

**GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
June 10, 2008**

The June 10, 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 - ABSENT
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 4:04 pm. County Manager Matthew Birnie was attending the CCI Summer Conference and was not able to be present during the meeting.

ADOPTION OF THE PLANNING COMMISSION'S RECOMMENDATION FOR THE LIGHT INDUSTRIAL PARK: Assistant County Manager Marlene Crosby and Assistant Planning Director Neal Starkebaum were present for discussion.

Assistant Planning Director Starkebaum provided the Planning Commission's recommendation and a draft resolution for review and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-24, a Resolution Approving Changes to the Gunnison/Crested Butte Regional Airport Light Industrial Park Special Area. Motion carried unanimously. As a result of this resolution, the Gold Basin Industrial Park Special Area was so named.

AWARD BID FOR THE GOLD BASIN INDUSTRIAL PARK SPECIAL AREA, WATER AND SEWER LINE INSTALLATION: Assistant County Manager Crosby and Finance Director Linda Nienhueser were present for discussion.

Assistant County Manager Crosby informed the Board that this item was added to the agenda in order to proceed with the bidding process for the Gold Basin Industrial Park Special Area, Water and Sewer Lines project, as priced by Spallone Construction and Mendez, Inc. Assistant County Manager Crosby stated that rental income would be a future benefit and that, until such rents are collectible, other funding sources would need to be available for this project. Per Assistant County Manager Crosby, DOLA representative Jack Kirtland had expressed his willingness for a system of payback from future rental income, but that he had not yet had a chance to meet in person with Assistant County Manager Crosby. Finance Director Linda Nienhueser felt that additional grant funding may need to be applied for in the future to complete the project. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to award the bid for the Gold Basin Industrial Park to Spallone Construction in the amount of \$549,469. Motion carried unanimously.

RESOLUTION; APPROVING THE CONDITIONS FOR THE REVERSION OF TRACT B, ACCORDING TO THE REPLAT OF LOTS 1 THROUGH 3, BLOCK 29, ORIGINAL GUNNISON AND IMPROVEMENTS THEREON FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO TO THE GUNNISON COUNCIL FOR THE ARTS, INC.: County Paralegal Rachel Magruder and Executive Director of the Gunnison Arts Center Dr. Paul Edwards were present for discussion.

County Paralegal Magruder presented a draft resolution for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve and adopt Resolution #2008-25, a Resolution Approving the Conditions for the Reversion of Tract B, According to the Replat of Lots 1 Through 3, Block 29, Original Gunnison and Improvements Thereon from the Board of County Commissioners of the County of Gunnison, Colorado Back to the Gunnison Council For The Arts, Inc. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:27 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. 24 SERIES 2008**

A RESOLUTION APPROVING CHANGES TO THE GUNNISON/CRESTED BUTTE REGIONAL AIRPORT LIGHT INDUSTRIAL PARK SPECIAL AREA

WHEREAS, Marlene Crosby, Public Works Director has requested a change in the name of the Gunnison/Crested Butte Regional Airport Special Area, modifications to the adopted Site Plan for the Special Area, and a change in the name of the corresponding Special Area Regulations; and

WHEREAS, the Board of County Commissioners and the Planning Commission jointly held a public hearing on June 6, 2008 to hear public testimony concerning the proposed changes; and

WHEREAS, after a review of all information, documentation and testimony related to the request, the Gunnison County Planning Commission did, on June 6, 2008, forward a Recommendation of unanimous approval of the request to the BOCC with certain Findings; and

WHEREAS, the Board of Commissioners did, on June 10, 2008, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's June 6, 2008 Recommendation, with the following Findings:

1. There is no change to the adopted Special Area boundary. The change in the site plan will not affect any application of the Special Area Regulations.
2. There are no changes to the adopted Special Area Regulations, other than the change in the name of the Special Area.
3. Application of the *Gunnison County Land Use Resolution* requirements concerning development within the Special Area is articulated in *Section 3: Relationship to the Gunnison County Land Use Resolution*, of the *Special Area Regulations*.
4. Elimination of the previously adopted conceptual lease area lines will provide more flexibility for development of the Special Area.
5. Elimination of the Community Park will not adversely impact adjacent properties, as the Special Area is adequately buffered on the western boundary from the commercial/residential properties across County Road 50 (Goodwin Lane). A 50 foot setback is identified on the site plan, from the west boundary. In addition, an additional buffer area, identified by the green line on the site plan is the extent of the western boundary of the lease areas. The Board of County Commissioners has the final decision on the type of uses that may be leased on the west side of the Special Area and may require additional landscaping or buffering dependent upon the proposed use.
6. The Special Area is not specifically limited to airport related use, therefore, the change in name will provide more clarity for the uses permitted within the Special Area.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including the map, report, the proposed regulations, and all other exhibits, references and documents as included therein.
8. This permit is limited to the activities described within this application, and as depicted on the plans submitted as part of this application. Any uses other than those 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*.

9. 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.
10. 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY:

The name of the *Gunnison/Crested Butte Regional Airport Light Industrial Park Special Area* is changed to the *Gold Basin Industrial Park Special Area*; the changes to the site plan of the *Gold Basin Industrial Park Special Area*, as identified on the attached map as "Exhibit A,"; and the name of the *Gunnison/Crested Butte Regional Airport Light Industrial Park Special Area Regulations* is changed to the *Gold Basin Industrial Park Special Area Regulations*, attached as "Exhibit B", are hereby adopted;

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 10th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2008-25**

A RESOLUTION APPROVING THE CONDITIONS FOR THE REVERSION OF TRACT B, ACCORDING TO THE REPLAT OF LOTS 1 THROUGH 3, BLOCK 29, ORIGINAL GUNNISON AND IMPROVEMENTS THEREON FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO BACK TO THE GUNNISON COUNCIL FOR THE ARTS, INC.

WHEREAS, in order to further foster and promote the arts and humanities for the citizens of Gunnison County, on March 2, 1999 the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board") and the Gunnison Council For The Arts, Inc., a Colorado non profit corporation (herein "Council") entered into an Agreement Regarding Conveyance, Lease-Back, and Reconveyance of Arts Center South, Gunnison County Legal Instrument No: 99-21 (herein the "Agreement"); and

WHEREAS, pursuant to the terms and conditions of the Agreement, on March 16, 1999 the Council conveyed to the Board real property known as Tract B, according to the Replat of Lots 1 through 3, Block 29, Original Gunnison, City of Gunnison, County of Gunnison, State of Colorado (herein the Property") as identified by General Warranty Deed With Reverter recorded with the Gunnison County Clerk and Recorder's Office on March 19, 1999, bearing Reception No: 491701 (herein the "Deed"); and

WHEREAS, the Board and Council agreed that on June 1, 2008 the Property would revert back to the Council under the following condition as identified in paragraph 14 of the Agreement:

It is expressly agreed by the parties hereto that such reverter shall occur, if and only if on June 1, 2008 the Arts Council has continuously been, and at that time is, a legal nonprofit corporation entity engaging on the Premises in the planning, production and promotion of programs in the visual arts, performing arts, literary arts and humanities for the enjoyment, enrichment and education of the citizens of Gunnison County, Colorado. If this condition is not met, the estate shall not terminate and fee simple title shall automatically vest in Gunnison, County."

This language is reiterated in paragraph 2 of the Deed; and

WHEREAS, the Board has received and reviewed a letter from Dr. Paul A. Edwards, Executive Director of the Gunnison Arts Center, dated May 19, 2008, confirming that the Council has been in continuous operation since 1983 as a non-profit center for the visual, literary and performing arts; and

WHEREAS, the Board believes that the terms and conditions of the Agreement and the Deed have been met and fully satisfied for the ownership of the Property to be reverted back to the Council.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the terms and conditions have been met and fully satisfied for the real property known as Tract B, according to the Replat of Lots 1 through 3, Block 29, Original Gunnison, City of Gunnison, County of Gunnison, State of Colorado and that said real property and any and all improvements thereon hereby are and shall be, by this resolution, reverted back to the ownership of Gunnison Council For The Arts, Inc., a Colorado non profit corporation, in full fee simple ownership.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 10th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes