

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
April 15, 2008**

The April 15, 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: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Board of County Commissioners meeting minutes of February 19, 2008 as presented. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Board of County Commissioners Regular Meeting minutes of March 4, 2008 as presented. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Board of County Commissioners Regular Meeting minutes of March 18, 2008 as presented. Motion carried unanimously.

CONSENT AGENDA: Chairperson Channell asked for Consent Agenda Item #15 to be pulled from the Consent Agenda due to a change in the contract. The item was pulled and was to be discussed during the Gunnison/Hinsdale Board of Human Services meeting later in the day. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Consent Agenda Items #1 through #14. Commissioner Starr requested that Consent Agenda Item #13 be pulled for discussion. Commissioner Swenson agreed to amend her motion to approval of items #1 through #12 and #14. Commissioner Starr seconded the amended motion. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Agreement for Services, RPI Consulting, LLC as Andrew, LLC
2. Acknowledgment of County Manager Signature; NGS American Service Agreement Amendment
3. Resolution #2008-12; A Resolution Amending Certain Charges and Fees for Integrated Solid Waste Services Effective April 1, 2008
4. Petition for Abatement or Refund of Taxes; San Moritz Condominium Association, Inc.
5. Petition for Abatement or Refund of Taxes; Mark S. Bennett, II
6. Petition for Abatement or Refund of Taxes; Robert Weiss
7. TSA Leased Space at Gunnison-Crested Butte Regional Airport; Extension of Current Lease on a Month-to-Month Basis, Beginning April 18, 2008
8. TSA Leased Space at Gunnison-Crested Butte Regional Airport; Three-Year Agreement, Effective Upon Availability of Space
9. Operating Agreement; Key Lime Air
10. Memorandum of Understanding; Community Based Organization Funding, Jubilee House of Gunnison County, Inc.
11. Memorandum of Understanding; Community Based Organization Funding, Cattlemen's Days, Inc.
12. Memorandum of Understanding; Community Based Organization Funding, Crested Butte / Mt. Crested Butte Bartenders and Servers Association
13. Memorandum of Understanding; Community Based Organization Funding, Rotary Club of Gunnison, District #5470
14. Cooperative Agreement; US Department of the Interior, National Park Service, Noxious Weed Control Program
15. Agreement; Department of Local Affairs Community Services Block Grant

Relevant to Consent Agenda Item #13, Commissioner Starr stated his impression that the funding was for use with fireworks only and not for any other items. This will be confirmed with Assistant Finance Director Ben Cowan or Finance Director Linda Nienhueser before the end of the meeting.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Strategic Planning. County Manager Birnie reported that the template had been distributed to those department directors who were assigned the lead responsibility for the various goals identified by the Board. The directors are now identifying strategies and baseline data. County Manager Birnie stated his hope that the priority areas and strategies identified will be ready for

adoption by the Board on May 20, 2008. County Manager Birnie reported that Robert Burroughs is no longer with Weidner, Inc. and that Marv Weidner had taken over his role.

2. Impact Fee Study. County Manager Birnie stated that he had met with Assistant County Manager Crosby, Undersheriff Rick Besecker and the consultant during the previous week. County Manager Birnie felt that the consultant was receptive and aware of the County's needs. He also stated his anticipation that the study would be completed within approximately five months.
3. Animal Control Training. County Manager Birnie stated that he had met with Sheriff Rick Murdie who confirmed that the officers will receive animal control training. One officer is scheduled to attend courses over the summer and then use the knowledge gained to train other officers.
4. Hwy 135 Speed Limit. County Manager Birnie and Assistant County Manager Crosby both reported having conversations with Bill Crawford during which Mr. Crawford agreed to review the pre-construction drawings in order to evaluate the situation and make recommendations.
5. Senator Salazar. County Manager Birnie explained that he received a request for a meeting from Senator Salazar's office and that he would schedule the meeting.
6. Housing Needs Assessment. County Manager Birnie reported that the Colorado Department of Housing (CDOH) had originally informed him that funding would be released for this project by the end of April; however, that timeframe has since changed. County Manager Birnie stated his impression that the funding will eventually arrive, but that funding will not be possible until sometime after mid-May when the contracts are scheduled for execution. County Manager Birnie explained that, in order to begin the assessment on schedule, a cost of approximately \$5,000 will be necessary and that the funds can be paid from the Linkage Fee funds. The assessment will take approximately four months for completion once it has begun. The Board asked County Manager Birnie to make a judgment call on whether or not it would be prudent to spend the extra \$5,000 in order to begin the process on schedule.
7. Gunnison Rising Response. County Manager Birnie noted that County Attorney Baumgarten is assembling correspondence for Board review prior to the end of the meeting.

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

1. Trails Commission. Assistant County Manager Crosby informed the Board that the Trails Commission met during the previous evening and that they intend to submit correspondence to the Board relative to the trails proposal. The Trails Commission received \$10,000 from the Met Rec District that will be used to fund trails improvements in the north end of the valley.
2. Friends of Somerset. Assistant County Manager Crosby stated that the Friends of Somerset are pleased with their park and that they would like to schedule a summertime picnic. Commissioner Swenson stated that the Friends of Somerset expressed a need for approximately \$5,000 to be used on additional equipment. Assistant County Manager Crosby felt that the Friends of Somerset should be encouraged to assume primary responsibility for further fund raising.
3. Light Industrial Park; Water and Sewer Line Installation. Assistant County Manager Crosby stated that the bid invitations will be printed in the April 17th newspaper editions and that she hoped to be able to award the bid during the May 20th Regular Meeting.
4. Damage to Property. Assistant County Manager Crosby reported that her department and severe-weather conditions were responsible for a lot of damage to fencing this winter. She stated that her staff will be fixing fences that contain livestock and are set back from the road. Those fences that are close to the road or were previously in need of repair will not be fixed by her department. She informed the board that two mailboxes and a telephone pedestal were destroyed by snowplow equipment, which is an acceptable amount of damage.
5. US Forest Service and the Bureau of Land Management; Road Filling Needs. Assistant County Manager Crosby stated that she was scheduled to meet with both of these entities later in the day to discuss road filling needs so that the permitting processes can begin.
6. Public Property Vacation Policy. Assistant County Manager Crosby requested direction from the Board on what type of information they would like for her to compile, such as a list of public benefits, in preparation for this discussion scheduled for the April 22, 2008 Work Session. County Attorney Baumgarten stated that he would like a recognition of fiduciary duty, on behalf of the Board, prior to granting vacations. Commissioner Starr asked that information relative to the vacations granted within the previous five-year period would be helpful to the Board and Assistant County Manager Crosby agreed to provide the information. Chairperson Channell noted that a great deal of public land has been vacated for private ownership and felt that purchasing that land from the County may be necessary in the future.
7. Beaver Dams. Commissioner Swenson stated that she had noticed beaver dams being built at the River Park and Assistant County Manager Crosby agreed to address the situation before the end of the day. Assistant County Manager Crosby also stated that the picnic tables will not be returned to the park until the potential threat has been eliminated.

BULL MOUNTAIN NATURAL GAS PIPELINE; PLANNING COMMISSION RECOMMENDATION: County Attorney Baumgarten, Assistant Planning Director Neal Starkebaum, SG Interests I, Ltd. Vice-President Robert Guinn and Schmueser Gordon Meyer, Inc. (SGM) attorney Ken Wonstolen of Fulbright & Jaworski, LLP (via telephone) were present for discussion.

Assistant Planning Director Starkebaum reported that the Planning Commission took action on this item on April 4, 2008, with the condition that the applicant was to provide sight lines for the visual analysis of the compressor station from Forest Service Road 265 prior to any decision by the Board of County Commissioners. Assistant Planning Director Starkebaum provided three various vantage point depictions during the meeting. Commissioner Swenson stated that recent Joint Public Hearings included several discussions relative to visibility of the facility from the road. Assistant Planning Director Starkebaum explained that the Planning Commission recommended the use of berms to further mitigate negative visual impacts and Commissioner Swenson reported that a pre-existing berm will be increased by 25'-0". SGI Vice-President Guinn stated that some objects will remain visible after berm creation, such as two or three towers and the building tops where the compressors are located.

County Attorney Baumgarten stated that Western Water and Land (WWL) had been recommended to serve as the County's designated inspector. Assistant Planning Director Starkebaum expressed his opinion that WWL was qualified for the designation and that they are interested in participating in the project. The County will enter into a contract for services with WWL, for the period of construction through reclamation, and the applicant will be responsible for reimbursement of expenditures invoiced by WWL. SGI Vice-President Guinn confirmed that a contract with WWL was acceptable to his organization and expressed his opinion that WWL should be able to review daily reports and photographs without maintaining a physical presence at the site.

Chairperson Channell questioned the timeframe for a site visit and Assistant Planning Director Starkebaum stated his impression that early-June would be the earliest opportunity. SGI Vice-President Guinn explained that the earliest disturbance was thought to be May 1st; however, he noted that it will likely be pushed back due to the recent heavy snowfall. Assistant Planning Director Starkebaum felt that the Planning Commission intended for the site visit to take place prior to actual construction without regard to any staging activities. Commissioner Swenson felt that a special trip may be in order so that the site visit can occur prior to disturbance. SGI Vice-President Guinn explained that the construction period was estimated for May 1st through October 1st and that SGI intends to begin work at the southern end with reclamation following the same path.

Wildlife consultant Susan Bonfield expressed her concerns, through provided correspondence, that wildlife, particularly migratory birds, will be disturbed during construction and reclamation. SGI Vice-President Guinn noted that the Division of Wildlife (DOW) had requested approximately \$800,000 in funding for several big-game studies, which was agreeable to SGI. County Attorney Baumgarten stated that the Board had the opportunity to add desired elements to these studies since they had not yet begun. Commissioner Starr felt that the studies should include the portion of land in Gunnison County, but acknowledged that completion of those studies may not be realistic for the approaching building season.

Buccaneer Energy (BE) correspondence dated April 10, 2008 indicated an interest in a transportation agreement. However, SGI Vice-President Guinn felt, since the Bull Mountain Pipeline had not been built yet, that transportation discussions with any parties would be premature. SGI Vice-President Guinn explained that the pipeline, as proposed, would accommodate other parties, but that commercial negotiations were not appropriate for Board involvement. County Attorney Baumgarten confirmed that the County reviews projects based on impacts and that BE's request was beyond the Board's scope of ability. SGM attorney Wonstolen agreed with County Attorney Baumgarten's assessment. SGI Vice-President Guinn explained that that SGI elected to build a 20" pipeline, with costs of \$1,000,000 per mile of pipeline and \$2,000,000 for each compressor, which will avoid the need for additional pipelines in the future. SGM attorney Wonstolen stated his impression that the Federal government would not approve another permit as long as the proposed pipeline had sufficient capacity to transport additional gas.

Commissioner Starr requested clarification on the amount of time and funding necessary for the provisions of a Mitigation Funding Agreement, as proposed by the Planning Commission. County Attorney Baumgarten explained that this agreement would be very similar to a Development Improvements Agreement with assessment of the standard amount of security. County Attorney Baumgarten confirmed that a maintenance agreement had already been worked out. Commissioner Starr expressed his concern with the process for ensuring impacts to the county roads are adequately addressed and County Attorney Baumgarten stated that the road in question has a history of knowledge and that concerns have been addressed. Assistant Planning Director Starkebaum relayed that Assistant Public Works Director Allen Moores has stated confidence in allowing heavy equipment on the road, based on the history displayed by SGI. SGI Vice-President Guinn stated that any road damage will be fixed as soon as it occurs, as stated in the maintenance agreement.

County Attorney Baumgarten confirmed that any permits could be revoked or suspended upon discovery of misrepresentation at any time, including during the site visit by the Board and the Planning Commission.

Commissioner Starr felt that the County should be able to account for the loss of staff time spent on this application and County Attorney Baumgarten stated that he was not aware of any mechanism of recapture. Chairperson Channell felt that the County will need to evaluate these types of losses in the

future because many applications have overburdened the County staff. Commissioner Starr wondered if other counties have procedures for recapturing project costs and County Manager Birnie noted that it is a common element for counties because an applicant's request should not be subsidized by the County.

High Country Citizens' Alliance (HCCA) representative Dan Morse asked the Board to consider a deadline for the completion of any recommended DOW mitigation measures. County Attorney Baumgarten stated that deadlines cannot be addressed until the requirements have been outlined.

HCCA representative Morse informed the Board that the HCCA intended to seek a preliminary injunction against the Bull Mountain Pipeline on April 17, 2008 in Federal court. He stated that the Planning Commission recommended a provision to suspend the County permit based on a decision in Federal court regarding the legality of pipeline approvals in roadless areas. HCCA representative Morse suggested that an additional provision, specific to an injunction in Federal court against the Bull Mountain Pipeline, be added to the language in Section 11 of the Planning Commission's recommendations stating, if the Federal court finds this pipeline to be of non-legal construction, that the County follow suit and suspend the permit until resolution of all issues. County Attorney Baumgarten felt that HCCA representative Morse's request was appropriate and SGM attorney Wonstolen agreed to the additional language.

HCCA representative Morse commended the County for conducting a thorough application process on this issue. He then stated his impression that the definition for what is considered legal does not always equate to the definition for what should be considered just. Lastly, he stated that HCCA did not believe that impacts to roadless areas were fully mitigated and that they can be properly mitigated for this site and, therefore, asked the County to deny the application.

Moved by Commissioner Starr, seconded by Commissioner Swenson to direct staff to draft a resolution incorporating the recommendations of the Planning Commission and one which deals with the following issues which we've discussed today: 1) Contacting the Colorado Division of Wildlife and, if possible, assuring ourselves that the wildlife mitigation study that's been discussed will include this project in a meaningful way and in a way that can be monitored and useful to us as regards the ongoing monitoring of this project and future oil and gas projects; 2) That we get a recommendation concerning how we can recoup our non-consulting staff expenses for what needs to be done during the construction of the project by county staff; 3) That we have a recommended scope of work for our consultant and that the staff pursues contracting with the discussed consultant today, WWL, Inc.; 4) That we have a proposed Mitigation Funding Agreement for review and approval; 5) That we add the additional language, as proposed, to Section 11 of the Planning Commission's recommendations. County Attorney Baumgarten noted the requested resolution and the Road Maintenance Agreement will be available for Board consideration in approximately three weeks and SGM attorney Wonstolen agreed to that schedule. County Attorney Baumgarten stated that DOW mitigation recommendations would not be an element of the resolution because those recommendations will not be known until some time later. The Mitigation Funding Agreement and the Road Maintenance Agreement were scheduled for consideration as part of the May 6, 2008 Board meeting. Motion carried unanimously.

Chairperson Channell stated his appreciation for the amount of work completed by staff and by the Planning Commission.

BREAK: The meeting recessed from 10:19 until 10:22 am.

REPLAT OF LOTS 7 & 8, WHITEWATER ESTATES AND BOUNDARY LINE ADJUSTMENT, GORE PROPERTY: Assistant Planning Director Starkebaum and attorney Dick Bratton were present for discussion.

Attorney Bratton explained that this boundary line adjustment would not create any new lots. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the replat of Lots 7 and 8 of Whitewater Estates and Boundary Line Adjustment of the Gore property and authorize signatures. Motion carried unanimously.

PROCESS FOR REVIEW OF AMENDMENTS TO APPROVED SUBDIVISION COVENANTS: Assistant Planning Director Starkebaum, Planning Director Joanne Williams and Planning Commission member Rich Karas were present for discussion.

Assistant Planning Director Starkebaum explained that Planning Commission member Sue Oates requested Board clarification on the current process for covenant amendment, which require Board approval. He stated that a total of seven such amendments have been adopted since the inception of the Land Use Resolution and that a majority of the membership for each homeowners' association must formally request an amendment prior to seeking Board approval.

Per Assistant Planning Director Starkebaum, Ms. Oates felt that covenant amendments should be requested through the Planning Commission. Mr. Karas agreed with Ms. Oates since the Planning Commission methodically reviews new covenants, but he also felt that the review by the Planning

Commission should be limited to only the amendments being proposed at the time. Mr. Lypps expressed concern that those subdivisions that historically ignore the covenants may also ignore the amendments.

Chairperson Channell suggested that ministerial modifications be processed through the Planning Commission and that substantive modification requests also be processed through the Board. Commissioner Starr agreed that this type of process would allow adjoining neighbors an avenue to be heard. Planning Director Williams suggested forgoing Public Hearings in these cases because she felt that the current process is sufficient and that the Board can refer cases to the Planning Commission for comment or review if the Board would like further advisement.

Moved by Commissioner Swenson, seconded by Commissioner Starr to ask staff and the Planning Commission to make a recommendation on which is the best process to follow. Motion carried unanimously.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WATER QUALITY CONTROL DIVISION COMPLIANCE ORDER ON CONSENT; COMMENTS REGARDING THE MT. CRESTED BUTTE WATER AND SANITATION DISTRICT CDPS PERMIT NO. CO-0027171: Planning Director Williams, Assistant Planning Director Starkebaum and Environmental Health Specialist Richard Stenson were present for discussion.

Commissioner Starr recused himself from the discussion due to a potential conflict of interest; that being that Commissioner Starr is the President of Peanut Mine, Inc. Commissioner Starr excused himself at 10:42 am.

Environmental Health Specialist Stenson informed the Board that he had received telephone calls from citizens requesting information about the compliance order for Mt. Crested Butte Water and Sanitation District. He stated that his office reviewed the order because public comments must be received by the Colorado Department of Public Health and Environment (CDPHE) office no later than April 20, 2008. He then provided draft correspondence for Board consideration.

Environmental Health Specialist Stenson stated that the required clean-up information was received by CDPHE and that CDPHE agreed with the measures taken. He also noted that engineering studies are available, which indicate that the measures were adequate.

Environmental Health Specialist Stenson recommended an agreement between the County and the district stating that his office and the Emergency Management Office will be notified of spills within 24 hours of any incident(s) as there is currently no requirement for the district to notify any other entity besides CDPHE. Environmental Health Specialist Stenson felt that residents need to be better informed of spills as incident notification from CDPHE to the County has taken weeks. He felt that it would be reasonable for the County to be informed, without having to request information in order to receive it, about the district as well as any other issues that have the potential to impact public health. Planning Director Williams felt that it would be appropriate to notify Public Works, Environmental Health and Emergency Management.

Modifications to the correspondence were discussed and agreed upon. Chairperson Channell felt all water districts should have this type of agreement. He also felt that legislators may be willing to sponsor legislative changes involving the notification statutes. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the letter to the Colorado Department of Public Health and Environment, with the recommended amendments, as Planning Director Joanne Williams has presented to us and authorize signatures. Motion carried. Commissioner Starr rejoined the meeting after the vote.

SHADY ISLAND PRELIMINARY PLAN; REVIEW AND APPROVAL, PLANNING COMMISSION RECOMMENDATION, BILL LACY: County Planner Cathie Pagano, attorney David Leinsdorf and applicant Bill Lacy were present for discussion.

County Planner Cathie Pagano explained that the preliminary and final plans were not combined by the applicant, which could warrant either a Public Hearing to evaluate interest or new issues, or a request to the Planning Commission to review the final plan for substantive alterations.

Commissioner Starr apologized for not being able to attend the Joint Public Hearings in this matter and asked for an explanation of the Planning Commission's three-to-two vote. It was explained to Commissioner Starr that some members did not feel that the application complied with density requirements, as previously approved by the Planning Commission. As well, Nick Lypps recused himself from the vote due to a personal conflict; however, he stated that he would have voted against the plan because of excessive compaction and an interference with neighborhood quality. Attorney Leinsdorf requested that additional neighborhood-density documentation be included in the record and confirmed that the information had been considered by the Planning Commission.

Commissioner Starr expressed concern that all of the proposed residences would be in the 100-year flood plain, but a flood analysis, completed by SGM, indicated that raising the elevation would have minimal

impact on flood prevention. Commissioner Starr also expressed disappointment that the plan, which requires a minimum size per dwelling of 1,500 square feet, did not include consideration for affordable housing. Commissioner Swenson felt that the applicant addressed all issues adequately.

Property owner Carol Oyster expressed her feeling that the density was too high and asked that a reduction to 14 be considered.

Mr. Lypps felt that Lot #1 should restrict the size of residence that can be built upon it since the building envelope is much smaller than on other lots that will allow residences of up to 4,000 square feet in size. Attorney Leinsdorf explained that this issue was addressed and it was agreed that the road would be moved so that the intersection at Hwy 135 will be safer. He also noted that the residents could not interfere with this because the modification would benefit safety.

Chairperson Channell expressed concern about the density, but agreed that the County has a responsibility to allow for denser subdivisions because of central water and sewer issues.

Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt 2008-14, a Resolution Approving the Preliminary Plan for Land Use Change Permit No. 2005-73, a Land Use Change Permit for Verzuh Ranch, Inc., Shady Island Subdivision. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr that the final plan comes directly back to the Board of County Commissioners. Motion carried unanimously.

VISITOR; COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGIONAL DIRECTOR WELDON ALLEN: CDOT Regional Transportation Director Weldon Allen, CDOT West Program Engineer David Eller, CDOT Traffic Engineer Jim Nall, Transportation Commissioner Doug Aden, Assistant County Manager Crosby, City of Gunnison City Manager Ken Coleman and Mt. Crested Butte Town Manager Joe Fitzpatrick were present for discussion.

Director Allen and Commissioner Aden presented the 2008 Gunnison County report for Region 3 for discussion. Commissioner Aden explained that the 32-member Transportation Finance and Implementation Panel completed deliberations on November 15, 2007 and concluded that an additional \$1,500,000,000 in revenue would be necessary each year, which is more than double that of the current need. He explained that \$500,000,000 would be necessary to maintain the existing highway system without a rapid decline in road and bridge conditions. He also explained that fuel taxes are at a fixed per-gallon rate, which has resulted in lower tax collections as technology advances in the areas of fuel economy. To counter the decrease in tax collections, the panel recommended options such as increased vehicle registration fees, new daily-visitor fees, and increased fuel, sales, use and severance taxes. For the option of increased vehicle registration fees, Commissioner Aden confirmed that the fees would be averaged and based upon vehicle types and values.

Director Allen informed the Board that, while CDOT had historically used HB1310 funds to augment their efforts, CDOT would not be forced to cut back due to decreased HB1310 funds availability. He noted that these cut backs will be visible mostly in mountain communities.

Director Allen explained that the Statewide Transportation Improvement Plan (STIP) would be altered once the commission meets later in the week and that the 2010 Regional Priority Program, now thought to be \$5,241,000, would be decreased.

A brief overview of upcoming maintenance projects was given as follows:

1. SH 133, North of Hotchkiss. This pavement recycling and new asphalt overlay project was scheduled to begin in early-May and is projected for completion in mid-July.
2. SH 135, Crested Butte South. This pavement recycling and new asphalt overlay project was scheduled to begin in early-July and is projected for completion by September 30th.
3. SH 114, Tomichi Creek Bridge. This structure replacement project is scheduled to begin in May with a completion target of May 2009. The overall cost of this project is estimated at \$1,750,000.
4. SH 92, Payne Siding. This two-season project is currently in the right-of-way process. This six-mile road reconstruction is estimated to cost approximately \$8,000,000.
5. SH 90, Spring Creek Bridge. This bridge replacement project is expected to be complete by the Spring of 2009.
6. Bus Stops. This issue has been discussed with the Rural Transportation Authority and Assistant County Manager Crosby. Plans are being formulated for at least a temporary solution.

Director Allen also stated that issues such as slides and bank failures have been identified on the portion of Hwy 50 between Gunnison and Montrose as a result of the recent winter. While no funding has been allocated for these issues, CDOT is working to improve the conditions. In total, CDOT spent \$1,345,147.57 for Gunnison County road maintenance in 2007.

Assistant County Manager Crosby stated that new liability limits remove the capability of her staff to sweep shoulders and she questioned how local governments may be able to continue providing assistance. Director Allen agreed to determine the feasibility of a supplemental liability policy with his Risk Management Department. Another possibility would be to enter into a maintenance agreement and provide a temporary employee.

Traffic Engineer Nall reported that our region contains 30,000 miles of striping, 200 signals and 40,000 signs. He explained that a 10-year replacement program allows for the replacement of 4,000 10-year old signs per year. He felt that strategies will be necessary as CDOT and local communities cooperatively plan for growth. Director Allen stated that CDOT's excellent relationship with the County is due, in large part, to Assistant County Manager Crosby's knowledge and professionalism.

Mt. Crested Butte Town Manager Fitzpatrick questioned whether or not information gained from the transportation study, planned for the near future, would be beneficial to CDOT and Director Allen noted that he would prefer direct involvement in the study.

Gunnison City Manager Coleman stated that three trail crossings are planned to run under state highways and requested cooperation from CDOT in identifying available funding for the project. He also noted the importance of working with developers of new developments, such as the proposed Gunnison Rising Annexation, on highway access management planning. Lastly, he commended CDOT for their local efforts, which include sweeping; and Mt. Crested Butte Town Manager Fitzpatrick stated that his jurisdiction is prepared to assist with road sweeping.

Chairperson Channell stated that Saguache County Commissioner Joseph is attempting to manage a transportation issue involving Hwy 114 and hazardous materials cargo. He also explained that Commissioner Joseph would be contacting the CDOT Region 5 offices in Durango about this issue and Director Allen stated that he would also be contacting the Region 5 office.

BREAK: 1:04 until 1:56 pm for a short lunch break and to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

RECONVENE: Chairperson Channell reconvened the BOCC meeting at 1:56 pm.

CONSENT AGENDA: During the break, County Manager Birnie was able to explain the details of Consent Agenda item #13 to the Board and all parties felt that the contract could be approved. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Consent Agenda Item #13 and authorize signatures. Motion carried unanimously.

During the Gunnison/Hinsdale Board of Human Services meeting earlier in the day, Staff Accountant Maureen Eden explained that a typographical error was listed in the grant and that the error amounted to \$3,000. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Consent Agenda Item #15 and authorize the chair's signature. Motion carried unanimously.

AFFORDABLE HOUSING; INCLUSIONARY ZONING, POSSIBLE EXECUTIVE SESSION: Housing Authority Director Denise Wise, Planning Director Joanne Williams, Geographic Information Systems Manager Mike Pelletier and County Attorney Baumgarten were present for discussion.

County Attorney Baumgarten suggested that the Board enter into an executive session to discuss questions and answers relative to inclusionary zoning. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to go into executive session with the Board, County Manager Birnie, County Attorney Baumgarten, Housing Authority Executive Director Wise, Geographic Information Systems Manager Pelletier, Planning Director Williams, and Clarion Associates representatives Craig Richardson and Chris Duerkson who were available via telephone. Motion carried unanimously.

The board went into executive session at 2:02 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

 David Baumgarten
 Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

 Hap Channell, Chairperson
 Gunnison County Board of Commissioners

The Board came out of executive session at 3:50 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance, that the Board engaged legal counsel from Clarion Associates and that no decisions were made.

BLENDED LINKAGE FEE IMPLEMENTATION FOR RESIDENTIAL CONSTRUCTION: Assistant Planning Director Starkebaum, Housing Authority Director Wise and Planning Director Williams were present for discussion.

Assistant Planning Director Starkebaum presented this item and requested that the Board approve the same calculation method for pending permits as was approved for commercial construction during a previous meeting. He noted that 30 permits were in the approval process when the residential blended fees were enacted. Planning Director Williams felt that the recommendation was fair. If approved, the 10 pending permits from the southern part of the valley would warrant the old fee while the 20 pending permits from the northern part of the valley would pay the blended fee. Allowing this would dissuade applicants from pulling their applications for resubmission at the lower rate, which would cause excessive staff burden. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to handle this as the Board did with the commercial blended fee, this is, to allow those who are in the process who would have otherwise paid the higher fee to pay the lower fee, if they were in process as of March 4, 2008. Motion carried unanimously.

CODE ENFORCEMENT; FORMAL DIRECTION TO DAVID NIELSEN TO REMOVED SHED, POSSIBLE ACTION, POSSIBLE EXECUTIVE SESSION: County Paralegal Rachel Magruder, County Attorney Baumgarten and County Building Inspector Rich Wojdakowski were present for discussion.

County Paralegal Magruder reported that Mr. Nielsen had refused County correspondence attempted for delivery by the Postmaster, but that the Sheriff's Office was successful in process serving. She also explained that Mr. Nielsen was given until April 11, 2008 to remove the shed, but that correspondence indicating this deadline was not served because Mr. Nielsen was not available.

County Building Inspector Wojdakowski reported that he had a conversation with Mr. Nielson that morning during which time Mr. Nielson requested the correspondence and stated that he did not believe that the structure warranted obtaining a building permit. During that conversation, Mr. Nielson suggested that he could potentially have the building removed by the end of the current week, as had been stated by Mr. Nielson on other occasions, but he would not commit to any deadlines. County Attorney Baumgarten explained the enforcement group had recommended pursuit of litigation in this case and that he was in agreement with that recommendation. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to authorize to go forward and initiate the litigation to eliminate this building from the property line that does not have a building permit. Motion carried unanimously.

CODE ENFORCEMENT; FORMAL DIRECTION TO YELLOW DOG, LLC TO REMOVE SIGNAGE AND TO DISCONTINUE BUILDING ACTIVITY AND USE OF THE RECREATIONAL VEHICLE PARK, POSSIBLE ACTION, POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten, County Paralegal Magruder, attorney Rufus Wilderson and County Building Inspector Wojdakowski were present for discussion.

County Building Inspector Wojdakowski explained that this property is located at the Lake Fork Resort and provided photos, taken the morning of the meeting, which indicated the continued presence of unlawful signage. The owner, Mr. Barfield, was notified about the signage issues in May of 2007 and a Stop Order was issued; however, County Building Inspector Wojdakowski explained that he received an anonymous telephone call in January of 2008 stating that unpermitted building was occurring on the property, thus another Stop Order was issued. Per County Building Inspector Wojdakowski, the property owner would not allow him to inspect the residence.

Relevant to the RV Park, County Paralegal Magruder confirmed that this commercial operation did not obtain a Land Use Change (LUC) permit. She could not confirm whether or not an ISDS permit had been filed.

County Attorney Baumgarten felt comfortable proceeding with litigation to address the signage as well as the RV Park operating without an LUC permit. Any other issues would be addressed after an inspection of the property.

Attorney Wilderson, legal counsel for the property owner, stated that Mr. Barfield was currently out of the state and that his son would be available to address these issues. He volunteered that Mr. Barfield had plumbing work done in his residence, but denied that any construction efforts took place. County Attorney Baumgarten requested allowance for an inspection, but attorney Wilderson could not grant this request without first speaking to his client.

Attorney Wilderson explained that his client purchased the RV Park under the impression that the permitting had been appropriately completed. County Attorney Baumgarten requested that commercial operations cease until a permit can be addressed. County Attorney Baumgarten also asked that the signage be removed and attorney Wilderson agreed to a site visit to the property to ensure that these requests had been completed. This discussion was continued until May 6, 2008.

RATIFY APPLICATION FOR PARTY STATUS IN COLORADO OIL AND GAS CONSERVATION COMMISSION RULEMAKING REGARDING CHANGES TO RULES AND REGULATIONS: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to ratify the application for party status in Colorado Oil and Gas Conservation Commission rulemaking regarding changes to rules and regulations. Motion carried unanimously.

APPROVE ENTRY OF APPEARANCE FOR THE COUNTY IN VAN TUYL PROBATE: Deputy County Attorney Tom Dill was present for discussion.

Deputy County Attorney Dill explained that the Van Tuyl will is in probate and may be contested. Because the County was set to inherit approximately half of the money willed, Deputy County Attorney Dill requested that he be entered into appearance to represent the County. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to direct staff to enter the County as a party in the Van Tuyl probate matter. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONERS MEETING REPORTS:

Commissioner Swenson:

1. Animal Shelter Task Force. Commissioner Swenson informed the Board that the City of Gunnison was scheduled to hold a council meeting that evening to determine whether or not to take part in the shelter efforts or build their own facility.
2. Club 20. Commissioner Swenson agreed to get a complete roster of local representatives for Club 20.

Commissioner Starr:

1. Crested Butte Temporary Animal Shelter. Commissioner Starr stated that he attended another meeting to discuss sewer needs for the shelter facility and requested that the Board schedule a discussion about a possible long-term lease. This discussion was scheduled for May 6, 2008.
2. Black Canyon Mediation. Commissioner Starr reported that a few remaining points of contention exist and that the judge awarded an additional 45-day period for mediation; however, the trial date was set and the parties unanimously agreed not to use the extension in any attempts to reschedule the trial date. Commissioner Starr felt that the parties are hopeful that the mediation process will succeed. Future meetings are scheduled to occur on April 22nd and May 14th.
3. Mayor Managers. Commissioner Starr reported that he attended this meeting with County Manager Birnie, during which time he was told that affordable housing efforts are progressing in the north end of the valley.
4. Rural Transportation Authority. Commissioner Starr informed the Board that he attended this meeting on April 11th and that he was designated the new chairperson. He relayed that the other members felt it was beneficial to rotate the chairperson designation amongst the various entities. During the meeting, bus schedules and stops were discussed.

Chairperson Channell:

1. Marble Charter School. Chairperson Channell stated that he would like to create an alternative to inclusion in the school bond and thought that, perhaps, a DOLA impact assistance grant with match money might be feasible. He also relayed that DOLA may alter how matching funds are considered because some communities simply cannot afford the match, so in-kind donations may be discussed.

2. Intern Brian Kilkelly. Chairperson Channell stated Mr. Kilkelly’s final report to the Board was scheduled for presentation on May 13th.
3. HB 1083. Chairperson Channell reported that Senator Isgar, Representative Curry and Senator Schwartz notified him that the “soft-landing” amendment had been pulled from consideration. Chairperson Channell reported that he had expressed to Representative Curry that the unfairness had been carried on too long. He also informed Representative Curry that Gunnison County would consider a two-year phase in at 60% during the first year, 45% during the second year and 30% by the third year for employee residency; assuming that this would help the bill pass.

ADJOURN: Moved by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:01 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. 14, SERIES 2008

A RESOLUTION APPROVING THE SKETCH PLAN OF LAND USE CHANGE APPLICATION NO. 2005-73 A LAND USE CHANGE PERMIT FOR VERZUH RANCH INC. FOR THE SHADY ISLAND SUBDIVISION

WHEREAS, Verzuh Ranch, Inc. has applied for a Gunnison County Land Use Change Permit to subdivide a 10.36-acre parcel into sixteen single-family residential lots and common open space area of 4.74 acres on a parcel legally described as the SW ¼ NE ¼ and the NW ¼ NE 1/4, Section 24, Township 50 North, Range 1 West, N.M.P.M.; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on April 4, 2008 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

FINDINGS:

1. This application is consistent with the standards and requirements of the *Land Use Resolution*.
2. The project, by definition, is classified as a Major impact.
3. The Preliminary Plan complies with the conditions imposed by the Board of County Commissioners Sketch Plan approval.
4. No phases are proposed for this development.
5. The Colorado Department of Transportation has issued access permit No. 308006 for the northern access point. An access permit was not required for the southern access point.
6. The northern access to Shady Island also provides access to lot owners in Cline’s Homesites and other property owners that are not part of either subdivision.
7. To convey land under the existing easement shall require 100% approval of all easement holders; the size and boundaries of Lot 1 are dependent on this approval.

8. The Shady Island Subdivision will be served by the North Gunnison Sewer extension for wastewater treatment.
9. The developer of Shady Island has agreed to provide adequate sewer line sizing to allow for the homeowners in Cline's Homesites to connect to the North Gunnison Sewer extension for wastewater treatment.
10. A wetlands delineation has been prepared by Bio-Environs, dated July 18, 2006. The Army Corps of Engineers, in a letter dated August 31, 2006 accepted the wetlands delineation and jurisdictional determination.
11. The proposed development complies with the inner restrictive buffer setback of 25 feet as identified in *Section 11-107* of the *LUR*.
12. Lots 2, 3, 4, 5, 7, 8, 11, 14 and 15 are zero lot line developments.
13. There are specific limitations on development of zero lot lines identified in *Section 13-104 C.* of the *LUR*. The Covenants of Shady Island identify the limitations and restrictions of zero lot lines.
14. The applicant has agreed to limit construction hours in Shady Island Subdivision to the following: 7:00 a.m. until 5:00 p.m. Monday through Fridays, 7:00 a.m. to 4:00 p.m. on Saturdays, and no construction will be allowed on Sundays. These hours were designated in Section 6.19 of the Protective Covenants.
15. Well permits have not yet been issued by the Colorado Division of Water Resources.
16. The applicant has submitted an augmentation plan to the Colorado Water Court which has not been approved yet.
17. The bridge accessing the island shall be constructed one-foot above the base flood elevation, as identified in a flood elevation certificate stamped by Gerald Burgess, P.E. and dated March 28, 2008.
18. Portions of the Shady Island Subdivision are within the 100-year floodplain; Flood Elevation Certificates and Floodplain Development permits shall be submitted prior to the issuance of any building permits within the 100-year floodplain.
19. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 7-102: Standards of Approval for Major Impact Projects*, unless specific required additional submittal items have been identified, as a condition of approval.
20. This review and recommendation 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.
21. The applicant is required to timely and fully obtain and comply with all applicable federal, state, municipal and other permits and terms and conditions of any municipal, state, federal permits required
22. 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.
23. 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.

CONDITIONS:

1. All development on zero lot lines shall comply with *Section 13-104 C* of the *Gunnison County Land Use Resolution*.
2. There are limited uses on the zero lot line wall. The wall of the residence located on the zero lot line shall have no windows, doors, air conditioning units or any other type of opening except that the following alternatives may be used: enclosed atriums, patios or similar amenities are permitted on the zero lot line side when they are enclosed by three walls of the residence and a solid wall on the zero lot line at least eight feet in height and constructed of material that complements the color and texture of the residence exterior.
3. All buildings proposed in the 100-year floodplain shall be required to submit a Flood Elevation Certificate prepared by a Colorado licensed engineer and a Floodplain Development permit prior to the issuance of any building permits.
4. A Floodplain Development permit for the bridge shall be required prior to recordation of the final plat of Shady Island Subdivision.
5. Mounding, in excess of that needed to provide positive drainage, adjacent to any building within the development shall be prohibited.
6. The owner and/or developer of the Shady Island Subdivision shall be responsible for working with the Gunnison County Public Works Department so that the sewer line that serves Shady Island Subdivision is sized and installed so that it can be extended to provide service to Cline's Homesites.
7. No construction of the sewer line may begin until the owner/developer has written approval of the Public Works Department.
8. Construction hours shall be limited to the following: 7:00 a.m. until 5:00 p.m. Monday through Fridays, 7:00 a.m. to 4:00 p.m. on Saturdays, and no construction will be allowed on Sundays.
9. All development and improvements within the Shady Island Subdivision shall comply with *Section 11-107: Protection of Water Quality* of the *Gunnison County Land Use Resolution*.
10. A Final Plan application shall be submitted to the Planning Department within 12 months after the date of the approval of the Preliminary Plan. Failure to submit a complete Final Plan application

within this time period shall render the Preliminary Plan approval null and void, and require the applicant to begin the Preliminary Plan review process again.

11. The Final Plan application shall conform to the approved Preliminary Plan, and shall specifically address and comply with the conditions stated in the Board of County Commissioner's approval of the Preliminary Plan.
12. The Final Plan application shall include the updated well permits, the approved water augmentation plan and the decree.
13. The final plat shall contain acknowledgement and disclaimer language for flood hazards and geologic hazards as outlined in *Section 7-401* of the *Gunnison County Land Use Resolution*.
14. All applicable Land Use Change permit fees shall be paid prior to recordation of the Major Impact Certificate and/or recordation of the final plat of Shady Island Subdivision.
15. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
 - *Demolition Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Utility Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Drainage and Grading Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Roadway Plan and Profile*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Sanitary Sewer Plan and Profile*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Site Plan*, dated May 16, 2007, prepared by Jim Sell Design
 - *Floodplain Study and Narrative*, dated May 18, 2007, prepared by Jim Sell Design
 - *Floodplain Study and Narrative*, dated March 31, 2008, prepared by Jim Sell Design
 - *Geotechnical Report*, dated February 21, 2007, prepared by Buckhorn Geotech
 - *Drainage Report*, dated May 16, 2007, prepared by Jim Sell Design
 - *Traffic Impact Analysis*, dated April 23, 2007, prepared by Matt Delich & Associates
 - *Water Treatment/Pump House Design and Water Line Layout*, prepared by Schmueser, Gordon, Meyer, Inc.
 - *Landscape Plan and Landscape Details*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Protective Covenants of Shady Island*
 - *Final Plat*, prepared by Schmueser, Gordon, Meyer, Inc. dated March 27, 2008
 - *Wetlands Delineation*, dated July 18, 2006, prepared by Bio-Environs
 - *Infrastructure Cost Estimate*, prepared by Jim Sell Design and stamped by Jonathan Sweet, dated March 24, 2008
 - *Preliminary Exterior Lighting Plan*, prepared by Jim Sell Design
 - *Bridge plans*, prepared by Contech Bridge Solutions Inc., stamped by Craig Thorstad, P.E. dated March 27, 2008
16. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent; such costs as detailed by the applicant's engineer, "Infrastructure Cost Estimate," Jim Sell Design, Jonathan Forest Sweet, P.E., and that said surety is retained by the County.
17. A Colorado licensed engineer shall provide verification post construction that the bridge was constructed one-foot above the base flood elevation prior to the issuance of any building permits in Shady Island Subdivision.
18. The applicant shall install road signs and provide documentation from the Fire Protection District that the signs have been installed and inspected by the Fire District, to the Planning Department, prior to the issuance of any building permits for the subdivision.
19. The applicant shall provide three copies of the subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for County addressing of the new lot, and inclusion into the rural addressing system.
20. The following shall be completed upon recordation of the Final Plat:
 - The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
21. 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*.
22. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
23. 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.

24. 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.
25. 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 the Preliminary Plan for Land Use Change application No. 2005-73 is hereby approved; and

WHEREAS, 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 Commissioner Starr, and passed on this 14th day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes