

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 20, 2007**

The February 20, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
Jim Starr, Commissioner

Marlene Crosby, Interim County Manager
Kelly Balch, Clerk to the Board
Others Present As Listed In Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:05 a.m.

MINUTES APPROVAL: Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the February 6, 2007 Regular Meeting Minutes as amended. Motion passed unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the February 8, 2007 Special Meeting 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 documents are as follows:

1. Amendment #1 to CO Div of Aeronautics Grant for Taxiway Project
2. CO Division of Criminal Justice Victims Assistance Grant - \$23,950
3. Memorandums of Agreement for 2007 Budgeted Funding:
 - a. Gunnison Events Coordinator - \$15,000
 - b. CASA Voices for Children 7th Judicial District - \$1,000
 - c. Coal Creek Watershed Project - \$5,000
 - d. Rotary Club Fireworks - \$10,000
 - e. Gunnison Pioneer Museum - \$9,000
 - f. Living Journeys - \$1,000

LETTERS OF SUPPORT: The Board reviewed letters of support requested by the Gunnison Ranchland Conservation Legacy Program.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve and execute letters of support to Great Outdoors Colorado regarding the Irby Tomichi Creek property and the Graham Hartman Rocks property and to the Colorado Department of Transportation regarding the Fulton Ranch property along the West Elk Scenic Byway. Motion passed unanimously.

APPOINTMENTS TO BOARDS: The Board of Commissioners typically appoint themselves to various Boards at the reorganization meeting in January. Due to various issues this was not scheduled until this meeting.

Moved by Commissioner Swenson, seconded by Commissioner Starr to reappoint Jim Starr and Hap Channell to the Gunnison Valley Rural Transportation Authority Board. Motion passed unanimously.

Moved by Commissioner Starr, seconded by Commissioner Swenson to reappoint Hap Channell to the Gunnison Area Community Foundation Board. Motion passed unanimously.

Moved by Commissioner Starr, seconded by Commissioner Channell to reappoint Paula Swenson to the Region 10 Board of Directors. Motion passed unanimously.

Moved by Commissioner Starr, seconded by Commissioner Channell to reappoint Paula Swenson to the Gunnison County Personnel Board. Motion passed unanimously.

It was noted that Commissioner Starr had previously served on the Crested Butte Academy Board but that appointment is no longer necessary because the County is not a party to the financial obligations of the Academy.

The Board was advised that Jackie DeVore has resigned from the Community Corrections Board and a replacement appointee is needed. Moved by Commissioner Starr, seconded by Commissioner Swenson to advertise the 7th Judicial District Community Corrections vacancy for

interview and appointment at the same time as the remaining vacancies currently being advertised. Motion passed unanimously.

ROCK CREEK HOUSING PROPERTY: Housing Authority Director Denise Wise reported that a property is being foreclosed on in the County's Rock Creek development. The owner has moved out and relinquished the property to USDA who holds the mortgage under the Mutual Self Help Build Program. Wise feels that the County should exercise its first right of refusal option to purchase the property from USDA in order to retain it in the affordable housing and deed restricted program established at Rock Creek. Some repairs are needed to the home before it can be resold and since the house is a three bedroom unit she does not currently have many families on the waiting list of three or more persons who would qualify to get into this home. Therefore, she believes it could be several months before the County could re-sell the property. In addition, the Housing Authority does not have funding available for the acquisition. If the County does not purchase the property from USDA it will eventually be sold at a Sheriff's Sale and the County would lose deed restriction control of that unit. Discussion ensued regarding options for funding the acquisition. The actual acquisition cost is unknown until the County exercises its option on the property.

The meeting of the Gunnison County Board of Commissioners was recessed from 8:40 to 8:45 a.m.

HOUSING AUTHORITY: A meeting of the Gunnison County Housing Authority was called to order at 8:40 a.m.

Moved by Commissioner Starr, seconded by Commissioner Swenson to authorize the Housing Authority Director to communicate with the USDA of the Housing Authority's intent to purchase the property at Rock Creek, that the purchase be made utilizing a loan from the Housing Authority's essential housing linkage fees account at an interest rate to be determined by the Finance Director and the Housing Authority Director, subject to a document prepared by the County Attorney regarding the terms, and with that loan to be repaid as soon as possible by the new owner of the unit. Final terms of the loan will be determined by the Board following communication of the cost from USDA. Motion passed unanimously.

Moved by Commissioner Starr, seconded by Commissioner Swenson to adjourn the meeting of the Gunnison County Housing Authority. Motion passed unanimously. The meeting was adjourned at 8:45 a.m.

CLOUD SEEDING: Staff Accountant Jane Lee, who is also administering the cloud seeding program, provided the Board with a copy of a letter from the County's contractor Don Griffith to the Colorado Water Conservation Board requesting renewal of the operation permits. She also provided the Board with copies of the monthly operational reports. Operations are down significantly this winter due to the lack of many storms. Jane Lee also reported that the State awarded the County a grant of \$20,000 instead of \$30,000 but said the County will likely receive more for next winter's program. The Board requested that a report from the contractor be scheduled this year. It was agreed that this should be towards the end of summer when final program data are available for this season and before the funding partners are finalizing their budgets.

COMMISSIONER MEETING REPORTS: Commissioner Swenson reported on her attendance at the Events meeting of the Gunnison Chamber of Commerce where there was discussion of planning some significant shoulder season events; and the recent and upcoming Sage Grouse Strategic Committee and Working Group meetings.

Commissioner Starr reported on lengthy discussions at the Rural Transportation Authority meeting regarding bus route and parking issues at Crested Butte South. Interim County Manager Crosby suggested that since the RTA is now focusing on ground transportation issues in addition to airline flight guarantees that it would be useful for those meetings to include the viewpoints representing local and State road issues.

BUCKHORN RANCH STALLION PARK LITIGATION UPDATE: County Attorney Baumgarten reported that the Board had requested an update on the litigation between Michael Weiner and others versus Richard Landy and others due to the numerous letters and inquiries the Board is receiving regarding this matter. The update for the Board will include attorney-client privileged communications regarding the County's participation, non-participation, and potential consequences of that litigation.

Moved by Commissioner Starr, seconded by Commissioner Swenson for the Board to go into executive session with the County Attorney, Interim County Manager Crosby and Planning

Director Joanne Williams for the purposes of receiving information regarding the above referenced litigation. Motion passed unanimously.

The Board went into executive session at 9:20 a.m. *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), 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) 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: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), 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).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:10 a.m. Chairperson Channell reported that the executive session stayed on topic with the identified persons. He asked the County Attorney to summarize the discussion.

County Attorney Baumgarten stated that a public hearing needs to be conducted by the Board of Commissioners regarding one issue. That hearing is only to be regarding the Planning Commission's recommendation regarding the waiver of standards for the height of the buildings at Stallion Park. The public hearing was scheduled for January 30 and then postponed by the County because the litigation raises some issues which need to be resolved by the Court before a public hearing is conducted.

County Attorney Baumgarten continued that the direction from the Board to staff is to reschedule the public hearing on the waiver of height standards once the litigation issue regarding a hearing is resolved. In the meantime the direction to staff is to continue offering the offices of the County to the litigants to assist in resolving the issues, and also for staff to continue working on some issues about possible amendments to the average median income (AMI) requirements for Stallion Park. Buyer qualification for units in Stallion Park can be done either by the developer or the County Housing Authority. To date the developer has been doing the qualifications and County Attorney Baumgarten will write a letter to the developer requesting proof that AMI is being done.

The Board requested that a letter be drafted regarding the issues discussed today, to issue to the litigants and to the newspapers.

Moved by Commissioner Starr, seconded by Commissioner Swenson to request the County Attorney to prepare a letter outlining the issues articulated, with the letter to be reviewed by the Board prior to dissemination. Motion passed unanimously.

TENDERFOOT PROJECT UPDATE: Interim County Manager Crosby reported that at the Board meeting of February 6 a list was prepared of items and information to be prepared for today's meeting. Some of that information is still coming in and staff needs more time for review. County Attorney Baumgarten was present and agreed that further discussion would be premature.

This item was postponed to a special meeting scheduled for February 27.

ROADLESS ISSUES: Commissioner Starr said he would like to draft a letter for Board signature to support a position regarding certain roadless issues.

EXECUTIVE SESSIONS: Interim County Manager said that she and the Administration staff have been receiving more inquiries regarding issues being discussed in executive session. She feels it is important to continue indicating on the agenda if there is the potential for an executive session but the Board should be providing a more detailed report when coming out of the session, as was just done for the Stallion Park issue. The Board agreed.

MINERAL IMPACT TAX MONIES: Chairperson Channell reported that he testified against House Bill 1139, which would reallocate severance tax monies. That Bill has now moved into the Senate and he will be drafting a letter of opposition for the Board to send to Governor Ritter and Senator Schwartz. Discussion ensued regarding how to continue involvement in this legislation.

UNDERGROUND UTILITY LINE: Commissioner Swenson recused herself from this matter and left the room for this agenda item.

County Attorney Baumgarten reported that the project to underground utility lines between Crested Butte and Mt. Crested Butte is moving forward in a positive manner. His office has begun to receive executed contracts and funding from participants. There is one issue which continues to be negotiated and he requested the opportunity to discuss and obtain instructions from the Board regarding that negotiation and possible legal ramifications.

Moved by Commissioner Starr, seconded by Chairperson Channell for the Board to go into executive session with County Attorney Baumgarten, Interim County Manager Crosby and Paralegal Rachel Magruder to discuss the legal issues regarding a specific negotiation matter and to provide negotiation instructions to staff. Motion passed.

The Board went into executive session at 10:45 a.m. *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) and (e).*

Attorney Statement Regarding Executive Session

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Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 11:10 a.m. Chairperson Channell reported that the session stayed on topic with the persons identified.

Moved by Commissioner Starr, seconded by Commissioner Channell to request the staff in the County Attorney's office to develop a grant proposal to the Department of Local Affairs for the purpose of seeking financial assistance with the project to underground the utility lines between Crested Butte and Mt. Crested Butte, and authorize staff to engage the services of a consultant to determine the size of the fiber optic line desirable as well as the costs of that line and conduit.

Grant requests may be prepared for Energy and Mineral Impact Assistance funding as well as possible Emergency Services funding. Motion passed.

ARROWHEAD FIRE PROTECTION DISTRICT: Deputy County Attorney Tom Dill and Paralegal Rachel Magruder were present for Board consideration of the request for service plan approval for the creation of Arrowhead Fire Protection District, following the public hearing on this request which was conducted on February 6. It was also noted that the Board must render a decision regarding the requests from Thomas Olden and Patrick Vigil for exclusion from the fire protection district. Interim County Manager Crosby stated that there had been some comments received that the public was not given sufficient time to review this proposal. David Reed of the Arrowhead Fire Protection District stated he has the certification of publication within the appropriate time, and there are also certificates of mailings to property owners within the required timeframe.

Commissioner Channell noted that the Planning Commission's recommendation regarding this request did not resolve an issue regarding whether the Arrowhead Fire Protection District would pay a fee for County review and processing of this request, or if that fee would be waived. Planning Director Joanne Williams was present and said this is not a land use change permit so it does not fall under those County regulations and fee schedule. She reported there has been staff time and publication cost for the public hearing. Paralegal Magruder said additional costs have been incurred with copying the service plan numerous times, such as for the Planning Commission. The Board decided that the actual costs incurred by the County for this service plan request and review should be paid by the applicant. This would include the direct costs of publication, copying, mailings, etc.

Regarding the two requested exclusions, members of the Arrowhead Fire Protection District reported they had contacted the two persons regarding their concerns. One person's concern was that he is opposed to paying taxes for services he only utilizes a short time of the year when he is at his property. The other person's concern was that he received his notification just prior to the public hearing and needed more information. Commissioner Swenson stated she feels it would be difficult to exclude two properties from within a district, also noting that those property owners would then continue to pay taxes to the Gunnison Fire Protection District.

Chairperson Channell noted that the Planning Commission recommendation includes a condition that the Arrowhead Fire Protection District continue to assess its ability to provide first responder services including Highway 50. David Reed responded that Highway 50 was not included within the boundaries of the service plan and that service is not contemplated at this time. First responder services to Highway 50 could only be extended through a mutual aid agreement. Commissioner Starr asked the Gunnison Fire Protection District members present if they had understood when they voted in favor of this new district that the new district did not intend to provide service to Highway 50. Gunnison Fire Chief Bill Miles and Fire Marshall Dennis Spritzer both stated they understood that.

Commissioner Starr asked if the Arrowhead Fire Protection District intended to pay its volunteers. He noted that the Ragged Mountain Fire Protection District has had difficulty sustaining its operations partially because the volunteers were not being paid. Mike Wygent of the Arrowhead Fire Protection District said they currently do not pay their volunteers per call or per month, and there have not been conversations to change that although it is unknown what the Arrowhead FPD Board may decide to do in the future. He also noted that paying volunteers would put the district into a different category with the State which could include the costly requirement for retirement benefits and additional training.

Deputy County Attorney Tom Dill suggested that the Board could require an annual report including the assessment of the ability to respond to Highway 50.

Jim Squirrel, Arrowhead property owner, stated he would rather have the highly trained professionals from the Gunnison Fire Protection District respond to the numerous accidents on Highway 50. Debbi Sethaler, Gunnison Fire Protection District Board Secretary, reiterated her concern that approval of this fire district will compromise the safety of those living and visiting in that area.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-11, A RESOLUTION APPROVING THE SERVICE PLAN OF THE ARROWHEAD FIRE PROTECTION DISTRICT. Discussion:

Commissioner Starr said this is a tough decision for him due to concerns for safety and because approval will take approximately \$35,000 in taxes away from the Gunnison Fire Protection District. However, he does like to see local communities working to meet their own needs and obligations and he feels the Arrowhead property owners have worked hard to develop their plan.

He encouraged the Arrowhead FPD to consider assisting the Gunnison FPD on Highway 50 if enough young trained responders are available.

Chairperson Channell agreed with concerns of taking taxes away from the major district but he reiterated that the Gunnison Fire Protection District voted in favor of this proposal, and the Arrowhead Fire Protection District has a proven record of providing services in their area.

Commissioner Swenson said she toured the Arrowhead area and facilities and is impressed with what they have accomplished and are prepared to do.

MOTION passed unanimously. (*See Attachment to Minutes*).

BREAK: The meeting recessed from 11:45 a.m. to 1:05 p.m. for lunch.

- Commissioner Swenson left for the remainder of the day, to go to Saguache to meet with the Saguache County Commissioners regarding the sage grouse program.

SOAP CREEK ROAD EASMENT: Assistant Public Works Director Allen Moores presented easements for Board signature. Interim County Manager Crosby reminded the Board that this easement will help resolve some jurisdictional and maintenance issues on Soap Creek Road that the County has been working on for several years. This easement also allows for two trailhead parking areas. Moores summarized the width and length of easement being obtained from the United States Forest Service and the Bureau of Reclamation.

Moved by Commissioner Starr, seconded by Chairperson Channell to authorize the chairperson's signature on the contract and grant of easement for the Soap Creek Road with the Bureau of Reclamation and the Forest Service Public Road Easement for the Soap Creek Road. Motion passed.

PERSONNEL POLICIES: Personnel Director Debbie Moore was present for final review of the proposed amendments which were first submitted to the Board in December. Since then it has been decided to continue using the term "Personnel Policies" rather than "guidelines". Employees will still be considered "at will" but there will also be an established grievance procedure. Also, special counsel has suggested that the terms "sexual orientation" and "political affiliation or activity" be deleted in the EEO statement to include only federally protected classes. The Board stated they want the current language to remain. Another new addition is to allow an employee a choice of providing their supervisor, the Personnel Director, or the Assistant County Manager with medical certifications required in certain instances. It was also reiterated that the Board recently agreed to allow existing staff positions to be re-filled with approval by the Assistant County Manager and Finance Director, eliminating the requirements for Board of Commissioner approval.

Personnel Director Moore stated that the policies as currently drafted keep the authority for most Personnel Policy issues with the Assistant County Manager. The Board had discussed its intent to keep it this way for approximately one year after the hiring of the new County Manager and then re-evaluate.

The Board decided they would discuss this with incoming County Manager Birnie at the retreat scheduled for this upcoming weekend. If it is decided to place some authority with the County Manager, a change can be made before final printing of the Personnel Policies.

Moved by Commissioner Starr, seconded by Commissioner Channell to adopt the amendments to the Gunnison County Personnel Policies as outlined in the document dated December 12, 2006, but deleting bullet #4 and #5 and adding the two handwritten items at the bottom of the page, with the understanding that the final decision on whether the Assistant County Manager or County Manager will be making some of the determinations will be communicated to the Personnel Director within two weeks. Motion passed.

OUT OF STATE TRAVEL: Planning Director Joanne Williams presented her request to attend a conference in June.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize expenditure of up to \$1300 for Joanne Williams to attend the Effective Planning Zoning and Land Use Conference in Albuquerque June 15-20. Motion passed.

LETTER OF SUPPORT: Interim County Manager Crosby presented a request from the Hospital for a letter supporting their grant application for funding to initiate the recruitment for a family practice physician. The Board signed the letter.

DOLA GRANTS: Interim County Manager Crosby reported that she is contacting other municipalities and departments to evaluate the needs for Department of Local Affairs Energy and Mineral Impact Assistance grants this cycle. The County will be submitting several applications and if there are numerous ones they may need to be prioritized.

RISK MANAGEMENT FUND: Finance Director Linda Nienhueser advised the Board of an increased claim reserve which could impact the Risk Management Fund. This Fund was established in 2000 to cover deductibles on various types of claims and pay for outside counsel. In recent years the County Attorney's budget began to include an item for outside counsel, so the Risk Management Fund is now only used for deductibles. Interim County Manager Crosby said that since there are several potentially costly claims ongoing that this Fund's balance is becoming very restricted. She suggests that future budgets could include an allocation to this Fund on an annual basis.

SALES TAX REFUND REQUEST: Finance Director Nienhueser presented a request from the organization which sponsors the Gunnison High School Mini Food Court to have the sales tax paid on lunches served from April 2005 through May 2006 refunded. The total amount is \$618. This organization does not qualify as tax exempt. Nienhueser suggested that the Board could also consider making a contribution to this organization rather than refunding from the sales tax fund. Chairperson Channell agreed a contribution would be better, but liked having it based on the sales tax amount.

Moved by Commissioner Starr, seconded by Chairperson Channell to authorize the contribution of \$620 to the Gunnison High School Mini Food Court Program with the funds to come out of the General Fund Reserves, and a memorandum of agreement allowing payment in full to be prepared and executed. Motion passed.

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

Moved by Commissioner Starr, seconded by Chairperson Channell to approve the warrant report dated today in the total amount of \$1,749,488.32. Motion passed.

Moved by Commissioner Starr, seconded by Chairperson Channell to approve the cash transfer authorizations for January, 2007 in the total amount of \$2,548,914.28. Motion passed.

OUT OF STATE TRAVEL: Airport Administrative Director Kathie Lucas presented and summarized the travel requests for her and Airport Manager John DeVore to attend several conferences. Funding is included within the budget.

Moved by Commissioner Starr, seconded by Chairperson Channell to authorize up to \$4400 for Kathie Lucas and John DeVore to attend the NWFAA Conference in Seattle in April and up to \$1600 for John DeVore to attend the Resort Airport Conference in Idaho in April. Motion passed.

SENIOR RESOURCES REPORT: Karin Stewart, Senior Resources Coordinator, presented and summarized her written annual report. Of particular note is that some senior programs are increasing in popularity while the Young at Heart is decreasing. As well, the types of questions from seniors and the community services desired continue to change and show a trend to a more active senior community. Stewart said there is the opportunity to apply for a Colorado Trust grant to fund a ten hour per week staff position to coordinate community wide prevention, health, and wellness activities and she presented a document which needs executed by the Board in order to apply for that funding.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize the chairperson's signature on the agreement to participate in the Colorado Trust Healthy Aging Initiative. Motion passed.

FAIRVIEW SOUTH SUBDIVISION: Planner Cathie Pagano presented a resolution and plat for execution regarding the Frank Buffington Fairview South Subdivision of one parcel into two lots which was reviewed by the Board on November 7, 2006.

Moved by Commissioner Starr, seconded by Chairperson Channell to adopt Resolution#2007-12, A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2005-82, A LAND USE CHANGE PERMIT FOR FRANK AND MARLYS BUFFINGTON, FAIRVIEW SOUTH SUBDIVISION. Motion passed. (*See Attachment to Minutes*).

ELKTON PLACER LAND USE: County Attorney Baumgarten, Assistant Public Works Director Allen Moores, and Assistant Planning Director Neal Starkebaum were present.

Starkebaum reported that the owner of property at the Elkton Placer, located up Washington Gulch north of Crested Butte, has constructed some platforms and yurts without obtaining building or ISDS permits. A stop order on building was issued by the County on October 6 and in January a cease and desist order was issued according to the Land Use Resolution. In addition, that property owner has requested a Forest Service permit to access the property via snowcat on Washington Gulch Road, County Road #811. That permit request includes both private access rights and snowcat access to and around the Elkton property for guests and for a snomoboarding club at least once per week.

County Attorney Baumgarten continued that there appears to be a violation of the Land Use Resolution, building permit, and ISDS permit violations. If the activity continues the next step might be a court injunction. The second issue is that the Forest Service has asked for County comment regarding the access permit request. For now the Forest Service intends to allow the County's process to go forward before the snowcat access permit is reviewed. Baumgarten does not feel there is enough information at this time to comment on the access permit request. In the past the Forest Service has allowed inholdings to have reasonable over the snow access as per INILCO, but to date he is unaware that this has included snowcat access and he is not aware of any permit allowing snowcat access to an inholding for commercial use. Assistant Planning Director Starkebaum added that part of the snowcat access would be on the County Road before it reaches the forest boundary. Baumgarten agreed, adding that the County has the opportunity to make reasonable rules and regulations for that portion of the road. Assistant Planning Director Moores stated concern with not only the snowcats going in but where the people going in on the snowcats would park.

County Attorney will contact the owner of the property and reiterate the permit requirements and also asked the Board for the authority to go forward with appropriate enforcement action if necessary. The Board agreed. Commissioner Starr requested that the Forest Services' Winter Management Group be involved in any discussions the County has regarding motorized used in that area. Forest District Ranger Jim Dawson will also be advised of how the County is proceedings.

Several persons spoke of their concern that the property owner is initiating an activity with disregard for regulations, the need to include the winter management group in discussions, and urging the County to not allow a property owner to do something and then "beg for forgiveness".

Moved by Commissioner Starr, seconded by Commissioner Channell to instruct staff to follow through on enforcement actions discussed including, if necessary, filing action in District Court, and for staff to maintain a record of the time spent on this enforcement action and contact the Forest Service to find out their availability at the next meeting to discuss this matter. Motion passed.

MARBLE SPECIAL GEOGRAPHIC AREA: Planning Director Joanne Williams and Mapping and Planning Services Manager Mike Pelletier were present. Williams reported that she met with the Marble Caucus, which is the group that requested the designation of a special geographic area, and at that time she suggested they review the Land Use Resolution and highlight the areas they feel need to be different for their area. The group did not do so and she then marked up the LUR herself with some suggested areas. She will meet with them again later this week to try and work with them to prepare a list of the issues they want to address further. Once some suggested changes are defined, public meetings will be scheduled for further community input.

LETTER OF SUPPORT: The Board reviewed a letter of support requested by the City of Gunnison at the February 6 meeting, for a Great Outdoors Colorado grant toward tennis court renovations.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize execution of the letter of support for the City of Gunnison's application to Great Outdoors Colorado for the tennis court project. Motion passed.

DISTRICT ATTORNEY FEES: The Board reviewed the annual request from the District Attorney for the authority to retain certain fees.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize the chairperson's signature on the letter requesting authorization for the retention of fees. Motion passed.

SCHEDULING: Upcoming meetings were reviewed and scheduled.

MARBLE ROADS: Interim County Manager Crosby reported that she has been contacted by the attorney for the property owner in the Marble Ski Area Filing 5 regarding the locked gate issue. The County has the opportunity to come up with a reasonable value to secure a sixty foot right-of-way from that property owner. Although money is not budgeted for that acquisition, it would help resolve one ongoing issue. The Board agreed to allow staff to continue to pursue this possible acquisition.

BUSINESS PARK: Interim County Manager Crosby reported that she has obtained a third party review of the proposed fire suppression tank to serve the business park and future public works facility. Some major changes may be possible which she feels would be very beneficial. The Board agreed to allow staff to continue to pursue the possible changes in the fire suppression system.

COMMISSIONER MEETING REPORTS: Chairperson Channell reported that he attended a meeting of the Marble Charter School Task Force and they asked if the County might have the need for an office in their building in the future. He also attended the NWCCOG QQ meeting in Frisco, and he and Interim County Manager Crosby attended the annual Federal Highways planning meeting in Denver.

TAYLOR RIVER ROAD: Interim County Manager Crosby reported that the Federal Highways priorities have not changed: #1 – Guanella Pass; #2 – Tarryall Reservoir; #3 – Taylor River Road. The Taylor project engineering is about 95% complete, with a 7.3 million dollar project scheduled for 2011 and an 11 million dollar project scheduled for 2013.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion passed. The meeting was adjourned at 5:00 p.m.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Kelly Balch, 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 - 11
A RESOLUTION APPROVING THE SERVICE PLAN OF THE
ARROWHEAD FIRE PROTECTION DISTRICT**

WHEREAS, on December 6, 2006, a Service Plan for the Arrowhead Fire Protection District was filed with the Gunnison County Clerk and Recorder pursuant to the requirements of Section 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, the Gunnison County Planning Commission at its hearing on January 26, 2006, did recommend that the Gunnison County Board of County Commissioners approve the Service Plan for the Arrowhead Fire Protection District; and

WHEREAS, on February 6, 2007, at approximately 11:00 a.m. at Board of County Commissioners Hearing Room, 200 East Virginia Avenue, Gunnison, Colorado, the Board of County Commissioners of the County of Gunnison, Colorado convened a public hearing to consider the Service Plan upon proper notice as required by Section 32-1-204, C.R.S. and as noted in the certifications provided and contained in the record, at which time all interested parties were afforded an opportunity to be heard and testimony and evidence was received and considered; and

WHEREAS, the area proposed to be included within the Arrowhead Fire Protection District is currently within the boundaries of the Gunnison County Fire Protection District, and the Board of Directors of the Gunnison County Fire Protection District did consent to the organization of the Arrowhead Fire Protection District by adoption of its Resolution Consenting to Overlap of Boundaries pursuant to Section 32-1-107(3)(b)(IV), C.R.S.; and

WHEREAS, Petitions for Exclusion from the Arrowhead Fire Protection District were filed by Thomas Olden and Patrick Vigil, owners of property within the boundaries of the Arrowhead Fire Protection District.

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado pursuant to the requirements of Section 32-1-203(2), C.R.S. finds that evidence satisfactory to the Board of each of the following has been presented:

1. Need. There is sufficient existing and projected need for organized service in the area to be served by the Arrowhead Fire Protection District;
2. Existing Service Inadequate. The existing service in the area to be served by the Arrowhead Fire Protection District is inadequate for present and projected needs;
3. District Capable. The Arrowhead Fire Protection District is capable of providing economical and sufficient service to the area within its boundaries;
4. Area has Financial Capability. The area included in the Arrowhead Fire Protection District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis; and

WHEREAS, the Board of County Commissioners of Gunnison County, pursuant to the requirements of Section 32-1-203(2.5), C.R.S. finds that evidence satisfactory to the Board of each of the following has been presented:

1. Adequate Service Not Timely Available. Adequate service is not, or will not be, available to the area through Gunnison County, the Gunnison County Fire Protection District or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
2. Facility and Service Standards Comparable. The facility and service standards of the Arrowhead Fire Protection District are compatible with the facility and service standards of Gunnison County.
3. Substantial Compliance with Master Plan. To the extent that it applies, the proposal is in substantial compliance with the Gunnison County master plan.
4. Substantial Compliance with Water Quality Plan. To the extent that it applies, the proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
5. In Best Interests of Area. The Service Plan of the Arrowhead Fire Protection District will be in the best interests of the area to be served.

WHEREAS, the Board of County Commissioners of Gunnison County hereby finds, determines and declares that adoption of this Resolution is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Gunnison County, Colorado;

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

1. The Service Plan for the Arrowhead Fire Protection District is approved.
2. The Petitions for Exclusion filed by Thomas Olden and Patrick Vigil are denied.
3. A certified copy of this resolution shall be filed in the records of Gunnison County and two (2) certified copies will be immediately provided to the District for the purpose of filing in the District Court.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 20th day of February, 2007.

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 12 SERIES 2007**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2005-82
A LAND USE CHANGE PERMIT FOR FRANK AND MARLYS BUFFINGTON
FAIRVIEW SOUTH SUBDIVISION**

WHEREAS, Frank and Marlys Buffington have applied for a Land Use Change permit to subdivide 8.037 acres into two parcels—Lot 1 is to be 6.086 acres and Lot 2 is to be 1.951 acres. The parcel is legally described as being in the SE 1/4 , Section 35, Township 51 North, Range 1 West, N.M.P.M.; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on July 21, 2006 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This application, by definition, is classified as a Minor Impact.
2. The proposed lot sizes are similar and compatible to other lots within the area.
3. The applicant will utilize individual wells for the water supply. There are three existing wells (Well Permit No. 28579, 28484, and an as yet unpermitted well).
4. The applicant has not received final approval from the State Division of Water Resources for the water supply plan.
5. This application is generally consistent with the standards and requirements of this *Resolution*.
6. No phases are proposed for this development.
7. Access will be from the existing County Road 730; Allen Moores of Gunnison County Public Works has reviewed the application and did not have any concerns with the proposed access other than to note that a new driveway for Lot 2 will be required to meet the Gunnison County Road Standards.
8. Language regarding the containment of domestic animals, irrigation ditches and the “fence-out” requirement has been noted on the plat.
9. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former *Land Use Resolution*.
10. 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.

CONDITIONS:

1. The recommendation and application for subdivision shall not be forwarded to the Board of Commissioners until the State Division of Water Resources approves the water supply plan.
2. All domestic animals shall be confined to the property.
3. There shall be no further subdivision of Lot 2.
4. A stubble height of 4 inches shall be maintained on Lot 2.
5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.

WHEREAS, the following conditions of approval of the July 21, 2006 Planning Commission Recommendation have been met by the applicant:

- The State Division of Water Resources has approved the water supply plan and issued a well permit (well permit no. 270611) for the previously unpermitted well.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2005-82, for Fairview South Subdivision is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning 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 Starr, seconded by Commissioner Channell, and passed on this 20th day of February, 2007.

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