

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 17, 2008**

The June 17, 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
Ruth Dukeman, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 10:02 am

AGENDA REVIEW: The 11:35 Item HB 1177 Roundtable Update was cancelled. There were no additional changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Special Meeting minutes of June 10, 2008 as presented. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda excluding Item #8. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Preventative Maintenance Inspection Agreement, Cummins Rocky Mountain, LLC, Generators and Transfer Switches at the Public Works Facility
2. Acknowledgment of County Manager Signature; Amendment No. 1 to Contract Dated 9/4/07, Carter & Burgess, Inc., Rehabilitation of the Commercial Apron, De-Ice Pad and Beacon at the Gunnison-Crested Butte Regional Airport
3. Resolution; Amending Certain Charges and Fees for Integrated Solid Waste Services, Effective 6/1/08
4. Letter of Support and Memorandum of Understanding; GOCO Trails Grant Application by the City of Gunnison
5. Juvenile Diversion Statement of Grant Award from the Division of Criminal Justice
6. Out-of-State Travel Request; Oshkosh H-Series Maintenance and Electronics Schools, Wildlife Management Techniques Course, 40-Hour Basic ARFF Course; Gunnison-Crested Butte Regional Airport Personnel
7. Cooperative Law Enforcement Agreement; US Department of Agriculture, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forests
8. New Deed Restrictions, Housing Authority, 1403 Rock Creek Road
9. Contract Agreement; Gunnison-Crested Butte Regional Airport, AIP Project No. 3-08-0030-38, Concrete Works of Colorado

CONSENT AGENDA ITEM #8: Commissioner Starr requested that this item be pulled from the agenda to allow for further discussion about the deed restriction qualifications with Housing Authority Executive Director Denise Wise. It was determined that a future agenda item may be needed for further consideration of policy. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the new deed restrictions for 1403 Rock Creek Road property at this time. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. CCI Summer Conference: County Manager Matthew Birnie attended the CCI Summer Conference and reported that it was well attended and that useful information was presented. The Associated Governments of Northwest Colorado presented information on oil and gas that showed some dramatic numbers affecting Colorado counties; additional information is available at their website. Governor Ritter was present for discussion and provided valuable insights about his views on several topics.
2. Mosquito control: In response to the seasonal weather patterns and no emergence of mosquitoes so far this year in the north valley, two separate aerial applications are being considered for the northern and southern ends of the valley.
3. Juvenile Planning Committee: The 7th Judicial District is in need of another Gunnison County appointee to sit on the committee to fill a vacancy.

SUPPORT LETTER REQUEST; GUNNISON RANCLAND CONSERVATION LEGACY, DORIS DUKE GRANT APPLICATION: Gunnison Ranchland Conservation Legacy Executive Director Lucy Goehl was in attendance to answer questions and presented information in reference to the grant application. The proposed funding may be used for Razor Creek and Ohio Creek area projects. **Moved** by Commissioner

Swenson seconded by Commissioner Starr to provide a letter in support of the grant efforts. Motion Carried unanimously.

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

1. Road Work Project update: Crews are performing maintenance and Mag Chloride work on Kebler Pass, Cottonwood Pass and the Jacks Cabin cut-off; the projects are almost complete. The department is taking several measures to save dollars and planning for any potential water restrictions later in the year especially on the west side of Kebler Pass. Ride-the-Rockies organizers are excited to know the preferred route of the event will be open as planned. Ohio Creek Pass has extensive snow cover preventing it from being opened for several more weeks.
2. Crested Butte Temporary Animal Shelter: No update available at meeting time.
3. Resolution: Ratifying Availability of Funds for Colorado Department of Transportation for Project #STE 135A-025 (16543), North Gunnison Trail – This resolution will accompany a grant application previously reviewed and approved. **Moved** by Commissioner Swenson, seconded by Chairperson Channell for adoption of Resolution #2008-26 to authorize signatures to the Resolution as amended. Motion carried unanimously.
4. Visit to Marble: A trip to Marble is scheduled for July 21st and 22nd. A tentative itinerary was discussed. The final schedule will be determined.

RESOLUTION; 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: County Attorney David Baumgarten and Paralegal Angela Buchanan were present for discussion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve #2008-27 A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Request by the Timothy L. Michalek Family Trust for Access Over and Across the Womble Tracts to property located at 8218 Highway 135, Almont Colorado. It was discussed that proper notice of the weight restrictions for the bridge have been communicated. Commissioner Starr was not in support, because of the bridge condition and further expressed his concerns that these impacts are cumulative and the criteria to effectively meet the public health and safety have not been met. The motion passed.

Public Works Director Marlene Crosby advised that all bridges and like structures over 20 feet in length within Gunnison County will be inspected in the coming weeks. Inspections are performed every two years on older bridges or every four years for newer bridges. A list of repairs or modifications recommended will be provided to the County. This process is the basis for bridge replacement funding awarded to the County.

BREAK: The meeting recessed from 11:12 am until 11:23 am.

FIREWORKS DISPLAY REQUEST FOR APPROVAL; GUNNISON ROTARY CLUB: Present were: Demi Lou Coghill, Pyro-Technician and previous Rotary Club President; John Devore, Airport Manager; Bob O'Hare, Chairperson of the Rotary Club Scholarship Committee; Don Wills President Elect of the Rotary Club; and County Attorney David Baumgarten. The road closure request was discussed. County Attorney David Baumgarten asked to have the County named on the event insurance policy. It was noted that the gas company concerns have been addressed and that there will be a partial closure of the Gunnison/Crested Butte airport during the event. Mr. Wills invited the members of the Board to participate during a recognition announcement during the occasion on July 4th. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the road closure request for the event. Motion carried unanimously.

BREAK: This meeting was recessed from 11:30 am until 2:05 pm for a break and in order to hold the Gunnison/Hinsdale Board of Human Services Meeting (see separate minutes).

CODE ENFORCEMENT; FORMAL DIRECTION TO JAMES DUNHAM TO REMOVE BUILDING, POSSILBE ACTION, POSSILBE EXECUTIVE SESSION: Property owners Robin Dunham and James Dunham were present as well as Paralegal Rachel Magruder, County Attorney David Baumgarten and Assistant Building Inspector Eric Jansen. After a brief history of events and further discussion it was determined that the owners are willing to resolve this issue by cleaning up the property and removing the objects from the property that are the cause of the code violation. The date to have the project completed will be no later than September 1, 2008. Review of the agreed solution and compliance will occur during the September 2, 2008 Board of County Commissioners meeting.

CONDOMINIUM APPROVAL; FOX PLACE CONDOMINIUMS, ARLISS MERRELL, LOT 10, BLK 21, CB SOUTH FLG 3: After a brief presentation by Ms. Pagano, it was **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the project. Motion carried unanimously.

COVENANT AMENDMENT REQUEST; GLACIER LILY HOMEOWNERS ASSOCIATION; FINAL REVIEW, POSSIBLE ACTION, REQUEST TO CHANGE EXISTING CLUBHOUSE/OPEN SPACE PARCEL INTO A SINGLE-FAMILY RESIDENTIAL LOT: Glacier Lily Homeowners Association members David Leinsdorf and Seymour Everett advised that they were able to achieve 100% approval from the current 20 lot owners for the requested change in lot designation. They further stated that three acres will remain open space and 1.1 acres will create lot number 21 of the subdivision. Because the current building will be removed and the proposed building site for the residential lot would be in the same location, there will be no increase in building density. The existing tennis courts will remain, as well as the current open space. Chairperson Channell verified that the new proposed 21st lot will be subject to the same provisions and conveniences that apply to the current properties. Commissioner Starr commented that an open space donation at entrance to the Glacier Lily complex will further contribute to open space in the area. **Moved** by Commissioner Swenson seconded by Commissioner Starr to approve the lot use change. Motion carried unanimously.

BREAK: The meeting recessed from 2:33 pm until 2:45 pm for a short break

POLICY REVIEW; WASTEWATER TREATMENT FACILITY EXPANSION FOR THE CRESTED BUTTE SOUTH METROPOLITAN DISTRICT: Environmental Health Specialist Richard Stenson; Jack Dietrich, Manager of the Crested Butte South Metropolitan Waste Water District and Steve Glazier were present for discussion. Concerns expressed include odor, the level of chemicals being discharged to include phosphorus, organic nitrogen, nitrates and ammonia. Mr. Dietrich advised that all points of opposition to the proposed expansion that he is aware of have been addressed, and when applicable, included in the structural design for the proposed facility. He further demonstrated the commitment to community acceptance of this project by further explaining the allocation of a \$200,000 budget to address any potential odor concerns. He further stated that extra capacity is also included in the proposed design for any potential future needs of the Crested Butte South Metropolitan District. It was agreed by all that one of the greatest assets in Gunnison County is clean water. **Moved** by Commissioner Starr to approve the facility expansion application for further consideration by the State of Colorado, second by Commissioner Swenson. Motion carried unanimously.

POSSIBLE CONSTRUCTION OF A NEW HANGAR AT THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT; DRAFT LEASE AGREEMENT: Airport Manager John Devore presented information about a planned hanger structure to be built at the Gunnison/Crested Butte Airport for Mr. Russell Noble. The proposed size of the site is 60 feet by 70 feet. Commissioner Starr recommended a change in the lease agreement verbiage for potential enforcement issues. Airport manager Devore further explained the process for project success. Additional discussions lead to the agreement that this project will contribute to the airport goals for development. **Moved** by Commissioner Swenson, Commissioner Starr Seconded the approval to build the structure. Motion carried unanimously.

LINKAGE FEE LITIGATION; POSSIBLE EXECUTIVE SESSION: Housing Authority Executive Director Denise Wise, County Attorney David Baumgarten were present. Gunnison County Contractors Association (GCCA) and Alpine Construction have filed a lawsuit alleging that the affordable housing impact fee is illegal and subject to TABOR. It was recommended by County Attorney David Baumgarten for an executive session. **Moved** by Commissioner Starr, Commissioner Swenson seconded for County Attorney David Baumgarten, County Manager Matthew Birnie, Housing Authority Executive Director Denise Wise, Chairperson Channell, Commissioner Starr and Commissioner Swenson to go into executive session. Motion carried unanimously.

The board went into executive session at 3:42 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)(e).*

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 4:24 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

Chairperson Channell commented that the response has been appropriate to the greater housing needs of Gunnison County through the impact fee. That impact fees are widely used throughout Colorado and the Nation. If the courts find that Gunnison County's impact fee is appropriate, it is the intent to continue the program. If the court points out a flaw in the fee, it will be responded to appropriately to support our workforce needs being that it is important to the economic development of Gunnison County.

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

COMMISSIONER MEETING REPORTS:

Commissioner Swenson:

1. Sage-Grouse Strategic Committee: The Wildlife Commission meeting went well. There have been several recent changes in the appointments of the Wildlife Commission members. The Committee is moving forward on amending the Antler Shed season; the recommended proposal includes complete closure to Antler Collection January 1st through March 15th, the season would then open to Antler Collection from March 15th to May 15th allowing for collector access 9:00 am to sunset.
2. CDOT Projects: There have been several joint public hearings and work sessions held in reference to a Batch Plant application proposed east of Gunnison. The plant would be used for batching asphalt for Colorado Department of Transportation projects in the area.

Commissioner Starr:

1. RTA update: Airline contracts are moving forward with improved service to and from the Gunnison/Crested Butte Airport. The proposed flights will be greater in number and offer more connecting cities allowing for greater accessibility to air travel. The increase in the number of people and flights may result in a need for additional TSA personnel.

There have been multiple technical issues with the new busses. The issues are being addressed to include busses being sent to Denver for repair. Future development of bus stops and potential land acquisitions to accommodate Rural Transit Authority bus stop locations are being addressed by the Committee.

Chairperson Channell:

1. Substance Abuse Prevention: A survey of community perceptions of substance use has been completed, the results are being considered. A position is advertised for a new hire to coordinate educational efforts with Western State College and the RE-1J School District.
2. Mayors/Managers Meeting was recently hosted by the City of Gunnison and was well attended. Contacts have been made for the historical renovations of Town Hall in Pitkin with preliminary planning taking place. The library reading program is underway with programs scheduled for the summer months. Various groups have been meeting on library planning and building issues. There is a new Operations Manager at the City of Gunnison. The curbside recycling program in Crested Butte is a success being performed weekly in coordination with Waste Management. Live music programs this summer include: Sunday's at 7 in Gunnison, Alpenglow on Monday evenings in Crested Butte and Wednesday evenings in Mt. Crested Butte. Several Snodgrass development public meetings have taken place. The new Mt. Crested Butte recreation center is focusing on water fun and play for tourism. The Town of Mt. Crested Butte is completing construction of a duplex. The work is scheduled to be finished in July and is currently planned to be used for staff rental housing. Construction companies are reporting a slow start to the building season from the snow and earth movement issues as the snow melts. Sales tax is up 5% in Crested Butte. Western State College conference season is underway, the new student Union project is going forward and Kelly Hall is due to re-open in late summer. Taylor Reservoir

has released resources because they did not want water to spill. There are two open board positions on the Upper Gunnison River Water Conservancy District. City of Gunnison further reports ground breaking on the new pool structure and the construction of the new ice rink facility is well underway. There are reports of available zoning for development in west Gunnison if demand for additional building projects is needed.

- 3. Pitkin Polling place Chairperson Channell met with County Clerk and Recorder Stella Dominguez to discuss cost savings options associated with the Pitkin polling site. It is reported that there is not a great deal of participation at the site with a maximum of 40 to 60 voters during the past election. Most voters are using an absentee ballot or coming into town to vote. Commissioner Starr recommends working with the local representatives in Pitkin and potentially meeting with Town Council Members before a final decision is made.
- 4. School Board Update: Concern was expressed at a recent School Board Meeting that the Gunnison Valley School program could be absorbed into the proposals for a new High School building. A written survey was completed and the School District may launch into a telephone survey to gather additional input about a potential school facility bond initiative.
- 5. The Partners program is brain storming a capital fund raising drive. They would like to invest in a new facility. The program prefers the residential feel and location in the northwest quadrant of the city limits and is potentially looking for a new location that could be owned versus rented.
- 6. 1041 meeting update: Meetings are tentatively scheduled every two weeks on Monday mornings to proceed with addressing the topics. The format to review the document is not going to be page by page or section by section, but will be to review it by topic. Chairperson Channell will send a report on the meeting and the work being performed to fellow commissioners via email.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:48 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Jim Starr, Commissioner

Minutes Prepared By:

Ruth Dukeman, 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. 08-26

A RESOLUTION RATIFYING AVAILABILITY OF FUNDS FOR COLORADO DEPARTMENT OF
TRANSPORTATION FOR PROJECT #STE 135A-025 (16543), NORTH GUNNISON TRAIL.

WHEREAS, The Colorado Department of Transportation and Gunnison County have entered into a transportation enhancement contract for Project #STE 135A-025 (16543), North Gunnison Trail, for construction of a bike/pedestrian bridge and a portion of the North Gunnison Trail located within CDOT right-of-way; and

WHEREAS, the Colorado Department of Transportation's fiscal participation in said Contract is One Hundred Eighty Three Thousand Dollars (\$183,000.00); and

WHEREAS, the Board of County Commissioners of Gunnison County's fiscal participation in said contract is Forty Five Thousand Seven Hundred Fifty Dollars (\$45,750.00); and

WHEREAS, the local overmatch fiscal participation in said contract is One Hundred Sixty Seven Thousand One Hundred Fifty Two Dollars (\$167,152.00).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Board ratifies that Forty Five Thousand Seven Hundred Fifty Dollars (\$45,750.00) has been budgeted by the Board in the duly adopted 2008 County Budget for the Project #STE 135A-025 (16543), North Gunnison Trail.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell, and adopted this 17th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2008-27

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY THE TIMOTHY L. MICHALEK FAMILY TRUST FOR ACCESS OVER AND ACROSS THE WOMBLE TRACTS TO PROPERTY LOCATED AT 8218 HIGHWAY 135, ALMONT, COLORADO

WHEREAS, a written petition by the Timothy L. Michalek Family Trust (herein "Michalek") was filed with the Board of County Commissioners of Gunnison County, Colorado, requesting a waiver for Michalek of the Gunnison County Standard Specifications For Road and Bridge Construction ("Standards and Specifications") for access over and across Womble Tracts to property located at 8218 Highway 135, Almont, Colorado; and

WHEREAS, the request is for a waiver of the following:

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

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

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

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

6. The waiver will provide the functional equivalent of the Standards and Specifications.

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

1. The following waiver is hereby granted:
 - a. Width of Right of Way: A waiver of width for any portion of the road for which the current right of way width is less than sixty feet (60').
 - b. Roadway Cross Section: The required section for a rural lane is identified in the Appendix of the County Standards. The existing "traveled" roadway width varies from 12 to 24 feet, with maintenance activities and driving patterns establishing the width, although in places it is wider than the minimum actual traveled. A variance of the County cross section standard, consisting of crown slope, gravel depth, and drainage side ditches is granted to be the currently existing cross section.
 - c. Bridge Load Limits: There are two bridges on the access road to the property that have been in use for many years. The bridge over the Gunnison River is rated 17-26-27 tons based on a bridge inspection done by SEH, Inc., a qualified bridge inspection engineering firm.
2. The waiver expressly requires that:
 - a. The road be developed by Michalek to a minimum of sixteen feet (16') and that additional gravel shall be placed. The type and the amount of gravel shall be determined and to the satisfaction of the Gunnison County Public Works Department. The cost of the gravel shall be borne by Michalek.
 - b. That Michalek and the owners of the new lot currently proposed for the land be required, by recorded deed restriction, to be paying participants in any organization (e.g., a local improvement district or homeowners association) which is developed to address road work and bridge funding, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat for the subdivision is approved by the BOCC.
 - c. That one of the tasks and responsibilities of the Bridge Association shall include snowplowing. This waiver shall not be of any force and effect unless and until the Director of Public Works and the Gunnison County Attorney are provided with written documentation that demonstrates:
 1. That the Bridge Association can and will perform snowplowing on the road; and
 2. A plan and funding source for such snowplowing.
 - d. That Michalek record, as a condition of any land use approval of subdivision of the property or additional residences on the property, notice of this Waiver, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat for the subdivision is approved by the BOCC.
3. This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.
4. Nothing in this Resolution is, or shall be construed to be, a waiver of the required horizontal sight distance(s) or vertical grades; those requirements have NOT been waived.

INTRODUCED by Commissioner Swenson, seconded by Chairperson Channell, and adopted this 17th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – nay; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 28 SERIES 2008

A RESOLUTION APPROVING AN AMENDMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS OF GLACIER LILY ESTATES
AND APPROVING LAND USE CHANGE PERMIT NO. 2006-60
A LAND USE CHANGE PERMIT FOR GLACIER LILY HOMEOWNERS' ASSOCIATION
FOR THE SUBDIVISION OF A 1.1-ACRE LOT FROM A 3.99-ACRE OPEN SPACE/CLUBHOUSE PARCEL

WHEREAS, the Glacier Lily Homeowners' Association has submitted a request to amend the *Declaration of Protective Covenants of Glacier Lily Estates*, which amendment is attached and would allow the ratification of the replat of open space; and

WHEREAS, the proposed amendment has received approval by the requisite number of Lot Owners required by the *Declaration of Protective Covenants of Glacier Lily Estates* to effect an amendment; and

WHEREAS, Glacier Lily Estates is a subdivision approved by Gunnison County, and the *Declaration of Protective Covenants of Glacier Lily Estates* requires that amendment of those covenants require Gunnison County approval; and

WHEREAS, after a review of the submitted information, the Board of County Commissioners has determined that approval of the amendment violates no provision of the *Gunnison County Land Resolution*; and

WHEREAS, the Glacier Lily Association has submitted an application to subdivide a 1.1-acre parcel (to be known as Lot 21) from an existing 3.99-acre open space/clubhouse parcel. The proposed 1.1-acre parcel is to be known as Lot 21 and used for single-family residential use with the allowance for an integrated secondary residence (as allowed in the Glacier Lily Protective Covenants). The parcel on which the Land Use Change is proposed is located between the towns of Crested Butte and Mt. Crested Butte, at the junction of County Road 317 (Gothic Rd.) and County Road 811 (Meridian Lake Rd.). The parcel is legally described as the Open Space tract, Glacier Lily Subdivision.

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on September 21, 2007 forward a Recommendation of approval of the subdivision application to the Board of County Commissioners with certain Findings and Conditions:

FINDINGS:

1. This application, by definition, is classified as a Minor Impact.
2. The proposed lot size is similar and compatible to other lots within the area.
3. The applicant will utilize a central well for the water supply.
4. The applicant has received approval from the Colorado Department of Public Health and Environment for the community water supply at Glacier Lily Estates Subdivision as identified in a letter dated April 29, 2008 from Robert Cribbs of the Water Quality Control Division.
5. There are no substantial geologic hazards, other than potentially unstable slopes, which will be addressed at the time of individual sewage disposal system and/or building permit application.
6. The protective covenants for Glacier Lily Estates shall be amended to reflect the change in use of the subject portion of the open space and the removal of the clubhouse. The amended protective covenants shall be approved by the Board of County Commissioners prior to approval of this Land Use Change permit.
7. The applicant has agreed that there shall be no further subdivision of the open space in Glacier Lily Estates Subdivision.
8. That a drainage plan will be submitted at the time of building permit application.
9. This application is generally consistent with the standards and requirements of this *Resolution*.
10. No phases are proposed for this development.
11. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former *Land Use Resolution*.

12. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

CONDITIONS:

1. The protective covenants of Glacier Lily Estates Subdivision shall be amended to reflect the change in open space and the removal of the clubhouse.
2. There shall be no further subdivision or development of the open space in Glacier Lily Estates Subdivision, except for improvements related to the water system.
3. There shall be no construction of a clubhouse in the open space.
4. Bear proof trash containers shall be utilized as recommended by the Division of Wildlife.
5. The applicant shall comply with the recommendations of the Crested Butte Fire Protection District.
6. 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*.
7. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
8. 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.
9. 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.
10. 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 *Declaration of Protective Covenants of Glacier Lily Estates* are hereby amended, as reflected in the attached "Exhibit A," and that Land Use Change Permit No. 2006-60, for Glacier Lily Association is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and passed on this 17th day of July, 2008.

Channell – yes; Starr – yes; Swenson – yes

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 08-29

A RESOLUTION AMENDING CERTAIN CHARGES AND FEES FOR INTEGRATED SOLID WASTE SERVICES
EFFECTIVE JUNE 1, 2008

THIS RESOLUTION SUPERSEDES RESOLUTION 08-12

WHEREAS, the Gunnison County Landfill, also known as the Six Mile Lane Landfill ("Landfill") was established pursuant to Resolution No. 18, Series 1985; and

WHEREAS, the Solid Waste Fund is operated and funded through charges and fees for services at the Landfill site and sales of materials at the Gunnison County Recycling Center located at Tenth Street and Rio Grande Avenue; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, wants to adjust the charges and fees for the Landfill to better fund that operation and make it self-supporting; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting any and all costs of a County administered recycling program; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting any and all costs of future closure and post-closure of the Landfill site; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting any and all costs of future Landfill expansion construction costs of the Landfill site; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting costs associated with sage grouse mitigation; and

WHEREAS, a solid waste user fee shall be imposed in addition to all charges and fees specified herewith pursuant to Colorado Revised Statutes § 25-16-104.5;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following charges and fees are hereby established, to be effective June 1, 2008:

CHARGE	Landfill	Recycling	Closure	Const.	Sage Grouse	State Fees	TOTAL
Administration Fee	105.00	0.00	0.00	0.00	0.00	0.00	105.00
Appliance Disposal	10.00	0.00	0.00	0.00	0.00	0.00	10.00
Baled Trash 4x6x2.5	17.46	0.00	0.00	0.00	0.00	0.54	18.00
Beneficial Use Yardage	5.25	0.00	0.00	0.00	0.00	0.00	5.25
Car	3.62	1.31	0.26	1.00	0.57	0.09	6.85
Car Wash Sludge	4.79	2.27	0.45	1.74	1.00	0.00	10.25
Clean Wood Yardage	4.54	2.27	0.45	1.74	1.00	0.00	10.00
Concrete>12" Diameter	15.04	2.27	0.45	1.74	1.00	0.00	20.50
Concrete<12" Diameter	1.04	2.27	0.45	1.74	1.00	0.00	6.50
Dead Animals	11.96	0.00	0.00	0.00	0.00	0.54	12.50
Friable Asbestos Yards	9.27	2.27	0.45	1.74	1.00	0.27	15.00
Loose Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Mini Pickup	7.95	2.86	0.57	2.19	1.26	0.17	15.00
Minimum Charge	3.73	0.00	0.00	0.00	0.00	0.27	4.00
Organic Material Yards	5.25	0.00	0.00	0.00	0.00	0.00	5.25
Packed Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Refrigerator/Freezer	15.00	0.00	0.00	0.00	0.00	0.00	15.00
Special Waste Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Standard Pickup	12.91	4.54	0.90	3.48	2.00	0.17	24.00
Tire Rims	1.25	0.00	0.00	0.00	0.00	0.00	1.25
Tires-Loader	10.36	0.00	0.02	0.08	0.04	0.00	10.50
Tires-Passenger	4.11	0.00	0.02	0.08	0.04	0.00	4.25
Tires-Truck	5.11	0.00	0.02	0.08	0.04	0.00	5.25

Uncovered, blowable loads shall be charged double the above charges.

The Finance Department may, at its discretion, charge a \$5.00 service charge for copies of landfill invoices.

BE IT FURTHER RESOLVED that the above fees amend and supersede any previous conflicting fees and shall remain in full force and effect until changed by resolution of the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 17th day of June, 2008

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes