# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Draft BOCC Meeting Minutes; 3/27/2018

**Action Requested:**

**Parties to the Agreement:**

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

**Summary:**

The draft 3/27/2018 minutes are attached for consideration.

**Fiscal Impact:**

**Submitted by:** Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required Yes ○ No ○

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 4/13/2018

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

Agenda Date: 4/17/2018

*Revised April 2015*

# GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
## SPECIAL MEETING MINUTES
## March 27, 2018

The March 27, 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 (ABSENT)

Matthew Birnie, County Manager
Josh Ost, Deputy County Clerk
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Chamberland called the meeting to order at 8:30 am.

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

1. Correspondence; Amended Letter of Support; Office of Economic Development and International Trade; Recognize the City of Gunnison and as an Opportunity Zone with the Addition of the Somerset Area
2. Memorandum of Understanding; City Market Pharmacy; Colorado State Board of Health Rule 6 CCR 1006-5; 3 Day Supply of Antibiotics
3. Acknowledgement of County Manager's Signature; Personal Services Agreement; North Fork Coal Mine Methane Working Group; Independent Facilitator; $6,650
4. Retail Liquor License Renewal; Three Rivers Smokehouse; April 17, 2018 – April 17, 2019
5. Lease Agreement; Somerset Domestic Waterworks District; 3764 State Highway 133; 8' x 8' Space for use by the Gunnison County Sheriff's Office; $1,800 per Year
6. Ratification of Vice-Chairperson's Signature; Letter of Support; Gunnison Public Lands Initiative Grant Application; The Laura Jane Musser Fund
7. Acknowledgement of County Manager's Signature; Ground Lease Agreement; Garlic Mike's Italian Cuisine Restaurant; Overflow Parking; $200 per Month
8. Fifth Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 1
9. Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 2
10. 2018 Gunnison County Annual Operating Plan; Wildfire Protection on All Lands within Gunnison County
11. Grant Application; AIP Project No. 3-08-0030-054-2018; Acquisition of Snow Removal Equipment; Self Contained Rotary Plow for Gunnison-Crested Butte Regional Airport; $700,000

**Gunnison County Boards and Commissions Appointments:**
The Board discussed the various boards and who they would like to appoint to the various vacancies on the official Gunnison County Boards and Commissions.

**Moved** by Commissioner Houck, seconded by Chairperson Chamberland to appoint the following individuals. Motion carried.

- Region 10. Shane McGuinness as a Loan Member position for a two-year term.
- Gunnison Basin Sage-Grouse Strategic Committee. Erich Ferchau to a Development Community at-large regular position with a two-year term.
- Western Regional EMS Council. Christian Malcolm to a regular position filling a remaining term expiring February 2020.

**Resolution 2018-10; A Resolution Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park:**
This item occurred earlier than listed on the agenda due to being ahead of schedule. The Board discussed the details of the resolution.
**Moved** by Chairperson Chamberland, seconded by Commissioner Houck to approve Resolution 2018-10; A Resolution Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park. Motion carried.

**TREASURER'S MONTHLY REPORT:** County Treasurer Debbie Dunbar presented the February 2018 Treasurer's report, Investment report dated February 28, 2018 and Six Month Report dated December 31, 2017 for discussion and acceptance. **Moved** by Commissioner Houck, seconded by Chairperson Chamberland to accept the reports as presented. Motion carried.

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated March 27, 2018 and the cash transfer authorization dated January 2018 for discussion and approval. **Moved** by Commissioner Houck, seconded by Chairperson Chamberland to approve the vouchers in the amount of $1,560,118.38. Motion carried. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the cash transfers in the amount of $2,627,994.51. Motion carried.

**Contractor Agreement; Christopher Klein Construction Inc.; Preconstruction and Construction Services for Two 4-Plex Multifamily Affordable Housing Units within Stallion Park on Elk Valley Road, Crested Butte, Colorado; $2,067,905:**
Sustainable Operations Director John Cattles was present for the discussion. He explained the project and the ideal sales cost if the County were to sell any of the units once built. Whatever the final sales price

would be, it was agreed that it would be a price point that meets the need of that area. SOD Cattles stated that he is still waiting on design approval from the HOA.
**Moved** by Commissioner Houck, seconded by Chairperson Chamberland to approve the Contractor Agreement; Christopher Klein Construction Inc.; Preconstruction and Construction Services for Two 4-Plex Multifamily Affordable Housing Units within Stallion Park on Elk Valley Road, Crested Butte, Colorado; $2,067,905. Motion carried.

**Resolution 2018-11; A Resolution Approving LUC No. LUC-2016-00038 Sciortino (Brewer) Subdivision SW1/4NW1/4 Section 2 and the SE1/4NE1/4 Section 3, Township 15 South, Range 85 West, 6th P.M., 25.32-Acres:**
Community and Economic Development Assistant Director Neal Starkebaum and Attorney Marcus Lock were present for the discussion. CEDAD Starkebaum explained the resolution and findings within the resolution that differed from the Planning Commission's recommendation. Commissioner Houck stated had struggled with this decision due to size of the parcel and setting a precedence.
**Moved** by Chairperson Chamberland, seconded by Commissioner Houck to approve Resolution 2018-11; A Resolution Approving LUC No. LUC-2016-00038 Sciortino (Brewer) Subdivision SW1/4NW1/4 Section 2 and the SE1/4NE1/4 Section 3, Township 15 South, Range 85 West, 6th P.M., 25.32-Acres. Motion carried.

**Grant Application; Rural Economic Development Initiative Program; Economic Diversification & Rural Entrepreneurial Engagement; $115,200:**
Community and Economic Development Director Cathie Pagano and ICElab @ Western Director Delaney Keating were present for the discussion. CEDD Pagano discussed the grant and the County's contribution. Ms. Keating discussed the projects this grant is planned for and County Manager Birnie asked why the municipalities' contribution is so small compared to the County. Ms. Keating stated that this was because the full funding request is not included in the presented budget.
**Moved** by Chairperson Chamberland, seconded by Commissioner Houck to approve the Grant Application; Rural Economic Development Initiative Program; Economic Diversification & Rural Entrepreneurial Engagement; $115,200. Motion carried.

**ADJOURN:** **Moved** by Chairperson Chamberland, seconded by Commissioner Houck to adjourn the meeting. The meeting adjourned at 9:20 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

Minutes Prepared By:

_____
Josh Ost, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**
**RESOLUTION NO. 18-10**

**A RESOLUTION ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN INDUSTRIAL PARK**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gold Basin Industrial Park located in the County of Gunnison, State of Colorado and as legally described

as 38.79 acres in NE4NW4. Section 11 49N1W #499861 and portions of 21.28 acres in SE4SW4. Section 2 49N1W #499861; and

WHEREAS, the Board of County Commissioners wants to adjust the ground rental rate where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation and maintenance of the Gold Basin Industrial Park; and

WHEREAS, the Denver-Boulder-Greeley Consumer Price Index for All Urban Consumers, as published by the United State Department of Labor Bureau of Labor Statistics, for 2017 was 254.995, a 3.39% increase from 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that effective on April 1, 2018:

1. The ground rental rate shall be in the amount of $3,003 per annum per acre of premises occupied.

2. Premises occupied will be rounded to the nearest thousandth of an acre (x.xxx acres).

BE IT FURTHER RESOLVED THAT these rates shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck and adopted this 27th day March, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS**
**OF GUNNISON COUNTY**
**RESOLUTION NO. 18-11**

**A RESOLUTION APPROVING LUC NO. LUC-2016-00038**
**SCIORTINO (BREWER) SUBDIVISON**
**SW1/4NW1/4 SECTION 2 AND THE SE1/4NE1/4 SECTION 3,**
**TOWNSHIP 15 SOUTH, RANGE 85 WEST, 6TH P.M,**
**25.32-ACRES.**

WHEREAS, Trey Sciortino (under contract to purchase the property), as authorized by Caleb M. Brewer and Chad Anderson (owners), and as represented by Marcus Lock, is requesting to legitimize an illegally created 25-acre parcel as a legal, subdivided lot, to allow the issuance of County building and onsite wastewater treatment system permits; and

WHEREAS, the Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing on May 19, 2017; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on July 21, 2017, by a 4-1 vote, forward to the Board of County Commissioners, a Recommendation of denial of that application, with certain Findings and Conditions; and

WHEREAS, after a separate Board of County Commissioners public hearing on September 19, 2017, the Board disagreed with the Planning Commission findings and directed staff to finalize review of the application and prepare a Resolution for approval;

AND WHEREAS, the Board is informed of the following:

1. The applicant submitted a report titled *Geologic Hazards Analysis, Round Mountain Parcel 3435-000-00-069*, prepared by Jon F. Kaminsky, Hydrogeologist, Mesa HydroLogic LLC, October 25, 2017. The analysis identifies that the rockfall hazard to the building envelope, in the northwestern corner of the property, is minimal.

2. Jill Carlson, C.E.G., Engineering Geologist, Colorado Geologic Survey, in a letter dated November 30, 2017 notes that: "CGS agrees with Kaminsky's assessment that the rockfall hazard in the far northwestern corner of the parcel is minimal. Provided no improvements encroach on the talus cone, CGS has no

objection to approval of the building envelope and legalization/legitimization of the subdivision as proposed."

3. The applicant submitted a report titled *Groundwater Resources Analysis, Round Mountain Parcel 3435-000-00-069*, prepared by Jon F. Kaminsky, Hydrogeologist, Mesa HydroLogic LLC, dated October 30, 2017 noting: "Based on the information obtained from the well construction and test data from the CDWR database, sufficient groundwater resources appear available in this area to supply a single- family residence that would require approximately 350 gallons per day. However, these data should be viewed with caution due to the inexact locations of the three wells and the limitations of the relatively short test duration associated with each of the wells. If accurately located, well permit No . 301915 is located closest to the parcel in question, would seem representative of the probable subsurface conditions to be encountered on the parcel, and according to the test records, is a highly productive well. The only conceivable buildable portion of the parcel is located in the northwest corner. Chances are fair to good that a successful well can be sited on the parcel, but location options are limited. To take advantage of proximity to alluvial/ colluvial water-bearing material, proximity to the buildable envelope, and an area accessible to a drill *rig,* a location as far to the west as possible along the north boundary of the parcel would seem most ideal. Such a location would be outside the highway 135 right-of-way while optimizing the chance of encountering a sufficient thickness of permeable alluvial material to provide a year- round supply of groundwater sufficient for domestic household purposes that would require approximately 350 gallons per day."

4. Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, letter of February 16, 2018 notes that: "it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply should be physically adequate and can be provided without causing material injury to decreed water rights so long as the applicant obtains and maintains a well permit issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation operated by the Upper Gunnison Water Conservancy District." The applicant has submitted a contract for augmentation water with the Upper Gunnison River Water Conservancy District, Contract 17-202A, executed on December 22, 2018, for the water supply for the parcel.

NOW, THEREFORE, the Board hereby finds:

1. 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.
2. The Colorado Geologic Survey concurs with the applicant's consultant that the geologic rockfall hazard to the building envelope is minimal.
3. The applicant has demonstrated and the Colorado Division of Water Resources determined that the legal and physical supply of ground water, for a well serving the future residence, is adequate.
4. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution*.
5. The proposed land use change is compatible with the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area.
6. 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.
7. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado hereby approves the Sciortino (Brewer) Subdivision, LUC No. 2016-00038, with the following conditions:

1. Approval shall not be effective until the subdivision plat is recorded with the Office of the Gunnison County Clerk and Recorder.
2. 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.
3. 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.
4. Approval of this use is based upon the facts presented and implies no approval of similar use, or precedent, 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.

THIS APPROVAL is effected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

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 Chamberland, seconded by Commissioner Houck, and passed on this 27th day of March, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

DRAFT