

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 23, 2007**

The January 23, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse (unless noted below). Present were:

Hap Channell, Chairperson	Marlene Crosby, Interim County Manager
Paula Swenson, Vice-Chairperson	Kelly Balch, Clerk to the Board
Jim Starr, Commissioner	Keri Hodgins, Admin. Assist. III
Others Present As Listed In Text	

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:35 a.m. at the Gunnison County Library, 307 North Wisconsin, Gunnison.

- The first portion of the Minutes were prepared by Kelly Balch

LIBRARY SITE ACQUISITION: This portion of the meeting was scheduled at the Library for the purpose of accepting a donation of land from Raymond Van Tuyl for the purpose of a new library site. Rufus Wilderson, attorney for Mr. Van Tuyl, was present and stated that Mr. Van Tuyl was not available for today's meeting.

In attendance were approximately 20 community members including representatives of the Library Board of Trustees, Friends of the Library, the Gunnison Area Community Foundation, and the broker who the County worked with to find a site available for a library.

Chairperson Channell explained that Mr. Van Tuyl is donating 6/7 of the \$350,000 appraised value of the 5.32 acre site. The remaining 1/7 will be paid by Gunnison County and then Mr. Van Tuyl is donating that amount to the Gunnison Area Community Foundation. Channell spoke of the significance of the philanthropic attitude toward the community displayed by Mr. Van Tuyl. He also said the Library Board has worked for many years towards this first step to develop a new Library for the entire community's enjoyment for this and future generations.

Marsha Rose of the Library Board, Mark Ewing of the Gunnison Area Community Foundation, Bonnie Baril and Dick Bratton all spoke about the significant donation and the ability to move forward to raise more funding towards a new Library facility.

Rufus Wilderson presented a check to the Gunnison Area Community Foundation in the amount of \$50,000, provided the Board of Commissioners with a gift letter regarding the donation, and he accepted a plaque from the County acknowledging Mr. Van Tuyl's generous donation.

Moved by Commissioner Starr, seconded by Commissioner Swenson to adopt Resolution #2007-01, A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FROM RAY VAN TUYL RANCHES, L.L.C. Motion passed unanimously. (*See Attachment to Minutes*).

The meeting recessed at the Library at 8:55 a.m.

REGULAR MEETING: Chairperson Channell called the meeting back to order at 9:15 a.m. in the Commissioners Meeting Room at the Courthouse.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the December 19, 2006 minutes as presented. Motion passed unanimously.

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the consent agenda items and authorize execution of those documents. Motion passed unanimously. The approved consent agenda items are as follows:

1. Ratify Letter of Support for Open Space & Parks Sales Tax Exemption Bill
2. Ratify Engagement Letter of Arnold & Porter LLP RE: HCCA v. Clark
3. Consulting Agreement with Dr. John Tarr for Public Health Services \$1000
4. IGA with Town of Pitkin Regarding 2007 Noxious Weed Control
5. Lot Cluster Agreement: Stephen Rules Lots 40 and 41 Blue Mesa Village
6. Memorandums of Agreement for 2007 Funding Contributions:
 - a. Upper Gunnison River Water Conservancy District- \$12,650.00
 - b. Colorado Legal Services- \$4,500
 - c. Gunnison Conservation District- \$2000

TRI STATE RESOLUTION: The Board held a work session on January 16 regarding opposition to the contract extension between Gunnison County Electric Association and Tri-State Generation and Transmission, due to concerns regarding coal fired plants. A resolution was reviewed and amended for today's meeting.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-02, A RESOLUTION REGARDING GUNNISON COUNTY ELECTRIC ASSOCIATION'S CONTRACT EXTENSION WITH TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. Motion passed unanimously. (*See Attachment to Minutes*).

INTERIM COUNTY MANAGER REPORTS: Interim County Manager Crosby reported that a press release was distributed to the papers regarding the hiring and start date for new County Manager Matthew Birnie.

NORTH GUNNISON SEWER: Interim County Manager Crosby reported that the County previously received funding from the Department of Local Affairs (DOLA) for the North Gunnison sewer project in the amount of a \$400,000 grant and a \$200,000 loan. It had been anticipated that some of the funding would go toward an extension of sewer to the North Valley Subdivision. That extension is currently not feasible, so Crosby asked DOLA if the remaining funds could be used toward four or five new short lateral extensions to users who will agree to tie onto the service. DOLA agreed to do so and as part of that project amendment there needs to be some change in the language to decrease the size of pipe described.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize signatures on the grant extension/amendment with the Department of Local Affairs regarding the North Gunnison Sewer project. Motion passed unanimously.

MESA AIRLINES: Interim County Manager Crosby is working on a letter from the Board to advise Mesa Airlines of traveler complaints regarding the late flights, and to reiterate the 10:30 curfew at the Gunnison/Crested Butte Regional Airport.

FEDERAL HIGHWAYS MEETING: Interim County Manager Crosby and Chairperson Channell will attend the Federal Highway Administration annual program meeting on February 13 when funding and priorities for the Taylor River Road project will be discussed.

EMPLOYEE APPRECIATION: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve and sign letters to County employees Scott Morrill and Randy Barnes commending them on their actions and assistance in response to the recent blizzard in southeastern Colorado. Motion passed unanimously.

LETTER OF SUPPORT: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to ratify the signature of Hap Channell on the letter sent via email to Rep. Jack Pommer regarding support of the community energy fund. Motion passed unanimously.

WATER RESOURCES PROTECTION FUND: A resolution was prepared by the County Attorney's Office regarding a funding allocation approved by the Board on December 19, 2006 for the consulting services of Randy See regarding oil and gas stormwater regulations.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-03, A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION FUND FOR WATER RESOURCE PROTECTION PURPOSES. Motion passed unanimously. (*See Attachment to Minutes*).

OIL AND GAS REGULATIONS: A resolution was prepared by the County Attorney's Office and available for the Board's review.

Moved by Commissioner Starr, seconded by Commissioner Swenson to adopt Resolution #2007-04, A RESOLUTION REINSTATING APPLICATION OF PORTIONS OF THE TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS. Motion passed unanimously. (*See Attachment to Minutes*).

GRANDSTANDS GRANT APPLICATION: Rodeo Grounds Manager Melody Roper presented a resolution requested by Great Outdoors Colorado regarding the acceptance of grant funding for the grandstands renovation project. The Board commended Roper for her work and persistence to get this project moving forward. Commissioner Starr asked about language in the grant agreement requiring the County to maintain and operate the grandstands for 25 years since there has recently been discussion about the possibility of moving the Rodeo Grounds at some future time. Interim County Manager Crosby said that if it happens it will be many years down the road, will require a large amount of money, and this restrictive language could be evaluated at that time if necessary.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-05, A RESOLUTION IN SUPPORT OF THE FRED R. FIELD WESTERN HERITAGE CENTER – GUNNISON COUNTY FAIRGROUNDS GRANDSTAND RECONSTRUCTION PROJECT AND AUTHORIZING THE EXECUTION OF THE GREAT OUTDOORS GRANT AGREEMENT AND EXPENDITURE OF FUNDS. Motion passed unanimously. *(See Attachment to Minutes)*.

REGION 10 SECOND HOMEOWNER STUDY: Commissioner Swenson reported that the Region 10 Director reallocated each County's contribution toward the Second Homeowner Study. Gunnison County had already contributed \$2500 and the new allocation was set at \$3123. Since the Town of Crested Butte already contributed toward this, Swenson asked Mt. Crested Butte and the City of Gunnison to contribute and their manager's agreed to split the \$623 remaining.

SCHEDULING: Upcoming meetings were reviewed and scheduled.

BREAK: The meeting was recessed from 10:05 a.m. to 10: 20 a.m.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the monthly warrants, transfers, and sales tax report.

Moved by Commissioner Starr, seconded by Commissioner Swenson to approve warrants and transfers of the report dated January 23, 2007 in the total amount of \$1,614,585.00. Motion passed unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the cash transfer authorization for December, 2006 in the total amount of \$2,051,899.23. Motion passed unanimously.

OUT OF STATE TRAVEL: Finance Director Nienhueser requested authorization to attend a conference in San Diego from February 4-7 regarding the Kintera Fundware used in that department. The conference host offered to waive her registration fee.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the requested out-of-state travel in an amount of up to \$1200. Motion passed unanimously.

TREASURER RESOLUTIONS: Finance Director Nienhueser presented the annual resolutions required for allocations and distributions of certain interests and tax monies.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-06, A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS. Motion passed unanimously. *(See Attachment to Minutes)*.

Moved by Commissioner Starr, seconded by Commissioner Swenson to adopt Resolution #2007-07, A RESOLUTION DIRECTING THE GUNNISON COUNTY TREASURER TO DISTRIBUTE SPECIFIC OWNERSHIP TAX MONIES AMONG VARIOUS COUNTY FUNDS. Motion passed unanimously. *(See Attachment to Minutes)*.

TREASURER'S MONTHLY REPORT: Deputy Treasurer Darren Eicher presented the monthly report for review.

Moved by Commissioner Swenson, seconded by Commissioner Starr to accept the Treasurer's Report for December, 2006 and authorize the chairperson's signature. Motion passed unanimously.

It was noted that the January and February reports will both be reviewed in March.

COMMISSIONER MEETING REPORTS: Chairperson Channell recently attended a Gunnison City Council meeting on housing issues, and continues to attend meetings regarding a proposed sliding fee medical clinic. He is also working with employees who responded regarding their interest in being appointed to the Observatory Board.

Commissioner Swenson said she and County Attorney Baumgarten are in their second round of meetings with large landowners in the northern end of the valley. She said at the last meeting of the Animal Task Force the Animal Welfare League decided to hire a consultant to do a needs assessment.

HIDDEN MINE RANCH: County Attorney Baumgarten presented a draft resolution for Board consideration, which was requested by the Board following the January 9 public hearing and January 19 special meeting regarding the Hidden Mine Ranch LLC petition for waiver of

certain road standards and specifications. Commissioner Swenson recused herself from the decision in this matter since she was absent from both of those meetings. She will remain in the room for the discussion.

County Attorney Baumgarten stated that the approval of a road waiver is a discretionary action of the Board of Commissioners and certain criteria must be met before a waiver can be approved. He summarized the criteria and the Board's findings. Chairperson Channell noted that although the public hearing in this matter has been closed he will allow some public comment regarding the draft resolution.

Ted Colvin believes that Hidden Mine Ranch is being granted something they didn't have before and this will damage Whetstone Mountain Ranch, it will be impossible for Hidden Mine Ranch to keep snow storage within the 60 foot right-of-way, and the safety of persons in Whetstone will be compromised. He urged the Board to not approve this petition for waiver.

Chuck Cliggett, attorney on behalf of Hidden Mine Ranch, stated that the petitioner does have a legal access easement and the 80 foot requirement was put in place by the County after that easement agreement was executed by former owners of the properties.

Commissioner Starr commented that this area has historically been a challenge for the different owners of the large parcels. He will choose to approve this waiver in the interest of safety and the environment because: 1) Whetstone Mountain Ranch has the use of all but 335 feet of Smith Road for its own uses and that road must be maintained by the parties now and in the future for the safety of those using the road; and 2) The environmental impacts if Hidden Mine Ranch must put in a new road at another location. He found there to be sufficient evidence for all of the criteria required for a road waiver, and decided it would be appropriate for the Board to exercise its discretionary authority of approval.

Chairperson Channell added that many issues have been raised repeatedly throughout the public hearing process regarding this petition and he feels there is sufficient evidence on the criteria and of the petitioner's access easement and mutual agreement pertaining to the responsibilities of both Whetstone Mountain Ranch and Hidden Mine Ranch to jointly maintain the road.

Moved by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2007-08, A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY HIDDEN MINE RANCH, LLC, FOR SMITH ROAD, OVER WHETSTONE MOUNTAIN RANCH. Motion passed. Commissioner Swenson abstained. (*See Attachment to Minutes*).

BREAK: The meeting was recessed for lunch from 11:20 a.m. to 1:00 p.m.

- The remainder of the Minutes were prepared by Keri Hodgkin

TOWN OF CRESTED BUTTE REQUEST FOR REVIEW EXTENTION, WHETSTONE: Planning Director Joanne Williams informed the Board that the Town of Crested Butte had requested a seven day extension of the Town's review response regarding Whetstone Business Park Preliminary Plan. She noted that the applicant has approved the extension and requested the Board approve it as well.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the Town of Crested Butte's request for extension of the Town's review response regarding Whetstone Business Park Preliminary Plan. Motion passed unanimously.

SPRING ROAD CLOSURES TO PROTECT SAGE-GROUSE HABITAT: Interim County Manager Marlene Crosby noted that the resolution approved by the Board last year was non-expiring. She asked that it be re-adopted with a date change of May 15th for the opening date in order for the closures to coincide with BLM's opening dates. She said some property owners have been selected for notification by letter.

Moved by Commissioner Swenson, seconded by Commissioner Starr to authorize adoption of Resolution #2007-09, A RESOLUTION AUTHORIZING TEMPORARY ROAD CLOSURE OF CERTAIN ROADS WITHIN THE COUNTY OF GUNNISON, COLORADO FOR PROTECTION OF GUNNISON SAGE GROUSE. Motion passed unanimously.

OPPORTUNITITES FOR SAGE-GROUSE HABITAT RESTORATION PROJECTS ON PRIVATE LANDS: Sage-grouse Conservation Coordinator Jim Cochran reported that the Gunnison Basin Sage-grouse Strategic Committee has requested a Public Meeting sponsored jointly with the Board of County Commissioners to discuss possible sage-grouse habitat

restoration projects on private lands. Commissioner Starr said that group realizes that the county has had to discuss sage-grouse issues in a regulatory fashion and would like to discuss ways for land owners to benefit from working with the county for the benefit of the sage-grouse. He added that there was a need to build a 'shelf' of projects which can be listed in funding requests. Cochran said some land owners might be nervous about coming under more scrutiny if they demonstrate a presence of the species on their land. He hoped this meeting can be a positive approach which will help dispel that notion as well as prevent the need to scramble for projects should funding become available. He cited an example where a grant opportunity was recently passed on because there was not a private land project ready to go.

Cochran said that committee member Erich Ferchau is a strong proponent of volunteer land owner participation and thinks this is the type of forum where land owners could ask what kind of projects might be possible. Marlene Crosby said the Sage-grouse Mitigation Fund could be used for some of these projects. Cochran said the Strategic Committee would like to hold the meeting on the evening of March 7th. Committee member John Scott said this would be a great educational opportunity. Lee Spann suggested prioritizing any project list so that money is spent where the birds are located.

Moved by Commissioner Swenson, seconded by Commissioner Starr to request up to \$500.00 from the Sage-grouse Mitigation Fund from the Sage-grouse Mitigation Committee to be used for advertising, refreshments and administrative costs for this meeting. Commissioner Swenson requested that the advertising say "sponsored by the Sage-grouse Mitigation Committee in conjunction with the Gunnison Basin Sage-grouse Strategic Committee". Motion passed unanimously.

PROPOSED AMENDMENTS TO GUNNISON COUNTY LUR: Planning Director Joanne Williams presented the Planning Commission recommendations regarding proposed amendments to Gunnison County LUR including the addition of sage-grouse language to replace temporary regulations. She handed out an addition to the list of mitigations on Page 8. She said the proposed amendments would include changes to three specific sections.

1. Definitions
2. The maps used to identify wildlife habitat
3. The changes to Sec. 11-106 Protection of Wildlife Habitat Areas

She said a good deal of the Sage-grouse Protection Temporary Regulations was incorporated into the Protection of Wildlife Habitat Areas section of the LUR. A Public Hearing is required in order to amend the Land Use Regulations. She said the earliest the Public Hearing could be scheduled for is March 6th.

Moved by Commissioner Swenson, seconded by Commissioner Starr to set a Public Hearing for the proposed amendments to the Gunnison County LUR for March 6th at 4:00 p.m. Motion carried unanimously. The Planning Department was instructed to take care of public notice.

Planning Commission Chairperson, Ian Billick recommended that language be included which addresses how often the regulations would be re-visited and noted that if the sage-grouse population was recovered or dies off the regulations will need to be revisited. Commissioner Starr requested that county staff have a resolution prepared prior to the hearing and add 'with possible action' to the public notice. Cochran suggested that the Gunnison Basin Sage-grouse Strategic Committee provide some input to the Planning Department for that draft resolution. Strategic Committee member Sue Navy cautioned creating something which would have a 'yo-yo' effect and noted that if recovery happens due to the regulations, you may not want to back off those regulations.

SAGE-GROUSE INCENTIVE REVIEW PROCESS: Jim Cochran said the county has been developing an incentive review process for those parcels which are 35 acres and larger which do not come under the review process when being subdivided. He said impact mitigation is a lot more effective before large parcels get split up. He summarized the ideas discussed so far and asked the Board to give him direction for working on this. He stressed the importance of this being incentive based. There was discussion about vested property right potential being part of the incentives. Planning Director Joanne Williams said the problem would be that it would be a vested property right simply for the location of the habitat in proximity to the leks and would not include anything related to wetlands or geology. She said she could discuss the possibility of a single vested property right with the County Attorney. Cochran said the incentives would have to be good enough to outweigh the ability to quickly make money by creating 35 acre parcels. Ian Billick said the Planning Commission supports the idea and would recommend it be a simple process which does not involve coming before the Planning Commission.

Lee Spann expressed concern that the review might become mandatory rather than optional. Commissioner Swenson said she does not envision it becoming mandatory and said she sees this as a positive tool for the land owner to have a more productive planning process and get the best

value for their lots when they subdivide. Strategic Committee member John Scott said people tend to think that the Candidate Conservation Agreement with Assurance (CCAA) process as being for ranches but it may be a viable option for someone wanting to divide a large piece of land. They would get that twenty year agreement with the Fish & Wildlife Service and the Division of Wildlife that would give some assurance of being able to do what they wanted to do, even if the bird got listed. Cochran noted that people he's dealt with are less concerned about county regulations than the long term implications of the species being listed.

Planning Commission member Ramon Reed said this would speed up the review that the Planning Commission already does for driveways, wetlands, etc. Ian Billick suggested crafting something that doesn't cause problems with tax benefits for easements.

Moved by Commissioner Starr, seconded by Commissioner Swenson to have staff, particularly Jim Cochran, Joanne Williams and David Baumgarten proceed with drafting language for the LUR that would implement the items listed in Jim Cochran's January 17, 2007 discussion paper and the comments made today. Motion passed unanimously.

BREAK: The meeting was recessed from 2:34 to 3:00.

GUNNISON COUNTY HOUSING AUTHORITY CONVEYANCE OF PROPERTY TO HABITAT FOR HUMANITY: The Board of Commissioners meeting remained recessed and a meeting of the Gunnison County Housing Authority was called to order at 3:00. Housing Director Denise Wise presented a plat and resolution and asked for a conveyance of Lots 19A and 19B of Rock Creek to Habitat for Humanity, contingent upon the County Attorney's review of the documents. She noted that Habitat for Humanity was up against some hard deadlines for funding. Essential Housing Administrator Eileen McVicar said the duplex would be assimilated into the Rock Creek Home Owner's Association. She asked for signature approval for the Plat establishing the two lots, the Party Wall establishing the agreement for Habitat's ownership and their deed restrictions, and the warranty deed. County Attorney David Baumgarten said the plat needs some changes.

Moved by Commissioner Starr, seconded by Commissioner Swenson to approve the Special Warranty Deed, the Rock Creek Commons Phase 1A Common Interest Community Within Lot 22 Plat and the Party Wall Agreement for the units on that plat and authorize the Chairperson's signature after approval of those documents by the County Attorney's office. Motion passed unanimously.

There was discussion about the possibility of conveying the remaining parcels south of this to Habitat for Humanity. Wise recommended careful, strategic consideration and noted that the infrastructure cost has not been recouped. Commissioner Swenson recommended a work session to discuss the idea further. Rhonda Conaway with Habitat for Humanity answered some questions about their deed restrictions, depreciation caps, location of builds and how often they can build.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize occupancy of the units by Habitat for Humanity or their Designees subject to approval of a Hold Harmless Agreement for the Gunnison County Housing Authority and Gunnison County as approved by the County Attorney. Motion passed unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the Housing Authority meeting at 3:41 p.m. Motion carried unanimously.

The Board of County Commissioners meeting was reconvened at 3:41 p.m. There was some more discussion about the Request for Proposals that will soon be put out by the Housing Director and the need to hold a work session with her.

Marlene Crosby asked for ratification of her signature on a document she signed for the Rocky Mountain Biological Laboratory.

Moved by Commissioner Starr, seconded by Commissioner Swenson to ratify Interim Manager Marlene Crosby's signature to a grant application from the from Rocky Mountain Biological Laboratory to the Colorado Historic Society for preservation of the Barclay Cabin. Motion passed unanimously.

County Attorney Baumgarten recommended that the January 30th Public Hearing regarding Stallion Park and Buckhorn Ranch be cancelled.

Moved by Commissioner Swenson, seconded by Commissioner Starr to cancel the Public Hearing set for 1:00 p.m. on January 30th regarding Buckhorn Ranch and Stallion Park on

advise of counsel and authorize the County Attorney to notify those involved of the cancellation. Motion passed unanimously.

County Attorney Baumgarten shared a draft letter with the Commissioners regarding a Colorado Water Conservation Board (CWCB) bill.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the letter by County Attorney David Baumgarten to Representative Curry as amended regarding the CWCB Construction Bill and authorize signature by the Chairperson. Motion passed unanimously.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting at 4:00 p.m. Motion carried unanimously.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Kelly Balch, Deputy County Clerk

Keri Hodgkin Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS
ATTACHMENT TO MINUTES
OF RESOLUTION TEXT**

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 07-01**

**RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY
FROM RAY VAN TUYL RANCHES, L.L.C**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board" herein) has reviewed current and potential property needs of Gunnison County; and

WHEREAS, pursuant to C.R.S. § 30-11-101 and § 30-11-103, the Board has the authority to acquire and own real property; and

WHEREAS, the Board believes that acquiring the real property identified in Exhibit A attached hereto and incorporated herein would be in the best interests of the public.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Board acquire the real property identified in Exhibit A attached hereto and incorporated herein pursuant to that Contract To Buy And Sell Real Estate dated October 19, 2006 and the Agreement To Amend/Extend Contract dated December 22, 2006, between the Board and Ray Van Tuyl Ranches, L.L.C. The Board hereby ratifies any and all previous actions performed by the Board and its staff to accomplish that acquisition and directs its staff to take all appropriate action to accomplish that acquisition. Chairperson Hap Channell and/or Marlene Crosby and/or David Baumgarten are authorized to execute all necessary documents to accomplish that acquisition.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 23th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – yes; Starr – yes

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2007-02**

**A RESOLUTION REGARDING GUNNISON COUNTY ELECTRIC ASSOCIATION'S
CONTRACT EXTENSION WITH TRI-STATE GENERATION AND TRANSMISSION
ASSOCIATION, INC.**

WHEREAS, the demand for electricity in Gunnison County outside the city of Gunnison is met by the Gunnison County Electric Association, Inc., (GCEA);

WHEREAS, GCEA purchases the power it sells to its retail customers in Gunnison County from the Tri-State Generation and Transmission Association, Inc., (Tri-State);

WHEREAS, Tri-State proposes in its new draft resource plan (plan), published on 1/3/07, to build two new pulverized coal (PC) power plants totaling 1200 megawatts of capacity, instead of three such plants totaling 2100MW, which it had proposed in an earlier version of its plan, to help meet the wholesale demand for power by GCEA and Tri-State's other members;

WHEREAS, in its new plan Tri-State acknowledges the possibility that demand-side resources and windpower might play a small role in helping Tri-State meet its obligations to its members, but continues to elect to not pursue combined heat and power (CHP) and, for the time being, coal gasification technologies;

WHEREAS, the U.S. Energy Information Administration calculated that emissions of carbon dioxide attributable to coal combustion by U.S. electric utilities in 2004 was responsible for about 27% of all U.S. greenhouse gas emissions;

WHEREAS, Tri-State's proposed two new PC power plants would emit about 7.4 million tons of carbon dioxide annually;

WHEREAS, there is reason to believe that there exist abundant opportunities for Tri-State to help meet the wholesale demands of its utility customers through aggressive conservation, energy efficiency, demand-side management, renewable resources, CHP and new coal gasification technology that appears capable of economically capturing carbon dioxide emissions before they are emitted to the atmosphere;

WHEREAS, the Town of Crested Butte and the City of Gunnison have endorsed the U.S. Conference of Mayors' Climate Protection Agreement, which established the goal of meeting or beating the Kyoto Protocol greenhouse gas emission reduction targets;

WHEREAS, the County of Gunnison and the Town of Mt. Crested Butte have joined the Local Governments For Sustainability's Cities For Climate Protection Program, which will establish regional baseline data through an emissions audit;

WHEREAS, many of the citizens of Gunnison County are engaged in individual efforts to reduce their greenhouse gas emissions;

WHEREAS, Tri-State's plan to build two new PC power plants is inconsistent with the Town of Crested Butte's and the City of Gunnison's endorsements of the U.S. Conference of Mayor's Climate Protection Agreement as well as the efforts to reduce greenhouse-gas emissions of Gunnison County citizens who purchase electricity from GCEA;

WHEREAS, while it may be financially risky for Tri-State not to build or conserve some resources, the decision to build two new PC power plants is particularly financially risky in an era in which, during the expected 50 to 60-year lifetime of these new power plants, greenhouse gas emissions are likely to be regulated or taxed;

WHEREAS, GCEA has a contract with Tri-State under which GCEA must purchase all but 5% of its requirements from Tri-State through 2040;

WHEREAS, Tri-State has asked GCEA by April 1, 2007 to execute a ten-year extension of its power purchase contract with Tri-State to 2050 for the purpose of financing the PC plants;

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

(1) Seek to have Tri-State continue to work on its plan so that it fully integrates energy efficiency, energy conservation, demand-side management, renewable resources, CHP and new coal gasification facilities capable of economically capturing carbon dioxide, to the degree these facilities are commercially viable;

(2) Consider increasing GCEA's support for energy efficiency and local renewable resources, thereby reducing GCEA's demand for electricity from Tri-State below what it otherwise would be; and

10. Refrain from extending its power purchase contract with Tri-State.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – yes; Starr – yes

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2007- 03**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER
RESOURCES PROTECTION FUND FOR WATER RESOURCE
PROTECTION PURPOSES**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted Resolution No. 90-2, A Resolution Creating A Water Resources Protection Fund; and

WHEREAS, such Resolution No. 90-2 states that funds from the Water Resources Protection Fund may be used for water resources upon majority vote of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that certain expenditures are necessary for the participation of Gunnison County in joint use of water rights.

NOW THEREFORE, it is resolved by the Board of County Commissioners that the Board authorizes expenditure of funds from the Water Resources Protection Fund for:

1. Engagement of consulting services for Randy See, payable to Northwest Colorado Council of Governments, regarding oil and gas stormwater regulations of the Colorado Water Quality Control Commission.

10. Not to exceed \$2,500.00

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – yes; Starr – yes

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 07-04**

**A RESOLUTION REINSTATING APPLICATION OF PORTIONS OF THE TEMPORARY
REGULATIONS FOR OIL AND GAS OPERATIONS**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado previously adopted Resolution No: 04-27, A Resolution Amending The Gunnison County, Colorado Temporary Regulations For Oil And Gas Operations And, In Addition, Suspending Application Of A Portion Of The Temporary Regulations For Oil And Gas Operations (“Temporary Regulations” herein) in response to Gunnison County District Court Case No: 03-CV-76, Order On Motions For Summary Judgment (“Order” herein); and

WHEREAS, the Colorado Court of Appeals, in Case No: 04-CA-1679, substantially reversed the Order;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the application of the following sections of the Temporary Regulations be, and hereby are, reinstated:

1. Section 1-107: A. Drainage and Erosion Control;
2. Section 1-107: D. Wildlife and Wildlife Habitat;
3. Section 1-107: E. Livestock and Livestock Grazing;
4. Section 1-107: F. Recreation Impacts;
5. Section 1-107: G. Water Quality;
6. Section 1-107: H. Waterbody Setbacks;
7. Section 1-107: I. Cultural and Historic Resources;
8. Section 1-107; J. Wildfire Hazard;
9. Section 1-107: K. Geologic Hazard;
10. Section 1-107: P. Technical Infeasibility Waiver.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 23th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – yes; Starr – yes

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 07-05**

**A RESOLUTION IN SUPPORT OF THE FRED R. FIELD WESTERN HERITAGE CENTER –
GUNNISON COUNTY FAIRGROUNDS GRANDSTAND RECONSTRUCTION PROJECT AND
AUTHORIZING THE EXECUTION OF THE GREAT OUTDOORS GRANT AGREEMENT AND
EXPENDITURE OF FUNDS**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (“Board”) has been informed that the grandstands located at the Fred R. Field Western Heritage Center – Gunnison County Fairgrounds are in need of upgrading and replacement; and

WHEREAS, it is in the best interest of public health and safety that the grandstands be upgraded and replaced and therefore the Board has initiated the Gunnison County Fairgrounds Grandstand Reconstruction Project (“Grandstand Reconstruction Project”); and

WHEREAS, the Board has received a grant from the State Board of the Great Outdoors Colorado Trust Fund to substantially assist in funding the Grandstand Reconstruction Project; and

WHEREAS, in order to meet the terms and obligations of the grant award, the Board will need to execute the Great Outdoors Colorado Grant Agreement and authorize the necessary expenditure of funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that authorization shall be and hereby is given to execute the Great Outdoors Colorado Grant Agreement and for the expenditure of necessary funds as necessary to meet the terms and obligations of the Great Outdoors Colorado Grant Agreement in support of the Fred R. Field Western Heritage Center – Gunnison County Fairgrounds Grandstand Reconstruction Project.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr and adopted this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
Channell – yes; Swenson – yes; Starr - yes

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 07-06**

A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS

WHEREAS, Colorado Revised Statute 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund “unless such investment is made from specific funds allocated for a definite purpose and so maintained”; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board has previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

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

1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

Reserve Account within the General Fund:

Water Resources Protection Fund

Road and Bridge Fund

Conservation Trust Fund

Airport Operations Fund

Sales Tax Fund

Land Preservation Fund

Library Fund – Operations

Library Fund – Memorial and Endowment

Library Fund – Capital Improvements

Loss prevention Fund

Airport Construction Fund

Capital Expenditures Fund

Solid Waste Fund – Operations

Reserve Accounts Within the Solid Waste Fund:

Landfill Closure Cost Reserve

Construction Reserve

Sheriff's Seizure Fund

Gunnison Housing Authority Fund

Reserve Account within Gunnison County Housing Authority Fund:

Workforce Impact Fee Account

Internal Service Fund III (Employee Benefits)

Gunnison River Valley Local Marketing District

Gunnison Valley Transportation Authority

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.
3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 06-49, Series 2006 is hereby canceled as of January 1, 2007 and the provisions of this resolution shall supersede the previous resolutions.
4. The effective date of this resolution shall be January 1, 2007.

INTRODUCED by Commissioner Swenson,, seconded by Commissioner Starr, and adopted this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – yes; Starr - yes

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 07-07**

**A RESOLUTION DIRECTING THE GUNNISON COUNTY TREASURER TO DISTRIBUTE
SPECIFIC OWNERSHIP TAX MONIES AMONG VARIOUS COUNTY FUNDS**

WHEREAS, Gunnison County has or will receive during fiscal 2007 certain monies derived from the payment, pursuant to C.R.S. (1973) 42-3-107, of specific ownership taxes; and

WHEREAS, the impact of this Resolution will only affect the distribution of funds to the Gunnison County General Fund and the Gunnison County Road and Bridge Fund; and

WHEREAS, after apportionment pursuant to C.R.S. (1973) 42-3-107, such monies have traditionally been divided between the General Fund and the Road and Bridge fund of Gunnison County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that, effective immediately from the date this Resolution is passed by such Board, that the Treasurer of Gunnison County shall distribute and deposit such monies as Gunnison County receives after apportionment from such specific ownership taxes pursuant to C.R.S. (1973) 42-3-107 as follows: to the Gunnison County General Fund sixty-six and two-thirds percent (66 2/3%); to the Gunnison County Road and Bridge Fund thirty-three and one-third percent (33 1/3%). The effective date of this Resolution shall be retroactive to January 1, 2007 and shall be valid for each year subsequent to the passage of this resolution until repealed or amended by this Board.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – yes; Starr - yes

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2007-08**

**A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY
STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED
BY HIDDEN MINE RANCH, LLC, FOR SMITH ROAD, OVER WHETSTONE MOUNTAIN
RANCH**

WHEREAS, a written petition by Hidden Mine Ranch, LLC, (“HMR”) was filed with the Board of County Commissioners of Gunnison County, Colorado, requesting a waiver for HMR of the Gunnison County Standard Specifications For Road and Bridge Construction (“Standards and Specifications”) for access on Smith Road over Whetstone Mountain Ranch; and

WHEREAS, the request is to waive, and reduce, the width of the right of way from eighty feet (80’) to sixty feet (60’) for the entire length of Smith Road from Highway 135 to the boundary of HMR and Whetstone Mountain Ranch; and

WHEREAS, the Board has conducted a duly noticed public hearing regarding that petition.

THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO FINDS, based on the record of that public hearing, that:

1. HMR has a sixty foot (60’) right of way for the entire length of Smith Road; and
2. There exists a “Mutual Easement Agreement” recorded at Book 683, Page 786 of the records of the Clerk and Recorder of Gunnison County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO FURTHER FINDS that HMR has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions that make compliance with the Standards and Specifications technically unfeasible; and
2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic; and
3. The waiver will not adversely affect health and safety; and
4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and
5. The waiver will not cause substantial injury to the environment; and
6. The waiver will provide the functional equivalent of the Standards and Specifications.

THEREFORE, the Board of County Commissioners of Gunnison County, Colorado resolves as follows:

1. The following waiver is hereby granted:
 - a. Width of Right-of-Way: For HMR, a waiver and reduction of width of the right-of-way from eighty feet (80') to sixty feet (60') for the entire length of Smith Road from Highway 135 to the boundary of HMR and Whetstone Mountain Ranch.
2. All aspects of the method and cost of maintenance, including snow removal, of Smith Road is to be determined by HMR and Whetstone Mountain Ranch based on, among other things, the Mutual Easement Agreement.
3. This waiver is not – and shall not be construed to be – authorization or encouragement to HMR to trespass on Whetstone Mountain Ranch.
4. The Board intends this waiver not to benefit or damage the rights of either HMR or Whetstone Mountain Ranch in existing litigation.
5. This waiver is site specific and does not establish a precedent for any other proposed waiver.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
Channell – yes; Swenson – abstained; Starr - yes