 CR59 Hartsel, CO. for a term of 1 year, with an annual renewal thereafter with the mutual consent of both parties, commencing on January 29th, 2024 and terminating on January 29th, 2025, at the annual rental of four thousand eight hundred forty dollars (\$4,840.00) payable on the first day of February or the first working day thereafter for current lease year. All rental payments shall be made to Lessor, at the address specified above.

**2. Use.** Lessee shall use and occupy the premise solely for the purpose of mining clay for use on Park County roads and draining ways. Lessor represents that the premises may lawfully be used for such purpose.

**3. Ordinances and Statutes.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by Lessee.

**4. Regulatory Agencies.** It is understood by the parties that a mining operation shall be conducted on the premises and is subject to the Mine Safety Health Administration (MSHA) which are very rigid and may subject parties to citations and fines if violations are found by MSHA. The mined area is permitted for mining and shall continue to be permitted by Division of Reclamation, Mining & Safety (DRMS) and Park County Department of Development Services and shall be subject to periodic inspections to ensure boundary compliance, safety and ongoing reclamation planning. All permits are the responsibility of the Lessee.

**5. Utilities.** There are no improvements or utilities located except temporary facilities placed by the lessee for the purpose of mining on the property.

**6. Entry and Inspection.** Lessee shall permit Lessor or Lessor's agents to enter upon the properties at reasonable times and upon reasonable notice, for the purposes of inspecting the same, and will permit Lessor at any time within sixty (60) days prior to the expiration of this lease, to place upon the premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the premises thereafter. Due to the regulatory agencies cited in paragraph 4 above persons entering the mining site must be accompanied by a properly trained and certified Park County employee. Park County shall make every reasonable effort to accommodate the Lessor and or the

Lessor's agent.

**7. Possession.** It is understood by the parties that this lease is a new lease; however, the Lessee has mined the subject property and for all intents and purposes already occupies the property.

**8. Liability.** Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the leased premises or any part thereof. Nothing herein contained shall be deemed or construed to waive any of the protections afforded to Lessee by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.* (the "GIA").

**9. Insurance.** Lessee, at his expense, shall maintain public liability insurance, or self-insurance, including bodily injury in an amount not less than the limits of liability contained in the GIA as it may be amended from time to time. Lessee shall provide Lessor with a Certificate of Insurance showing compliance with this paragraph. The Certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage. To the maximum extent permitted by insurance policies which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist.

**10. Taxes.** Lessee is currently exempt from the payment of real property taxes. In the event that during any year of the term of this lease real property taxes are levied on the premises, Lessee shall pay to Lessor upon presentation of paid tax bills an amount equal to 100% of the taxes upon the land and building in which the leased premises are situated. In the event that such taxes are assessed for a tax year extending beyond the term of the lease, the obligation of Lessee shall be proportionate to the portion of the lease term included in such year.

**11. Attorney's Fees.** In case suit should be brought for recovery of the property or for any sum due hereunder, or because of any act which may arise out of the possession of the property, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including reasonable attorney's fee.

**12. Notices.** Any notice which either party may, or is required to give, shall be given mailing same, postage prepaid, to the address shown above, or at such other places as may be designated by the parties from time to time.

**13. Heirs, Assigns, Successors.** This lease is binding upon and inures to the benefit of the heirs, successors in interest to the parties.

**14. Non-appropriation.** As required by Article X, Section 20 of the Colorado Constitution, any financial obligations of Lessee not to be performed during the current fiscal year contained in this Lease are subject to annual appropriation of sufficient funds by the Board of County Commissioners. Should the Board, in any year during the term of this lease, not appropriate sufficient funds for the performance of its obligations herein contained the premises shall be vacated and possession returned to the Lessor on the last day for which a valid appropriation exists.

**15. Entire Agreement.** The foregoing constitutes the entire agreement between the parties and may be modified only in a writing signed by both parties.

**LESSEE:**  
BOARD OF COUNTY  
COMMISSIONERS OF THE  
COUNTY OF PARK

**LESSOR :Elk Mountain Cattle Company**

By: \_\_\_\_\_  
Amy Mitchell , BOCC Chair

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
\_ County Clerk and Recorder



## Exhibit A

### Property Description



## Exhibit B

**Lease agreement between Elk Mountain Cattle Company and Board of County Commissioners of the County of Park, Colorado for lease of the Sulphur Mountain Pit.**

### Special Provisions

1. A total of 5 acres will be leased for mining operations at the Sulphur Mountain Pit located at 18877 CR59 Hartsel, CO 80820. Simultaneous reclamation will occur along with the mining operations to limit the total disturbed area to no more than 2 acres at any one time.
2. The direction of mining operations and subsequent reclamation will be based upon considerations of Elk Mountain Cattle Company as well as Park County.
3. A wire fence with a functional gate will be maintained around the area of active mining at all times for the protection of livestock.





**RESOLUTION**

**BOARD OF COUNTY COMMISSIONERS  
PARK COUNTY, COLORADO**

**RESOLUTION NUMBER 2024-**

**A RESOLUTION TO REVISE AND AAMEND RESOLUTION 2023-32 SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COUNTY OF PARK, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024 AND ENDING ON THE LAST DAY OF DECEMBER 2024.**

**WHEREAS**, the Board of County Commissioners of Park County has appointed Cindy Gharst, Assistant County Manager/Budget Officer to prepare and submit a proposed budget to said governing body at the proper time; and,

**WHEREAS**, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 14, 2023, in Fairplay, Colorado and interested taxpayers were given the opportunity to file or register any objections to said proposed budget.

**WHEREAS**, whatever increases or decreases may have been made by the direction of the Board of County Commissioners in the expenditures, like increases or decreases were added to the revenues or adequate fund balances were identified so that the budget remains in balance, as required by law.

**WHEREAS**, the Board of County Commissioners recommends that the monthly revenues be closely monitored so that the anticipated revenue levels are achieved or so that spending levels can be adjusted to maintain General Fund Balance projections.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, COLORADO; THAT,**

**Section 1.** That estimated expenditures for each fund are as follows:

**General Fund – Fund 03**

Personnel	12,776,783
Operating	7,823,388
Debt Service	122,103
Transfers	864,000
Capital	210 000
<b>Total General Fund Expenditures</b>	<b>21,796,274</b>

**Debt Services Fund - 04**

Personnel	-
Operating	2,200
Debt Service	421,775
Transfers	-

Capital	-
<b>Total Debt Service Fund Expenditures</b>	<b>423,975</b>

**American Rescue Plan Act Fund – Fund 05**

Personnel	-
Operating	3,424,330
Debt Service	-
Transfers	150,000
Capital	-
<b>Total American Rescue Plan Act Fund Expenditures</b>	<b>3,574,330</b>

**Conservation Trust Fund – Fund 06**

Personnel	-
Operating	555,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Conservation Trust Fund Expenditures</b>	<b>555,000</b>

**Grant Fund – Fund 07**

Personnel	442,951
Operating	544,192
Debt Service	-
Transfers	-
Capital	11,144
<b>Total Grant Fund Expenditures</b>	<b>998,287</b>

**Bailey Library Fund – Fund 08**

Personnel	-
Operating	6,825
Debt Service	-
Transfers	-
Capital	-
<b>Total Bailey Library Fund Expenditures</b>	<b>6,825</b>

**E911 Authority Fund – Fund 09**

Personnel	473,389
Operating	269,206
Debt Service	-
Transfers	-
Capital	200,000
<b>Total E911 Authority Fund Expenditures</b>	<b>942,595</b>

**Seizure Fund – Fund 10**

Personnel	-
Operating	369
Debt Service	-
Transfers	-
Capital	-
<b>Total Seizure Fund Expenditures</b>	<b>369</b>

**Public Works Fund – Fund 11**

Personnel	4,353,939
Operating	6,074,182
Debt Service	64,728
Transfers	-

Capital	750,000
<b>Total Public Works Fund Expenditures</b>	<b>11,242,849</b>

**Human Services Fund – Fund 12**

Personnel	1,313,060
Operating	7,319,943
Debt Service	-
Transfers	-
Capital	-
<b>Total Human Services Fund Expenditures</b>	<b>8,633,003</b>

**Capital Fund – Fund 14**

Personnel	-
Operating	-
Debt Service	-
Transfers	-
Capital	-
<b>Total Capital Fund Expenditures</b>	<b>0</b>

**Retirement Fund – Fund 15**

Personnel	-
Operating	547,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Retirement Fund Expenditures</b>	<b>547,000</b>

**Fleet Fund – Fund 16**

Personnel	73,062
Operating	1,175,846
Debt Service	80,834
Transfers	-
Capital	-
<b>Total Fleet Fund Expenditures</b>	<b>1,329,742</b>

**Sales Tax Fund – Fund 19**

Personnel	-
Operating	3,499,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Sales Tax Fund Expenditures</b>	<b>3,499,000</b>

**1041 Fund – Fund 20**

Personnel	-
Operating	-
Debt Service	-
Transfers	-
Capital	-
<b>Total 1041 Fund Expenditures</b>	<b>0</b>

**Lodging Tax Fund – Fund 23**

Personnel	-
Operating	1,800,000
Debt Service	-
Transfers	-

Capital	-
<b>Total Lodging Tax Fund Expenditures</b>	<b>1,800,000</b>
<b>Self Insurance Fund – Fund 25</b>	
Personnel	-
Operating	3,577,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Self Insurance Fund Expenditures</b>	<b>3,577,000</b>
<b>Total Appropriation – All Funds</b>	<b>58,926,249</b>

**Section 2.** That estimated revenues for each fund are as follows:

<b>General Fund – Fund 03</b>	
Property Tax	10,307,479
Other	8,485,888
Transfers	150,000
Fund Balance	2,852,907
<b>Total General Fund Revenues</b>	<b>21,796,274</b>

<b>Debt Service Fund – Fund 04</b>	
Property Tax	-
Other	-
Transfers	414,000
Fund Balance	9,975
<b>Total Debt Service Fund Revenues</b>	<b>423,975</b>

<b>American Rescue Plan Act Fund – Fund 05</b>	
Property Tax	-
Other	3,574,330
Transfers	-
Fund Balance	-
<b>Total American Rescue Plan Act Fund Revenues</b>	<b>3,574,330</b>

<b>Conservation Trust Fund – Fund 06</b>	
Property Tax	-
Other	180,000
Transfers	-
Fund Balance	375,000
<b>Total Conservation Trust Fund Revenues</b>	<b>555,000</b>

<b>Grant Fund – Fund 07</b>	
Property Tax	-
Other	955,473
Transfers	-
Fund Balance	42,814
<b>Total Grant Fund Revenues</b>	<b>998,287</b>

<b>Bailey Library Fund – Fund 08</b>	
Property Tax	-
Other	-
Transfers	-

Fund Balance	6,825
<b>Total Bailey Library Fund Revenues</b>	<b>6,825</b>

**E911 Authority Fund – Fund 09**

Property Tax	-
Other	690,000
Transfers	-
Fund Balance	252,595
<b>Total E911 Authority Fund Revenues</b>	<b>942,595</b>

**Seizure Fund – Fund 10**

Property Tax	-
Other	2,291
Transfers	-
Fund Balance	-1,122
<b>Total Seizure Fund Revenues</b>	<b>369</b>

**Public Works Fund – Fund 11**

Property Tax	416,932
Other	6,006,040
Transfers	-
Fund Balance	4,819,877
<b>Total Public Works Fund Revenues</b>	<b>11,242,849</b>

**Human Services Fund – Fund 12**

Property Tax	428,513
Other	8,147,084
Transfers	-
Fund Balance	57,406
<b>Total Human Services Fund Revenues</b>	<b>8,633,003</b>

**Capital Fund – Fund 14**

Property Tax	-
Other	-
Transfers	-
Fund Balance	-
<b>Total Capital Fund Revenues</b>	<b>0</b>

**Retirement Fund – Fund 15**

Property Tax	428,513
Other	25,000
Transfers	-
Fund Balance	93,487
<b>Total Retirement Fund Revenues</b>	<b>547,000</b>

**Fleet Fund – Fund 16**

Property Tax	-
Other	865,342
Transfers	450,000
Fund Balance	14,400
<b>Total Fleet Fund Revenues</b>	<b>1,329,742</b>

**Sales Tax Trust Fund – Fund 19**

Property Tax	-
Other	2,725,000
Transfers	-

Fund Balance	774,000
<b>Total Sales Tax Trust Fund Revenues</b>	<b>3,499,000</b>

**Lodging Tax Fund – Fund 23**

Property Tax	-
Other	1,840,000
Transfers	-
Fund Balance	-40,000
<b>Total Lodging Tax Fund Revenues</b>	<b>1,800,000</b>

**Self Insurance Fund – Fund 25**

Property Tax	-
Other	3,306,000
Transfers	-
Fund Balance	271,000
<b>Total Self Insurance Fund Revenues</b>	<b>3,577,000</b>

**Total Revenues - All Funds** **58,926,249**

**Section 3.** That the Budget as submitted, Revised and amended and hereinabove summarized by fund, hereby is approved and adopted as the budget of the County of Park, Colorado for the year stated above.

**Section 4.** That the budget hereby approved and adopted shall be signed by the Chairman of the Board of County Commissioners and the County Clerk and made a part of the public records of the County of Park, Colorado.

**ADOPTED** this \_\_\_\_ day of JANUARY, A.D., 2024

By \_\_\_\_\_  
Amy Mitchell  
Chairperson, Board of County Commissioners

ATTEST: \_\_\_\_\_  
Park County Clerk

**RESOLUTION**

**BOARD OF COUNTY COMMISSIONERS  
PARK COUNTY, COLORADO**

**RESOLUTION NO. 2024-\_\_\_\_**

**A RESOLUTION TO REVISE AND AMEND RESOLUTION 2023-33 APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE SET FORTH BELOW, FOR THE COUNTY OF PARK, COLORADO, FOR THE 2024 BUDGET YEAR.**

**WHEREAS**, the Board of County Commissioners has adopted the annual budget for 2024 in accordance with the Local Government Budget Law, on December 19, 2023; and,

**WHEREAS**, the Board of County Commissioners has made provision therein for revenues, reserves and fund balances in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and,

**WHEREAS**, it is not only required by law, but also necessary to appropriate the revenues, reserves, and fund balances provided in the budget to and for the purposes described below, so as not to impair the operation of the County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF PARK, COLORADO THAT:**

Section 1. That the following sums are hereby appropriated from the revenues, reserves and fund balances of each fund, to each fund, for the purpose stated:

**General Fund – Fund 03**

Personnel	12,776,783
Operating	7,823,388
Debt Service	122,103
Transfers	864,000
Capital	210,000
<b>Total General Fund Expenditures</b>	<b>21,796,274</b>

**Debt Services Fund - 04**

Personnel	-
Operating	2,200
Debt Service	421,775
Transfers	-
Capital	-
<b>Total Debt Service Fund Expenditures</b>	<b>423,975</b>

**American Rescue Plan Act Fund – Fund 05**

Personnel	-
Operating	3,424,330
Debt Service	-

Transfers	150,000
Capital	-
<b>Total American Rescue Plan Act Fund Expenditures</b>	<b>3,574,330</b>

**Conservation Trust Fund – Fund 06**

Personnel	-
Operating	555,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Conservation Trust Fund Expenditures</b>	<b>555,000</b>

**Grant Fund – Fund 07**

Personnel	442,951
Operating	555,336
Debt Service	-
Transfers	-
Capital	-
<b>Total Grant Fund Expenditures</b>	<b>998,287</b>

**Bailey Library Fund – Fund 08**

Personnel	-
Operating	6,825
Debt Service	-
Transfers	-
Capital	-
<b>Total Bailey Library Fund Expenditures</b>	<b>6,825</b>

**E911 Authority Fund – Fund 09**

Personnel	473,389
Operating	269,206
Debt Service	-
Transfers	-
Capital	200,000
<b>Total E911 Authority Fund Expenditures</b>	<b>942,595</b>

**Seizure Fund – Fund 10**

Personnel	-
Operating	369
Debt Service	-
Transfers	-
Capital	-
<b>Total Seizure Fund Expenditures</b>	<b>369</b>

**Public Works Fund – Fund 11**

Personnel	4,353,939
Operating	6,074,182
Debt Service	64,728
Transfers	-
Capital	750,000
<b>Total Public Works Fund Expenditures</b>	<b>11,242,849</b>

**Human Services Fund – Fund 12**

Personnel	1,413,060
Operating	7,219,943
Debt Service	-



Transfers	-
Capital	-
<b>Total Human Services Fund Expenditures</b>	<b>8,633,003</b>

**Capital Fund – Fund 14**

Personnel	-
Operating	-
Debt Service	-
Transfers	-
Capital	-
<b>Total Capital Fund Expenditures</b>	<b>0</b>

**Retirement Fund – Fund 15**

Personnel	-
Operating	547,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Retirement Fund Expenditures</b>	<b>547,000</b>

**Fleet Fund – Fund 16**

Personnel	73,062
Operating	1,175,846
Debt Service	80,834
Transfers	-
Capital	-
<b>Total Fleet Fund Expenditures</b>	<b>1,329,742</b>

**Sales Tax Fund – Fund 19**

Personnel	-
Operating	3,499,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Sales Tax Fund Expenditures</b>	<b>3,499,000</b>

**1041 Fund – Fund 20**

Personnel	-
Operating	-
Debt Service	-
Transfers	-
Capital	-
<b>Total 1041 Fund Expenditures</b>	<b>0</b>

**Lodging Tax Fund – Fund 23**

Personnel	-
Operating	1,800,000
Debt Service	-
Transfers	-
Capital	-
<b>Total Lodging Tax Fund Expenditures</b>	<b>1,800,000</b>

**Self Insurance Fund – Fund 25**

Personnel	-
Operating	3,577,000
Debt Service	-

Transfers	-
Capital	-
<b>Total Self Insurance Fund Expenditures</b>	<b>3,577,000</b>
<b>Total Appropriation – All Funds</b>	<b>58,926,249</b>

ADOPTED this \_\_\_\_ day of JANUARY, A.D.,  
2024

BY: \_\_\_\_\_  
Amy Mitchell, Chairperson  
Park County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Park County Clerk