

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 3, 2008**

The June 3, 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. Commissioner Starr was not present when the meeting was called to order, but later arrived during the Consent Agenda presentation.

AGENDA REVIEW: Chairperson Channell informed the Board that CRWCD Representative Bill Trampe would not be present for the 1:00 pm agenda item as there were no recent developments to report on.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Regular Meeting minutes of April 15, 2008; the Special Meeting minutes of May 5, 2008; the Regular Meeting minutes of May 6, 2008; the Special Meeting minutes of May 9, 2008; and the Regular Meeting minutes of May 20, 2008 as presented. Motion carried. (Commissioner Starr was not in attendance for the vote.)

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; General Immunization Core Services Contract, Colorado Department of Public Health and Environment
2. Acknowledgment of County Manager Signature; Women's Wellness Connection Expansion Grant Contract Renewal
3. Ratification of County Manager Signature; Notice of Award, Concrete Works of Colorado, Gunnison-Crested Butte Regional Airport, AIP Project No. 3-08-0030-38
4. Ratification of County Manager Signature; Ace Property and Casualty Insurance Company, Commercial Airport Liability Application
5. Ratification of County Manager Signature; General Services Administration, Supplemental Agreement No. 1 to Lease No. GS-08P-14167
6. Ratification of County Manager Signature; Grant Agreement, Colorado Department of Transportation, Colorado Aeronautical Board, Replacement of Concrete Ramp at Gunnison/Crested Butte Regional Airport
7. Ratification of County Manager Signature; Resolution #2008-20, Colorado Department of Transportation, Colorado Aeronautical Board, Grant Agreement, Exhibit A
8. Purchase of Service Agreement; Lake City DIRT, 4/15/08 – 6/30/08
9. Contract; 2008-2009 Public Health Nursing Contract, Colorado Department of Public Health and Environment
10. Memorandum of Understanding; Gunnison County and the West Region Recipients of the 2007 Law Enforcement Terrorism Prevention Program
11. Grant Agreement; Federal Aviation Administration, Gunnison-Crested Butte Regional Airport, Contract #DOT-FA08NM-1021
12. Ancillary Services Agreement; State of Colorado Child Health Plan Plus Program

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. North Fork Coal Working Group Membership. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to join the Memorandum of Agreement of the North Fork Coal Working Group, dated January 2007, and authorize the chair's signature. The Board asked County Manager Birnie to attend meetings as the County representative. Motion carried unanimously.
2. Industrial Park Lease Negotiations and Grant Contract Amendment. County Manager Birnie informed the Board that three entities had turned in proposals. Pursuant to the Special Geographic Regulations, he asked that staff be authorized to enter into lease negotiations. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize County Manager Matthew Birnie, Assistant County Manager Marlene Crosby and County Attorney David Baumgarten to enter into lease negotiations for the Gunnison-Crested Butte Regional Airport Light Industrial Park. Motion carried unanimously.

BREAK: The meeting recessed from 8:31 until 9:18 am in order to hold the below Public Hearing.

PUBLIC HEARING; REQUEST FOR WAIVER OF GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, ACCESS ROAD TO WOMBLE TRACTS AND FOR ACCESS TO OTHER PROPERTIES THROUGH WOMBLE TRACTS: Assistant County Manager Crosby, Assistant Public Works Director Allen Moores, County Attorney Baumgarten, attorney Mike Dawson and property owner Tim Michalek were present for discussion.

Chairperson Channell opened the Public Hearing at 8:31 am.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed that proper public notice was printed in the local newspaper and that receipt of mailing to 22 residents was received from attorney Dawson's office.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Assistant County Manager Crosby explained that one of the new parcels would contain two structures. She stated that the only public comment received was delivered via facsimile to her office on June 2, 2008 from property owner Michelle Mileski. Chairperson Channell entered the correspondence into the record. Assistant County Manager Crosby did not prepare a draft resolution for presentation due to the many variables that required decisions prior to requesting that the County Attorney's Office assemble a draft resolution.
4. Applicant Presentation. Attorney Dawson explained that the original subdivision application had lapsed and that his client had resubmitted an application based upon a similar application, which received Board approval, by property owner Albert Roper in 2007. Attorney Dawson expressed his opinion that the conditions of Mr. Roper's approval should apply to his client's request; however, Chairperson Channell explained that Mr. Roper's approval was specifically granted in a format that would not cause precedence.

Mr. Michalek expressed his disagreement with statements made in Ms. Mileski's correspondence, with particular discord regarding the stated number of daily trips estimated for the road as he felt that Ms. Mileski's estimate was excessive. He stated his intention to build an approximate 1,400 square foot dwelling on the property.

Assistant County Manager Crosby reported that no progress had been made by the relative homeowners association toward becoming a Special Improvements District; and Mr. Roper confirmed that no changes had been made because of a lack of agreement surrounding the Bridge Association's needs as it currently holds only annual meetings and carries a one-time dues collection of \$800 to join.

5. BOCC Questions. Commissioner Swenson requested confirmation that Mr. Roper had complied with all conditions of his approval. Assistant County Manager Crosby confirmed that Mr. Roper had complied with the mailing and bridge posting requirements.
6. Public Comment. Chairperson Channell opened the floor to public comment at 8:52 am.

Mr. Roper stated his impression that Mr. Michalek's residency status, as questioned in Ms. Mileski's correspondence, was irrelevant as Mr. Michalek has stated intention to increase the amount of time spent in the Gunnison area after the proposed structure is built. Mr. Roper also noted that the Code of the West specifically addresses that dirt roads will cause dust, which was another of Ms. Mileski's concerns, and that he did not feel that private roads should be held to County standards. Lastly, he stated that he did not feel as though creation of a new subdivision was being proposed by either of them and that it would be more accurate to say that they each intended to extend existing subdivisions.

7. Acknowledge Correspondence Received. There was no other correspondence received.
8. Applicant Response. Assistant County Manager Crosby felt that the cost of the bridge inspection should be shared between Mr. Roper and Mr. Michalek, upon granting the waiver. She also encouraged Mr. Michalek to be responsive to area resident concerns regarding any actions of renters of his property, such as speeding. Assistant County Manager Crosby also felt that snow plowing costs and responsibilities should be considered.

Mr. Michalek informed the Board that he had spent over \$20,000 and nearly five years on this request. He also felt that Ms. Mileski was expressing a personal vendetta, but did not allude to any potential reason for such a vendetta.

Attorney Dawson felt that the lots could be designated as deed restricted as a method of addressing the sharing of costs and access.

Mr. Roper expressed his opinion that Ms. Mileski may be one of the faster drivers in the area. He also explained that he plows his portion of road as well as a portion of road for an aging neighbor, who pays him to do it; and stated his thought that other area plowers may not be requesting payment for services.

Chairperson Channell explained that the Board has a responsibility to protect the health, safety and welfare of all residents, regardless of whether they travel on a County road or on a private road. Assistant County Manager Crosby felt that the lot owners should participate in some sort of agreement and Mr. Roper stated that the lot owners should be given an opportunity to address this suggestion prior to governmental controls being implemented.

Chairperson Channell requested a status update regarding the Bridge Association and Mr. Roper explained that new lot owners will be required by their covenants to participate in the association, while preexisting lot owners cannot be forced to join.

Mr. Michalek agreed to a 50/50 cost share for the bridge inspection. Mr. Roper felt that snow plowing issues will need to be addressed and voted on by the association. Chairperson Channell asked for assurance that all owners paying dues would be given the opportunity for membership and voting rights.

A summary of potential conditions to an approval were outlined as: 1) Agreement for a 50/50 cost share for the bridge inspection and a proportionate cost share for all road upgrades, including those that would potentially be waived along with those that would not be waived; 2) Agreement to improve the condition of the already impacted road by adding gravel; 3) Addition of snow plowing to the Bridge Association's responsibilities; 4) Requirement of lot owners to participate in an organization such as a Local Improvements District or a homeowners association; and 5) Agreement to record notice of the waiver. Mr. Roper requested a definition for the amount of gravel to be used on the road; however, Assistant County Manager Crosby explained that this would be difficult to estimate as every road differs. Because of this, she stated that the level of improvement would need to be approved by the County. County Attorney Baumgarten and attorney Dawson would construct the language for the resolution.

9. BOCC Decision. Chairperson Channell closed the Public Hearing at 9:18 am and immediately reconvened the Board of County Commissioners Regular Meeting. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to direct staff to prepare a resolution regarding a waiver on the access to Womble Tracts with the items that we have addressed as 1 through 5. Motion carried. (Commissioner Starr voted against the motion.)

BREAK: The meeting recessed from 9:20 am until 9:41 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE A CERTAIN ALLEY IN THE TOWNSITE OF OHIO CITY, COLORADO: Assistant County Manager Crosby was present for discussion.

Chairperson Channell opened the Public Hearing at 9:20 am.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed proper public notice through newspaper advertisement, certified mailing and notice of utilities.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Assistant County Manager Crosby explained that Mr. Cody Dyce had requested vacation of approximately 2,000 to 2,500 square feet of an alley. She also confirmed that Mr. Dyce applied for a lot cluster, but could not confirm whether or not Mr. Lance Nelson, owner of Lot 5, had also applied for lot cluster. Assistant County Manager Crosby did not receive any comments from the utility companies, which she felt was an indication of acceptance. Her recommendation to the Board was to grant the vacation without the lot cluster being a condition of the vacation.

Assistant County Manager Crosby stated that this vacation would assist Mr. Dyce with existing septic issues, while not allowing any new construction to occur. Chairperson Channell voiced that the County had entered discussions relative to public land being given to private owners at no cost; however, he acknowledged that it would not apply in this case since those discussions are ongoing.

4. Applicant Presentation. The applicant was not present for discussion.
5. BOCC Questions. The Board did not present any questions.
6. Public Comment. There was no public comment provided.

7. Acknowledge Correspondence Received. There was no correspondence received.
8. Applicant Response. The applicant was not present for discussion.
9. BOCC Decision. Chairperson Channell closed the Public Hearing at 9:41 am and immediately reconvened the Board of County Commissioners Regular Meeting. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve Resolution #2008-21, a Resolution Vacating the East-West Alley within Block B, Stephenson's Addition, Town of Ohio City and authorize signatures. Motion carried unanimously. Commissioner Starr requested that the second paragraph on the second page be amended to reflect that a Lot Cluster Agreement would be executed by Gunnison County and the owners of Lots 2, 3 and 4 adjacent to the alley vacated herein. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to amend the original motion to that effect. Motion carried unanimously.

BREAK: The meeting recessed from 9:44 until 10:29 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE A PORTION OF A CERTAIN STREET IN THE MARBLE SKI AREA, FILING 4, NEAR MARBLE, COLORADO: Assistant County Manager Crosby, Assistant Public Works Director Moores, Assistant Planning Director Neal Starkebaum and property owner Leonard Langston were present for discussion.

Chairperson Channell opened the Public Hearing at 9:44 am.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed proper public notice; however, Chairperson Channell felt, since the notice indicated an opening time of 9:30 pm instead of 9:30 am, that it may not qualify as proper public notice. County Attorney Baumgarten stated that the hearing could proceed since the property owner was present.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Assistant County Manager Crosby explained that Mr. Langston applied for vacation of a portion of street in the Marble Ski Area, specifically the portion of West Village Drive adjacent to Lots 1, 2, 3 and 7. She also relayed that the telephone company, Qwest, did not want to honor this vacation; however, she felt that an easement could be a condition of the approval. She did not receive any comment from adjacent property owners.
4. Applicant Presentation. Mr. Langston, owner of Lot 7, explained that Lots 1, 2 and 3 have been clustered by his parents and are being held in trust for his son. The vacated portion granted to Lots 1, 2 and 3 would be conveyed to him through a family agreement. He noted that his lot is approximately 0.252 acres while Lots 1, 2 and 3 are approximately 0.96 acres total. Assistant Planning Director Starkebaum noted that 0.302 acres is erroneously reflected in the Assessor's data and agreed to inform the Assessor's Office of the error.

Mr. Langston explained that the land includes a preexisting cabin that utilizes propane and no other utility service. He intends to build a 1,600 square foot home on Lot 7 and then retain this existing cabin to use as a small studio. He confirmed that the kitchen will be removed from the cabin.

The total added acreage of 0.668, if the request were granted, was stated to benefit Mr. Langston approximately \$52,000 due to the comparable cost of land in the Marble area. Mr. Langston was not agreeable with this finding and stated his opinion that the benefit was stated excessively. He proposed, instead, to spend additional funds on improvements to the public road leading up to the area's home sites.

5. BOCC Questions. Commissioner Starr suggested requested that staff evaluate the road to determine estimated improvement costs and any benefit to the County if the improvements were completed. Assistant Public Works Director Moores stated that the road would require extensive work in order to convert the current 8'-0" road into a 16'-0" road that would be usable by other residents. Assistant Planning Director Neal Starkebaum suggested that the County may wish to consider vacating a portion of land sufficient to creating total acreage of at least one acre so that ISDS issues would not need addressed by the Environmental Health Board.
6. Public Comment. There was no public comment provided.
7. Acknowledge Correspondence Received. There was no correspondence received.
8. Applicant Response. Mr. Langston informed the Board that he was scheduled to meet with a Qwest representative on June 4, 2008 in order to identify the location of the utility lines as Qwest's current mapping appears to be incorrect. He also clarified his willingness to allocate up to \$15,000 of his own funds on road improvements leading up to the gate on West Village Drive.

9. BOCC Decision. Chairperson Channell closed the hearing at 10:29 am and immediately reconvened the Gunnison County Board of County Commissioners Regular Meeting. Assistant County Manager Crosby will schedule a presentation on improvement costs and vacation details after staff has had enough time to compile the information.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:

1. Crested Butte Temporary Animal Shelter Discussion. Assistant County Manager Crosby reported that the lease was discussed only briefly at the last meeting because the engineer had informed the parties of additional utility issues.
2. Cottonwood and Kebler Passes. Assistant County Manager Crosby explained that Gunnison and Chaffee Counties have mobilized equipment to Cottonwood Pass. Chaffee County will evaluate their portion of the pass for safety concerns prior to opening the pass to the public. Assistant County Manager Crosby also stated that her crews have mobilized equipment to Kebler Pass; however, she could not provide an estimated timeframe for when the pass could open.
3. Extension of Grants. Assistant County Manager Crosby presented the applicable documents necessary for Chairperson Channell's signature and explained that the contracts were being extended to allow for unpredictable snow melts. The contracts were outlined as EIAF #4830, Gunnison County Industrial Park; EIAF #4946, Gunnison County Public Works Facility; EIAF #4654, North Gunnison Sewer; and EIAF #5835, Gunnison County Roads and Equipment, R&B II. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the aforementioned contract extensions and authorize the chairperson's signature. Motion carried unanimously.

RANCHLAND INITIATIVE DISCUSSION: Geographic Information Services Manager Mike Pelletier was present for discussion.

Commissioner Swenson explained that she had requested this discussion so that direction could be provided to staff on how the Board would like to continue working on this, if at all. The Board asked Geographic Information Services Manager Pelletier to proceed with his work on this issue.

MEMORANDUM OF UNDERSTANDING; 7TH JUDICIAL DISTRICT JUVENILE PLANNING BOARD AND GUNNISON COUNTY: Juvenile Diversion Program Manager Janet Reinman was present for discussion.

Juvenile Diversion Program Manager Reinman presented this Memorandum of Understanding for Board discussion and approval. She noted that funding received will provide for a full-time youth services position, versus the current 33-hour position, as well as increase other services provided. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Memorandum of Understanding between Gunnison County and the 7th Judicial District Juvenile Planning Board and authorize the chairperson's signature. Motion carried unanimously.

SITE APPLICATION REVIEW; WASTEWATER TREATMENT FACILITY EXPANSION FOR THE CRESTED BUTTE SOUTH METROPOLITAN DISTRICT: Environmental Health Specialist Richard Stenson and District Manager of the Crested Butte South Metropolitan District Jack Dietrich were present for discussion.

Environmental Health Specialist Stenson presented the application for discussion. He stated that setbacks and State requirements appear to have been met within the preliminary design. Environmental Health Specialist Stenson noted that odor concerns were also addressed within the preliminary design utilizing the best available technology. The optimal location was agreed to be just to the west of the existing wastewater treatment plant, which will continue to operate. He stated that phosphorus issues had not yet been addressed; however, the preliminary design included room for mitigation of this issue.

Mr. Dietrich presented the expansion plan for discussion and confirmed plans to allocate over \$200,000 for odor control issues. He noted that the current system handles 100,000 gallons of water daily. The new Swedish design will be enclosed and, once functional and modified to include the current system, should handle all future needs for the area.

Chairperson Channell confirmed that the plans comply with County policies. Environmental Health Specialist Stenson explained that this type of application necessitated a health review and not a planning review, which removed any need to follow the County's LUR processes. Environmental Health Specialist Stenson also explained that the County was being asked to approve the plant site, not the actual plant. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the application for the site location for the extension of the Crested Butte South existing wastewater treatment work and authorize the chairperson's signature. Commissioner Starr expressed concern relative to the review policies and Environmental Health Specialist Stenson agreed to investigate those policies and then report back to the Board on his findings. Mr. Dietrich indicated that the State would not review the plan without County approval. Commissioner Swenson felt that Planning Director Joanne Williams and Environmental Health Specialist Stenson had adequately reviewed the plan and that the County could move forward with

approval. Commissioner Starr felt that the public should be given a specific venue for comment prior to approval and Environmental Health Specialist Stenson felt that he would be ready for his presentation of the additional information requested by June 17, 2008. **Moved** by Commissioner Starr, seconded by Chairperson Channell to table the previous motion until June 17, 2008. Motion carried. (Commissioner Swenson voted against the motion.)

CORRESPONDENCE; FAA REAUTHORIZATION BILL, SENATOR KEN SALAZAR, SENATOR WAYNE ALLARD AND REPRESENTATIVE JOHN SALAZAR: Airport Manager John DeVore and Gunnison-Crested Butte Tourism Association Director Jane Chaney were present for discussion.

Airport Manager DeVore explained that an element of the proposed FAA reauthorization bill could lead to jeopardized air service to rural communities, such as Gunnison, and asked the Board to consider the draft correspondence provided. Airport Manager DeVore felt that if NFPA standards were written into the bill, that the Gunnison-Crested Butte Regional Airport would require in excess of \$1,537,500 for the first year and approximately \$850,000 each year thereafter in order to comply with those requirements. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize signatures on the letter dated June 3, 2008 to Senator Salazar, Senator Allard and Representative Salazar concerning the ARFF issue. Motion carried unanimously.

Additional letters of support will be requested from the Rural Transportation Authority and the other local municipalities.

AIRPORT BUDGET AMENDMENT REQUEST: Airport Manager John DeVore and Assistant County Manager Crosby were present for discussion.

Airport Manager DeVore explained that the 25-year-old jet bridge motor, which serves American Airlines, had cracked. Repair costs were estimated to be \$17,000, while \$23,000 would cover a complete motor set. In light of the estimated costs, Airport Manager DeVore recommended that the County purchase the complete set and retain the broken motor for parts. Airport Manager DeVore also stated that the northeast electric door at the airport was in need of repair and that those repairs would cost approximately \$6,500.

Commissioner Swenson felt that Airport Manager DeVore should budget for major repairs in future years. Assistant County Manager Crosby stated that those types of funds need justification, which cannot be predicted during budget processes. Airport Manager DeVore felt that an account could be designated for these types of repairs and that release of any funds from the account would then require Board approval.

Airport Manager DeVore explained that the baggage screen area will require future modifications to allow for additional space. As well, he informed the Board that a new ARFF position is being considered. He stated that the total costs for these items could be paid from approximately \$96,000 in income that had exceeded projections as well as \$44,000 in outstanding receivables. Lastly, he felt that grant funding would cover the approximate \$112,000 cost overrun on the ramp project.

Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the budget modification for the airport budget in the amount not to exceed \$29,500 for the motor for the jet bridge and the northeast electronic door replacement. Motion carried unanimously.

REQUEST FROM CRYSTAL CREEK HOMEOWNERS ASSOCIATION; AMENDMENT TO CONDITION OF APPROVAL #10, BOARD RESOLUTION APPROVING CRYSTAL CREEK SUBDIVISION, F#2, TAYLOR RIVER HOLDINGS, LLC: Assistant Planning Director Neal Starkebaum; Crystal Creek Homeowners Association, Inc. President Ernest Angelo, Jr.; General Manager Chuck Vader and attorney John Belkin were present for discussion.

Assistant Planning Director Starkebaum presented a draft resolution for discussion and approval. There was discussion relative to Condition #10 within Resolution #2007-40, which states, "No building or septic permits will be issued on Lot 15 or Lot 16 until such time as the residential structure on Lot 17 is razed or the conditions of the Stop Order issued to Caroline Saint Clair Gandy, Testamentary Trust, c/o Robert Gandy, dated December 6, 2000 are complied with." Commissioner Starr asked if the other conditions had been met and Assistant Planning Director Starkebaum confirmed that all conditions had been complied with. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to direct staff to prepare a resolution which amends Condition #10 of Resolution #40, Series 2007, by allowing issuance of a building permit for Lot 16 prior to the structure on Lot 17 being removed, with the condition that if the structure on Lot 17 is not removed or demolished prior to September 1, 2008 that any work on Lot 16 be suspended until the structure on Lot 17 be removed or demolished and authorize signatures on the resolution. General Manager Vader confirmed that the September 1, 2008 deadline is appropriate. Motion carried unanimously.

FINAL PLAN REVIEW; TOMICHI CREEK SUBDIVISION, WEST ELK PROPERTIES, LLC: Assistant Planning Director Neal Starkebaum, attorney David Leinsdorf and Lucas Construction owner Mark Lucas were present for discussion.

Assistant Planning Director Starkebaum presented the Planning Commission's recommendation and a draft resolution for review and approval. Commissioner Swenson commended Mr. Lucas for working with County staff and area residents on addressing all concerns. There was further discussion relative to road maintenance costs and it was agreed that the cost of \$73,656.32 shall be burdened by the applicant, or one-third of the total cost if the project is completed by October 1, 2011. It was also agreed that conditions within a Development Improvements Agreement would ensure that Mr. Lucas receives a full refund of this money, including interest, if the County does not complete work on the road by 2015. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-22, a Resolution and Certificate of Major Impact Approval Approving Tomichi Creek Subdivision, West Elk Properties, LLC, LUC #2006-10, as amended, authorize signatures and authorize the signature of the chair on the plat. Motion carried unanimously.

BREAK: The meeting recessed from 12:16 until 1:30 pm for a lunch break.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: This item was stricken from the agenda during Agenda Review.

ADDENDUM TO DEVELOPMENT IMPROVEMENTS AGREEMENT; SKYLAND FILING III, PHASE II: County Paralegal Rachel Magruder, attorney Mike Dawson and property owner John Reed were present for discussion.

County Paralegal Rachel Magruder explained that Mr. Reed requested an extension of the work completion date for Skyland Filing III, Phase II. She also explained that the original Development Improvements Agreement was executed in 2004 and that all work was to be completed by November 2007; however, a transfer of ownership within that timeframe caused unexpected delays due to increased costs. She noted that there has been no work completed on the development. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Addendum to the Development Improvements Agreement and authorize the chairperson's signature. Motion carried unanimously.

VISITORS; COLORADO WILDLAND FIRE AND INCIDENT MANAGEMENT ACADEMY (CWFIMA): Emergency Manager Scott Morrill and many members of the CWFIMA were present for discussion.

Chairperson Channell reported that the Board and County Manager Birnie had attended the wildfire training on June 2, 2008 and that the presentation was informative. Many other County staff members attended the training as well.

Emergency Manager Scott Morrill stated that the academy training is presented as though situations were real-life incidents, which he felt was very beneficial. This training was being provided in Gunnison from May 30, 2008 through June 6, 2008 and was projected to bring approximately \$675,000 into the local economy.

Training Liaison Officer Vicky Westfall stated that a total of 720 persons were scheduled to attend the academy, originating from 25 different states, and that Fire Department personnel comprise approximately 40% of all attendees. She thanked the Board for scheduling the visit and noted that team members had been reporting good experiences involving local businesses and citizens. Emergency Manager Morrill stated that many of the team members had expressed delight about not only the local businesses and citizens, but also about the vibrant look and feel of Main Street in Gunnison.

The academy's Type 2 team holds a total of 37 classes on topics such as basic wildland firefighting, incident management and training Type 1 teams (first-responders) at all levels for all incident types, including fire. There are a total of 17 Type 1 teams in the United States and the training is scheduled to occur in different regions semi-annually. While other states hold similar training sessions, the CWFIMA is thought to be a leader in the industry, which is why many attendees are from out of state.

VISITORS; CITY OF GUNNISON PLANNING DIRECTOR STEVE WESTBAY AND CITY OF GUNNISON CITY MANAGER KEN COLEMAN: City of Gunnison City Manager Ken Coleman, City of Gunnison Director of Community Development Steve Westbay and City of Gunnison Planning Technician Pam Cunningham were present for discussion.

1. SculpTour Discussion. Director Westbay provided a proposed layout for local works of art within the Blackstock and O'Leary building area. He presented a proposal to create an urban park system without completely dissolving the system around the City of Gunnison due to artwork vandalism and random placement creating problems in recent years. He relayed that he had spoken with Maintenance Supervisor Rich Corbett about maintenance and landscaping issues and that no major concerns were expressed. Director Westbay confirmed that the City of Gunnison would maintain responsibility for the sculptures and their stands. The Board was interested in pursuing the park so that the artistic experience could be focused within a smaller area. City Manager Coleman suggested that a small amphitheatre could be built that would accommodate discussions or small events and he agreed to provide cost estimates associated with this idea. Director Westbay agreed to draft an agreement for Board consideration.

2. Support Letter Request; GOCO Grant Application, Trails Funding. Director Westbay explained that this one-time \$750,000 grant funding opportunity presented the possibility of funding bridge improvements and trails, as well as providing safe access to the City of Gunnison and the school facilities for children living in the Dos Rios area. He asked for a letter of support, monetary support and in-kind support to bolster the project. He also stated that the grant funding requires a 30% cash and in-kind match, so solicitations for matching funds will be made to homeowners associations and downtown businesses. The application deadline was set at July 1, 2008 with funding granted in October. The Board felt that Assistant County Manager Crosby could gather in-kind match information. Director Westbay felt that a preliminary budget could be completed within one week and City Manager Coleman agreed to develop a Memorandum of Understanding template and a sample support letter for the County's use. Director Westbay confirmed that the system had already completed the Planning Commission process.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Starr:

1. Mountain View Apartments Fire-Suppression Sprinklers. Commissioner Starr requested a status update on this issue and County Manager Birnie confirmed that the sprinklers were scheduled for installation, but that he had not yet seen the contract.
2. Rural Transportation Authority. Commissioner Starr confirmed that a contract with Delta Airlines had been executed. He also relayed that three daily flights from Denver are anticipated. The new busses continue to be problematic as repairs have not been satisfactory.

RESOLUTION; AMENDMENT TO CONDITION OF APPROVAL #10, BOARD RESOLUTION APPROVING CRYSTAL CREEK SUBDIVISION, F#2, TAYLOR RIVER HOLDINGS, LLC (continued from earlier in the meeting): Assistant Planning Director Neal Starkebaum presented a draft resolution, as requested earlier in the meeting, for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-23, a Resolution Amending Board of County Commissioners Resolution No. 40 Series 2007 and Certificate of Minor Impact Approval Approving Crystal Creek Subdivision, Second Filing Submitted by Taylor River Holdings, LLC, LUC #2007-07, Amending Condition of Approval #10 and authorize signatures. Motion carried unanimously.

COMMISSIONERS MEETING REPORTS (continued):

Commissioner Swenson:

1. Sage-grouse Strategic Committee. Commissioner Swenson reported that the Wildlife Commission had passed an antler shed season for the basin from March 15th through May 15th. A subcommittee has been chosen to evaluate how this season may affect sage-grouse conservation efforts. She also noted that the Board was invited to a luncheon meeting hosted by the Wildlife Commission at the Aspinall-Wilson Center on June 12th beginning at noon.
2. Region 10. Commissioner Swenson reported that three entities have entered into lease agreements for portions of the Region 10 building, while leases are being negotiated with other potential renters.
3. Stockgrowers Association. Commissioner Swenson stated that the Stockgrowers Association had asked that the Board supply a door prize for an upcoming drawing. The commissioners each agreed to donate \$50 of personal funds, independent from County funds, for a total prize of \$150.

Chairperson Channell:

1. Yellow Dog, LLC Enforcement. Chairperson Channell asked for an update on this issue and County Paralegal Rachel Magruder explained that the non-compliant signage had been removed as well as the remaining trailers. She also informed the Board that the construction activities did not require a building permit.
2. 1041 Regulations. The Board asked for an update on this process and County Attorney Baumgarten explained that he and Planning Director Joanne Williams were continuing work on these regulations and a draft may be available for Board review on June 13, 2008.
3. Gunnison Area Community Foundation Grant Funding. Chairperson Channell explained that he would be completing a side-by-side comparison relative to the entities that applied for Community Based Organization (CBO) funding in addition to applying for funding from the GACF. County Manager Birnie stated that the Crested Butte Chamber of Commerce had expressed interest in the County funding the chamber's 4th of July fireworks event, but also stated his opinion that the chamber should enter into the CBO funding process to request funds for these types of events. He also confirmed that the chamber had been invited to participate in the process for 2008 funds. Commissioner Starr reported that he had also been approached by the chamber with this request. The Board felt that the CBO process must be adhered to in order to be fair to all participants of the program.

- 4. Gunnison RE-1J School Board. Chairperson Channell confirmed that mail-in surveys had been sent out. He also noted that the Marble Charter School has received additional mention in the bond documents. Results of the survey will be utilized to craft a final phone survey.
- 5. Bull Mountain Pipeline Tour. Chairperson Channell reported that he and Commissioner Starr attended the Bull Mountain Pipeline tour on May 30, 2008. He also noted that the owner of the contracting company passed away within the past few days, which could disrupt the pipeline's schedule slightly.
- 6. Health and Human Services Commission. Chairperson Channell stated his opinion that the GED program may request funding in the near future.
- 7. League of Women Voters. Chairperson Channell attended a forum hosted by the LWV on the single payer health care proposal, during which Dr. John Tarr offered a PowerPoint presentation. The LWV would like to be involved in the legislative circuit next year.
- 8. Gunnison Rising. Chairperson Channell reported that he attended a recent City of Gunnison council meeting and learned that Gunnison Rising had not responded to many information requests. He felt that the level of specificity for Gunnison Rising information may need addressed before proceeding to the application process.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:55 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 THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 08-20**

COLORADO DEPARTMENT OF TRANSPORTATION, COLORADO AERONAUTICAL BOARD, GRANT
AGREEMENT, EXHIBIT A
(This was a separate document provided by an outside entity, which prevented the inclusion of text into the minutes.)

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2008-21**

A RESOLUTION VACATING THE EAST-WEST ALLEY WITHIN BLOCK B, STEPHENSON'S ADDITION, TOWN OF OHIO CITY

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

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

WHEREAS, the Board has received a petition from a lot owner to vacate the east-west alley lying adjacent to Lots 1 through 5, inclusive, Block B, Stephenson's Addition, Town of Ohio City, County of

Gunnison, State of Colorado; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation having been conducted, pursuant to C.R.S. 43-2-301, et. seq.; and

WHEREAS, the vacation of the alley described herein will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or changed or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from said vacation of the alley.

NOW, THEREFORE, BE IT RESOLVED by the Board that the east-west alley lying adjacent to Lots 1 through 5, inclusive, Block B, Stephenson's Addition, Town of Ohio City, County of Gunnison, State of Colorado, 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 above described vacated alley 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 alley will become effective only upon the recording on the records of the Clerk and Recorder of Gunnison County, Colorado of the Lot Cluster Agreement executed by Gunnison County and the owner of Lots 2, 3 and 4, clustering Lots 2, 3 and 4 and that portion of the alley vacated herein.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 3rd day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 22 SERIES 2008**

A RESOLUTION AND CERTIFICATE OF MAJOR IMPACT APPROVAL APPROVING TOMICHI CREEK
SUBDIVISION WEST ELK PROPERTIES, LLC, LUC #2006-10

WHEREAS, West Elk Properties, LLC has applied for a Land Use Change permit to subdivide 23.5-acres into 20 single-family lots, with approximately 10-acres of open space, on a parcel of land legally describes as being located in the SE1/4 Section 10 and the N1/2NE1/4 Section 15, Township 49 North, Range 1 West, N.M.P.M., Gunnison County, Colorado; and

WHEREAS, after a review of the Preliminary/Final Plan and all information, documentation and testimony related to it, the Gunnison County Planning Commission did on March 21, 2008 forward a Recommendation of unanimous approval of that application to the BOCC with certain Findings and Conditions; and

WHEREAS, the Board of Commissioners did, on June 3, 2008 receive and review the Planning Commission's Recommendation, and considered the Recommendation in evaluating this application, and intends to approve the application by the adoption in full of the Planning Commission's August 19, 2005 Recommendation, which is attached as "Exhibit A", by the adoption of the Planning Commission's March 21, 2008 Recommendation, with the following Findings and Conditions of Approval:

Findings:

1. The Preliminary/Final Plan complies with the conditions imposed by the Board of County Commissioners Sketch Plan approval.

The following are specifically identified as Preliminary Plan submittal items of particular attention:

- Clarification of pro rated share, with Gunnison County, of improvements to Fairway Lane
The responsibility for the Fairway Lane improvements is proportional to the number of units using Fairway Lane for access. Since 64 units (54 homes and 10 condos) currently use Fairway Lane, and West Elk Properties, LLC is responsible for adding an additional 32 units (20 new units as part of the Tomichi Creek Subdivision and 12 condos as part of the Back-Nine Development), West Elk Properties, LLC will be responsible for approximately 1/3 of the cost to upgrade Fairway Lane, which is \$73,656.32. The improvements will include upgrading Fairway Lane from the entrance of the Tomichi Creek Subdivision extending approximately 0.5 miles to the intersection of Fairway Lane and Tomichi Trail. The cost sharing will not include the addition of bike lanes to Fairway Lane. Designs for the improvements to Fairway Lane are not included as part of this submittal package.
- Clarification of the public and private elements of the road improvements
Although Tomichi Creek Loop will be a public road, plowing, and maintaining the road improvements within the Tomichi Creek Subdivision will be the responsibility of the Tomichi Creek Subdivision Homeowner's Association.
- The trail access should be shown on the plat as has been discussed in previous Planning Commission work sessions, a corridor for a trail easement will be reserved for a future public trail, but will not be dedicated as a public easement until a bridge is installed connecting to the

trail system on the south side of Tomichi Creek. As part of the site improvements for the Tomichi Creek Subdivision, a private trail will be constructed along the western edge of the property. Please reference the Site Plan in Exhibit G (*note: now shown on the final plat*) for the location of the private trail. Residents of the Tomichi Creek Subdivision and the Back-Nine Subdivision will be able to use this private trail before any public easement is dedicated. If the trail is dedicated for public use, public parking will not be available for the trail on Tomichi Creek Subdivision property.

- Drainage plan by licensed professional engineer
A Drainage Report, dated July, 2007, was developed by Jerry Greene, P.E., and can be found in Exhibit H.
 - Flood plain issues on lots 16-20
The 100 year Floodplain Analysis, as prepared by Jerry Greene, P.E. dated July 2007, (please refer to Exhibit E) recommended a new floodplain elevation for buildings on Lots 16 through 20, as well as a section of Tomichi Creek Loop and Lot 12. As can be seen from the Grading Plan found in Exhibit D, the roadway and the finished floor elevation for Lot 12 have been elevated out of the floodplain by adding fill to raise the associated elevations. In an effort to complement the existing natural features found on the lots adjacent to Tomichi Creek, finished floor elevations have been specified on the Grading Plan, found in Exhibit D, for Lots 16 through 20. As opposed to filling these lots to raise them out of the flood plain, individual lot owners will be responsible to elevate the finished floors of the building on these lots out of the floodplain through the use of stem walls.
 - Relocation of building envelopes on lots 16-20
The building envelopes on Lots 16 through 20 have been set back 25' from the wildlife corridor boundary, as recommended by the Division of Wildlife. Please refer to the Site Plan in Exhibit G. (*note: now shown on the final plat*)
 - Pet restrictions on all lots but particularly on lots 16-20
Please refer to Article 7 of the Protective Covenants Declaration in Exhibit N for the pet restrictions for the subdivision.
 - Construction hours
As is outlined in Section 6.18 of the Protective Covenants in Exhibit N, construction hours for the Tomichi Creek Subdivision shall be Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m., and Saturdays, between the hours of 9:00 a.m. to 5:00 p.m.
 - School bus stop location
A school bus stop was located outside the Tomichi Creek Subdivision, just north of the intersection of Fairway Lane and Tomichi Creek Loop. The location of the bus stop enables children access from the Tomichi Creek Subdivision while, the school bus has the ability to quickly turn around by utilizing the roundabout at the end of Wild Goose Lane. Please reference the Site Plan in Exhibit G for the exact location of the planned school bus stop.
2. The water supply for the Dos Rios Water District is identified in State Water Court Case 95CW212 & 97CW111, "Ruling of the Referee and Decree", Aaron R. Clay, Water Referee, Water Division No. 4, December 9, 1997.
 3. 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.
 4. 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.
 5. 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
 6. 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.
 7. 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 of Approval:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the site 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*.
2. A mylar subdivision plat, in compliance with Section 7-401, *Gunnison County Land Use Resolution*, shall be provided to the Planning Department for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the Gunnison County Clerk and Recorder.
3. The approval shall be memorialized by Board Resolution/Certificate of Major Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
4. The applicant shall provide a copy of the Division No. 4 Water Court approval, Case No. 06CW523 to the Planning Department. The subdivision plat shall not be recorded until this condition is fulfilled.

5. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the infrastructure improvements defined in the following plans:
- *Site and Utility Plan* dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Grading Plan*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Existing Sanitary Sewer Line Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Sanitary Sewer Line A Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Drainage Plan*, dated 7/28/07, Jerry Greene, P.E.;
 - *Roadway Plan, Tomichi Loop, Centerline Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Landscaping Plan*, dated 1/21/08, Jim Sell Design;
6. 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.
7. The applicant shall provide a cost estimate, prepared by a licensed P.E., for the improvements to be performed on Fairway Lane, to be reviewed and approved by the Gunnison County Public Works Department, prior to the review and action by the Board of County Commissioners.
8. The approved cost estimate for the improvements to be performed on Fairway Lane shall be incorporated into a separate Development Improvements Agreement; the applicant shall pay this cost of \$73,656.32; but if the improvements are completed by October 1, 2011, the applicant will pay one-third of the actual cost; and that a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost.
9. 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.
10. 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.
11. The following shall be completed upon recordation of the Final Plat:
- 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - 2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
12. This approval is subject to the execution of the Development Improvements Agreement by the Board of County Commissioners and recordation of the Development Improvements Agreement with the Gunnison County Clerk and Recorder. The subdivision plat shall not be recorded until this condition is fulfilled.
13. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
14. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

AND WHEREAS, the applicant has provided a copy of the signed decree, Division No. 4 Water Court approval, Case No. 06CW523, to the Planning Department;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that *Tomichi Creek Subdivision* is approved, subject to each and all conditions iterated within the Planning Commission's Recommendation.

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 3rd day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23 SERIES 2008**

A RESOLUTION AMENDING BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 40 SERIES 2007 AND CERTIFICATE OF MINOR IMPACT APPROVAL APPROVING CRYSTAL CREEK SUBDIVISION, SECOND FILING SUBMITTED BY TAYLOR RIVER HOLDINGS LLC, LUC #2007-07

AMENDING CONDITION OF APPROVAL NO. 10

WHEREAS, on November 20, 2007, the Board of County Commissioners adopted Resolution No. 40 Series 2007, approving Crystal Creek Subdivision, Second Filing, with certain findings and conditions of approval; and

WHEREAS, Mr. Ernest Angelo, Jr., President of the Crystal Creek Homeowners Association, Inc. has petitioned the Board for a modification to Condition of Approval No. 10 of said Board Resolution, which states:

10. No building or septic permits will be issued on Lot 15 or Lot 16 until such time as the residential structure on Lot 17 is razed or the conditions of the Stop Order issued to Caroline Saint Clair Gandy, Testamentary Trust, c/o Robert Gandy, dated December 6, 2000 are complied with.; and

WHEREAS, on June 3, 2008, the Board did review a letter from Ernest Angelo, Jr., President of the Crystal Creek Homeowners Association, Inc., dated May 19, 2008 and deliberated the proposed request; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, hereby adopts the following amendment to Condition of Approval No. 10., Resolution No. 40 Series 2007:

10. A septic or building permit may be issued for Lot 16 prior to the structure on Lot 17 being removed, with the condition that if the structure on Lot 17 is not removed or demolished prior to September 1, 2008 that any work on Lot 16 be suspended until the structure on Lot 17 be removed or demolished.

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 3rd day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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