

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
January 22, 2008**

The January 22, 2008 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 8:00 am.

**AGENDA REVIEW:** The 11:25 agenda item was stricken due to a scheduling conflict for Dennis Steckel.

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Gunnison County Board of County Commissioners Public Hearing minutes of December 11, 2007 as presented. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Gunnison County Board of County Commissioners Special Meeting minutes of December 14, 2007 as presented and authorize signatures. Motion carried unanimously.

**CONSENT AGENDA:** Chairperson Channell requested that Consent Agenda Item #3 be removed for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda, excluding Item #3. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; General Immunization Core Services Contract, Colorado Department of Public Health and Environment
2. Acknowledgment of County Manager Signature; Community Services Block Grant
3. Willows Settlement Agreement Approval; Construction Claim
4. Certification of Non-Acceptance of Tobacco Industry Funds and Resource
5. Resolution; Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions
6. Resolution; Directing the Gunnison County Treasurer to Distribute Specific Ownership Tax Monies Among Various County Funds
7. Intergovernmental Agreement; 2008 Noxious Weed Control Agreement Between Gunnison County and the City of Gunnison
8. Revised Memorandum of Understanding; Between Gunnison County and San Miguel County, 2007 State Homeland Security Grant Program, Sub-grant Award #8EM77827
9. Purchase of Service Agreement; Griffiths Centers for Children, Client/Family Intensive Home-Based Intervention Services
10. Revised Memorandum of Understanding; Between Gunnison County and San Miguel County, 2007 State Homeland Security Grant Program, Sub-grant Award #8EM77527
11. Amended Declaration Establishing Covenants in KJM Condominiums

Chairperson Channell questioned why Consent Agenda Item #3 was listed on the Consent Agenda as well as the Housing Authority's agenda. County Manager Birnie explained that this item required a vote from both the Gunnison County Board of County Commissioners and the Housing Authority. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Willows Settlement Agreement and Construction Claim with Puchek Construction. Commissioner Starr questioned why the county is choosing to enter into a contract prior to the final work being completed. County Manager Birnie suggested suspending the vote until after this item has been discussed as the Housing Authority. Commissioner Swenson withdrew her motion and Commissioner Starr withdrew his second.

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

1. Gunnison County Detention Center Inspection. This was scheduled for January 29, 2008 at 8:15 am.
2. 1041 Discussions. The first of these discussions was scheduled for February 6, 2008 from 8:00 am until 12:00 pm and will take place in the Planning Commission boardroom. At that time, future discussions will be scheduled.

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

1. Willows Draft Memorandum. County Manager Birnie stated that he had previously sent this draft to the board for comments. He also stated his preference to submit the memorandum to the Gunnison Valley Hospital Board of Trustees as soon as possible and asked for board comments at the earliest convenience.
2. Colorado City/County Management Association's Winter Conference. County Manager Birnie reported that he will be attending this conference from February 21-23, 2008 in Glenwood Springs, CO.

3. White Water Park and Festival. County Manager Birnie reported that the total improvements to the WWP cost approximately \$337,000, partially paid by a \$35,000 grant. The balance of approximately \$300,000 was funded by cash payments of \$235,000 from the General Fund and in-kind contributions for the remainder. Assistant County Manager Crosby noted that the county provides further annual maintenance assistance of at least \$4,500 via in-kind donations and that November's improvements to the WWP cost approximately \$17,000.

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

1. Easements/Right-of-Way for Taylor River Road Construction. Assistant County Manager Crosby reported that a total of 140 parcels, involving 80 different land owners, will be included in this project. She also stated that the first phase will necessitate 21 acquisitions, equating to an average of two days of work per acquisition for County Attorney Baumgarten. A minimum of two sections will require a permanent right-of-way, which could be costly to the county. Although this project is not due to begin until 2011, Assistant County Manager Crosby requested that the county proceed with the acquisition process in 2008, as budgeted. In early-February, Assistant County Manager Crosby will begin scheduling individual meetings with the applicable property owners. She also noted that many of the owners are seasonal residents, so completion of the meetings could extend several months.
2. Highway User's Tax Funding Report. Assistant County Manager Crosby presented this annual report for discussion and approval. She also stated that there were no significant changes for the year and then recommended board approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Highway Tax Users Report for 2007 and authorize signatures. Motion carried unanimously.

**BREAK:** The meeting recessed from 8:45 until 9:32 am in order to hold the below Public Hearing.

**PUBLIC HEARING  
REQUEST FOR WAIVER OF STANDARDS FOR ROAD AND BRIDGE CONSTRUCTION  
FOR THE ACCESS ROAD TO WOMBLE TRACTS AND FOR ACCESS TO OTHER PROPERTIES  
THROUGH WOMBLE TRACTS**

Chairperson Channell opened the Public Hearing at 8:45 am. Assistant County Manager Crosby, Assistant Planning Director Neal Starkebaum, engineering representative for the Public Works Department Allen Moores and property owners Albert and Angela Roper were present for discussion. Assistant County Manager Crosby confirmed proper public notice.

Assistant County Manager Crosby reported that the county received an application for Waiver of Standards from Albert Roper. She also noted that the public notice included waivers for the bridge and for the portions of the road that do not currently meet county standards. She also confirmed that a bridge inspection was completed by Short Elliott Hendrickson, Inc. which indicated an 11-ton weight limit for the bridge. She explained that this 11-ton limit would equate to approximately half of a dump truck load. Mr. Roper suggested that an empty propane truck weighs approximately 10 tons.

Mr. Roper stated his opinion that the county's requirement to inspect the bridge was unnecessary and that a steel-specialist would certify the load limit well in excess of what the bridge inspector felt was appropriate. He also expressed his concern about continuing with his business if he could not utilize the bridge in the same manner as he is accustomed to.

Chairperson Channell asked for the number of lots affected in the subdivision and Mr. Roper explained that he was applying for the addition of three lots, for a total of four, each new lot being approximately 1.3 acres.

Chairperson Channell also asked for the specific standards applicable to county bridges and Assistant County Manager Crosby explained that new bridges require permitting by the Army Corps of Engineers, permitting for flood plains and then building to the legal load standard. She also explained that existing bridges with lengths of 20'-0" or greater are required to be inventoried by the State of Colorado, on a biannual basis, following engineering standards identical to what is required at the federal level.

County Manager Birnie stated that Mr. Roper's application encompassed two separate issues to be addressed by the county. He explained that the existing use of the bridge, and whether or not the county will be imposing the current standard, warranted a focus separate from the subdivision request.

Commissioner Swenson noted that the Gunnison County Land Use Regulation outlines road standards that must be followed. Assistant County Manager Crosby explained that the county must mandate legal load limits due to the inevitable passage of heavy equipment resulting from any subdivision approvals. Assistant County Manager Crosby also explained that the legal load limit is defined as 27 tons while this particular bridge was certified for only 11 tons, but also stated that the inspector has agreed to expand certification to a range of between 19 and 38 tons if the bridge were reinforced with additional steel. Mr. Roper explained that the bridge is currently posted for 22 tons and utilized at that level. Chairperson

Channell asked for a cost-estimate to reinforce the bridge and Assistant County Manager Crosby noted that it would be possible, but that she did not have cost estimates prepared. She also explained that weight limits are obtained by first determining the original rating and then factoring in the age and fatigue of a bridge. She further explained that bridges deemed to be functionally obsolete or structurally deficient would be eligible for replacement.

Mr. Roper stated that area property owners on his side of the bridge have assembled a non-profit Bridge Association for which there is a Board of Directors. He explained that dues of \$800 are due for collection upon sale of a lot and another \$800 is due for collection upon completion of a residence; however he also stated that residents are not legally required to pay these fees.

Chairperson Channell opened the floor for public comment at 9:16 am. He also stated that correspondence was received from Mr. Timothy Michalek expressing approval of the waiver.

Mr. Britton Harrison, owner of Lot 14, stated that the Womble Tracts were established in 1969 with a cul-de-sac at the end of a road that has never followed county standards. He also stated that he has historically maintained an approximate half-mile portion of the private road south of the bridge with his own equipment and at no charge to the other residents. He also stated that another resident similarly volunteers to maintain another large portion of the road.

Mr. Harrison provided photos printed off of the internet at [www.Earth.Google.com](http://www.Earth.Google.com) illustrating the roads and bridge in question. He also questioned whether or not permitting was ever completed for the road on Mr. Roper's property because that road has rendered the cul-de-sac defunct which, in turn, presents access related concerns for emergency vehicles. Mr. Harrison stated his desire for the road to be in compliance with county regulations and expressed concern for the request to increase the use on a system that already withstands a fairly severe burden. He also mentioned his belief that the Womble Tracts HOA has been obsolete for many years.

Mr. Harrison also expressed concern that structural struts were cut out of the bridge in order to transport a modular home for Mr. Roper's father and that those struts were not replaced to original specifications. Mr. Roper indicated that this issue was considered as part of the bridge inspection.

Property owner Michelle Mileski stated that she was against the waiver due to safety concerns relevant to the current condition of the road. She reported that poor conditions at a corner of road have caused near collisions with a residence and that the current placement of a telephone pole may present problems with correcting that portion of road. She also questioned whether signage should be updated since the bridge inspection indicated overburdening and expressed concern that the area home owners may be liable if an accident were to occur on the bridge without proper signage. She stated that she would prefer to ensure that the roads are up to standard prior to allowing any additional use.

Additionally, Ms. Mileski expressed concern that both Mr. and Mrs. Roper serve on the Bridge Association board, presenting a potential conflict of interest.

Property owner Nancy Klifman reported that she has been maintaining another section of the private road and expressed concern that the only turn-around at the end of the road is on her property. She noted that a fire truck had been to the property the previous weekend and that the truck had no option but to turn around on her property. She also explained that there is a gate at the entrance to her property and, if that gate had been closed during the previous weekend, the fire truck would have been trapped. Lastly, she expressed concern for the high potential for accidents due to steep road grading.

Ms. Mileski stated her impression that Mr. Michalek's agreement with the waiver was due to his possible future plans to apply for subdivision.

Chairperson Channell closed the Public Hearing at 9:32 am.

Assistant County Manager Crosby asked how many residences are being proposed per lot and Mr. Roper stated that there is currently no limit outlined in the application, which was confirmed by Assistant Planning Director Starkebaum. Assistant County Manager Crosby noted that this information is critical for proper calculation of anticipated traffic.

Mr. Roper stated that the cul-de-sac issue can be remedied by connection to the road and by reducing the grade on the hill. He also expressed his opinion that turn-around capability can be managed at each end of the road via obtaining easements. He also proposed that Mr. Harrison could have fixed any areas of concern, but had not chosen to do so. Mr. Harrison reminded Mr. Roper that he has been maintaining the road by himself, with no assistance from area residents, and surmised that the Bridge Association does no more than meet annually to fulfill a requirement.

Property owner Gary Klifman expressed concern about the steep road grading and the potential inability to access residences if the bridge were to be decommissioned for any reason. He also stated that road

issues should be the collective responsibility of the community, in order to limit liability, and offered his assistance with road maintenance.

Commissioner Starr questioned whether or not the HOA carries liability insurance for either the road or the bridge and Mr. Roper informed the board that he was told that no such insurance is available. Mr. Roper acknowledged that this may be misinformation and that insurance may be available for purchase to cover either liability or replacement, but perhaps not both scenarios. Ms. Roper expressed her concern over how the insurance, if available, would be paid for.

Commissioner Starr stated that a determining factor for him was that many residents are concerned about worsening an existing problem. He also expressed trepidation to approve a waiver on a system that does not currently meet the standards and is not structurally-rated to meet the current use.

Mr. Roper stated that the 11-ton rating would cause problems for his business while also causing residential propane shipments to cease. Commissioner Swenson stated that the county had not been asked to ensure conformance to the 11-ton rating, rather it had been asked to waive standards and allow additional usage which caused her concern for the health, welfare and safety of the community. She also stated her concern that the bridge issue was addressed approximately two years ago and that no solutions were attempted by the residents; however she still felt as though the residents and the county had the potential to work together toward a solution, either by establishing a special district or by obtaining grant funding.

Chairperson Channell agreed that the residents need to work together on this issue to decide how the county may best assist them with a solution. He expressed concern that the Ropers were asking for an expansion of a non-conforming use, which creates liability, and explained that the board has the responsibility to protect the health, welfare and safety of the public. He stated that he could not, in good conscience, vote to expand the non-conforming use.

Mr. Roper stated that he would relay the bridge inspection results to the local propane company, which may then decide to cease propane deliveries beyond the bridge, if the county were to use the bridge inspection data as a deciding factor. He also questioned the county's current liability since being made aware of the issue and County Manager Birnie explained that the board would only be at risk for liability upon approving expanded use on the private road. The board recommended that the Ropers retain legal counsel since the county would be willing to assist with this matter.

Mr. Roper asked for assurance that the waiver would be approved if the bridge were compliant. Chairperson Channell stated that waivers can be approved with contingencies such as ensuring that emergency vehicles have passage, reducing the grade and obtaining insurance. Engineering representative for the Public Works Department Moores agreed to meet with Mr. Roper individually to define a list of contingencies. Commissioner Swenson noted that the community will also need to evaluate the possibility of becoming a special district.

Commissioner Starr noted that, even if the bridge were certified and compliant to 19 tons, he would still not agree to waive the standards to a greater deficiency. Chairperson Channell felt that the bridge requirements would be included within the conditions of the waiver. Commissioner Starr felt that bridge requirements would need to be included because he did not want to give the Ropers the impression that the road requirements, if met, would guarantee waiver approval by the board.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to deny the requested waiver for the bridge and direct staff to work with the applicants to line out the conditions that Allen Moores raised, and others if appropriate, as to what would be acceptable for considering the increased use over that bridge. Motion carried unanimously.

**FINAL REVIEW AND APPROVAL OF A TWO-LOT MINOR IMPACT SUBDIVISION; TIM BUTTON AND JOCELYN WALLACE, LOT 4, THE RIDGE AT CRESTED BUTTE:** County Planner Cathie Pagano and property owners Tim Button and Jocelyn Wallace were present for discussion. Commissioner Starr recused himself due to a potential conflict of interest.

County Planner Pagano stated that the plat was not available for presentation. She also explained that realtor Mindy Costanzo is listed on the Deed of Trust, which will need to be resolved legally by the property owners. Mr. Button stated that their attorney, Art Tresize, will be asked to address deed issues.

Chairperson Channell asked about domestic animal controls. County Planner Pagano explained that animal controls are outlined in the covenants and in the conditions of approval. Mr. Button stated that there are currently no domestic animals housed at their residence.

**Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2008-01, a Resolution Approving Land Use Change Permit No. 2007-05, a Land use Change Permit for Timothy Button and Dana (Jocelyn) Wallace for the Subdivision of a 36.47-acre Tract Into Two Lots and authorize signatures and authorize the chair's signature on the plat when it is available. Motion carried.

**TOWNHOME APPLICATION; FRAYER AND HANSEN, REPRESENTED BY J. RENFROW, LOT 29, BLOCK 26, CB SOUTH, FILING 4:** County Planner Cathie Pagano was present for discussion.

County Planner Pagano presented the townhome application for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Aspen Trees Townhomes plat, Lot 29, Block 26, CB South, 4<sup>th</sup> Filing and authorize the chair's signature. Motion carried unanimously.

**LOT CLUSTER APPROVAL; RI VADER AND SONS, INC., VADER CONSOLIDATION TRACT, GUNNISON COUNTY:** County Planner Pagano was present for discussion.

County Planner Pagano presented the lot cluster application for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the lot cluster for RI Vader and Sons Inc, Vader Consolidation Tract and authorize signatures. Motion carried unanimously.

**LOT CLUSTER APPROVAL; FRANCIS J. PRIBYL RESIDENCE TRUST, WOMBLE TRACTS LOT NINE AND THE TWO CONTIGUOUS TRACTS DESCRIBED AS TRACT #1 AND TRACT #2, GUNNISON COUNTY:** County Planner Pagano was present for discussion.

County Planner Pagano presented the lot cluster application for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the lot cluster for Francis J. Pribyl, Womble Tracts Lot Nine and the two contiguous tracts described as Tract #1 and Tract #2 and authorize signatures. Motion carried unanimously.

**TOWNHOME PLAT APPROVAL; TIMBERS TOWNHOMES, LOT 14, BLOCK 4, CB SOUTH FILING 2:** Assistant Planning Director Starkebaum was present for discussion.

Assistant Planning Director Starkebaum presented the townhome plat for review and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Timbers Townhome plat, a replat of Lot 14, Block 4, Crested Butte South Filing 2 and authorize signatures. Motion carried unanimously.

**OUT OF STATE TRAVEL REQUEST; MAPPING AND PLANNING SERVICES DEPARTMENT MANAGER MIKE PELLETIER, 2008 APA NATIONAL CONFERENCE, LAS VEGAS, NV, APRIL 27, 2008 THROUGH MAY 1, 2008:** Mapping and Planning Services Department Manager Pelletier was present for discussion.

Chairperson Channell questioned if any part of Mapping and Planning Services Department Manager Pelletier's expenses would be paid by the conference since he was a scheduled speaker. Mapping and Planning Services Department Manager Pelletier confirmed that the entire expense would be burdened by the county. Assistant Planning Director Starkebaum is also planning to attend and will make a separate travel request to the board during a future meeting. Chairperson Channell confirmed that these expenses are within the Planning Department budget.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the out of state travel request for Mapping and Service Department Manager Mike Pelletier in the amount up to \$2,200. Motion carried unanimously.

**TRAVEL EXPENSE REIMBURSEMENT REQUEST; GARY HAUSLER TO ATTEND THE COLORADO WILDLIFE COMMISSION, JANUARY 9-10, 2008:**

Commissioner Swenson noted that the board previously agreed to review these types of expenses on a case-by-case basis. She also noted that Gunnison Sage-grouse Conservation Coordinator Jim Cochran has agreed to pay for these expenses from his travel budget, if approved. Commissioner Swenson reported that Mr. Hausler gave an impressive speech, positively impacting the Wildlife Commission.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the travel expense and authorize it to come out of the Gunnison Sage-grouse Coordinator's budget. Motion carried unanimously.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented monthly Warrants and Cash Transfers for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Warrant #89642 through Warrant #90116 in the amount of \$2,093,820.14. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the Cash Transfer Authorization for December 2007 in the amount of \$2,242,335.73. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** Due to illnesses amongst the Treasurer and her staff, Finance Director Nienhueser provided the Treasurer's Monthly Report for December 2007; the Treasurer's Semi-Annual Financial Statement for the period from July 1 through December 31, 2007; and the Treasurer's Quarterly Interest Report for the period of October through December 2007. **Moved** by Commissioner

Starr, seconded by Commissioner Swenson to accept the Treasurer's report for December 2007 and authorize the chair's signature. Motion carried unanimously.

**WHITE WATER FESTIVAL FUNDING REQUEST:** Upper Gunnison River Water Conservancy District (UGRWCD) Manager Frank Kugel and White Water Festival (WWF) Coordinator Anthony Poponi were present for discussion.

Commissioner Swenson stated that staff had presented information outlining county contributions to the White Water Park (WWP) thus far. Chairperson Channell explained that this information gave the board full comprehension of the \$300,000 cash and in-kind contributions to date. He also noted that the board has discretionary amounts of approximately \$5,000, but that those funds are for the entire year.

The board stated their preference for the WWP to apply for Community Based Organization (CBO) funding in order to receive future county assistance. Chairperson Channell also stated that a 501(c)3 status will enable patrons, such as himself, to provide private donations.

WWF Coordinator Poponi stated that sponsorship and entry fees were estimated conservatively and that final calculations may be more impressive.

Commissioner Starr felt that the county should provide a small amount of discretionary funding and, if not, ask the WWF to approach the county again in early May, prior to the 2008 WWF, if funding is still an issue. Commissioner Swenson also asked WWF Coordinator Poponi to contact Assistant County Manager Crosby for further information related to in-kind donations. The board stated that the WWF is important to the local community.

**BREAK:** This meeting recessed from 11:19 until 11:27 am in order to call to order as the Local Marketing District (see minutes below).

#### **LOCAL MARKETING DISTRICT**

**CALL TO ORDER:** Chairperson Channell called the Local Marketing District meeting to order at 11:19 am.

**MEMORANDUM OF AGREEMENT; BETWEEN THE GUNNISON/CRESTED BUTTE TOURISM ASSOCIATION, THE TOWN COUNCIL OF MT. CRESTED BUTTE AND THE BOARD OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT FOR ADMINISTRATION OF FUNDS COLLECTED FOR MARKETING:** Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the Memorandum of Agreement between the Local Marketing District, the Gunnison-Crested Butte Tourism Association and the Town of Mt. Crested Butte and authorize signatures. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the Local Marketing District. Motion carried unanimously. This meeting adjourned at 11:24 am.

**RECONVENE:** Chairperson Channell called the Gunnison County Board of County Commissioners meeting back to order at 11:27 am.

**WILLOWS SETTLEMENT AGREEMENT APPROVAL; CONSTRUCTION CLAIM:** Deputy County Attorney Tom Dill was present for discussion.

Deputy County Attorney Dill expressed his faith in the agreement as presented and explained that it was intended to be held in trust until the work was completed, but that the board could decide either way. Commissioner Starr stated his preference to authorize the chairperson to sign the document, contingent upon the work being completed by the deadline. Commissioner Swenson felt that the board should approve the agreement since it was negotiated in good faith with recourse should the work not be completed as outlined. Commissioner Starr felt that appropriate recourse was not outlined, which gave no benefit to signing the contract during the meeting. Chairperson Channell noted that previous negotiations could be jeopardized if the agreement were not approved during the meeting. County Manager Birnie felt that the contractor may want reassurance, if his time and money were spent on this project, that the agreement would be honored. Commissioner Starr agreed that the board should sign the document after hearing all other opinions and offered an amendment for consideration.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the Release and Settlement Agreement between Puchek Construction and the Board of County Commissioners as amended and authorize the chairperson's signature. Motion carried unanimously.

**BREAK:** The meeting recessed from 11:35 am until 1:12 pm in order to call to order as the Housing Authority Board (see minutes below), have a lunch break and then convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

**HOUSING AUTHORITY BOARD**

**CALL TO ORDER:** Chairperson Channell called this meeting to order at 11:35 am.

**WILLOWS SETTLEMENT AGREEMENT APPROVAL; CONSTRUCTION CLAIM:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Release and Settlement Agreement between Puchek Construction and the Board of County Commissioners and the Housing Authority as amended and authorize the chair's signature. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adjourn the Housing Authority. Motion carried unanimously. This Housing Authority adjourned at 11:36 am.

**HB 1177 UPDATE:** This item was stricken from the agenda at the beginning of the meeting due to a scheduling conflict for Dennis Steckel.

**GUNNISON/HINSDALE BOARD OF HUMAN SERVICES:** (See separate minutes.)

**RECONVENE:** Chairperson Channell called the Gunnison County Board of County Commissioners meeting back to order at 1:12 pm.

**OUT OF STATE TRAVEL REQUEST; TWO CHILD WELFARE STAFF MEMBERS TO TRAVEL TO AUSTIN, TX, JANUARY 29 – 31, 2008:**

County Manager Birnie noted that there is presently an absence of direction for emergent situations such as this that may not be suitable to suspend until board approval can be granted. The board questioned the reasoning for sending two case workers on this trip and it was determined that this travel was necessary to reunite an infant with her biological father and to perform a SAFE home study while in Texas. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the request by the Department of Human Services to send two case workers to Austin, Texas between January 28<sup>th</sup> and January 31<sup>st</sup> of this year for the purpose of exploring the possible in-family placement of a child and authorize up to \$1,700 for those costs. Motion carried unanimously.

Chairperson Channell asked County Manager Birnie to draft an appropriate addendum to the Out of State Travel Policy for board review. County Manager Birnie stated that he will work with Personnel Director Debbie Moore to see that this amendment is also reflected in the Personnel Policies.

**OUT OF STATE TRAVEL REQUEST; SIRFI IMMIGRANT INTEGRATION GRANT COORDINATOR MARY BURT, JANUARY 17, 2008:**

County Manager Birnie explained that the costs of attending this conference are paid by the SIRFI grant and that this travel request was made known to him on January 16, 2008 leaving insufficient time for board approval. He also stated that he did not want SIRFI Immigration Integration Grant Coordinator Burt to be forced to cancel the trip as he felt the conference would be beneficial, so he gave authorization for the travel prior to her departure. Further, he reminded Health and Human Services Director Renee Brown that all out of state travel requests must receive prior board authorization. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to ratify the County Manager's decision on out of state travel for Mary Burt to attend the National SIRFI Conference in the amount not to exceed \$1,500. Motion carried unanimously.

**RESOLUTION; PROHIBITING OVERNIGHT PUBLIC PARKING IN COUNTY BUILDING PARKING LOTS:** County Paralegal Rachel Magruder was present for discussion.

County Paralegal Magruder explained that the Facilities Maintenance Department requested this resolution as a means of curbing the nuisance of attempting to plow around cars left in county parking lots overnight. County Manager Birnie noted that the Blackstock building experienced a problem with an automobile being abandoned for approximately one week. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-02, a Resolution Prohibiting Non-County Employee Overnight and Long-Term Parking in Parking Lots of County Buildings and authorize signatures. The board asked that County Attorney Baumgarten review the resolution for language related to proper signage and the enforcement capabilities of towing vehicles. Motion carried unanimously.

**RESOLUTION; SETTING THE TERMS FOR THE BOARD OF APPEALS, AFFIRMING THE TERMS FOR THE BOARD OF ADJUSTMENTS AND DISCONTINUATION OF BOARD MEMBER ALTERNATES:** County Paralegal Magruder and Administrative Assistant III Keri Hodgkin were present for discussion.

County Paralegal Magruder presented the draft resolution for discussion and approval. The board stated that once the resolution is approved, the current board members will need to be contacted in order to obtain verbal approval to alter their current term expiration. Amendments to the resolution were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to

adopt Resolution #2008-03, as amended, a Resolution Establishing the Terms for the Board of Appeals, Affirming the Terms for the Board of Adjustments and Discontinuing Alternate Board Members for the Board of Appeals and Board of Adjustments and authorize signatures. Motion carried unanimously.

**DEVELOPMENT IMPROVEMENTS AGREEMENT (DIA) ADDENDUM; MOUNTAIN MEADOWS SUBDIVISION, EXTENSION OF WORK COMPLETION DATE:** County Paralegal Magruder and MJM, Inc. President and property developer Marilyn McGill were present for discussion.

Ms. McGill stated that the project had previously been approved by the county and that she had been assured that the augmentation plan to obtain water from Meridian Lake would be possible. However, that ruling was changed in April 2006, at which time she removed the lots from the market. She is now attempting to replat the original 11 total lots down to four in order to ensure sufficient water for the subdivision. She also noted that several items outlined in the DIA have not been completed since those items involve water. The replat has been submitted to her water engineering firm, however she expressed a desire for confirmation from the state water board that her plan will be approved before she proceeds with additional work.

County Paralegal Magruder relayed County Attorney Baumgarten's suggestion to suspend the LUC permit since the county cannot predict the completion date. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to suspend Land Use Change Permit #03-54 for Mountain Meadows Subdivision until application is made by the proponent to reinstate that permit. Motion carried unanimously.

**NOTICE OF OIL AND GAS LEASE SALE:** County Paralegal Magruder was present for discussion.

This item was continued from January 8, 2008 in order to ensure that all applicable property owners had been contacted. County Paralegal Magruder confirmed that contact was made and that she had not received any opposition notices. The board felt that the county could proceed with this topic since property owners were notified. No action was taken.

**GUNNISON RISING; APPROVAL OF COMMENTS:** Legal assistant Brenda Wiseman, developer Dick Bratton, Planning Commission board member Rich Karas and citizen Butch Clark were present for discussion.

The drafted county comments relevant to the Gunnison Rising annexation were discussed and updated. Legal assistant Wiseman noted that comments had not yet been received from Assistant County Manager Crosby, but that those comments will be incorporated into the document upon receipt. The finalized document will be forwarded to the City of Gunnison.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize sending the county's updated response on the Gunnison Rising annexation proposal to the city with the changes made today and possible changes made, subject to board review, by the Assistant County Manager and review of the draft presented by the county attorney's office by noon Thursday, Jan 24, 2008. Motion carried unanimously.

**APPROVAL OF STIPULATED DISMISSAL OF WHETSTONE MOUNTAIN RANCH OWNERS ASSOCIATION V. GUNNISON COUNTY AND HIDDEN MINE RANCH:**

Per County Manager Birnie, County Attorney Baumgarten urged board approval of the stipulated dismissal of the Whetstone Mountain Ranch Owners v Gunnison County and Hidden Mine Ranch litigation that the board received via email transmission. He also noted that the county would agree to cover all of its costs as part of the stipulation. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the stipulated dismissal of the Whetstone Mountain Ranch Owners Association v Gunnison County and Hidden Mine Ranch litigation subject to final approval by the county attorney. Motion carried unanimously.

**CONSERVATION EASEMENT DISCUSSION; POSSIBLE EXECUTIVE SESSION:**

County Manager Birnie stated that the county will need to decide its role with regard to conservation easements, however he also noted that this discussion would have to be rescheduled for a time when County Attorney Baumgarten would be available. County Manager Birnie agreed to schedule this discussion on a work session agenda once County Attorney Baumgarten's schedule is determined.

**UNSCHEDULED CITIZENS:**

1. Propane Delivery Issues. Citizen Peter Caloger addressed the board to express his discontent with AmeriGas' current propane monopoly in Gunnison County. Mr. Caloger felt that the monopoly had been a cause of elevated propane pricing in the county as well what Mr. Caloger felt were questionable billing and delivery practices displayed by AmeriGas since the recent local merger between All-Star Gas and AmeriGas in August 2007. Mr. Caloger felt that public meetings, organized by citizens, may assist in attracting a competing propane supplier to the

county. Chairperson Channell thanked Mr. Caloger for bringing the situation to the attention of the board.

Commissioner Swenson reported being recently contacted by several citizens, which lead County Attorney Baumgarten to submit correspondence to AmeriGas on January 18, 2008 outlining delivery and billing questions. County Manager Birnie confirmed receipt of correspondence from the AmeriGas regional manager on January 22<sup>nd</sup>, but also stated that the correspondence did not address a solution to the problems experienced by residents.

Citizen Shirley Woodbury stated that she had exhausted her propane supply twice during the current winter season. She also stated that, upon calling the emergency number, she was alerted to a billing error and was informed that AmeriGas would only consent to sending a delivery truck if she would agree to payment of a \$100 emergency-delivery fee. She also noted that she requested a two-week routine delivery, but that AmeriGas would agree to no more frequent than a three-week delivery schedule.

Captain Michele Zadra of the Gunnison County Detention Facility reported that her residence had run out of propane three times in the previous three years while being serviced by AmeriGas.

Attorney Art Tresize reported that his residence had been in jeopardy of running out of propane twice during the current winter season. He also noted his concern that, as part of their contract with each individual client, AmeriGas retains permanent easements for the area surrounding the propane tanks which could prevent other companies from filling the tanks.

Ms. Woodbury indicated that AmeriGas may be experiencing a dilemma with insufficient propane supplies and delivery drivers, as was told to her by AmeriGas representatives.

Chairperson Channell asked for citizens to continue to cite examples of mistreatment by AmeriGas to the county so that a list of examples can be compiled.

**ELKTON HUTS:** Attorney Art Tresize reported meeting with Assistant Planning Director Starkebaum and property owner Mary Frame in the previous week. He also stated that Assistant Planning Director Starkebaum suggested that he approach the board during the meeting. County Manager Birnie stated that staff is currently working on this issue and will make a presentation to the board in February.

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

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

1. Gunnison Valley Animal Task Force. Commissioner Swenson stated that a written report will be submitted to the board by the committee. She also noted that the interpretation of animal control rules and regulations had been a responsibility of the Sheriff's Department, but also noted that officers have been completing site visits upon complaint reports. Officers within the Sheriff's Department will require specialized training, which is budgeted for and scheduled within this calendar year. Commissioner Starr questioned why the Sheriff cannot deputize the City of Gunnison's animal control officers and was informed that the city declined to cross jurisdictional lines. Commissioner Starr felt that citizens should be made aware that laws are in place but that enforcement may continue to be an issue with the Sheriff's Department until the officers have had the appropriate training. Commissioner Starr also expressed concern that area animals will continue to suffer while the enforcement issues are being addressed, however Commissioner Swenson stated that the Sheriff's Department has denied receiving abuse and neglect reports. Chairperson Channell noted that the county should continue to inform citizens that the recommendations of the animal task force will be addressed by the county and that, until a facility exists to house animals, the county cannot enforce a stricter ordinance. Commissioner Swenson noted that the Gunnison Valley Animal Welfare League will continue to accept abused and abandoned animals into their foster care system, but that their resources are limited. County Manager Birnie stated that animals cannot be removed from one owner and adopted by another owner until due process has been followed regarding the ownership of the animal. County Manager Birnie plans to visit with Undersheriff Rick Besecker regarding role assignment and long-term plans. The board agreed that, relevant to egregious cases, an experienced animal control officer in Mt. Crested Butte may be asked to assist officers with home visits in order to make assessments while also providing a basic level of training to the officer.
2. Gunnison Basin Sage-grouse Strategic Committee. Commissioner Swenson reported that she will be unavailable for the meeting scheduled for February 13, 2008 and asked Commissioner Starr to attend the meeting in her absence.
3. Wind Towers. Commissioner Swenson reported that she had been contacted by a citizen requesting a speedy resolve to this issue.

##### **Chairperson Channell:**

1. CCI Committees. Chairperson Channell provided a packet of materials outlining all of the currently-proposed bills for board review. He also stated that he will select the most relevant issues to discuss with the board at a later date.

- 2. Substance Abuse Prevention. Chairperson Channell reported that our county is experiencing an increase in cocaine and heroin usage, as was relayed to him by Juvenile Diversion Program Manager Janet Reinman. Because of this, the county has begun increased education for parents and teenagers, including an insert in the February 15, 2008 local newspaper editions. Chairperson Channell noted that the Gunnison Valley Hospital ER received 73 alcohol or drug-related visits in 2007. The county hopes to relay an understanding to adolescents and young-adults that the ER is a safe location to receive necessary medical attention because law-enforcement officers will not be contacted in those instances. Chairperson Channell also stated that the county is fortunate to have Substance Abuse Prevention Coordinator Jere Thomas' expertise and involvement.
- 3. Energy Task Force. Chairperson Channell reported that this group has met and that they are close to formulating a proposal.
- 4. Pandemic Response Committee. Chairperson Channell stated that this group continues to meet periodically. He also reported that Bangladesh is experiencing an outbreak of the bird flu while the cases of human infection remain infrequent. However, the likelihood of mutation increases as more birds are infected.

**ADJOURN:** Moved by Commissioner Starr, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:29 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. 1, SERIES 2008

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2007-05, A LAND USE CHANGE PERMIT FOR TIMOTHY BUTTON AND DANA (JOCELYN) WALLACE FOR THE SUBDIVISION OF A 36.47-ACRE TRACT INTO TWO LOTS

WHEREAS, Timothy Button and Jocelyn Wallace have submitted an application to subdivide a 36.47-acre parcel into two lots; Lot 4A is to be 20.534 acres, Lot 4B is to be 15.935 acres. The original tract is part of The Ridge at Crested Butte, a 35-acre development. The applicant proposes that each lot will be allowed one single-family residence and one other structure, as defined by the covenants of The Ridge at Crested Butte. The parcel is legally described as Tract 4, The Ridge at Crested Butte. The parcel is north of Crested Butte South and adjacent to Crested Butte South, Filing 4. The parcel is approximately eight miles south of the Town of Crested Butte; 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 December 14,

2007 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. Each lot will be served by an individual well.
3. The applicant has purchased augmentation water from the Upper Gunnison Water Conservancy District, Augmentation Agreement No. MLR-07-84 and MLR-07-85.
4. The applicant has provided information to show that there is likely an adequate physical supply of water.
5. The subject parcel is in an area with landslide geologic hazards.
6. The subject parcel is in an area of severe (high) wildfire hazards.
7. The subject parcel is in an area of critical wildlife habitat.
8. The covenants of The Ridge at Crested Butte allow subdivision of the subject parcel (Tract 4); no additional covenants are proposed for the subject parcel.
9. Meadows Road meets the Gunnison County Road and Bridge Standards and the proposed subdivision does not require any improvements to the road.
10. Access will be from the existing Meadows Road; any new driveway shall be required to comply with the Gunnison County Road and Bridge Standards.
11. This application is consistent with the standards and requirements of this *Resolution*.
12. No phases are proposed for this development.
13. 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*.
14. 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. If and when a parcel owner applies for an Individual Sewage Disposal System permit or a Building permit for a second residence on either Lot 4A or Lot 4B the parcel owner will be required to provide an adequate physical and legal supply of water for the second residence.
2. A ten-foot snow storage easement shall be located on both sides of Meadows Road and shall be identified on the plat.
3. Warning and disclaimer language shall be on the plat regarding geologic and wildfire hazards.
4. A site-specific geotechnical study prepared by a Colorado-licensed Engineer addressing geologic hazards and recommendations for any proposed improvements shall be submitted to the Planning Department prior to issuance of any Individual Sewage Disposal System permits or Building permits.
5. Any fences constructed shall be in compliance with Section 11-106 F.8: *Protection of Wildlife Habitat Areas* and Section 13-113: *Fencing*.
6. Domestic animals shall be controlled by kenneling, leashing or other similar means.
7. Exterior lighting shall comply with Section 13-114: *Exterior Lighting*.
8. All earth moving shall comply with Section 13-115: *Reclamation and Noxious Weed Control*.
9. It is the responsibility of the property owner or the homeowner's association to remove snow from interior roads and driveways.

10. Any proposed solid-fuel-burning devices shall comply with Section 13-107: *Installation of Solid-Fuel-Burning Devices*.
11. 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*.
12. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
13. 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.
14. 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.
15. 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. 2007-05, for Timothy Button and Dana (Jocelyn) Wallace 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 22<sup>nd</sup> day of January, 2008.

BOARD OF COUNTY COMMISSIONERS

Channell – yes, Swenson – yes, Starr – no vote.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 08-02

A RESOLUTION PROHIBITING NON-COUNTY EMPLOYEE OVERNIGHT AND LONG TERM PARKING IN  
PARKING LOTS OF COUNTY BUILDINGS

WHEREAS, it has come to the attention of the Board of County Commissioners of the County of Gunnison, Colorado that there are increasing incidents of non-county employee overnight and long term parking in parking lots of county buildings; and

WHEREAS, such parking has become an impediment, detriment and nuisance to efforts made to facilitate county maintenance of said parking lots; and

WHEREAS, in the best interest of public health and safety that there be a prohibition of overnight and long term non-county employee parking in parking lots of county buildings; and

WHEREAS, pursuant to C.R.S. §30-15-401(1)(h) and C.R.S. §18-9-117(1)(b),(c) and (f), the Board of County Commissioners of the County of Gunnison, Colorado has authority to regulate and place restrictions on such parking on county property; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that without the prior written approval of Gunnison County, there hereby shall be no overnight or long term non-county employee parking in parking lots of county buildings located within the City of Gunnison, specifically:

1. Blackstock Government Center, 221 N. Wisconsin

2. Family Services Center, 225 N. Pine
3. Gunnison County Courthouse, 200 E. Virginia
4. Gunnison County Housing Authority, 202 E. Georgia
5. Fred R. Field Western Heritage Center, 275 S. Spruce
6. Gunnison County Public Works Department, 811 Rio Grande

FURTHER, any violation of this resolution shall be subject to enforcement actions, including but not limited to, the charges and fines identified in C.R.S. §18-9-117(3)(b).

FURTHERMORE, Gunnison County staff is hereby directed to prominently post notice of this prohibition at all public entrances of the above referenced buildings.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 22<sup>nd</sup> day of January, 2008.

BOARD OF COUNTY COMMISSIONERS

Channell – yes, Swenson – yes, Starr – yes.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 08-03

A RESOLUTION ESTABLISHING THE TERMS FOR THE BOARD OF APPEALS, AFFIRMING THE TERMS FOR THE BOARD OF ADJUSTMENTS AND DISCONTINUING ALTERNATE BOARD MEMBERS FOR THE BOARD OF APPEALS AND BOARD OF ADJUSTMENTS

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") has previously established the Board of Adjustments and the Board of Appeals; and

WHEREAS, pursuant to C.R.S. §30-28-117 and C.R.S. §30-28-206, the Board has the authority to set term lengths for the Board of Adjustments and the Board of Appeals; and

WHEREAS, Gunnison County Resolution No: 05-24 authorized members of the Board of Adjustments and the Board of Appeals to serve on both boards; and

WHEREAS, in consideration that the same board members serve on the Board of Appeals and Board of Adjustments, it would seem prudent to coordinate the term lengths for the members of both respective boards; and

WHEREAS, the term length for members of the Board of Adjustments has previously been set as identified in the Gunnison County Land Use Resolution, under Section 1-116, Establishment Of Gunnison County Board of Adjustments, paragraph E, Regular Member's Length Of Term, which states: "The term of each member shall be three years. The Board shall establish staggered terms for the members".

WHEREAS, it is the intent of the Board that the term length for members of the Board of Appeals be the same term length as the Board of Adjustments; and

FURTHERMORE, the Board has determined that it is not necessary to appoint alternate members for either the Board of Adjustments or the Board of Appeals.

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

1. It is hereby affirmed that, at the conclusion of the term of each current member of the Board of Adjustments, the term length for the next appointed member of the Board of Adjustments shall be three years.
2. The term length for members of the Board of Appeals shall be the same and coincide with the terms for members of the Board of Adjustments.
3. There shall not be any alternate members for either the Board of Adjustments or the Board of Appeals.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 22<sup>nd</sup> day of January, 2008.

BOARD OF COUNTY COMMISSIONERS

Channell – yes, Swenson – yes, Starr – yes.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 08-04

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

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

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

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

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

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

Reserve Account within the General Fund:

Water Resources Protection Fund

Road and Bridge Fund

Conservation Trust Fund

Airport Operations Fund

Sales Tax Fund

Land Preservation Fund

Library Fund – Operations

Library Fund – Memorial and Endowment

Library Fund – Capital Improvements

Loss prevention Fund

Airport Construction Fund

Capital Expenditures Fund

Solid Waste Fund – Operations

Reserve Accounts Within the Solid Waste Fund:

Landfill Closure Cost Reserve

Construction Reserve

Sheriff's Seizure Fund

Gunnison Housing Authority Fund

Reserve Account within Gunnison County Housing Authority Fund:

Workforce Impact Fee Account

Internal Service Fund III (Employee Benefits)

Gunnison River Valley Local Marketing District

Gunnison Valley Transportation Authority

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.
3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 07-06, Series 2007 is hereby canceled as of January 1, 2008 and the provisions of this resolution shall supersede the previous resolutions.
4. The effective date of this resolution shall be January 1, 2008.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 22<sup>nd</sup> day of January, 2008.

## BOARD OF COUNTY COMMISSIONERS

Channell – yes, Swenson – yes, Starr – yes.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 08-05

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

WHEREAS, Gunnison County has or will receive during fiscal 2008 certain monies derived from the payment, pursuant to C.R.S. (1973) 42-3-107, of specific ownership taxes; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that, effective immediately from the date this Resolution is passed by such Board, that the Treasurer of Gunnison County shall distribute and deposit such monies as Gunnison County receives after apportionment from such specific ownership taxes pursuant to C.R.S. (1973) 42-3-107 as follows: to the Gunnison County General Fund sixty-six and two-thirds percent (66 2/3%); to the Gunnison County Road and Bridge Fund thirty-three and one-third percent (33 1/3%). The effective date of this Resolution shall be retroactive to January 1, 2008 and shall be valid for each year subsequent to the passage of this resolution until repealed or amended by this Board.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 22<sup>nd</sup> day of January, 2008.

## BOARD OF COUNTY COMMISSIONERS

Channell – yes, Swenson – yes, Starr – yes.