

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
December 14, 2018**

The December 14, 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 (ABSENT)
Linda Nienhueser, Finance Program Director
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:

CALL TO ORDER: Chairperson Chamberland called the Gunnison County Housing Authority Special Meeting to order at 8:30 am.

2019 Gunnison County Housing Authority Budget Adoption:

- 1. Resolution; Adopting a Budget for the Gunnison County Housing Authority for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution #2018-002; A Resolution Adopting a Budget for the Gunnison County Housing Authority for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019. Motion carried.
- 2. Resolution; Appropriating Revenues for the Gunnison County Housing Authority for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**
Moved by Commissioner Houck, seconded by Commissioner Messner to approve Resolution #2018-003; A Resolution Appropriating Revenues for the Gunnison County Housing Authority for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019. Motion carried.

ADJOURN: Moved by Commissioner Houck to adjourn the Gunnison County Housing Authority Special Meeting. The meeting adjourned at 8:32 am.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

CALL TO ORDER: Chairperson Chamberland called the Gunnison River Valley Local Marketing District meeting to order at 8:32 am.

2019 Gunnison River Valley Local Marketing District Budget Adoption:

- 1. Resolution; Adopting a Budget for the Gunnison River Valley Local Marketing District for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution #2018-1; A Resolution Adopting a Budget for the Gunnison River Valley Local Marketing District for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019 as presented. Motion carried.
- 2. Resolution; Appropriating Revenues for the Gunnison River Valley Local Marketing District for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution #2018-2; A Resolution Appropriating Revenues for the Gunnison River Valley Local Marketing District for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019 as presented. Motion carried.

ADJOURN: Moved by Commissioner Houck to adjourn the Gunnison River Valley Local Marketing District Special Meeting. The meeting adjourned at 8:33 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING:

CALL TO ORDER: Chairperson Chamberland called the Gunnison County Board of County Commissioners Special Meeting to order at 8:33 am.

2019 Gunnison County Budget Adoption:

- 1. Resolution; Adopting a Budget for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution #2018-48; A Resolution Adopting a Budget for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019 as presented. Motion carried.
- 2. Resolution; Appropriating Revenues of the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**

Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution #2018-49; A Resolution Appropriating Revenues of the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019 as presented. Motion carried.

3. **Resolution; Setting the Mill Levy for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019:**

Moved by Commissioner Houck, seconded by Commissioner Messner to approve Resolution #2018-50; A Resolution Setting the Mill Levy for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2019 and Ending December 31, 2019 as presented. Motion carried.

BREAK: The Board recessed at 8:34 am. The meeting resumed at 10:00 am.

Golden Eagle Trash Service Appeal:

Community & Economic Development Director Cathie Pagano and County Attorney David Baumgarten were present for the discussion. Alphonse & Carolyn Tamarcaz and their Attorney, Michael Dawson, were present. The Bodine family and members of the public were also present. Attorney Dawson asked that the Board disclose for the record, any personal relationship they have with the Bodine family. Both Commissioner Houck and Messner explained their relationship with both the Tamarcaz and Bodine families. Chairperson Chamberland inquired whether Commissioner Houck or Messner had any additional questions for staff. Neither Commissioner had any additional questions. Chairperson Chamberland explained that he is not in favor of reversing the Planning Commission’s decision. Commissioner Messner and Houck explained why they disagreed with Commissioner Chamberland. Chairperson Chamberland allowed both parties an opportunity to speak following their deliberation. Community and Economic Director Pagano explained the changes made to the decision document and Resolution.

Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution 2018-51; A Resolution Reversing the Gunnison County Planning Commission Decision on the Golden Eagle Trash Services, LLC Application (LUC-18-00017) and Denying the Application. Chairperson Chamberland opposed. Motion carried.

ADJOURN: Moved by Commissioner Houck, seconded by Chairperson Chamberland to adjourn the meeting. The Gunnison County Board of County Commissioners meeting adjourned at 10:48 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

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2018-002**

**A RESOLUTION ADOPTING A BUDGET FOR THE
GUNNISON COUNTY HOUSING AUTHORITY
FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of the Gunnison County Housing Authority did on the 11th day of December, 2018, consider a proposed budget covering the fiscal operations of the County of Gunnison for fiscal year 2019; and

WHEREAS, public notice of such budget hearing was published as required by law on October 25, 2018 and November 30, 2018; and

WHEREAS, the Board of the Gunnison County Housing Authority, after considering the proposed budget at said public hearing and after considering public comment, did take into consideration the public comment in developing the final budget; and

WHEREAS, all expenditures budgeted by the Board of the Gunnison County Housing Authority have been matched by projected income so that the total means of financing the budget is at least equal to or greater than the amount of the proposed expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority, that the budget of the fiscal year beginning January 1, 2019, and ending December 31, 2019, which was considered at the public hearing on December 11, 2018, and finally accepted by the Board on the 14th day of December, 2018, be and the same hereby is approved and adopted as the budget for the Gunnison County Housing Authority for the fiscal year 2019 beginning January 1, 2019, and ending December 31, 2019.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

GUNNISON COUNTY HOUSING AUTHORITY

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

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2018-003**

**A RESOLUTION APPROPRIATING REVENUES FOR THE
GUNNISON COUNTY HOUSING AUTHORITY
FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of the Gunnison County Housing Authority has adopted a budget for the fiscal year beginning January 1, 2019, and ending December 31, 2019, in accordance with the statutes of the State of Colorado,

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority, that the following sums of money or as much thereof as may be authorized by law and as may be needed or deemed necessary to defray all expenses and liabilities of the Gunnison County Housing Authority, be and the same hereby are appropriated for the lawful purposed and objectives of the Gunnison County Housing Authority during the 2019 fiscal year:

Gunnison County Housing Authority	<u>\$1,818,268</u>
Total Appropriations	<u>\$1,818,268</u>

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

GUNNISON COUNTY HOUSING AUTHORITY

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

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
RESOLUTION NO. 2018-1**

A RESOLUTION ADOPTING A BUDGET FOR THE

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of the Gunnison County River Valley Local Marketing District did on the 11th day of December, 2018, consider a proposed budget covering the fiscal operations of the County of Gunnison for fiscal year 2019; and

WHEREAS, public notice of such budget hearing was published as required by law on October 25 and November 30, 2018; and

WHEREAS, the Board of the Gunnison River Valley Local Marketing District after considering the proposed budget at said public hearing and after considering public comment, did take into consideration the public comment in developing the final budget; and

WHEREAS, all expenditures budgeted by the Board of the Gunnison River Valley Local Marketing District have been matched by projected income so that the total means of financing the budget is at least equal to or greater than the amount of the proposed expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison River Valley Local Marketing District, that the budget of the fiscal year beginning January 1, 2019, and ending December 31, 2019, which was considered at the public hearing on December 11, 2018, and finally accepted by the Board on the 14th day of December, 2018, be and the same hereby is approved and adopted as the budget for the Gunnison River Valley Local Marketing District for the fiscal year 2019 beginning January 1, 2019, and ending December 31, 2019.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT

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

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
RESOLUTION NO. 2018-2**

**A RESOLUTION APPROPRIATING REVENUES FOR THE
GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of the Gunnison River Valley Local Marketing District has adopted a budget for the fiscal year beginning January 1, 2019, and ending December 31, 2019, in accordance with the statutes of the State of Colorado,

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison River Valley Local Marketing District, that the following sums of money or as much thereof as may be authorized by law and as may be needed or deemed necessary to defray all expenses and liabilities of the Gunnison River Valley Local Marketing District, be and the same hereby are appropriated for the lawful purposes and objectives of the Gunnison River Valley Local Marketing District during the 2019 fiscal year:

Gunnison River Valley Local Marketing District	<u>\$2,033,981</u>
Total Appropriations	<u>\$2,033,981</u>

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2018-48**

**A RESOLUTION ADOPTING A BUDGET FOR THE COUNTY OF
GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado did on the 11th day of

December, 2018 consider a proposed budget covering the fiscal operations of the County of Gunnison for fiscal year 2019; and

WHEREAS, public notice of such budget hearing was published as required by law on October 25 and November 30, 2018; and

WHEREAS, the Board of County Commissioners, after considering the proposed budget at said public hearing did take into consideration the public comment in developing the final budget; and

WHEREAS, all expenditures budgeted by the Board of County Commissioners have been matched by projected income so that the total means of financing the budget is at least equal to or greater than the amount of the proposed expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the budget of the fiscal year beginning January 1, 2019 and ending December 31, 2019, which was considered at the public hearing on December 11, 2018, and finally accepted by the Board on the 14th day of December, 2018, be and the same hereby is approved and adopted as the budget for the County of Gunnison, Colorado, for the fiscal year 2019 beginning January 1, 2019, and ending December 31, 2019.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2018-49**

**A RESOLUTION APPROPRIATING REVENUES OF THE COUNTY OF
GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted a budget for the fiscal year beginning January 1, 2019, and ending December 31, 2019, in accordance with the statutes of the State of Colorado:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following sums of money or as much thereof as may be authorized by law and as may be needed or deemed necessary to defray all expenses and liabilities of the County, be and the same hereby are appropriated for the lawful purposes and objects of the County of Gunnison during the 2019 fiscal year:

General Fund	\$17,520,510
Road & Bridge Fund	5,750,970
Human Services Fund	4,220,392
Conservation Trust Fund	65,018
Sales Tax Fund	2,675,513
Land Preservation Fund	705,300
Mosquito Control District Fund	98,225
Sage Grouse Trust Fund	62,200
Risk Management Fund	160,850
Public Health Agency Fund	1,061,100
Public Trustee Agency Fund	95,911
Airport Construction Fund	1,828,943
Capital Expenditures Fund	16,555
Debt Service Fund	1,988,783

Airport Operations Fund	1,391,929
Gunnison County Sewer District Fund	681,345
Gunnison County Water District Fund	408,430
Solid Waste Fund	1,068,571
Gunnison Valley Health Fund	47,922,913
Gunnison Valley Transportation Authority	4,967,150
Internal Service I Fund	2,956,915
Internal Service II Fund	849,577
Internal Service III Fund	<u>2,924,797</u>
TOTAL APPROPRIATIONS	<u>\$99,421,897</u>

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2018-50**

**A RESOLUTION SETTING THE MILL LEVY FOR THE COUNTY OF
GUNNISON, COLORADO, FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has adopted a budget for the fiscal year beginning January 1, 2019, and ending December 31, 2019, in accordance with the statutes of the State of Colorado, which budget includes revenues from ad valorem taxes; and

WHEREAS, the Board of County Commissioners has also appropriated the necessary revenues for the said 2019 fiscal year as authorized by law in accordance with the statutes of the State of Colorado; and

WHEREAS, the Gunnison County Assessor has certified the 2018 total net assessed valuation of \$593,447,160;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following mill levies are hereby established and levied upon the total valuation for assessment of all taxable property within Gunnison County for the fiscal year 2018:

	General Operating	Tax Abatement	Total
General Fund	13.686	.056	13.742
Hospital Fund (GHCC)	1.264	.005	1.269
Library Fund	1.596	.007	1.603
Human Services Fund	<u>0.529</u>	<u>.002</u>	<u>0.531</u>
	17.075	.070	17.145
Total Mill Levy			<u>17.145</u>

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 14th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2018 - 51**

**A RESOLUTION REVERSING THE GUNNISON COUNTY PLANNING COMMISSION DECISION ON
THE GOLDEN EAGLE TRASH SERVICES, LLC APPLICATION (LUC-18-00017) AND DENYING THE
APPLICATION**

WHEREAS, Golden Eagle Trash Service, LLC applied for a Land Use Change permit (LUC-18-00017) to operate the Golden Eagle Trash Service business at a site described as 690 County Road 18, approximately one mile

northwest of the City of Gunnison, legally described as the NW1/4SW1/4 Section 3, Township 49 North, Range 1 West, NMPM.

On September 21, 2018 the Gunnison County Planning Commission approved a minor impact Land Use Change permit for Golden Eagle Trash Services, LLC to conduct a commercial operation on the subject parcel (described above).

The Gunnison County *Land Use Resolution*, Section 8-103: *Appeals*, identifies the actions that may be appealed to the Board of County Commissioners, requirements for standing to appeal, the process for submittal and review of an appeal, the actions the Board is authorized to take, and the bases upon which action can be taken regarding those appeals.

On October 5, 2018 the Golden Eagle Trash Services decision was appealed by Ken and Rain Bodine, Lee Spann, Marielle and Rodney Rogers, and Jake Stone, in compliance with Gunnison County *Land Use Resolution*, Section 8-103: B. *Standing to Appeal*. The appellants submitted a written appeal dated October 5, 2018.

The County prepared the record of the initial decision-making body (Gunnison County Planning Commission). Transcripts of all Gunnison County Planning Commission meetings on the Golden Eagle Trash Services, LLC Land Use Change application were prepared and are included as part of the record.

The Board of County Commissioners held a work session on the appeal on October 16, 2018 and had the option per the Gunnison County *Land Use Resolution* Section 8-103: C.2.b.1. to conduct a public hearing. The Board determined that additional testimony or evidence submitted at a public hearing would be significant and might have an impact on the Board's final decision. The Board also decided to conduct a site visit as part of the public hearing.

The public hearing and site visit were held on November 29, 2018. The Board visited the subject parcel and reviewed the proposed location of the buildings and access roads, along with views from nearby properties. The Board has considered the record and all of the evidence submitted at the public hearing.

WHEREAS, the Gunnison County *Land Use Resolution*, Section 1-103: *Purposes*, identifies the purposes the *Land Use Resolution* is intended to achieve and among these are:

Protect the heritage of our rural character.

Provide for orderly use of land.

Preserve neighborhood character.

Promote compact development pattern.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners having reviewed the documentation submitted to the County within the Community Development file relative to this application, including exhibits, references and documents as included therein, and the testimony and discussion at the public hearing, finds:

1. The Gunnison County Planning Commission erroneously found that the proposed location was well-suited to the specific use because:
 - "The site is located in an existing mixed-used residential/commercial neighborhood.
 - The nature of the business requires a large area for the parking of trucks and equipment associated with the business.
 - The site provides the ability to minimize impacts to the neighborhood.
 - The County Road access and traffic generated by the use has been determined to be adequate for this type of truck traffic.
 - The existing residence allows for conversion to an office for the business.
 - The location does not create significant impacts to Gunnison Sage-grouse.
 - Proximity to client base for the specific use within the City of Gunnison and surrounding areas."
2. The Planning Commission did not appropriately apply the alternative locational standards in that there are sites reasonable attainable in or adjacent to the nearest municipality or existing permitted business or industrial park.
3. The development of a commercial use in this neighborhood may set a future precedent by which additional future commercial uses could be viewed as compatible under Gunnison County regulations.
4. There are legal nonconforming uses in the vicinity of the subject parcel. Nonconforming uses include Gunnison Alpine Contractor's use of two parcels for commercial storage, trucking, and hauling operations and the Gunnison Sportsman's Association Gun Club which is a recreational shooting range. The legal nonconforming uses do not establish a basis by which a determination can be made of suitable uses pursuant to Section 10-104: C.1.c.
5. The proposed use does have significant net adverse effects including negative economic impacts to property values, negative aesthetic impacts to the neighborhood and increased noise and traffic from the proposed commercial operation.
6. The appellants, jointly, individually, and together have standing.

7. The appellants have met their burden on appeal under the Gunnison County *Land Use Resolution*.

NOW, THEREFORE, THE BOARD DETERMINES:

1. The original action was inconsistent with the applicable requirements of the Gunnison County *Land Use Resolution*.

The Planning Commission erroneously found that the proposed location was well-suited to the specific use because the site is located in an existing mixed-use residential/commercial neighborhood. The Planning Commission should not have considered legal nonconforming uses in determining the suitability of the site.

The proposed use will have a significant net adverse effect on adjacent land uses, County or other infrastructure, or public health, safety, or welfare, or the environment.

The Planning Commission did not appropriately apply the alternative locational standards in that there are sites reasonable attainable in or adjacent to the nearest municipality or existing permitted business or industrial park.

The Planning Commission exceeded its jurisdiction in that:

The Planning Commission erroneously found that the proposed location is well-suited to the specific use because the site is located in an existing mixed-use residential/commercial neighborhood. The Planning Commission should not have considered legal nonconforming uses in determining the suitability of the site.

The proposed use will have a significant net adverse effect on adjacent land uses, County or other infrastructure, or public health, safety, or welfare, or the environment.

The Planning Commission did not appropriately apply the alternative locational standards in that there are sites reasonable attainable in or adjacent to the nearest municipality or existing permitted business or industrial park.

The September 21, 2018 Planning Commission Decision on Golden Eagle Trash Services, LLC (LUC-18-00017) is reversed.

THIS RESOLUTION AND THE REVERSAL ISSUED 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 Messner, seconded by Commissioner Houck, and adopted on this 14th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – no; Houck – yes; Messner – yes.