

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
December 18, 2007**

The December 18, 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- ABSENT

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. Commissioner Starr was not in attendance due to a scheduling conflict.

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Board of County Commissioners Regular Meeting minutes of November 20, 2007 as presented and authorize signatures. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Board of County Commissioners Special Meeting minutes of December 5, 2007 as presented and authorize signatures. Motion carried.

**CONSENT AGENDA:** Chairperson Channell requested that items #1, #4, #5 and #10 be pulled from the Consent Agenda for further discussion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve Consent Agenda items #2, #3, #6, #7, #8, #9, #11 and #12. Motion carried.

1. Acknowledgement of County Manager Signature; Consulting Services Agreement, Kintera FundWare
2. Acknowledgement of County Manager Signature; Airport Property Lease, 96 Rio Vista Drive, Jane Lee
3. Ratification of Chairperson Signature; Recreation Facilities Management Plan Correspondence, Bill Jackson, USFS
4. Intergovernmental Agreement; 2008 Noxious Weed Control Agreement, Gunnison County and the Town of Crested Butte
5. Intergovernmental Agreement; 2008 Noxious Weed Control Agreement, Gunnison County and Hinsdale County
6. Resolution; Establishing the Schedule of Fees and Rates for Water Service Within the Dos Rios Division of the Gunnison County Water and Sewer District
7. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Dos Rios Division of the Gunnison County Water and Sewer District
8. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Antelope Hills Division of the Gunnison County Water and Sewer District
9. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Somerset Division of the Gunnison County Water and Sewer District
10. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the North Gunnison Division of the Gunnison County Water and Sewer District
11. Corporate Membership Agreement; Curves
12. Corporate Membership Agreement; Rocky's Gym

Chairperson Channell noted that page four had been omitted from Consent Agenda item #1. County Manager Birnie stated that County Attorney Baumgarten felt this contract was financially insufficient to warrant a renegotiation. County Manager Birnie also stated that this contract contained standard language that generally is not changed unless larger dollar amounts are in question.

Chairperson Channell requested discussion of Consent Agenda items #4 and #5 and questioned whether the two items should be suspended until Gunnison County has identified the members of the commission. Assistant County Manager Crosby explained that all counties are required to be part of a weed commission and that involvement with the Gunnison County commission sufficiently meets that requirement. She further stated that those entities can choose to appoint a representative or not.

Chairperson Channell asked that Consent Agenda item #10 be pulled for discussion of the graph provided by the Finance Department that illustrated rates for water and sewer districts since 1994. He also noted his opinion that the tendencies for the North Gunnison Division were problematic because the fee-trend is increasing creating his concern relative to the overall outlook for the North Gunnison Division. Commissioner Swenson cited the example of the Dos Rios Division fees decreasing once all bonds had been paid and noted that the fees relative to the North Gunnison Division were up 15% last year compared to being up only 4% this year. County Manager Birnie noted that fee stability cannot be predicted since development rates are unknown. However, County Manager Birnie also felt it would be safe to assume that the capacity would be largely utilized over the life of the sewer system. County Manager Birnie also confirmed that the North Gunnison Sewer has not been tapped by all available residences since a number of septic systems are still being utilized. Assistant County Manager Crosby

reported that approximately five entities had tied into the North Gunnison Sewer within the past couple of months, which should assist in stabilization of fees.

**Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve Consent Agenda items #1, #4, #5 and #10 and authorize signatures. Motion carried.

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

**COUNTY MANAGER'S REPORT AND CORRESPONDENCE:** County Manager Birnie and Personnel Director Debbie Moore were present for discussion.

1. Housing Needs Assessment. County Manager Birnie stated that Housing Authority Director Denise Wise and the County Attorney's office will be finalizing the contract. He also explained that the timeline portion will be a future attachment.
2. Second Amendment to the Gunnison County Employee Dental Benefit Plan. Personnel Director Moore explained that this amendment was proposed due to a shortage of dentists in our area and because several remaining dentists have recommended that patients schedule appointments with dental hygiene clinics for routine cleanings. Lastly, she noted that there are dental hygiene clinics in both Gunnison and Crested Butte. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Second Amendment to the Gunnison County Employee Dental Benefit Plan and authorize signatures. Motion carried.
3. Sixth Amendment to the Gunnison County Employee Benefit Plan. Personnel Director Moore explained that this amendment was proposed to include coverage for intra-uterine devices as a means of birth control. She also explained that recent improvements to IUD's had prompted insurance companies to now provide coverage for them whereas they were not previously covered. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Sixth Amendment to the Gunnison County Employee Benefit Plan as amended and reinstated, effective April 1, 2004, and authorize signatures. Motion carried.
4. 2008 Flexible Benefit Plan for Gunnison County Employees. Personnel Director Moore explained that this proposal would change the Flexible Benefit Plan administrator to NGS American, which is the same administrator for the county medical, dental and vision plans. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the 2008 Flexible Benefit Plan for Gunnison County Employees and authorize signatures. Motion carried.
5. 2008 TRIAD EAP Services Agreement. Personnel Director Moore explained that this agreement represented the same contract details that had been in place for the previous three years, with an amendment to include the allowance of three free mental-health counseling sessions and two free financial counseling sessions per year. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the 2008 TRIAD EAP Services Agreement and authorize signatures. Personnel Director Moore noted that Gunnison County averages six employees, per quarter, who utilize this program. She also expressed her opinion that this was not only beneficial to the employees, but to the county as supervisors have this tool at their disposal in the event that intervention becomes necessary. Motion carried.
6. 2008 Colorado Counties Casualty and Property Pool Agreement for Partially Self-Funded Program. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the 2008 Colorado Counties Casualty and Property Pool Agreement for Partially Self-Funded Program and authorize the chairperson's signature. Motion carried.
7. Acknowledgement of County Manager Signature; AFLAC Insurance Modifications. Personnel Director Moore explained that short-term disability insurance and special-event coverage have been added and that this document confirms the county's agreement to deduct 100% of the premium from the participating-employee's paycheck. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Acknowledgement of County Manager's Signature on the AFLAC Insurance Modifications. Motion carried.

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

1. Overtime and Compensatory Time. Assistant County Manager Crosby reported that the recent snow storm cost the county \$101,710 and incurred 900 hours of overtime and compensatory time. She also noted that this was more costly than usual because it occurred on a weekend.
2. Intergovernmental Agreement; Snow Removal, Gunnison County and the Town of Marble. Assistant County Manager Crosby noted that the Town of Marble had requested snow removal assistance earlier, but that she had declined the request due to non-availability of an employee to manage the task. Since then, Assistant County Manager Crosby has hired an employee that she is confident with. She also explained that this new employee is a resident of Marble, lives near the shop and has his own equipment. Assistant County Manager Crosby recommended that the county perform plow service and then bill the Town of Marble for the fuel. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Intergovernmental Agreement for Winter Road Maintenance between Gunnison County and the Town of Marble and authorize the chairperson's signature. Motion carried.

3. **North Gunnison Sewer Insurance Claim.** Assistant Finance Director Ben Cowan was present for discussion. Assistant County Manager Crosby stated that the interior of the manhole in question was sheeted in ice and that she had the contractor deduct the repair costs from his statement. She also explained that the contractor fixed the sag in the line and that the manhole has now been insulated and thawed. Assistant County Manager Crosby recommended that the county cover these costs since the insurance company denied the claim. The total cost to the county was noted as \$5,357.55 plus \$900 for lost March and April rent sustained by the property owners. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve payment of the Lila Newman insurance claim for the freeze-up of the North Gunnison Sewer issue in the amount of \$6,257.55 out of the Risk Management Fund. Motion carried.

**BREAK:** This meeting recessed from 9:10 to 9:41 to convene as the Housing Authority Board.

**HOUSING AUTHORITY BOARD:** Gunnison County Housing Authority Executive Director Denise Wise and Essential Housing Administrator Eileen McVicar were present for discussion.

**CALL TO ORDER:** Chairperson Channell called the Housing Authority Board to order at 9:10 am.

**DEED RESTRICTIONS:** Housing Authority Director Wise presented amended deed restrictions for discussion and approval. Additional amendments were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Housing Authority Occupancy and Resale Deed Restriction and Essential Housing Covenant, amended as of December 18, 2007, and authorize the Executive Secretary's signature. Motion carried.

**CONSTRUCTION LETTER OF CREDIT FOR PUBLIC/PRIVATE PARTNERSHIP:** Housing Authority Director Wise confirmed receipt of a commitment letter from the Community Banks of Colorado relevant to financing construction costs for essential housing on Lot 22, Rock Creek Subdivision. She also stated that the future costs can be calculated because of the 4% fixed-rate financing. She also expressed her faith in this program and anticipates that it will benefit the citizens of Gunnison County. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to accept the loan terms as presented by Community Banks of Colorado for the Public/Private Partnership in the amount of \$700,000 at an interest rate of 4% and authorize the chairperson's signature on the Construction Letter of Credit. The board agreed that County Manager Birnie would be the authorizing entity for drawing funds on the letter of credit. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to authorize the Executive Secretary of the Housing Authority to make the draws on the Letter of Credit with an acknowledgement by the Gunnison County Board of County Commissioners. Motion carried.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adjourn the Housing Authority Board. Motion carried. The meeting adjourned at 9:41 am and the Gunnison County Board of County Commissioners was immediately called back to order.

**Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County Housing Authority Occupancy and Resale Deed Restriction and Essential Housing Covenants, as amended December 18, 2007, and authorize the chair's signature. Motion carried.

**MINOR IMPACT SUBDIVISION; FINAL APPROVAL, CURTIS ALLEN AND KIM BARZ:** County Planner Cathie Pagano and property owners Curtis Allen and Kim Barz were present for discussion.

County Planner Pagano presented the proposal for discussion and acceptance. She also explained that this subdivision request was to separate a 5.39-acre parcel from the larger ranch property and that the road separates this parcel from the larger parcel making the division obvious. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2007-55, a Resolution Approving Land Use Change Permit No. 2007-10, a Land Use Change Permit for Kim Barz and Ralph Allen & Sons, Inc., for the Subdivision of a 5.39-Acre Lot from a 479-Acre Parcel and authorize signatures and the chairperson's signature on the plat. Chairperson Channell asked if the Planning Commission recommended any mitigation as a result of Mr. Randy Ewing's well-related concerns and County Planner Pagano stated that no mitigation was recommended. Mr. Allen stated that Mr. Ewing did not protest during the 30-day comment period. Mr. Allen also stated that he hired a water-engineering firm to perform an evaluation and was informed by that firm that Mr. Ewing's well had a greater chance to affect Mr. Allen's well. Mr. Allen confirmed that those findings were relayed to Mr. Ewing. Motion carried.

**TOWNHOME PLAT APPROVAL; TIMBERS TOWNHOMES, LOT 14, BLOCK 4, CRESTED BUTTE SOUTH FILING 2:** County Planner Pagano was present for discussion and noted that the applicant was not ready for this item to be presented to the board, so it was pulled from the agenda.

**LOT CLUSTER; SINCLAIR BUCKSTAFF, JR. AND DEE A. BUCKSTAFF, LOTS 3, 4, 5, 14, 15 & 16, BLOCK 6, IRWIN TOWNSITE:** Planning Department Services Manager Beth Baker was present for discussion.

Planning Department Services Manager Baker stated that the applicants had originally requested an alley vacation, which had been completed, and that this lot cluster was a requirement of that alley vacation.

**Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Lot Cluster Agreement between Sinclair Buckstaff, Jr. and Dee A. Buckstaff and Gunnison County and authorize signatures. Motion carried.

Chairperson Channell questioned the practice of allowing alley vacations without cost to the applicant. County Manager Birnie noted that granting vacations provides an avenue for future development with eventual cost to the county. Planning Department Services Manager Baker stated her opinion that the county should not give away assets and that there should minimally be application fees to cover the cost of processing. Chairperson Channell requested that this topic be added to a future agenda.

**BREAK:** This meeting recessed from 10:04 until 10:16 am.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented monthly Warrants and Cash Transfers for discussion and approval. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the warrants for December 18, 2007 from Warrant #89257 through #89641, in the amount of \$1,469,667.06. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Cash Transfer Authorization for November 2007 in the amount of \$2,427,652.69. Motion carried.

**TREASURER'S MONTHLY REPORT:** Treasurer Melody Marks provided the Treasurer's Monthly Report for November 2007 and an Investment Report dated November 30, 2007 for review and acceptance. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to accept the Treasurer's report for November 2007 and authorize the chair's signature. Motion carried.

**DEPARTMENT OF MOTOR VEHICLES HOURS OF OPERATION:** County Clerk and Recorder Stella Dominguez was present for discussion.

County Clerk and Recorder Dominguez explained that the current practice of closing the Department of Motor Vehicles at 5:00 pm is causing excessive overtime and compensatory time due to customers entering the office just prior to 5:00 pm. County Clerk and Recorder Dominguez requested permission to modify the hours of operation to conclude the business day at 4:30 pm, on a daily basis, beginning in January 2008. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to support the Motor Vehicle Office being allowed to close the door at 4:30 pm on a daily basis beginning on the 1<sup>st</sup> day of January 2008. Motion carried.

**RESOLUTION; SUPPORT OF WIRELESS TELEPHONE SERVICE IN THE BIG CIMARRON VALLEY, HIGH CIMARRON, LLC:**

This resolution was discussed and modified to include language stating that this resolution would not preempt the Land Use Change process. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2007-56, as amended, a Resolution Supporting Wireless Telephone Services in the Big Cimarron Valley and authorize signatures. Motion carried.

**COMMISSIONER MEETING REPORTS:** (This item began earlier than projected due to an unexpected break in the schedule.)

**Commissioner Swenson:**

1. Gunnison Sage-grouse Strategic Committee Travel Expenses. Commissioner Swenson noted that a committee member requested that the county pay for travel expenses incurred during attendance of an optional meeting and the board agreed that these expenses should not be burdened by the county. **Moved** by Chairperson Channell, seconded by Commissioner Swenson that, as a general policy, the county will not pay expenses for non-county appointed committee members, recognizing that these can be considered on a case by case basis. Motion carried.
2. Animal Task Force. Commissioner Swenson reported that questionnaires were returned by many local veterinarian offices and that the questionnaires indicated a lack of support for boarding capability at the future county shelter. She also reported attendance at the Environmental Studies group meeting, directed by Mark Lung. During the meeting, building designs were discussed and a design was chosen that outlined an 84% energy-efficient structure.

**Chairperson Channell:**

1. Pandemic Orientation Meeting. Chairperson Channell noted that all commissioners, as well as County Manager Birnie, attended this well-attended meeting. He stated that all attendees seemed pleased with the presentation. He further stated his hope that the information was disseminated effectively.
2. Gunnison Area Community Foundation Grants Committee. Chairperson Channell reported that there were 23 grant applicants in the current cycle and that \$30,000 was preliminarily-granted to approximately 20 organizations. He also reported that the planned merge to become the Community Foundation of the Gunnison Valley will begin in January 2008 with new grant cycles observed annually in June. Also, Chairperson Channell noted that he will be doing a side-by-side

comparison on which organizations requested funds compared to those that requested funds from the county.

3. Mayor Managers Meeting. Chairperson Channell noted that much of the discussion at the recent Mayor Managers meeting surrounded the RTA and LMD taxes. He stated his feeling that the RTA will present their request to the voters this year. He also noted that the RTA has experienced issues with the absence of pull-offs for specific pick-up locations on the bus route because CDOT mandates that the left wheels remain outside of the marked highway line when loading and unloading. Since locations exist on the current route that do not provide such spacing, Chairperson Channell noted that this will be an ongoing issue.

**QINETIQ CONTRACT EXTENSION:** Assistant County Attorney Tom Dill, Airport Manager John DeVore and Airport Administrative Director Kathie Lucas were present for discussion.

County Manager Birnie presented the modified contract for discussion and approval. Airport Manager DeVore noted that QinetiQ requested clarification that holidays would apply to federal holidays only. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the QinetiQ contract extension and authorize the chair's signature. Motion carried.

**GUNNISON-CRESTED BUTTE REGIONAL AIRPORT GROUND TRANSPORTATION AGREEMENTS:** Airport Manager DeVore and Airport Administrative Director Lucas were present for discussion.

Airport Administrative Director Lucas explained that two companies approached the airport with off-ground transportation requests and that each company chose a contract in lieu of a per-occurrence fee. The contracts were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison-Crested Butte Regional Airport Ground Transportation agreements between Gunnison County and At Your Service and Global Transportation and authorize signatures. Motion carried.

**HB 1177 UPDATE:** Mr. Dennis Steckel was unable to attend the meeting due to a scheduling conflict and this item was stricken from the agenda.

**COMMISSIONER MEETING REPORTS:** (This was continued from earlier in the meeting.)

**Commissioner Swenson:**

1. Club 20. Commissioner Swenson noted that there was no voting during the recent Club 20 meeting. Rather, the meeting largely-entailed reports from legislators on what they intend to present during the upcoming session.

**BREAK:** This meeting recessed from 11:34 until 3:03 pm for lunch, to hold the below Public Hearing and to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

#### **PUBLIC HEARING COMMUNITY SERVICES BLOCK GRANT**

Chairperson Channell opened the Public Hearing at 2:01 pm. Health and Human Services Director Renee Brown and Gunnison/Hinsdale Board of Human Services Chairperson Allen Brown were present for discussion.

Health and Human Services Director Brown explained that her department had been coordinating customer surveys related to housing, medical and dental needs of Gunnison County residents and stated that the money received from this grant would be used to coordinate community needs and ensure that those needs are met. The total amount of the grant award was stated as \$24,519. She also confirmed that the Health and Human Services Commission approved the plan, as mandated by the application process, and that she will forward the grant application for board review in January.

There was no public comment and Chairperson Channell closed the Public Hearing at 2:07 pm.

**CREATION OF THE LIBRARY DISTRICT:** Library Director Carol Primus and library representative Marsha Rose were present for discussion.

1. Resolution; Creation of the Library District. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2007-57, a Resolution Establishing a Library District and Merging the Gunnison County Public Library into the Library District Pursuant to the Colorado Library Law and authorize signatures. Motion carried.
2. Intergovernmental Agreement. County Manager Birnie stated that this item was not yet ready for discussion and will be added to a future agenda.

**UNSCHEDULED CITIZENS:** There were no unscheduled citizens present for discussion.

**COMMISSIONERS MEETING REPORTS:** (These reports were given earlier in the meeting.)

**ADJOURN:** Moved by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried. The meeting adjourned at 3:17 pm.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

**(Absent from meeting – no signature)**

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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. 07-50

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 06-88

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.
3. Commercial Water User Fees. User fees for each commercial connection will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears. The base user fee will equal the product of the Equivalent Residential Units (ERUs), seventy-five percent (75%), and the current residential base rate according to Appendix A attached hereto. The ERUs will equal the product of the factor according to Appendix C and the number of factor units according to Appendix C.

The base gallons for each commercial connection will equal the product of the ERUs and the residential base gallons according to Appendix A attached hereto.

4. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Dos Rios Division which has water service available to that parcel but which parcel is not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
5. Tap Connection Fee. There is a fee for water service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to meter size.
6. Meter Fee. There is a one-time fee for the use of a Gunnison County owned water meter. This fee will be "at cost" for the meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.
7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.
8. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.
9. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
10. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, the additional inspection fee will be charged.
11. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.
12. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.
13. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 07-51

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE  
DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 06-89

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Dos Rios Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.
3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.
4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Dos Rios Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
5. Tap Connection Fee. There is a fee for sewer service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.
7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.
9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.
10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 07-52

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 06-90

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Antelope Hills Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.
3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.
4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Antelope Hills Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
5. Tap Connection Fee. There is a fee for sewer service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.
7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the tap fee for that parcel has been paid in full as set forth above.
9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.
10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 07-53

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE SOMERSET DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

## THIS RESOLUTION SUPERSEDES RESOLUTION 06-91

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the operation of the sewage treatment system providing service to the Somerset Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Somerset Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. User fees will be billed in advance.
3. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Somerset Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
4. Tap Connection Fee. There is a fee for sewer service tap connection within the Somerset Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
5. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.
6. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Somerset Division unless the tap fee for that parcel has been paid in full as set forth above.
8. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.
9. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 07-54

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

## THIS RESOLUTION SUPERSEDES RESOLUTION 06-92

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the North Gunnison Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the North Gunnison Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.
3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate (partial tap) according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.
4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the North Gunnison Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
5. Tap Connection Fee. There is a fee for sewer service tap connection within the North Gunnison Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.
7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the North Gunnison Division unless the tap fee for that parcel has been paid in full as set forth above.
9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.
10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 55, SERIES 2007

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2007-10, A LAND USE CHANGE PERMIT FOR KIM BARZ AND RALPH ALLEN & SONS, INC., FOR THE SUBDIVISION OF A 5.39-ACRE LOT FROM A 479-ACRE PARCEL

WHEREAS, Kim Barz and Ralph Allen & Sons, Inc, have applied for a Land Use Change permit to subdivide one 5.39 acre tract (Barz parcel) from a 479-acre parcel. The Barz parcel is physically separated from the 473-acre parcel by County Road 730. Currently the entire parcel is used for agricultural operations by the Allen family. The applicant is proposing to construct one single-family residence, a garage with a second residence above it and a shed. The parcel is legally described as being in the Southwest quarter of the Northeast quarter, Section 12, Township 50 North, Range 1 West, N.M.P.M. The subject parcel is approximately 1.4 miles north of the intersection of County Road 730 (Ohio Creek Road) and Highway 135 on County Road 730.; 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 November 16, 2007 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. The project complies with the primary locational standards.
2. This project, by definition, is classified as a Minor Impact.
3. The proposed lot sizes are substantially similar to and compatible with other lots within the area.
4. The subject 5.86-acre parcel is physically separated from the 473-acre Allen ranch parcel by County Road 730.
5. The applicant will utilize an individual well for the water supply.
6. The applicant has a water court approved augmentation plan signed by the referee and the judge in Case No. 06CW187.
7. The applicant has obtained a wetlands delineation, prepared by Bio-Environs and the findings have been confirmed by the Army Corps of Engineers in a letter dated November 2, 2007.
8. The applicant has received Nationwide General permit 14 from the Army Corps of Engineers for the augmentation pipeline, located in the wetlands.
9. The project complies with the objectives of the City of Gunnison Three Mile Plan and complies with the density standard of one unit per five acres in a rural-residential area.
10. Elizabeth Ann Bertschy has granted the applicant a grant of easement across her property for installation of the augmentation pipeline, recorded at Reception No. 580272 in the Gunnison County Clerk and Recorder's Office.
11. This application is consistent with the standards and requirements of this *Resolution*.
12. No phases are proposed for this development.
13. Access will be from the existing County Road 730; any new driveway shall be required to comply with the Gunnison County Road and Bridge Standards.
14. Language regarding the containment of domestic animals, irrigation ditches and the "fence-out" requirement has been noted on the plat and in the covenants.
15. 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*.
16. 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. All domestic animals shall be confined to the property.
2. A grass stubble height of 4 inches shall be maintained, during the growing season, across the pasture portion of the subject parcel.
3. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. 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.
6. 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.
7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2007-10, for Ralph Allen & Sons, Inc. and Kim Barz 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 Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

## BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2007-56

A RESOLUTION SUPPORTING WIRELESS TELEPHONE SERVICES IN THE BIG CIMARRON VALLEY

WHEREAS, the Big Cimarron Valley, situated in the southwestern corner of Gunnison County does not receive reliable wireless (cellular) telephone service; and

WHEREAS, wireless telephone service would be a great benefit to the permanent residents of the Big Cimarron Valley, as well as to many owners of weekend and vacation homes in the valley; and

WHEREAS, many residents of Gunnison County recreate, camp, fish, hunt, boat, ride, snowmobile, hike and ski in the Big Cimarron Valley, including at Silver Jack Reservoir and in the surrounding National Forest and Wilderness Area; and

WHEREAS, wireless service could be extremely important in the event of accident, injury, medical emergency or natural or man-made catastrophe, particularly in the more remote parts of the Big Cimarron Valley, and could help save lives and prevent property damage; and

WHEREAS, this is currently unused radio relay tower at an altitude of approximately 11,450 feet on top of Castle Rock on the Cimarron Ridge and this tower is situated on private property now owned by High Cimarron, LLC; and

WHEREAS, we understand that High Cimarron, LLC is willing to make the tower available for use by a wireless company, free of charge, to provide wireless telephone service to the Big Cimarron Valley; and

WHEREAS, the provision of such wireless telephone service is in the public interest and the interest of the citizens of Gunnison County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado supports the provision of wireless telephone service to the Big Cimarron Valley and urges the commercial providers of such services to give strong consideration to the location of a wireless relay station on the currently unused radio tower situated on the top of Castle Rock on the Cimarron Ridge, or at such other location as would provide reliable wireless telephone service to the Big Cimarron Valley.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2007-57

A RESOLUTION ESTABLISHING A LIBRARY DISTRICT AND MERGING THE GUNNISON COUNTY PUBLIC LIBRARY INTO THE LIBRARY DISTRICT PURSUANT TO THE COLORADO LIBRARY LAW

WHEREAS, public libraries have historically been an integral part of the informational, educational, and cultural core of Gunnison County, Colorado; and

WHEREAS, pursuant to the Colorado Library Law, § 24-90-101, et seq., C.R.S., as amended, the Board of County Commissioners of Gunnison County historically has been and will continue to be committed to making available in Gunnison County publicly-supported, free library services providing information accessible to users regardless of age, physical or mental health, or economic status; and

WHEREAS, pursuant to the Library Law, the Gunnison County Public Library ("County Library") was formed by resolution of the Board of County Commissioners ("BOCC") dated July 12, 1965; and

WHEREAS, based on the recommendation of the County Library Board of Trustees, the BOCC has determined that formation of a library district is appropriate to ensure the viability, sustainability, and sound fiscal future of publicly-supported, free library services in Gunnison County; and

WHEREAS, pursuant to the Library Law, the formation of a library district will offer greater opportunities for flexibility in financing and independence of focus than have been available to the County Library; and

WHEREAS, pursuant to §§ 24-90-106 and 107(1), C.R.S., as amended, the BOCC is expressly authorized to establish a library district upon providing adequate notice and a public hearing; and

WHEREAS, pursuant to §§ 24-90-103(12) and 107(2)(b), C.R.S., as amended, notice has been given of the public hearing held this date concerning establishing a library district, as evidenced by the affidavits of publication that are attached hereto and incorporated herein by this reference collectively as Exhibit "A".

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that a library district, as defined and provided for under the Library Law, shall be established as of January 1, 2008 and shall be known as the "Gunnison County Library District (GCLD)".

BE IT FURTHER RESOLVED that, pursuant to § 24-90-103(6), C.R.S., as amended, the GCLD shall be established by Gunnison County but may be maintained by one or more governmental units or parts thereof.

BE IT FURTHER RESOLVED that, concomitant with the establishment of the GCLD, the County Library shall be fully merged into and become a part of the district, as more specifically enumerated herein, so that the County Library shall no longer exist as a separate or distinct entity.

BE IT FURTHER RESOLVED that the GCLD shall be a "public library," as defined under § 24-90-103(13)(a), C.R.S., as amended, and shall be operated and maintained for the free use of the public residing within its legal service area, shall be operated and maintained in whole or in part with money

derived from local taxation, and shall be open to the public a minimum number of hours per week in accordance with rules established by the state library.

BE IT FURTHER RESOLVED that, pursuant to § 24-90-103(5), C.R.S., as amended, the GCLD shall be a political subdivision of the state.

BE IT FURTHER RESOLVED that, upon the establishment of the GCLD, the legal service area of the Library District shall include all of the territory of Gunnison County, Colorado as such legal service area is defined under § 24-90-103(4.5), C.R.S., as amended; and,

BE IT FURTHER RESOLVED that, as of January 1, 2008, the then current percent of the then existing mill levy imposed on real and personal property in the legal service area which is allocated at that time by the Board of County Commissioners of Gunnison County, Colorado to the County Library for the establishment, operation, and maintenance of public library services, pursuant to § 24-90-112, C.R.S., as amended, shall continue to be allocated by Gunnison County on behalf of the Library District unless and until the Library District obtains an independent mill levy; and,

BE IT FURTHER RESOLVED that, pursuant to the Taxpayer's Bill of Rights ("TABOR"), Colo. Const. art. X, § 20 and §§ 24-90-107(2)(c) and 24-90-112(3), C.R.S., as amended, any adoption of a new mill levy for the Library District shall be subject to voter approval by the electors residing within the legal service area of the Library District. Adoption of such a new mill levy shall automatically eliminate any allocation of the Gunnison County mill levy for library purposes.

BE IT FURTHER RESOLVED that the transfer to the GCLD of any assets and liabilities held or incurred by Gunnison County on behalf of the COUNTY LIBRARY, including its employees and any real and personal property, shall be in accordance with the terms of an intergovernmental agreement (IGA) that shall fully set forth the rights, obligations, and responsibilities of all parties, pursuant to § 24-90-107(2)(e), C.R.S., as amended, and shall be entered into within ninety (90) days after the appointment of the GCLD Board of Trustees.

BE IT FURTHER RESOLVED that, upon the establishment of the GCLD, the Public Library Fund established for the COUNTY LIBRARY, pursuant to § 24-90-112, C.R.S., as amended, shall become the Public Library Fund of the GCLD, and all moneys held therein shall be transferred to the GCLD in accordance with the IGA.

BE IT FURTHER RESOLVED that, pursuant to § 24-90-108(1), C.R.S., as amended, the management and control of the GCLD shall be vested in a board of trustees that shall be comprised of seven (7) members, all of whom shall reside within the GCLD legal service area; the initial board of trustees shall be:

- a. Marsha Rose
- b. Carol Kennedy
- c. Larry Meredith
- d. Bruce Bartleson
- e. Marjorie O'Reilly
- f. Jim Barron
- g. Julie Clute-Chaney

BE IT FURTHER RESOLVED that the GCLD BOT are appointed to terms of office, and may be removed from office, by the BOCC in accordance with § 24-90-108, C.R.S., as amended, as shall be more specifically enumerated in the IGA.

BE IT FURTHER RESOLVED that Gunnison County and the Library District are mandated to enter into an intergovernmental agreement within ninety (90) days of the adoption of this Resolution that shall set forth fully the rights, obligations and responsibilities, financial and otherwise, of Gunnison County and the Library District; and

BE IT FINALLY RESOLVED that it is anticipated that the GCLD will operate with the oversight and supportive services of Gunnison County through calendar year 2007, as shall be more specifically enumerated in the IGA, and will not become independently operational until at least January 1, 2008.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and passed on this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – absent; Swenson – yes