

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
November 6, 2007**

The November 6, 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

Matthew Birnie, County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Channell called the meeting to order at 8:02 am.

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the October 2, 2007 Regular Meeting minutes as presented. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the October 15, 2007 Special Meeting minutes as presented. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the October 23, 2007 Special Meeting minutes as presented. Motion carried. Commissioner Starr was not present for this agenda item.

**CONSENT AGENDA:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Consent Agenda and authorize signatures. County Manager Birnie asked to remove Consent Agenda Item #1 for further discussion and recommendation from County Attorney Baumgarten. Commissioner Swenson revised her motion to exclude Consent Agenda Item #1. Commissioner Starr arrived at the meeting. Motion carried unanimously.

1. Property Lease; Airport Property at 96 Rio Vista, Gunnison, Colorado
2. Ratification of Chairperson Signature; East Muddy Creek / CR 265, Bridge Replacement Project
3. Adoption of the 2007 Gunnison County Sage-grouse Leaks on Private Lands Map
4. Memorandum of Understanding; Provisions of Legal Services for State Fiscal Year 2008
5. Ratification of Correspondence; Letter to Captain Allan Turner, Colorado State Patrol, Hazardous Materials Transportation on Hwy. 114
6. Contract for Services; Superior Alarm and Fire Protection, Housing Authority Offices
7. Corporate Membership Agreement; Colorado Fitness, 2008 Fitness Agreement for Gunnison County Employees
8. Contract for Services; Maximus, Inc., Consulting Services
9. Contract for Services; David Baumgarten, County Attorney Services
10. Contract for Services; Cindy Smock, Certified Substance Abuse Counselor Supervision
11. Contract for Services; Jere Thomas, Sage Resources for the Gunnison County Substance Abuse Prevention Project
12. Contract for Services; Anita Grana, Education and Supervision of Child Welfare Staff for Health and Human Services Commission
13. Contract for Services; Jere Thomas, Sage Resources for Early Childhood Council Coordination
14. Statement of Grant Award; Law Enforcement Crime Victim Services

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. Tentative January 2008 Gunnison County Board of County Commissioners Meeting Schedule. For scheduling purposes prior to the adoption of the 2008 meeting schedule, which is scheduled to occur during the first regular meeting of the year, the board agreed to reserve January 8, 2008 and January 22, 2008 as regular meeting dates and January 15, 2008 and January 29, 2008 as work session dates.
2. 2008 Boards and Commissions Interview/Appointment Schedule. Administrative Assistant Keri Hodgkin was present for discussion. Interview dates were set for January 30<sup>th</sup> and 31<sup>st</sup> with appointments to follow on February 5<sup>th</sup>.
3. Community Based Organization Budget Meetings. Assistant Finance Director Ben Cowan was present for discussion. Assistant Finance Director Cowan requested confirmation of the CBO Budget Meeting schedule and the board acknowledged the schedule as presented. County Manager Birnie explained that the meetings would be beneficial since the dollar amount of funding requests totaled approximately double that of the available funding.

**COUNTY MANAGER'S REPORT AND CORRESPONDENCE:** County Manager Birnie was present for discussion.

1. Correspondence; Congressman John Salazar, Senator Wayne Allard, Senator Ken Salazar; Golden Wonder Mine, Hinsdale County. County Manager Birnie presented a draft letter for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letter to Congressman John Salazar, Senator Wayne Allard and Senator Ken Salazar regarding the Golden Wonder Mine and authorize signatures. Motion carried unanimously. In addition to this motion, Chairperson Channell proposed correspondence in order to encourage United States Congress Senators to vote in favor of the 1872 Mining Act revision and explained that the issue is

anticipated to receive opposition in the Senate. Commissioner Starr volunteered to draft the correspondence.

2. Library Board. County Manager Birnie stated that he had met with the library board and Director Carol Primus to discuss responses to the draft IGA. He also reported that legal counsel for the library was agreeable to the county proposal. County Manager Birnie stated that he does not anticipate resistance during the December 4, 2007 public hearing when the board will receive public comments regarding the creation of the Library District.
3. Willows. County Manager Birnie confirmed submission of a draft agreement to the Gunnison Valley Hospital Board. He also stated that a hospital sub-committee has been delegated the authority to finalize the agreement once prepared.
4. Property Lease; Airport Property at 96 Rio Vista, Gunnison, Colorado. Airport Administrative Director Kathie Lucas, Assistant County Manager Marlene Crosby and County Attorney David Baumgarten were present for discussion. County Manager Birnie explained his request to remove this item from the Consent Agenda due to concerns related to renting this property while asbestos concerns are being addressed. County Manager Birnie also relayed that County Attorney Baumgarten recommended not leasing this property due to those concerns. It was further explained that the tenant moved into the residence approximately mid-October, prior to finalization of the lease. Airport Administrative Director Lucas stated that she will attempt to schedule the asbestos removal and demolition congruent to similar operations scheduled on the Western State College campus in 2008. County Attorney Baumgarten suggested a short executive session to discuss this issue between the board, County Manager Birnie, Airport Administrative Director Lucas, Assistant County Manager Crosby and himself. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to go into executive session with the people indicated for the purpose of receiving legal advice from counsel. Motion carried unanimously.

The board went into executive session at 9:02 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b)(e).*

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#### 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

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The Board came out of executive session at 9:23 am. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

**ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:** Assistant County Manager Crosby was present for discussion.

1. Intersection Analysis. Assistant County Manager Crosby reported that the Colorado Department of Transportation requested an analysis of Gunnison County's three most-critical intersections, no later than October 15, 2007. She also explained that the state extended the deadline since this request was not received until October 9, 2007, which left insufficient time for the analysis.

**ACTION ON PRIVATE PLOW REQUESTS:** Assistant County Manager Crosby was present for discussion.

Assistant County Manager Crosby explained that she did not advertise for private plow requests since advertisements placed during the previous five years had shown very little interest compared to the costs of the advertisement. She then outlined the following private plow requests and information:

1. CR #734, Slate River Road
2. CR #12, Kebler Pass
3. CR #743, Lost Canyon Road
4. CR #59, Cebolla Access/10 Mile Springs Road
5. CR #4, Peanut Mine Road. Assistant County Manager Crosby explained that the right to plow was a condition of the Land Use Change, so no board decision was necessary.
6. CR #721, Soap Creek Road. Assistant County Manager Crosby explained that the right to plow is mandated by the easement granted to Gunnison County by the Forest Service and the National Park Service, so no board decision was necessary.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the plow and grooming requests for the 2007-2008 grooming season. Motion carried unanimously.

**LOT CLUSTER AGREEMENT; RACHEL A. MAGRUDER, LOTS 17-20, BOSWORTH ADDITION, TOWNSITE OF OHIO CITY:** Planning Department Services Manager Beth Baker was present and provided the Lot Cluster Agreement for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Lot Cluster Agreement between Rachel Magruder and the county as presented. Motion carried unanimously.

**PROTECTIVE COVENANTS AMENDMENT; GUNNISON RIVERBANKS RANCHES, MIKE WILSON:** Gunnison Riverbanks Ranch Association President Mike Wilson and County Planner Cathie Pagano were present for discussion.

Mr. Wilson presented this protective covenants amendment for review and approval. He also explained that three residences were currently occupied, one residence would be completed in approximately two weeks, one residence would be completed in the summer of 2008 and at least one other residence was planned. He further requested additional language to read "Notwithstanding any provision in the Declaration or on the Plat to the contrary, the Architectural Review Board shall have the discretion to increase the size of any Building Site by up to fifteen percent (15%) or to 3500 square feet, whichever is larger." **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-38, a Resolution Approving an Amendment to Declaration of Protective Covenants of Gunnison Riverbanks Ranch, and authorize signatures. Motion carried unanimously.

**TOWNHOME PLAT APPROVAL; KID MOUNTAIN TOWNHOMES, LOT 4, BLOCK 15, CRESTED BUTTE SOUTH, FILING 3:** Assistant Planning Director Neal Starkebaum and County Planner Pagano were present for discussion.

Assistant Planning Director Starkebaum stated that the applicants had obtained all appropriate signatures and that the documents were ready for board approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Kid Mountain Townhomes plat, lot 4, block 15, Crested Butte South, Filing 3 and authorize signatures. Motion carried unanimously.

**BREAK:** This meeting recessed from 9:54 until 10:20 am in order to convene as the County Board of Equalization (see separate minutes).

**ANTLER SHED SEASON; DISCUSSION AND SUPPORT LETTER REQUEST:** Gunnison Sage-grouse Conservation Coordinator Jim Cochran was present for discussion.

Gunnison Sage-grouse Conservation Coordinator Cochran provided draft correspondence, addressed to the Colorado Wildlife Commission, for discussion and approval. The letter was discussed and amended.

Gunnison Sage-grouse Conservation Coordinator Cochran also presented proposed Antler Shed Season regulatory language changes by the Colorado Division of Wildlife scheduled for presentation to the Wildlife Commission on November 8, 2007. He also explained that the language changes were developed after meeting with a sub-committee of the Gunnison Basin Sage-grouse Strategic Committee on October 24, 2007.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letter to the Colorado Wildlife Commission, as amended, and authorize signatures. Motion carried unanimously.

**GUNNISON COUNTY SAGE-GROUSE CONSERVATION COORDINATOR CONTRACT RENEWAL; JAMES O. COCHRAN:** Gunnison Sage-grouse Conservation Coordinator Cochran was present for discussion.

County Manager Birnie noted that this contract was a modified version of the original contract. The modifications were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Gunnison County Sage-grouse Coordinator contract renewal and authorize signatures. Chairperson Channell requested the implementation of tools that would measure goals and progress for the program. All parties agreed. Motion carried unanimously.

**CLOUD SEEDING CONTRACT RENEWAL; NORTH AMERICAN WEATHER CONSULTANTS, INC.:**  
Senior Accountant Jane Lee was present for discussion.

Senior Accountant Lee provided the North American Weather Consultants, Inc. Cloud Seeding contract renewal for discussion and approval. She also confirmed that all pertinent funding partners committed to assistance for the next year without formal agreements. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Cloud Seeding contract renewal with North American Weather Consultants, Inc. and authorize signatures. Motion carried unanimously.

**RELEASE DEVELOPMENT IMPROVEMENTS AGREEMENT; THREE VALLEYS SUBDIVISION:**  
County Paralegal Rachel Magruder was present for discussion.

County Paralegal Magruder explained that all certifications were completed and that all monies had been returned. She also noted the existence of a weed problem due to weeds on surrounding properties. Because of this situation, a weed control company had been retained for an additional two years. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize the Release of Development Improvements Agreement between the county and Three Valleys, LLC and authorize signatures. Motion carried unanimously.

**SEVENTH ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR BUCKHORN RANCH, FILING 2B TO EXTEND THE WORK COMPLETION DATES; POSSIBLE DRAW OF SECURITY; POSSIBLE EXECUTIVE SESSION:** County Paralegal Magruder, County Attorney Baumgarten, engineering representative for the Public Works Department Allen Moores, attorney Jill Norris and engineer Jerry Burgess were present for discussion. Dr. Dick Landy was available for discussion via telephone.

County Attorney Baumgarten stated that progress on this project had been made, though not according to schedule, and that a significant amount of work remained outstanding. He also stated that he had attended mediation on this matter and suggested an executive session to discuss the mediation details. Lastly, he explained that Judge Steve Patrick entered a Partial Summary Judgment providing an indication that the necessary approvals for the siting of Stallion Park were not appropriately obtained and conveyed. He also explained that this judgment provided the board the opportunity to suspend or revoke any or all of the permits. Dr. Landy stated that a Motion for Reconsideration is pending.

Dr. Landy stated that Mr. Burgess has been thorough with regard to the infrastructure and that all major items had been completed. Mr. Burgess confirmed that all utility, water and sewer items were complete, yet not verified. He also stated that the telephone infrastructure had been paid for, but not yet completed by the telephone company.

Mr. Burgess also stated that, if a second layer of chip seal is found to be warranted after evaluation next Spring, an approximate cost of \$215,000 would be incurred. Engineering representative for the Public Works Department Moores provided an estimate of \$170,000, plus 25%, for the same project. Dr. Landy stated his impression that both estimates were excessive.

Mr. Burgess noted a cost of \$17,500 to finish the tennis courts and softball field area. He also stated that volleyball courts may be substituted for the softball field. County Attorney Baumgarten stated his opinion that the Town of Crested Butte may object to the elimination of the softball field.

Mr. Burgess stated that the Mt. Crested Butte Fire Protection District had approved the hydrants with an additional \$4,500 necessary for work requested by the district.

Mr. Burgess could not confirm whether or not the leak repair was successful for the lakes and pond and quoted \$55,000 for repair of the liner next Spring, if warranted.

County Attorney Baumgarten suggested entering an executive session in order to discuss the opportunity to suspend or revoke any or all of the permits. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to go into executive session with County Paralegal Magruder, County Attorney Baumgarten, County Manager Birnie and the board for the purpose of receiving legal advice on the Buckhorn Ranch/Stallion Park project. Motion carried unanimously.

The board went into executive session at 11:29 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b)(e).*

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## Attorney Statement Regarding Executive Session

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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: \_\_\_\_\_

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Hap Channell, Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 11:48 am. Chairperson Channell confirmed that the discussion remained on-topic; that all parties stated to be in attendance were in attendance, with the addition of engineering representative for the Public Works Department Moores; and that no decisions were made.

Chairperson Channell recognized the county's authority for abatement, suspension or revocation of any permits while the court holds a separate right of judgment. He also stated that mediation was scheduled to continue on November 16, 2007. He then suggested suspending decisions until receiving updates from engineering representative for the Public Works Department Moores regarding outstanding items and from County Attorney Baumgarten regarding the scheduled mediation. Commissioner Starr and Commissioner Swenson agreed to suspend any board decisions. Attorney Norris asked the board to delay decision until the Motion for Reconsideration has been considered by Judge Patrick. This item was continued to December 4, 2007.

**CORRESPONDENCE FROM KOBEX RESOURCE LTD.; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten and County Paralegal Magruder were present for discussion.

County Attorney Baumgarten provided correspondence dated October 19, 2007 from Maurice Tagami, Chief Operating Officer of Kobex Resources, Ltd. which questioned the applicability of Gunnison County regulations to current and proposed Kobex operations in Gunnison County. County Attorney Baumgarten explained that Gunnison County regulations can only be challenged through a court process.

County Attorney Baumgarten stated that he had begun drafting a Complaint for Declaratory Judgment and Injunctive Relief with the intent to request board authority to file the lawsuit. However, once making his intention clear to Kobex's legal counsel, County Attorney Baumgarten was able to participate in a telephone conference with John D. Fognani, of Fognani & Faught, PLLC, and supplied correspondence dated November 5, 2007 from Mr. Fognani confirming Kobex's intent to cooperate with county officials and to allow a site visit of their facility. County Attorney Baumgarten stated that he would report on site visit findings at the next board meeting, if possible. He also confirmed his intent to complete the draft complaint in the event that it becomes necessary to file it with the court.

The board thanked county staff for quick and clear responses to the correspondence.

Mineral Resources Director for High Country Citizens' Alliance Bob Salter stated HCCA's support and appreciation of county efforts to protect land and water resources in the Gunnison Valley.

**BREAK:** This meeting recessed from 12:11 until 1:03 pm.

**COLORADO RIVER WATER CONSERVANCY DISTRICT REPORT:** CRWCD Chairman Bill Trampe was present for discussion.

CRWCD Chairman Trampe confirmed that an audit firm had been hired for a three-year term.

CRWCD Chairman Trampe reported that the Colorado River Basin proposal mediation process was continuing. He also reported that Denver and Eagle County interests had reached a tentative settlement concerning wilderness water rights. The Western Slope entities were scheduled to meet during the week of November 12, 2007 to discuss any settlement potential.

CRWCD Chairman Trampe relayed Senator Jim Isgar's intention to introduce legislation that would mandate that any future water rights filings would be subject to a level of compact curtailment regulation. CRWCD Chairman Trampe stated that the CRWCD has not committed to support the legislation. Rather, the CRWCD supports Senator Isgar's intention without equal confidence in the method of approach.

**LOCAL MARKETING DISTRICT (LMD) BOARD OF DIRECTORS; WORK PLAN AND BUDGET DISCUSSION FOR 2008:** Assistant Finance Director Cowan, Tourism Association (TA) President Joellen Fonken, TA Vice President Loree Weisman, TA Treasurer Wanda Bearth, TA Secretary Steven Pierotti, TA Director Jane Chaney and TA Marketing Coordinator Rob Strickland were present for discussion.

Ms. Chaney reported that the TA's Destination Guide was awarded first prize by the North American Travel Journalists Association in 2006 and presented a commemorative plaque to the board.

Ms. Chaney explained the TA's new policy, as adopted on September 11, 2007, of remaining a non-political organization by preventing their Board of Directors from taking any official or unofficial positions on behalf of the TA for any issues.

The Work Plan and 2008 Budget were discussed. Ms. Chaney confirmed that the goal of growing LMD tax dollars incrementally by 40% over three years had been exceeded by an additional 8%. For the July 2007 through June 2010 period, Ms. Chaney stated that the benchmark had been increased 15% with the goal of increasing incremental tax revenues by 30%.

Ms. Fonken requested that the Gunnison County Board of County Commissioners assume the lead role in pursuing LMD collections. County Manager Birnie stated that the TA performs the services that various entities will use to evaluate funding and agreed to meet individually with Ms. Chaney to discuss the issue before scheduling a discussion with the board on a future agenda, if necessary.

Ms. Chaney thanked the board for support of TA goals.

#### **UNSCHEDULED CITIZENS:**

1. Ramon Reed. Mr. Reed expressed his concern regarding the Forest Service's potential plans to close some of the area campgrounds, which could impact the Gunnison County economy due to a slowing of recreational visitors. The board thanked Mr. Reed for his input and confirmed that the Forest Service was scheduled to present this issue to the board on November 13, 2007. A copy of the agenda will be submitted to Mr. Reed once finalized.

#### **COMMISSIONERS MEETING REPORTS:**

##### **Commissioner Starr:**

1. Health Care Foundation. Commissioner Starr reported that he and Commissioner Swenson met with representatives from the Health Care Foundation and that the foundation is seeking community funding proposals to fund local programs. Commissioner Starr suggested assembling a group to represent our local needs and then make proposals to the foundation.
2. Temporary Animal Control Facility. Commissioner Starr reported that Assistant County Manager Crosby and Gary Garland toured the site to ensure the appropriateness of the proposed location. He also reported that a 1500 square foot modular building was being considered that would initially accommodate five kennels with a future expansion of up to eight kennels. Commissioner Starr stated that GCEA CEO Mike Wells was in agreement to proceed. He also stated that the Town of Crested Butte stated preliminary support of the plan even though municipal service had never before been extended outside of the town boundaries. Commissioner Starr reported that the infrastructure would be planned for 2008 and then proposed county representation of a DOLA grant application to cover those costs. This issue was continued until November 20, 2007.
3. Gothic Road Task Force. Commissioner Starr stated his desire to schedule a meeting to receive any updates.

##### **Commissioner Swenson:**

1. Animal Task Force. Commissioner Swenson reported that the task force was currently working on timeline and budget information. The task force intends to include the information in funding requests to the City of Gunnison and to the county.

2. Miller Ranch Purchase. Commissioner Swenson confirmed that the DOW purchased the Miller Ranch and expressed her appreciation of J Wenum's efforts. A letter of appreciation will be drafted.
3. Region 10. Commissioner Swenson reported that Region 10 was considering a complete remodel of their office building with the intention of renting suites to local non-profit agencies. She also reported that the state hired an independent auditor to assess the enterprise zone issues. As well, dues will reportedly remain the same for the following year.
4. Mayor Managers. Commissioner Swenson relayed that, during the recent Mayor Managers meeting, Pitkin Mayor Steve Pinkston initiated a forest service discussion that held interest through the meeting.

**Chairperson Channell:**

1. CCI Legislative Committee. Chairperson Channell explained that it was not possible to enter items into the process for the current year and suggested that late winter or early spring would be an appropriate time to begin assembling ideas that the county may wish to introduce the following year.
2. Pandemic Response Committee. Chairperson Channell reported that the team had slowed considerably during Health and Human Services Director Renee Brown's recent transition, but that the team was gaining momentum and moving in a forward direction. He also confirmed that Hank Smith is no longer on the committee.
3. Energy Symposium. Chairperson Channell reported that the symposium was well attended. He also expressed that the Delta-Montrose Electric Association projects itself as a responsive and highly progressive organization.

**ADJOURN: Moved** by Commissioner Starr, seconded by Chairperson Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:42 pm.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

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Jim Starr, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk

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

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 38, SERIES 2007

A RESOLUTION APPROVING AN AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS OF  
GUNNISON RIVERBANKS RANCH

WHEREAS, has the Gunnison Riverbanks Homeowners' Association, Inc. has submitted a request to amend the *Declaration of Protective Covenants of Gunnison Riverbanks Ranch*, which amendment is attached and would allow the Architectural Review Board to increase the size of any Building Site within the subdivision by up to 15 percent or 3500 square feet, whichever is larger; and

WHEREAS, the proposed amendment has received approval by the requisite number of Lot Owners required by the *Declaration of Protective Covenants of Gunnison Riverbanks Ranch* to effect an amendment; and

WHEREAS, Gunnison Riverbanks Ranch is a subdivision approved by Gunnison County , and the *Declaration of Protective Covenants of Gunnison Riverbanks Ranch* requires that amendment of those covenants require Gunnison County approval; and

WHEREAS, after a review of the submitted information, the Board of Commissioners has determined that approval of the amendment violates no provision of the *Gunnison County Land Resolution* or the conditions of Land Use Change Permit No. 2003-14;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the *Declaration of Protective Covenants of Gunnison Riverbanks Ranch* are hereby amended, as reflected in the attached "Exhibit A," and with the condition that a change to the configuration of any Building Site is subject to approval of an amended plat by the Gunnison County Board of Commissioners.

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 Swenson, seconded by Commissioner Starr, and passed on this 6<sup>th</sup> day of November, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – yes; Swenson – yes.