AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Meeting Minutes; 7/3/2018

Action Requested:

Parties to the Agreement:

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

Summary:

The draft 7/3/2018 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: GUNCOUNTY1\mhoyt Discharge Date: 7/13/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/13/2018

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

Agenda Date: 7/17/2018

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 3, 2018

The July 3, 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
Josh Ost, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Chairperson Chamberland called the meeting to order at 8:31 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the meeting minutes of 6/5/2018 and 6/14/18 minutes as presented. Motion carried unanimously.

1. 6/5/18 Regular Meeting
2. 6/14/18 Special Meeting

CONSENT AGENDA: Commissioner Messner requested to pull consent agenda item #7. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Consent Agenda with the exception of item #7. Motion carried unanimously.

1. Intergovernmental Agreement; Regarding Undesirable Plant Management 2018
2. Acknowledgement of County Manager's Signature; Health Equity Advocacy Network Strengthening Grant Program Amendment; The Colorado Trust; Extension of Grant Period to November 30, 2019; Revised Scope of Work; Increase of Grant Funds to $20,000
3. Retail Liquor License Renewal; Crested Butte LLC dba Ice Bar/Rest Twister Warming HSE; July 15, 2018 – July 15, 2019
4. Development Improvements Agreement; Whetstone Industrial Park
5. Release of Development Improvements Agreement and Addendums Thereto for Horse River Ranch, Tract A
6. Colorado Department of Public Health and Environment Task Order Amendment #2; Routing #19 FEFA 109348; Retail Food Establishments Standards Enforcement
7. **Pulled for Further Discussion:** Acknowledgement of County Manager's Signature; Colorado Housing & Finance Authority; Automatic OCAF Rent Increase; Mountain View Apartments CO99H001099/10135339

Consent Agenda Item #7; Acknowledgement of County Manager's Signature; Colorado Housing & Finance Authority; Automatic OCAF Rent Increase; Mountain View Apartments CO99H001099/10135339: Commissioner Messner requested more information on why the rent was being increased. CM Birnie explained the increase and why it happens due to the Housing and Urban Development Department guidelines. **Moved** by Commissioner Messner, seconded by Commissioner Chamberland to approve Consent Agenda Item #7; Acknowledgement of County Manager's Signature; Colorado Housing & Finance Authority; Automatic OCAF Rent Increase; Mountain View Apartments CO99H001099/10135339.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. National Forest Foundation Trail Crew Funding: CM Birnie discussed the remaining fund balance in the Local Marketing District fund. He gave stated there would possibly be funding in the Commissioners discretionary fund for this project.

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

1. DCM Crosby stated that the Mag Chloride work will be completed next week.
2. Public works completed a road inspection on the quarry road in Marble. DCM Crosby reported on the operations at the quarry.
3. DCM Crosby met with a contractor for setting out 12th street in Irwin.

Lot Cluster Request; Lots 5 & 6 Staples East River; Robert & Theresa Harper:
Administrative Services Manager Beth Baker was present for the discussion. She explained the location of the lots and why the owners would like to cluster their lots. The Board did not have any questions on this item. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Lot Cluster Request; Lots 5 & 6 Staples East River; Robert & Theresa Harper**.** Motion carried unanimously.

Townhome Plat Approval; Elcho IV Townhomes; Units 3 & 4, Lots 11 & 12, Block 2, Crested Butte South – First Filing:
Community and Economic Development Assistant Director Neal Starkebaum was present for the discussion. The Board did not have any questions on this item.
Moved by Commissioner Houck, seconded by Commissioner Messner to approve the Townhome Plat; Elcho IV Townhomes; Units 3 & 4, Lots 11 & 12, Block 2, Crested Butte South – First Filing. Motion carried unanimously.

Petition for Abatement or Refund of Taxes; Property Tax Years 2016 & 2017; R001699, Lots 13-23 BLK 52 First Addition #641478; PPI Gunnison LLC.:
Senior Appraiser Analyst William Spicer was present for the discussion. The petitioner was not present and did not participate my telephone. SAA Spicer explained the statuary language dealing with this property and because it is over $10,000 then it needs to have Board Approval. SAA Spicer stated that according to the statute the savings would need to be passed through to the tenant. The property is leased to Gunnison Valley Hospital and because of this SAA explained the need for the abatement and subsequent reduction of rent for the hospital. The Board stated they would only like to give the abatement if there is something to ensure the savings will be passed to the tenant. The Board elected to table this item until future meeting after the County Attorney's Office can look into this issue further.

Resolution; Amending the Workforce Housing Linkage Fees:
Community and Economic Development Director Cathie Pagano and Community and Economic Development Assistant Director Neal Starkebaum were present for the discussion. CEDAD Starkebaum explained the update and stated the fess were last updated in 2012. The methodology for the increase will be updated annually. CEDAD Starkebaum discussed the increase in the fees and gave an example to the Board of what the proposed fees would be for an example home. CEDD Pagano discussed the exemptions to the linkage fees that are available. Gunnison Valley Regional Housing Authority Executive Director Jennifer Kermode was present and stated the Housing Authority agrees with the proposed updates.
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution 2018-22; Amending the Workforce Housing Linkage Fees. Motion carried unanimously.

The Board took a break at 9:13 am and the meeting resumed at 9:16 am.

Resolution; Consenting to the Calling of an Election by the Gunnison Valley Regional Housing Authority on November 6, 2018:
Gunnison Valley Regional Housing Authority Executive Director Jennifer Kermode and Gunnison Valley Housing Foundation Representative Darren Higgins were present for the discussion. Ms. Kermode stated that the Housing Authority is asking for permission to place a measure on the ballot this fall asking for 1.5 mill levy increase for 10 years and then lowering after 10 years. All other jurisdictions have approved this for the ballot. The Board stated that they believe the voters should be able decide by a vote this fall. Navid Navidi was present in the audience and asked to not send measure to the voters. Mr. Navidi explained why he did not believe the measure should be on the ballot and gave solutions to the current issues in Gunnison. Peter Caloger was also present in the audience and explained why he believes the lower tax assessment on short term rentals is the problem. Chairperson Chamberland stated he agreed with Mr. Caloger and the County is working on getting short term rentals assessed at a higher rate than the residential rate they are currently assessed at. Chairperson Chamberland also stated he understands what Mr. Navidi was saying and he believes that the problem is the affordability of living in Gunnison County. Mr. Navidi stated he believed that the issue is not affordability of housing but the lack of housing and if the market was not so tight that prices of home would decrease. Commissioner Houck explained his opinions on government subsidy for housing and most likely any tax increase will be passed through to the tenant and not just burden the property owners. Commissioner Messner stated he did not believe this is the right way to fund the Housing Authority but believes it is right thing to go to the voters on this issue.
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution 2018-23; Consenting to the Calling of an Election by the Gunnison Valley Regional Housing Authority on November 6, 2018. Motion carried unanimously.

Executive Session; Pursuant to C.R.S. 24-6-402(4)(b) Attorney-Client Privileged and Work Product Protected Discussion with County Attorney and/or Deputy County Attorney Regarding *Kane County v. U.S.* Pending Class Action, Including but not Limited to Whether Gunnison County Should opt into the Certified Class:
Moved by Commissioner Houck, seconded by Commissioner Messner to enter an executive session Pursuant to C.R.S. 24-6-402(4)(b) Attorney-Client Privileged and Work Product Protected Discussion with County Attorney and/or Deputy County Attorney Regarding *Kane County v. U.S.* Pending Class Action, Including but not Limited to Whether Gunnison County Should opt into the Certified Class. In attendance would be the Board of County Commissioners, County Manager Matthew Birnie and Deputy County Attorney Matthew Hoyt. Motion carried unanimously.
The board went into executive session at 9:42 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: _____ _____

Matthew Hoyt
Deputy 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 session. Motion carried unanimously**.** The Board came out of executive session at 9:52 am. Chairperson Chamberland 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.
Moved by Commissioner Houck, seconded by Commissioner Messner to choose to opt in to the class action suit of *Kane County v. U.S* and directed the Deputy County Attorney to keep the Board advised of the progress. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

COMMISSIONER ITEMS:

Commissioner Messner:

1. Commissioner Messner discussed the upcoming BLM oil and gas lease sales in the north fork and the effects it may have on the North Fork Coal Mine Methane Working Group and its members.
2. Commissioner Messner had a follow up meeting with Delta County members regarding the Coal Mine Methane Working Group. Commissioner Messner and Delta County representatives will meet with mine owners in the near future.
3. A sub group meeting of Sustainable Tourism and Outdoor Recreation Committee is scheduled for this Friday. Messaging, principals and branding will be topics of the meeting.
4. Commissioner Messner stated that a presentation by the Forest Service at the next Sustainable Tourism and Outdoor Recreation Committee meeting regarding proposed fees for forest use.
5. There is a meeting next Tuesday with the Department of Natural Resources and Colorado Parks & Wildlife regarding potential projects.
6. Commissioner Messner gave a recap on the most recent Community Builders Task Force meeting.

Commissioner Houck:

1. Commissioner Houck wanted to make the Board aware that he has applied for the Bureau of Land Management Regional Advisory Committee.
2. Commissioner Houck attended the all-county meeting in Montrose regarding the forest plan revision. The topics of the meeting were discussed including the new process the Forest Service is using in the plan revision.

ADJOURN: **Moved** by Commissioner Houck to adjourn the meeting. The meeting adjourned at 10:36 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

DRAFT

_____
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 THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2018-22

A RESOLUTION AMENDING THE WORKFORCE HOUSING LINKAGE FEES

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") amended the Gunnison County Land Use Resolution and enacted a Workforce Housing Fee (also known as the "Linkage Fee") on June 13, 2006 through Resolution No: 06-44; and

WHEREAS, the Board amended certain portions of the Workforce Housing Fees, by resolution or motion, on March 4, 2008 and April 1, 2008 and June 2, 2009 and February 21, 2012; and

WHEREAS, the Board intends to adopt the methodology of calculation for updating the Workforce Housing Linkage Fee, as identified in the report titled Gunnison County Workforce Housing Linkage Fees Update, prepared by RRC Associates, dated May 1, 2018 and the Excel document titled Steps For Updating the Workforce Housing Linkage Fees and Workforce Housing Linkage Fees; and

WHEREAS, the Board determines that such update and amendment to the fee structure is in the best interest of the community; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that:

1. The amended Workforce Housing Linkage Fees, as identified in the Excel document titled Steps For Updating the Workforce Housing Linkage Fees and Workforce Housing Linkage Fees attached hereto and incorporated herein as "Appendix A", is hereby is adopted.

2. The Community Development Department shall update the Workforce Housing Linkage Fees, using the adopted calculation methodology, by the end of May, annually.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted on this 3rd day of July, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2018 - 23

A RESOLUTION CONSENTING TO THE CALLING OF AN ELECTION BY THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY ON NOVEMBER 6, 2018

WHEREAS, Gunnison County, Colorado (the "County") is a duly created and organized county existing under the Constitution and the laws of the State of Colorado (the "State"); and
WHEREAS, the Board of County Commissioners of the County (the "Board of County Commissioners") is the governing body of the County; and

WHEREAS, the City of Gunnison, Colorado ("Gunnison") is a municipal corporation duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State; and

WHEREAS, the Town of Crested Butte, Colorado ("Crested Butte") is a municipal corporation duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State; and

WHEREAS, the Town of Mt. Crested Butte, Colorado ("Mt. Crested Butte" and, together with the County, Gunnison, and Crested Butte, the "Contracting Members") is a municipal corporation duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State; and

WHEREAS, pursuant to Section 18 of Article XIV of the Colorado Constitution and Section 29-1-204.5, Colorado Revised Statutes (the "Act"), the Contracting Members, created the Gunnison Valley Regional Housing Authority (the "Authority"), which Authority operates pursuant to the Act and an intergovernmental agreement establishing the Authority, as amended (the "Contract"); and

WHEREAS, the governing bodies of each of the Contracting Members (the "Governing Bodies") have heretofore approved the Contract for the Authority; and

WHEREAS, the Board of Directors of the Authority has determined that public interest and necessity require an increase in ad valorem property taxes within the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects or programs pursuant to a multi-jurisdictional plan (the "Projects");

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any tax increase; and

WHEREAS, pursuant to Sections 29-1-204.5 (7.5), C.R.S., no tax increase shall take effect unless first approved by the registered electors of the Authority; and

WHEREAS, Section 29-1-204.5(2)(f.2), C.R.S. provides that the Authority, subject to an election, may levy an ad valorem property tax not exceeding five mills on each dollar of valuation for assessment of the taxable property within the Authority; and

WHEREAS, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

WHEREAS, November 6, 2018 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, pursuant to Section 4.2 of the Contract, the Authority shall not establish or increase any tax unless first submitted to a vote of the registered electors of the Authority and obtain prior written consent of the Contracting Members; and

WHEREAS, the Board has requested that each of the Contracting Members consent to the Authority submitting a ballot issue to the voters of the Authority at the November 6, 2018 election; and

WHEREAS, it is necessary for the governing bodies of the Contracting Members to consent to the calling of the election by the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Board of County Commissioners and the officers of the County, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 2. The Board of County Commissioners hereby consents to the participation of the Authority in an election to be held on November 6, 2018, in the manner prescribed by resolution of the Authority attached hereto as Exhibit A.

Section 3. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 4. All orders, resolutions, bylaws, ordinances or regulations of the County, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

Introduced and passed by a vote of 3 for and 0 against, of the Board of County Commissioners of Gunnison County, Colorado, this 3rd day of July, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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