

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
March 18, 2008**

The March 18, 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 8:02 am.

AGENDA REVIEW: The Gunnison County Recycling Center; Presentation of Recycling Awards discussion scheduled for 9:00 am was removed from the agenda and rescheduled for a later date. Additionally, the Down Payment and Closing Cost Assistance Program discussion was removed from the agenda because County Attorney Baumgarten was not ready for the presentation. The Board noted that Commissioner Meeting Reports may be used to fill any gaps in the agenda as the meeting progresses.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Board of County Commissioners Regular Meeting minutes of February 5, 2008 as presented. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda. Questions related to item #1 caused it to be removed from the Consent Agenda for further discussion. Commissioner Swenson amended her motion to include approval of the Consent Agenda, excluding item #1. Commissioner Starr seconded the amended motion. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Contract for Janitorial Services, Western Slope Maintenance, Mountain View Apartments
2. Mutual Release and Settlement Agreement; 127 County Road 11 Sewer Issues; Leona Laughman, Rita Mauldin and Lila Newman
3. Memorandum of Agreement; 2008 CBO Funding, Council for the Arts, dba Gunnison Arts Center
4. Memorandum of Agreement; 2008 CBO Funding, Gunnison Valley Alliance for Restorative Community Justice
5. Memorandum of Agreement; 2008 CBO Funding, Gunnison-Hinsdale Youth Services, Inc., dba Partners
6. Memorandum of Agreement; 2008 CBO Funding, Crested Butte Fire & EMS Squad
7. Memorandum of Agreement; 2008 CBO Funding, Gunnison Country Chamber of Commerce
8. Memorandum of Agreement; 2008 CBO Funding, Crested Butte Nordic Council
9. Memorandum of Agreement; 2008 CBO Funding, Crested Butte Heritage Museum, Inc.
10. Memorandum of Agreement; 2008 CBO Funding, Gunnison Valley Animal Welfare League
11. Memorandum of Agreement; 2008 CBO Funding, Crested Butte Music Festival
12. Region 10 Area Agency on Aging Grant Application; Homemaker Program
13. Region 10 Area Agency on Aging Grant Application; Senior Resources Information and Assistance
14. Region 10 Area Agency on Aging Grant Application; Senior Transportation
15. Memorandum of Agreement; 2008 CBO Funding, CASA of the Seventh Judicial District, Inc., dba Voices for Children
16. Memorandum of Agreement; 2008 CBO Funding, Colorado Water Workshop
17. Memorandum of Agreement; 2008 CBO Funding, Colorado Legal Services
18. Memorandum of Agreement; 2008 CBO Funding, Safe Ride of Gunnison, Inc.

Consent Agenda item #1 was pulled for discussion and Commissioner Starr questioned the total spent on janitorial services monthly. County Manager Birnie stated that a net savings will be realized by acceptance of the contract due to the addition of carpet cleaning and other services. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve Consent Agenda item #1 and authorize signatures on the contract. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. High-Altitude Testing. County Manager Birnie stated that Airport Manager John DeVore had previously sent an email to the Board regarding the high-altitude testing issue and County Manager Birnie asked for confirmation that the proposed direction outlined by Airport Manager DeVore was agreeable prior to Gunnison Valley Aviation spending any part of the \$10,000 that was committed for marketing efforts. Chairperson Channell felt that the County should draft an application form with criteria, including hours per day, types of aircrafts, number of hours per

day, etc., for evaluating these types of requests. Chairperson Channell also noted that some citizens may be confusing the Department of Wildlife helicopters with the QinetiQ helicopters. Commissioner Starr felt that a Public Hearing was warranted, but County Manager Birnie felt that a hearing may not attract enough attention without outlining a specific application. The Board stated that Airport Manager DeVore could proceed and asked County Manager Birnie to draft a set of parameters to use during evaluation of future applications.

2. Mountain View Apartments. Per County Manager Birnie, Housing Authority Executive Director Denise Wise received three bids for fire-suppression equipment and that purchase and installation of the equipment will cost approximately \$114,000. County Manager Birnie stated that, even though the County had previously banned smoking in the structure, several residents are grandfathered and some use oxygen tanks, which poses a certain hazard level. The Board agreed that the County should pursue installation of fire-suppression equipment at the earliest possible timeframe. County Manager Birnie stated that the apartment complex has funding in reserve to manage the costs.
3. Transportation Impact Fee Study. County Manager Birnie stated that the process is continuing and that a contract should be completed within a week or so.

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

1. Resolution; Waiver of Standards, Pete Glatiotis. Mr. Glatiotis was present for discussion. Assistant County Manager Crosby presented the draft resolution for approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution 2008-08, a Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction Requested by Pete Glatiotis for Access To and Over Lot 2B, Glatiotis Subdivision, Recorded At Reception #448749 Records of the Gunnison County Clerk and Recorder. Motion carried unanimously.
2. Resolution; Waiver of Standards, Albert Roper. Assistant County Manager Crosby presented the draft resolution for discussion and approval. She also stated that she had spoken with Mr. Roper during the previous evening to ensure that the draft reflected his understanding of the agreement. Chairperson Channell stated his hope that language relevant to technical unfeasibility in the county standards will be addressed in the near future. Assistant County Manager Crosby and County Attorney Baumgarten confirmed that the language will be modified for future reference.

Commissioner Starr requested several modifications to the resolution. Attorney Mike Dawson expressed concern that the waiver would be granted to a road that will be accessed by many lots, not just the Roper property and County Attorney Baumgarten explained that this waiver addressed Mr. Roper's application for the subdivision on his property and addresses only this subdivision request. Attorney Dawson felt that the language in the resolution did not match what is outlined in the standards and requested that the language be changed so that it matched the standards. Commissioner Starr asked what ton rating will be required and Assistant County Manager Crosby noted that it is currently posted at 22 tons, but that it will be required at 17 tons.

Moved by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2008-09, a Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by Albert Roper for Access To and Across Property Located at 8256 Highway 135, Almont, Colorado and authorize signatures. Commissioner Starr stated that he could not support the motion due to safety concerns for the bridge. He also opposed the motion because he could not support allowing increased traffic over a substandard bridge, even though the weight limit is posted. Motion carried. Commissioner Starr voted against the motion.

3. Out-of-State Travel Request; Weed Coordinator. Assistant County Manager Crosby presented a request for Weed Coordinator Rick Yegge to travel to Reno, Nevada in order to attend a two-day meeting sponsored by the National Cooperative Weed Management Association. Weed Coordinator Yegge has agreed to pay for the travel expenses because he intends to travel with his family. Assistant County Manager Crosby explained that the County would be responsible for no more than \$600. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize the out-of-state travel request for the Weed Coordinator's trip to Reno in the amount not to exceed \$600. Motion carried unanimously.
4. Office for Resource Efficiency (ORE) Recycling Grant Letter of Support; Discussion/Possible Action. Assistant County Manager Crosby explained that increased landfill fees beginning in 2007 were meant for support of recycling grants. She then reported that she had been contacted by ORE and was informed that they wish to submit for grant funding to expand recycling efforts.

Assistant County Manager Crosby stated that this type of project would be classified on the second tier. She also explained that some of the information requested on the grant application will need to be supplied by her office and that she could not confirm that her office will have sufficient time to gather this information as the grant deadline is March 28, 2008. Further, she expressed concerns relative to a letter of support that may imply that the award can be sustained by the County in the future and that the grant, as outlined, would support the study of items not commonly recycled. Chairperson Channell agreed that short grant deadlines have been problematic.

Assistant County Manager Crosby could not confirm whether or not ORE has a plan for sustainability, which is required by the grant. The Board requested that Assistant County Manager Crosby respond to ORE's request informing them that the County could not provide the requested information within the timeline allowed and that the County recommends a reduction in scope to only the north end of the valley.

5. Serpentine Trail Plowing. Chairperson Channell requested an update on this issue and Assistant County Manager Crosby explained that the County plows in the Town of Marble based on a definite schedule as contractual obligations must receive priority. She also explained that Serpentine Trail and Marble Village Drive have been maintained as time permits. She further stated that, due to many telephone calls from subdivisions in the Cimarron area, she began working with Montrose County to widen most of those areas, which was appreciated by the various subdivisions. Additionally, the homeowners groups agreed to devise a mechanism that would allow for financial assistance with plowing in future years.

GUNNISON COUNTY RECYCLING CENTER; PRESENTATION OF RECYCLING AWARDS: This discussion was cancelled during the Agenda Review at the beginning of the meeting. Assistant County Manager Crosby preferred that all staff members involved with this program be in attendance, but that conflicting schedules and illnesses had made that impossible for today's meeting.

NORTH VALLEY SEWER UPDATE: Assistant County Manager Crosby, County Attorney Baumgarten, engineer Jerry Burgess and HOA President Ted Anderson were present for discussion.

Assistant County Manager Crosby explained that she worked with representatives from the HOA board, County Attorney Baumgarten and Mr. Burgess in order to delineate the information for presentation to the Board. The group was able to narrow the alternatives to an on-site option, a County Road 10 option and a connection to County Road 11 option with general descriptions. The group rated each option with regard to construction costs, yearly maintenance fees, the anticipated life of each system, the use of a lift station, whether or not a certified operator was necessary, tap fees, quarterly fees, administration of the system, debt servicing, Colorado Department of Public Health and Environment (CDPHE) approval, cost of engineering to develop the projects, implementation time, the Local Improvement District component, whether or not other users would help pay for the extension, payback for the baseline costs, funding sources, easements, and the timeline in meeting the subdivision's commitment to the CDPHE. When assessing easements, costs and length of time were difficult to address because they are largely unknown.

County Attorney Baumgarten stated that the County can use the right-of-way to install an underground utility relative to the CR 10 option. He further explained that a declaratory lawsuit could be filed to have the court indicate this possibility, however he suggested not involving the courts since the County already has this right.

Assistant County Manager Crosby noted her preference to install the sewer alongside the road since it is already a disturbed area, which would also decrease liability. She stated that the CR 10 option would be the longest route, at approximately two to three miles in length, which would increase costs.

County Attorney Baumgarten noted that the CR 11 option could be quite costly because the line would cross private property and would be very time-consuming. Mr. Anderson stated that he had spoken with Phyllis Guerreri who informed him that she would assess \$700,000 relevant to crossing her private property.

Assistant County Manager Crosby explained that estimates of \$450,000 for construction, \$55,000 for engineering, \$20,000 for bonding and other miscellaneous costs would translate into a bottom line of approximately \$600,000 for the project. She stated that the CR 10 option was the preferred alternative as of the last meeting, provided that the system would be part of the North Gunnison Sewer District. Assistant County Manager Crosby stated that one potential funding source would be DOLA's August 2008 cycle. Further, she stated that the USDA is accepting applications for 40-year, low-rate loans and that the USDA has a significant amount of money for water quality issues. With either DOLA or USDA funding, an engineering selection would be necessary, which adds to the costs and extends the project out to a later date, but Assistant County Manager Crosby stated her belief that this would be minimized because Mr. Burgess' engineering firm, SGM, has already been accepted by the CDPHE.

Assistant County Manager Crosby noted that if DOLA and the USDA agree, she can use remaining funds from the North Gunnison grant to pay for the USDA application and part of the engineering. Assistant County Manager Crosby did not have an opinion on what would be the best funding source because she did not pursue extensive questioning without board direction and approval.

Assistant County Manager Crosby stated that the North Valley Subdivision would first need to be included into the North Gunnison Sewer system with redefined boundaries. She also clarified that this would include everything from the lift station to the connection and that every user of the system would pay for the extension of the line to that point, which would be considered when calculating the rate structure.

Resident Bill Bennett questioned whether the user fees will be comparable to other user fees and Assistant County Manager Crosby explained that user fees are relative to actual costs and that it is difficult to estimate costs upon expiration of the warranty. She stated her hope that the fees would not exceed \$125, but could not guarantee that estimate without further research.

Assistant County Manager Crosby felt that users should be given the option of tying on immediately in order to avoid county tap fees and that users choosing to tie on at a later date will pay the tap fees. She also recommended that this offer be extended to owners of vacant lots.

Chairperson Channell asked about cost estimates for mitigation of the lagoon and Assistant County Manager Crosby asked Mr. Burgess to define a cost with limited information about the existing system. Decommissioning the lagoon, including draining and backfilling, would have to be evaluated carefully because of environmental concerns. Assistant County Manager Crosby recommended, should the Board desire exploration of this issue, that it be evaluated from the lift station forward, including the septic tanks, and then leave the remainder open for discussion until the County has had the opportunity to discuss the issue with the HOA.

North Valley Operator Tom Johnson stated that he was willing to contact the CDPHE to determine their thoughts about the lagoon. Assistant County Manager Crosby suggested that Mr. Burgess and Mr. Johnson contact the CDPHE jointly.

Environmental Health Specialist Richard Stenson explained that properties within 400 feet of the line running along CR 10 are statutorily required to tie in and requested clarification from the Board on any mandates for future users to tie in.

Moved by Commissioner Starr, seconded by Commissioner Swenson to direct staff to research and propose documentation for accepting the North Valley Subdivision into the North Gunnison Sewer District and to appropriately change the boundaries to reflect what the staff, in consultation with the engineers and the HOA, determine is the extent of inclusion for collection lines and that the staff make a proposal to the Board as soon as feasible for suggested funding for extending the line into that new area and include CR 10 as the preferred alternative and authorize existing funding to pay for the engineering and the report to the Board will include an opinion on decommissioning septic tanks and how to handle the lagoon situation and that the alignment along County Road 10 being from the lift station to the John Guerreri property where it currently exists. Motion carried unanimously.

Moved by Commissioner Swenson, seconded by Commissioner Starr to recognize the North Valley Homeowners Association had gone through a Request for Proposals process for engineering and that SGM be selected as the engineer for the extension of the North Gunnison sewer line to North Valley based on that selection process and the preliminary work they have already done and existing approval from the State for that firm for the work that has been done. Motion carried unanimously.

TRAILS COMMISSION UPDATE; TRAVEL MANAGEMENT PLAN: Trails Commission representative Joellen Fonken and Assistant County Manager Crosby were present for discussion.

Trails Commission representative Fonken presented a letter to the Board regarding the Trails Commission's position on the Travel Management Plan following a Trails Commission work session meeting approximately three weeks prior to today's meeting. Assistant County Manager Crosby felt that the work session was productive and that the Trails Commission was able to refocus their mission. The position letter was given to the Board as a prelude to an upcoming work session and was not discussed in depth during the meeting. Trails Commission representative Fonken noted that some entities have begun to discover that their routes have not been included in the proposed trails system.

SPRING MEADOWS CONSENT TO EXCLUDE LOT M-1, SPRING MEADOWS FROM SPRING MEADOWS SUBDIVISION: Assistant Planning Director Neal Starkebaum, County Attorney Baumgarten and attorney David Leinsdorf were present for discussion.

Attorney Leinsdorf explained that the Spring Meadows covenants expired by their own terms after 20 years, at which time restated covenants were recorded. However, those restated covenants were recorded without signatures which invalidated them. Attorney Leinsdorf supplied signed consent forms from 12 of the 16 lot owners stating that the original covenants no longer apply, that the replacement

covenants do not apply and that they consent to exclude Lot M-1 from the Spring Meadows Subdivision. Attorney Leinsdorf requested that the Board confirm the validity of the consent forms and that the original covenants and the replacement covenants do not apply. County Attorney Baumgarten stated his opinion that this request was valid. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to consent to the exclusion of Lot M-1 from the Spring Meadows Subdivision and authorize execution of consent of the Board of County Commissioners acknowledging that fact. Motion carried unanimously. Attorney Leinsdorf agreed to return copies to the County of the recorded consent of the Board of County Commissioners.

BOUNDARY LINE ADJUSTMENT AND LOT CLUSTER AGREEMENT; TIN CUP, CROSBY AND STITT: County Paralegal Rachel Magruder, Assistant County Manager Crosby, County Attorney Baumgarten and Assistant Planning Director Neal Starkebaum were present for discussion.

Chairperson Channell recused himself from voting on this issue due to family relation to one of the applicants.

Assistant County Manager Crosby explained that this area of Tin Cup has issues with roads not being located where right-of-ways exist. She also confirmed that surveying had been completed. County Paralegal Magruder explained that the vacations were contingent upon lot clustering and that the original resolution would need to be signed. County Attorney Baumgarten further stated that the resolution would require retroactive signatures.

Moved by Commissioner Swenson, seconded by Commissioner Starr to resign the Board of County Commissioners Resolution #2005-40, a Resolution Vacating Certain Alleys Within the Platted Townsite of Tin Cup. Chairperson Channell left the room at this time. Motion carried. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize execution of Resolution #2008-10, a Resolution Vacating a Certain Portion of Cedar Street Within the Townsite of Tin Cup. Motion carried. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize execution of the plat entitled, "Dedication of Mirror Lake Road and Stitt/Crosby Boundary Line Adjustment, Lot Cluster Agreements Within Blocks 33 and 34, Town of Tin Cup, County of Gunnison, Colorado" and reauthorize the vice-chairperson's signature on the plat and acknowledging as our signature on the plat be dedication of part of the Mirror Lake Road to the County. Motion carried.

County Attorney Baumgarten thanked County Paralegal Magruder for her diplomacy and perseverance.

RIVERWALK ESTATES SUBDIVISION; ONGOING DEFAULT OF DEVELOPMENT IMPROVEMENTS AGREEMENT; POSSIBLE ACTION; POSSIBLE EXECUTION SESSION: Assistant County Manager Crosby, County Attorney Baumgarten and County Paralegal Magruder were present for discussion. Chairperson Channell returned to the meeting at this time.

County Paralegal Magruder stated that the bond was extended to May of 2009, but that some improvements remain incomplete. County Attorney Baumgarten asked for an extension of the completion date until May 31, 2008. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve an extension of the completion date until May 31, 2008. Motion carried unanimously.

ACQUISITION OF AIRPORT STORAGE: Assistant County Manager Crosby and Airport Manager John DeVore were present for discussion.

Airport Manager DeVore explained that the airport facility is experiencing storage issues and that equipment is currently being stored on the ramp. He also stated that the airport had revenue to support the lease-purchase of a white weatherport, which is allowed within the county, previously utilized by QinetiQ as a portable hangar. The airport would then use this structure as storage for airline equipment and use the lease revenues from the airlines to pay down the loan. Airport Manager DeVore confirmed that he had not yet researched finance rates because he wanted to ensure Board interest prior to spending a significant amount of time on the project. Upon Board direction, County Manager Birnie and Assistant County Manager Crosby would need to review and approve a finance offer.

Airport Manager DeVore stated that this structure does not have a mechanical door and that foundation would not be required. Assistant County Manager Crosby confirmed that storage is an issue within her department as well. The weatherport in question would be located to the east of the ARFF building. The Board expressed interest in this proposal and asked Airport Manager DeVore to pursue discussions.

COMMISSIONER MEETING REPORTS: A break in the schedule allowed for this unscheduled item.

Commissioner Swenson:

1. Stockgrowers Association Annual Meeting. Commissioner Swenson attended a recent Stockgrowers meeting and stated that she is currently arranging for a presentation to the Board from representatives from Larimer County.

2. Region 10. Commissioner Swenson stated that Region 10 will be defending a DOLA grant for the upgrades and repairs to their building.

Commissioner Starr:

1. Transportation Study. Commissioner Starr explained that all parties involved in the agreement for the 17 acres in the Brush Creek parcel have agreed to jointly fund the shuttle and then work on completion of the existing transportation study. He further stated that CBMR will be determining their willingness to participate later in the week and that the RTA decided to move forward without CBMR's commitment. Commissioner Starr felt that the County should prepare for a decline from CBMR to assist with funding because CBMR representative John Norton has suggested that contributions should solidify a decision-making role for CBMR.

Chairperson Channell:

1. Temporary Task Force on Energy Efficiency. Chairperson Channell stated that, as of yesterday, he had received half of the input from the task force on proposed recommendations. The task force is scheduled to meet again on March 19, 2008 to collect the data received and then formulate a final draft to submit to all respective boards. An aggressive timeline was suggested by Chairperson Channell that would have the information presentation ready prior to the energy summit. The RTA board would be the model to follow since it has representation from all entities. Chairperson Channell hoped that a rough draft of the task force's recommendation would be completed by April 1, 2008. Chairperson Channell requested a June 1, 2008 deadline for the final draft.
2. Colorado Counties, Inc. Chairperson Channell provided brief updates on several pieces of legislation being proposed during the current session. He noted that SB 189 had gained support in the Governor's office but that county clerks continued to oppose the bill. He also stated that the bill has brought out a high level of emotion since many believe that this issue should be decided locally and that it is an unfunded mandate. Per Chairperson Channell, the county clerks voted to kill the bill.

OUT OF STATE TRAVEL REQUEST; BECKY GREENWOOD, HOUSTON, TX: Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the out-of-state travel request for Becky Greenwood to travel to Houston, Texas, March 30th through April 2nd in the amount not to exceed \$1,000. Motion carried unanimously.

OUT OF STATE TRAVEL REQUEST; MARY BURT; BELGIUM: Moved by Commissioner Swenson, seconded by Commissioner Starr to approve Mary Burt's out-of-country travel request for December of 2008, which has no financial impact to the County. Motion carried unanimously.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser and County Treasurer Melody Marks were present for discussion. Finance Director Linda Nienhueser presented the Cash Transfer Authorization dated February 2008 and the warrant report dated March 18, 2008 for discussion and approval. Moved by Commissioner Starr, seconded by Commissioner Swenson to approve the warrant report dated March 18, 2008 in the amount of \$1,751,620.80. Motion carried unanimously. Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the February 2008 Cash Transfer Authorization in the amount of \$3,022.609.22. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Marks and Finance Director Nienhueser were present for discussion. County Treasurer Marks presented an Investment Report dated February 29, 2008 and the Treasurer's Monthly Report dated February 2008 for discussion and acceptance. Moved by Commissioner Swenson, seconded by Commissioner Starr to accept the Treasurer's Report for February 2008 and authorize the chairperson's signature. Motion carried unanimously.

BREAK: This meeting recessed from 12:04 until 1:55 pm for lunch and to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

RECONVENE: Chairperson Channell called the Board of County Commissioners meeting back to order at 1:55 pm.

Moved by Commissioner Swenson, seconded by Commissioner Starr to designate Health and Human Services Director Renee Brown as the County's proxy to the CCI Health and Human Services Steering Committee. Motion carried unanimously.

STATE FOREST SERVICE; ANNUAL OPERATIONS PLAN FOR FIRE CONTROL: Colorado State Forest District Forester Bryan Ayers and Emergency Manager Scott Morrill were present for discussion.

Forester Ayers explained that the Annual Operations Plan contained no changes in operating procedure. He also noted that he had met with Sheriff Rick Murdie earlier in the day at which time the plan was signed by Sheriff Murdie. All updates were reported to be minor and related to equipment and staffing changes.

Forester Ayers explained that beetle kill has not affected our area drastically and that insect problems typically begin in other parts of the state and then move into our county over time.

Forester Ayers noted that defensive space practices are growing because of insurance agency requirements. He indicated that home owners generally do not pay a great deal of attention to defensive space practices until external factors urge them, such as a fire or insurance requirements. Emergency Manager Morrill stated that there is a possibility that the Planning Commission may alter county processes to mandate defensible space requirements.

Forester Ayers stated that the Colorado Wildfire group will be in Gunnison on May 31, 2008. Emergency Manager Morrill stated that he has funding budgeted to send County staff members to the training offered on June 2, 2008. Chairperson Channell noted that the Board is reliant on continued information from Emergency Manager Morrill relevant to their need to attend refresher courses, such as the training on June 2nd. Forester Ayers felt that the 100-level course with the basic instruction would be advantageous for the Board with the possible addition of the 700/800 course.

The Board thanked Forester Ayers for his presentation. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Annual Operations Plan for Fire Control for 2008 and authorize the chair's signature. Motion carried unanimously.

ENERGY SUMMIT FUNDING DISCUSSION: Chairperson Channell supplied information pertinent to the Office of Smart Growth.

Chairperson Channell stated his impression that the City of Gunnison could partner with the Office for Resource Efficiency (ORE) on the summit in order to begin building a relationship. Chairperson Channell explained that the basic two questions that each member was asked to ask of their entity were whether or not the entity would be willing to contribute \$3,000 and whether or not the entity was in agreement to allow ORE to be in charge of the Energy Summit. County Manager Birnie reminded the Board that \$10,000 has been budgeted for energy efficiency. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to contribute \$3,000 of budgeted money for the Energy Needs Summit to be organized and conducted by ORE. Motion carried unanimously.

County Manager Birnie expressed concern that the email indicated that the County is the grant recipient, while the County has not viewed all of the grant information. Because of this, County Manager Birnie was concerned that the County could be held to conditions applicable to the grant that the County is unaware of. He did not anticipate this would be an insurmountable task, but that it did need addressed. He also noted that if the funding is received by the County, that ORE will need to bill the County for the funds. Chairperson Channell agreed to discuss these issues with ORE.

DOWN PAYMENT AND CLOSING COST ASSISTANCE PROGRAM: This discussion was cancelled during the Agenda Review at the beginning of the meeting.

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

LETTER OF SUPPORT FOR SAGUACHE COUNTY: **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize the chairperson to sign the letter in support of Saguache County petitioning to exclude all hazardous materials transported over Highway 114, except for local deliveries of fuels. Motion carried unanimously.

BULL MOUNTAIN PIPELINE: County Attorney Baumgarten recently suggested hiring an expert consultant and the Board confirmed that they had hired two.

MILE-LONG EXTENSION OF THE LOWER LOOP TRAIL: Commissioner Starr received a call from Keith Bauer relevant to a year-round trail that would be handicap accessible. Per Mr. Bauer, the Bureau of Land Management stated that the community would need to raise \$5,000 for an engineering study and Mr. Bauer wanted to determine whether the County would consider at \$500 expenditure to help with the total cost.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:41 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2008-08**

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY PETE GLATIOTIS FOR ACCESS TO AND OVER LOT 2B, GLATIOTIS SUBDIVISION, RECORDED AT RECEPTION #448749, RECORDS OF THE GUNNISON COUNTY CLERK AND RECORDER

WHEREAS, a written petition by Pete Glatiotis ("Glatiotis") was filed with the Board of County Commissioners of Gunnison County, Colorado, requesting a waiver for Glatiotis of the Gunnison County Standard Specifications For Road and Bridge Construction ("Standards and Specifications") for access to and over Lot 2B, Glatiotis Subdivision, recorded at Reception #448749, of the records of the Clerk and Recorder of Gunnison County, Colorado; and

WHEREAS, the request is to waive, and reduce, the requirement for width of the right of way over Lot 2A to Lot 2B and across Lot 2B, to be identical to the road and utility easements over Lot 2A according to the official replat of Glatiotis Subdivision recorded with the Gunnison County Clerk and Recorder at Reception #448749.

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

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

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

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

1. The following waiver is hereby granted: Access across Lot 2A to Lot 2B, and across Lot 2B, shall be identical to the road and utility easements over Lot 2A according to the official replat of Glatiotis Subdivision recorded with the Gunnison County Clerk and Recorder at Reception #448749.

2. This waiver is site specific and does not establish a precedent for any other proposed waiver.
3. The road across Lot 2B shall NOT be used as access to any real property other than Lot 2B as it may be subdivided into NO MORE THAN six (6) parcels.
4. This waiver is not, and shall not be construed to be, a termination or modification of any other easement, right of way, or access Gunnison County currently may have over either or both Lot 2A or 2B.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 18 day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2008-09**

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY ALBERT ROPER FOR ACCESS TO AND ACROSS PROPERTY LOCATED AT 8256 HIGHWAY 135, ALMONT, COLORADO

WHEREAS, a written petition by Albert Roper ("ROPER") was filed with the Board of County Commissioners of Gunnison County, Colorado, requesting a waiver for ROPER of the Gunnison County Standard Specifications For Road and Bridge Construction ("Standards and Specifications") for access to and across property located at 8256 Highway 135, Almont, Colorado;

WHEREAS, the request is to waive for the following:

1. Width of Right of Way: A waiver of width for any portion of the road for which the current right of way width is less than sixty feet (60').
2. Roadway Cross Section: The required section for a rural lane is identified in the Appendix of the Gunnison County Standards and Specifications. The existing "traveled" roadway width varies from 12 to 24 feet, with maintenance activities and driving patterns establishing the width, although in places it is wider than the minimum actual traveled. A variance of the County cross section standard, consisting of crown slope, gravel depth, and drainage side ditches is requested.
3. Bridge Load Limits: There are two bridges on the access road to the property that have been in use for many years. The bridge over the Gunnison River is rated at 17-26-27 tons based on a bridge inspection done by SEH, Inc. A waiver is requested regarding the use of the bridge over the Gunnison River which is load restricted.

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

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

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

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

1. The following waiver is hereby granted:
 - a. Width of Right of Way: A waiver of width for any portion of the road for which the current right of way width is less than sixty feet (60’).
 - b. Roadway Cross Section: The required section for a rural lane is identified in the Appendix of the County Standards. The existing “traveled” roadway width varies from 12 to 24 feet, with maintenance activities and driving patterns establishing the width, although in places it is wider than the minimum actual traveled. A variance of the County cross section standard, consisting of crown slope, gravel depth, and drainage side ditches is granted to be the currently existing cross section.
 - c. Bridge Load Limits: There are two bridges on the access road to the property that have been in use for many years. The bridge over the Gunnison River is rated 17-26-27 tons based on a bridge inspection done by SEH, Inc., a qualified bridge inspection engineering firm.
2. The waiver expressly requires that:
 - a. The bridge over the Gunnison River be posted by Roper either at the lowest limit or at the three load limits as rated by SEH, Inc. by April 15, 2008;
 - b. The road be developed by ROPER to a minimum of sixteen feet (16’).
 - c. Roper be required to notify, in writing, all users of the bridge over the Gunnison River of the restrictions (i.e., users include but are not limited to the Gunnison Fire Protection District, trash collection companies, propane companies, lumber companies and concrete aggregate companies), proof of such notification must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than April 30, 2008;
 - d. That the owners of the ROPER RANCH and the new lots currently proposed for the land be required, by recorded deed restriction, to be paying participants in any organization (e.g., a local improvement district or homeowners association) which is developed to address road work and bridge funding, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat for the subdivision is approved by the BOCC;
 - e. That ROPER record, as a condition of any land use approval of subdivision of the ranch or additional residences on the ranch, notice of this Waiver, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat for the subdivision is approved by the BOCC;
3. This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.
4. Nothing in this Resolution is, or shall be construed to be, a waiver of the required horizontal sight distance(s) or vertical grades; those requirements have NOT been waived.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell and adopted this 18th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Swenson – yes; Starr – no

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 05-40**

A RESOLUTION VACATING CERTAIN ALLEYS
WITHIN THE PLATTED TOWNSITE OF TINCUP

WHEREAS, Gunnison County, by virtue of Colorado law, has become the owner of certain platted streets and alleys within the previously incorporated townsite of Tincup; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") has determined that not all of said streets and alleys are necessary for public access to the privately-owned property within the townsite of Tincup; and

WHEREAS, the Board has received a petition from lot owners to vacate the entire alley within Block 33 and a portion of the alley within Block 34 adjacent to and between Lot 10 and Lot 11, within the townsite of Tincup; and

NOW, THEREFORE, BE IT RESOLVED by the Board that the entire alley within Block 33 and a portion of the alley within Block 34 adjacent to and between Lot 10 and Lot 11, according to the official recorded plat of the townsite of Tincup, be and the same hereby is vacated.

FURTHERMORE, this Resolution shall be effective with the following understanding and conditions:

1. It is the specific intent of the Board that the vacated alley within Block 33 and that portion of the alley within Block 34 should accrue to and vest in the record owners pursuant to the provisions of § 43-2-302, C.R.S.
2. The vacation of the alley within Block 33 and that portion of the alley within Block 34 adjacent to and between Lots 10 and 11 will become effective upon the recording on the records of the Clerk and Recorder of Gunnison County, Colorado of a Lot Cluster Agreement executed by the owners of such lots adjacent to the alleys vacated herein.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and signed this 18th day of March, 2008, as adopted nunc pro tunc the 4th day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Channell – abstained; Swenson – yes; Starr – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 08-10**

A RESOLUTION VACATING A CERTAIN PORTION OF CEDAR STREET
WITHIN THE TOWNSITE OF TINCUP

WHEREAS, Gunnison County, by virtue of Colorado law, has become the owner of certain platted streets and alleys within the abandoned Townsite of Tincup; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") has determined that not all of said streets and alleys are necessary for public access to the privately-owned property within the abandoned Townsite of Tincup; and

WHEREAS, the Board has received a petition from the owner of lots located within Blocks 33 and 34 adjacent to Cedar Street, Townsite of Tincup, to vacate that portion of Cedar Street as identified on the plat titled "Dedication of Mirror Lake Road and Stitt/Crosby Boundary Line Adjustment; Lot Cluster Agreements Within Blocks 33 & 34, Townsite of Tincup, County of Gunnison, Colorado", created by Alpine Surveying, Inc., and recorded with the Gunnison County Clerk and Recorder's Office and described as follows:

Commencing from the northwest corner of Lot 10, Block 34 traveling southerly along the western boundary line of Lot 10, Block 34 across the vacated portion of the alley lying within Block 34 to the point where the northern boundary line of Mirror Lake Road intersects the northwestern corner of Lot 11, Block 34 then traveling northwest along the northern boundary line of Mirror Lake Road to the point where the northern boundary line of Mirror Lake Road intersects the eastern boundary line of Lot 1, Block 33, then northerly along the eastern boundary line of Lot 1, Block 33 to the northeast corner of Lot 1, Block 33, then traveling easterly along the southern boundary line of Washington Avenue to the Northwest corner of Lot 10, Block 34, Townsite of Tincup, County of Gunnison, State of Colorado.

WHEREAS such vacation will not prevent owners of other lands from having access to their land; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation having been conducted,

NOW, THEREFORE, BE IT RESOLVED by the Board that the following described portion of Cedar Street, be and hereby is vacated as identified on the plat titled "Dedication of Mirror Lake Road and Stitt/Crosby Boundary Line Adjustment; Lot Cluster Agreements Within blocks 33 & 34, Townsite of Tincup, County of Gunnison, Colorado", created by Alpine Surveying, Inc., and described as follows:

Commencing from the northwest corner of Lot 10, Block 34 traveling southerly along the western boundary line of Lot 10, Block 34 across the vacated portion of the alley lying within Block 34 to the point where the northern boundary line of Mirror Lake Road intersects the northwestern corner of Lot 11, Block 34 then traveling northwest along the northern boundary line of Mirror Lake Road to the point where the northern boundary line of Mirror Lake Road intersects the eastern boundary line of Lot 1, Block 33, then northerly along the eastern boundary line of Lot 1, Block 33 to the northeast corner of Lot 1, Block 33, then traveling easterly along the southern boundary line of Washington Avenue to the Northwest corner of Lot 10, Block 34, Townsite of Tincup, County of Gunnison, State of Colorado.

FURTHERMORE, this Resolution shall be effective with the following understanding and conditions:

1. It is the specific intent of the Board that the above described vacated portion of Cedar Street should accrue to and vest in the record owners pursuant to the provisions of § 43-2-302, C.R.S.
2. The vacation of the above described portion of Cedar Street shall become effective only upon the recording of a Grant of Easement by the owners of that portion of Lots 1 through 5, Block 33 and Lots 10 and 11, Block 34, Townsite of Tincup, to the Board of County Commissioners of the County of Gunnison, Colorado, for any and all portions of Mirror Lake Road that the owners currently or hereinafter may obtain.
3. The vacation of the above described portion of Cedar Street shall become effective only upon the recording on the records of the Gunnison County Clerk and Recorder, Colorado of a Lot Cluster Agreement executed by the owners of that portion of Lots 1 through 5, Block 33, Lots 10 and 11, Block 34, the vacated alley between Lots 10 and 11, Block 34 vacated by Resolution No: 05-40, all and that vacated portion of Cedar Street adjacent to said property as described above; and

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 18th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Channell – abstained; Starr – yes; Swenson – yes