

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
December 9, 2008**

The December 9, 2008 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson	Matthew Birnie, County Manager
Paula Swenson, Vice-Chairperson	Katherine Haase, Clerk to the Board
Jim Starr, Commissioner (arrived at 1:36 pm)	Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 1:29 pm.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Regular Meeting minutes and Special Meeting minutes for November 25, 2008. Motion carried (Chairperson Channell was not present for the referenced meetings, so he abstained from voting on the minutes.)

CONSENT AGENDA: **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda, excluding Item #4. Motion carried unanimously.

1. Resolution; Authorizing the Conveyance of the Van Tuyl Property to the Gunnison County Library District
2. Special Warranty Deed; Gunnison County Library District
3. Contract Amendment #7; EIAF #5147-Gunnison County DTR System-WIN; Grant Extension Request
4. Gunnison-Crested Butte Regional Airport Non-Tenant Use Agreement for Western State Aviation, LLC
5. Agreement Between the Board of County Commissioners of the County of Gunnison, Colorado; and West Region Emergency Planning Committee; and Joann Stone, West Region Coordinator
6. Memorandum of Agreement; Between Board of County Commissioners of Gunnison County, Colorado and West Region Emergency Planning Committee
7. El Pomar Foundation General Grant Terms and Conditions; Gunnison and Hinsdale Counties LEAP Program; \$5,000
8. Community Services Block Grant Application; Gunnison County Department of Health and Human Services
9. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the North Gunnison Division of the Gunnison County Water and Sewer District
10. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Somerset Division of the Gunnison County Water and Sewer District
11. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Antelope Hills Division of the Gunnison County Water and Sewer District
12. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Dos Rios Division of the Gunnison County Water and Sewer District
13. Resolution; Establishing the Schedule of Fees and Rates for Water Service Within the Dos Rios Division of the Gunnison County Water and Sewer District
14. Resolution; Amending Certain Charges and Fees for Integrated Solid Waste Services Effective January 1, 2009

CONSENT AGENDA ITEM #4: Commissioner Starr asked for this item to be pulled from the Consent Agenda. He requested clarification regarding the airport minimum standards attachment and possible conflicting language referencing that attachment. Discussion was suspended until later in the meeting when Airport Manager John DeVore was scheduled to be present.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. County Boards and Commissions Applicant Interviews. Interviews were scheduled for 2/2/09 from 1:00 until 5:00 pm, for 2/4/09 from 9:00 am until 12:00 pm, and for 2/4/09 from 1:00 pm until such time as the interviews conclude. The decisions were scheduled to occur on 2/17/09.

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

1. Community Corrections Board Appointment. County Manager Birnie informed the Board that his term expired in June of 2008 and that he had been continuing to attend the monthly meetings until a replacement was found. County Manager Birnie requested that Gunnison Area Restorative Practices Executive Director Don Wills be appointed to this board for a two-year term as he is excited and engaged. Chairperson Channell questioned whether or not this vacancy should follow the same protocol as other boards and commissions vacancies. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to temporarily appoint Don Wills to the Community

Corrections Board and then follow the regular protocol for the vacancy. Motion carried unanimously. This vacancy will advertise with all other vacancies and County Manager Birnie will speak with Gunnison Area Restorative Practices Executive Director Wills about submitting a letter of interest. The term for this appointment shall begin and end in June of each reappointment year.

2. Housing Needs Assessment. County Manager Birnie informed the Board that two vendor interviews were completed during the previous week. He requested permission to notify Housing Authority Director KT Gazunis of the selected vendor. He also explained that a contract could not be entered into until the State contract had been finalized.
3. Public Safety and Road & Bridge Impact Fee Study Report. County Manager Birnie reported that the drafts were available and that comments had been returned to RPI. A future work session discussion will yield more details.
4. Ranchland Initiative Work Session. This work session was scheduled for 1/13/09; the Stockgrowers Association will be notified of the date and time.
5. Gunnison County Library District Transition. County Manager Birnie proposed that the County continue payroll services and building facilities maintenance for the District. However, he noted that the contract should specify that the District's employees are not County employees.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES: Assistant County Manager Crosby was not present for discussion due to a scheduling conflict.

1. Annual Highway Users Tax Fund (HUTF) Report. County Manager Birnie relayed that this report was not yet ready for presentation to the Board.

LAPORE V. CASTRO; POTENTIAL INTERVENTION BY THE BOARD OF COUNTY COMMISSIONERS; POSSIBLE EXECUTIVE SESSION: Deputy County Attorney Tom Dill and County Paralegal Angela Buchanan were present for discussion.

Deputy County Attorney Dill confirmed that a provision in the Gunnison County Land Use Resolution (LUR) allows for the County to seek fees incurred because of County intervention in this matter. Chairperson Channell questioned whether or not the County could include a fine structure in the LUR for matters such as these. Commissioner Starr felt that a waiver of rights could possibly be added to the LUR in the event that a violation of the LUR leads to litigation. County Manager Birnie felt that permit fees could be increased to cover the cases that end up in litigation. The Board asked the Attorney's Office to look into these options.

Deputy County Attorney Dill explained that the Plaintiff sold the property based on the recorded plat, but then later felt that the entirety of the property should not have been included in the sale. The Plaintiff is now petitioning the Court for a return of a portion of the property utilizing a non-recorded plat.

Moved by Commissioner Starr, seconded by Commissioner Swenson to go into executive session for the purpose of discussion of litigation in which we (the County) might intercede with the County Attorney, with the Board, the County Attorney, the County Manager, and the County Paralegal. Motion carried unanimously.

The board went into executive session at 2:32 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)b.*

Attorney Statement Regarding Executive Session

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

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: _____

 Hap Channell, Chairperson
 Gunnison County Board of Commissioners

The Board came out of executive session at 2:37 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.

Moved by Commissioner Starr, seconded by Commissioner Swenson to intercede as the County in the case of LaPore vs. Castro, under the statutory grounds for the purpose of preserving the subdivision plat that was approved by the County; and authorize the County Attorney's Office to take whatever steps are appropriate in the pursuit of that intervention. Motion carried unanimously.

BREAK: The meeting recessed from 2:38 until 2:47 pm.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD Representative Bill Trampe was present for discussion.

CRWCD Representative Trampe informed the Board that mediation efforts have been delicate and that the District was now heavily involved in litigation regarding the Roberts Tunnel. Depositions were being taken as 12/10/2008 had been set as the deadline for witness documentation. The last mediation session, held on 11/22/2008, was very productive as verbal agreement was reached on some matters.

ENERGY TASK FORCE RECOMMENDATION: Chairperson Channell requested this conversation in order to discuss responses received from other jurisdictions relevant to the draft recommendations received from the Energy Task Force; however, County Manager Birnie reported that no responses had been received. It was noted that the joint resolution provided for the formation of the Energy Task Force, which met many times prior to providing a draft recommendation. Each of the four local jurisdictions has committees assigned to this effort that report to their prospective councils. The Energy Task Force is hopeful to receive feedback from all jurisdictional committees no later than 3/1/2009.

Commissioner Swenson felt that the Energy Task Force should first ascertain whether or not the City of Gunnison will support the recommendation before going forward. The Board also felt that the draft recommendations should be updated to reflect those action items that have already taken place.

Citizen Butch Clark, who serves on the City of Gunnison's committee, explained that his group had been discussing supply issues. He noted that the decentralization of power-supply plants had become more popular due to their economic feasibility, and that our communities have a tremendous potential for locating solar-energy systems on Bureau of Land Management land. These types of decentralized plants could be used for special projects such as mining or recreational development.

Chairperson Channell questioned how the Office for Resource Efficiency (ORE) would be able to act as an agent for the four local jurisdictions without jeopardizing their non-profit status. Also, ORE would not be able to apply for grants since ORE is not a governmental agency. County Manager Birnie felt that ORE did not have the capacity to act as a financial agent for the County. Commissioner Starr questioned whether or not some type of Special District could be created in this instance with, for example, new subdivisions paying into the fund to sustain the Special District. Chairperson Channell will discuss the possibility of creating a Special District with the Energy Task Force.

COMMISSIONER REPORTS: (This discussion began earlier than scheduled due to an opening in the schedule.)

Commissioner Starr:

1. Rural Transportation Authority. Commissioner Starr reported that the RTA will be scrutinizing the billing statement received from the Clerk & Recorder's Office as a result of the election. The statement indicated a cost of approximately \$67,000 for the election, of which the RTA would be asked to pay approximately \$32,000 and the School District would be asked to pay approximately \$33,000. Commissioner Starr felt that the RTA may request a meeting with Clerk & Recorder Stella Dominguez to discuss this issue as it is the RTA's belief that either an error exists or the methodology has been misunderstood.
2. Oil & Gas Collaboration Group. Commissioner Starr stated that an upcoming meeting will encompass discussions related to generating interest among the companies to consider geographic area plans, and the possibility of utilizing the methane gas that is emitted from the coal mines.

Commissioner Swenson:

1. Big Cimarron Plowing. Commissioner Swenson reported that Montrose County did not plow the Big Cimarron on 12/8/2008 due to equipment problems.

Chairperson Channell:

1. Screening, Brief Intervention, and Referral to Treatment (SBIRT) Program. Chairperson Channell attended a meeting with SBIRT representative Jose Esquibel to receive information about the SBIRT program that provides a screening interview process to help identify potential substance abuse candidates. He noted that the Gunnison Valley Hospital representatives agreed that GVH would be the most logical local entity to begin this type of program.
2. Energy Plan Committee. Chairperson Channell stated that Rich Karas had taken over the Chairmanship of the County's twice monthly committee meetings.
3. Housing Needs Assessment Vendor Interviews. Chairperson Channell participated in the interview process along with a good representation from all of the local jurisdictions. He also noted that Colorado Division of Housing, Department of Local Affairs representative Bill Whaley felt that both candidates were very strong.
4. Mayors & Managers Meeting. Chairperson Channell informed the Board that all groups at the meeting projected reductions of between 3% and 11% for sales tax collections for 2009. He also learned that Western State College intends to perform a student survey to request information from students relative to what types of businesses or entertainment they would like to see in the community.

HIGH ALTITUDE TESTING REQUEST; BOEING OSPREY and QINETIQ: Airport Manager DeVore and Deputy County Attorney Dill were present for discussion.

Consent Agenda Item #4 was discussed and Airport Manager DeVore informed the Board that the airport rules and regulations were contained within a separate document. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve Consent Agenda Item #4 as presented. Motion carried unanimously.

Airport Manager DeVore informed the Board that Boeing had requested permission to perform between three and five hours of low-altitude testing of the Osprey over the runway beginning 5/1/09 and extending through the end of June. Load-testing would also be performed on a tether. Per Airport Manager DeVore, Boeing chose this time of year because the airport will serve only two commercial flights per day. Also, Boeing will require a firefighter and fire equipment on-site during the testing. During tethering, a firefighter must be suited with equipment ready. Approximately 25 to 35 support crew will remain within the community throughout the testing, which will not include Sundays or holidays.

Airport Manager DeVore informed the Board that QinetiQ had also requested permission to perform between two to four hours daily low-altitude testing of the Carson Blades helicopter between the middle of May to the end of July. Load-testing would also be performed on a tether. Full ARFF and Index B equipment would be required during all testing, which would not include Sundays or holidays. Approximately 25 to 35 support crew would remain within the community throughout the testing.

The Board agreed that the economic benefits of entering into contracts with both entities would be important. Commissioner Starr felt that a work session scheduled for August would allow citizens to voice concerns to the County at one time instead of sending sporadic correspondence and comments. The Board requested that the eastern end of the runway be designated for the QinetiQ testing. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize staff to prepare the contracts to carry forward on what we discussed today and outlined on memos dated November 19th and 24th of 2008. Motion carried unanimously.

PLANNING COMMISSION RECOMMENDATION; ROPER SUBDIVISION; REQUEST FOR THE SUBDIVISION OF THREE SINGLE-FAMILY LOTS FROM 198-ACRES; SECTIONS 28, 33, AND 34; TOWNSHIP 51 NORTH, RANGE 1 EAST, N.M.P.M.: Assistant Planning Director Neal Starkebaum and property owner Albert Roper were present for discussion.

Assistant Planning Director Starkebaum presented the unanimous Planning Commission recommendation for discussion and approval. Commissioner Starr stated that he would vote against this due to the same reasons that he voted against the waiver of standards. Proposed modifications to the covenants were discussed and agreed upon, pending review by County Attorney Baumgarten. The drafted resolution was also discussed and modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2008-56 as amended, a Resolution and Certificate of Minor Impact Approval Approving Roper Subdivision Sections 28, 33, and 34 Township 51 North, Range 1 East, N.M.P.M., Gunnison County, Colorado, LUC #2007-59, contingent upon the County Attorney's review and approval of protective covenants, and authorize signature of the plat by the Chairperson. Motion carried. Chairperson Channell and Commissioner Swenson voted in favor. Commissioner Starr voted against.

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

1. Annual Highway Users Tax Fund (HUTF) Report. Assistant County Manager Crosby stated that she would present this at a later date.

- 2. Annual County Christmas Party. Assistant County Manager Crosby reported that approximately 270 partygoers enjoyed the Christmas Party and that she had received many positive comments. She relayed that the Palisades Restaurant performed spectacularly with respect to the menu and the amount of time in which the food was served.

CORRESPONDENCE; BRAD HAUGH; SNOW REMOVAL IN SOMERSET: Assistant County Manager Crosby was present for discussion.

Assistant County Manager Crosby suggested that she be permitted to draft a response for the Board in this matter. Mr. Haugh’s correspondence was discussed and appropriate responses were agreed upon after examining photographs taken by Assistant County Manager Crosby illustrating the portions of road in question. Separate correspondence was discussed and agreed upon that will be sent to a separate resident informing that owner of the need to remove personal property from the right-of-way.

CLUB 20 PARTICIPATION DISCUSSION: Chairperson Channell expressed concern about Club 20’s memberships being available to anyone living in or having an interest in the district, appointment processes, and other miscellaneous issues.

Chairperson Channell opined that Club 20 was not an appropriate organization for governmental agencies to belong to. Commissioner Swenson agreed that when the constituents’ views are not represented by Club 20, the involvement of elected officials is inappropriate. Commissioner Swenson suggested drafting a letter from the Board to all western slope Boards of County Commissioners, the municipalities within Gunnison County, and the local representatives to the State. Commissioner Starr expressed his concern that these issues were voiced months ago and that Club 20 has declined further since then without accountability to constituents. Chairperson Channell will draft the correspondence.

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

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:43 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. 08-50**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT
THIS RESOLUTION SUPERSEDES RESOLUTION 07-50

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise,

rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Commercial Water User Fees. User fees for each commercial connection will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears. The base user fee will equal the product of the Equivalent Residential Units (ERUs), seventy-five percent (75%), and the current residential base rate according to Appendix A attached hereto. The ERUs will equal the product of the factor according to Appendix C and the number of factor units according to Appendix C.

The base gallons for each commercial connection will equal the product of the ERUs and the residential base gallons according to Appendix A attached hereto.

4. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Dos Rios Division which has water service available to that parcel but which parcel is not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for water service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to meter size.

6. Meter Fee. There is a one-time fee for the use of a Gunnison County owned water meter. This fee will be "at cost" for the meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.

7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.

8. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.

9. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

10. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, the additional inspection fee will be charged.

11. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.

12. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

13. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY

RESOLUTION NO. 08-51

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE
DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT
THIS RESOLUTION SUPERSEDES RESOLUTION 07-51

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Dos Rios Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Dos Rios Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 08-52**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE
ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT
THIS RESOLUTION SUPERSEDES RESOLUTION 07-52

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Antelope Hills Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Antelope Hills Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 08-53**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE
SOMERSET DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT
THIS RESOLUTION SUPERSEDES RESOLUTION 07-53

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the operation of the sewage treatment system providing service to the Somerset Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Somerset Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. User fees will be billed in advance.

3. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Somerset Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

4. Tap Connection Fee. There is a fee for sewer service tap connection within the Somerset Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

5. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

6. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Somerset Division unless the tap fee for that parcel has been paid in full as set forth above.

8. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

9. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 08-54**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE
NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT
THIS RESOLUTION SUPERSEDES RESOLUTION 07-54

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise,

rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the North Gunnison Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the North Gunnison Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate (partial tap) according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the North Gunnison Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the North Gunnison Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the North Gunnison Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 08-55**

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 Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2008-56**

A RESOLUTION AND CERTIFICATE OF MINOR IMPACT APPROVAL
APPROVING ROPER SUBDIVISION
SECTIONS 28, 33, AND 34 TOWNSHIP 51 NORTH, RANGE 1 EAST, N.M.P.M.
GUNNISON COUNTY, COLORADO
LUC #2007-59

WHEREAS, Albert Roper has applied for a land use change permit for the subdivision of three single-family lots from 198-acres, legally described as being located in Sections 28, 33, and 34, Township 51 North, Range 1 East, N.M.P.M., Gunnison County, Colorado. Development of the lots is subject to the *Declaration of Protective Covenants of Roper Subdivision*, dated November 20, 2008. The proposed lots are shown on a

subdivision plat, titled "Roper Subdivision", prepared by Fred Ballard, Gunnison Valley Survey, dated November 18, 2008; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on February 1, 2008; and

WHEREAS, the Gunnison County Planning Commission approved a Recommendation of conditional approval of the Roper Ranch Subdivision on October 17, 2008, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on December 9, 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 October 17, 2008 Recommendation, with the following Findings and Conditions of Approval:

Findings:

1. The application is a Minor Impact Project.
2. The application complies with *Section 6-103: Standards for Approval of Minor Impact Projects* of the *Gunnison County Land Use Resolution*.
3. The road to the development is across an existing bridge, over the Gunnison River, which also provides access to residences within the Womble Tracts and Lost Canyon Resort Subdivisions. The Board of County Commissioners approved Resolution No. 2008-09 *A Resolution Waiving Certain Provision Of The Gunnison County Standard Specifications For Road And Bridge Construction, Requested By Albert Roper For Access To And Across Property Located At 8256 Highway 135, Almont, Colorado*, recorded with the Office of the Gunnison County Clerk and Recorder, at Reception No. 583301, April 14, 2008. The Resolution granted a waiver to the *Gunnison County Standard Specifications For Road And Bridge Construction*, 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 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 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 at 17-26-27 tons based upon a bridge inspection done by SEH, Inc., a qualified bridge inspection engineering firm."
 2. The waiver expressly requires that:
 - a. The bridge over the Gunnison River be posted by Roper either at the lowest limit or at the three load limits as rated by SHE, Inc., by April 15, 2008;
 - b. The road be developed by ROPER to a minimum of sixteen feet (16');
 - c. Roper be required to notify, in writing, all users of the bridge over the Gunnison River of the restrictions (i.e., users include but are not limited to the Gunnison Fire Protection District, trash collection companies, propane companies, lumber companies, and concrete aggregate companies), proof of such notification must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than April 30, 2008;
 - d. That the owners of the ROPER RANCH and the new lots currently proposed for the land be required, by recorded deed restriction, to be paying participants in any organization (e.g., a local improvement district or homeowners association) which is developed to address road work and bridge funding, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat of the subdivision is approved by the BOCC;
 - e. That ROPER record as a condition of any land use approval of subdivision of the ranch or additional residences on the ranch notice of this Waiver, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat of the subdivision is approved by the BOCC;
4. This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.
5. 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.
6. Approval is limited to the plan described within the "Project Description" of this application, as amended, and as depicted on the site plan, as amended. 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*.
7. The applicants have submitted covenants that include provisions that will limit impacts to the

surrounding neighborhood, including a prohibition on second residences.

8. Jim Cochran, Gunnison County Sage-grouse Coordinator has reviewed the proposed development for impacts to the Gunnison Sage-Grouse and noted in comments dated September 18, 2007, that:

"Based upon the information available to me, in consultation with the Colorado Division of Wildlife, I find that there will be no impacts of this proposed subdivision on Gunnison Sage-grouse or their habitats beyond those that have already occurred. The following recommendations and requirements are provided to protect Gunnison Sage-grouse in the general area of the proposed subdivision.

- 1) Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, Gunnison County will require, as a condition of permits issued on all lots within this subdivision, that non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of this area by Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
 - 2) The applicant is cautioned that loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are necessary to insure that negative affects pets do not occur."
9. 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 of Approval:

1. A mylar subdivision plat, in compliance with Section 6-105 *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.
2. The approval shall be memorialized by Board Resolution, recorded with the Gunnison County Clerk and Recorder.
3. The applicant shall submit a copy of the executed Upper Gunnison River Water Conservancy District water contracts, for augmentation water, to the Planning Department, prior to review and approval by the Board of County Commissioners.
4. That the owners of the Roper Ranch and the new lots currently proposed for the land be required, by recorded deed restriction, to be paying participants in any organization (e.g., a local improvement district or homeowners association) which is developed to address road work and bridge funding, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat of the subdivision is approved by the BOCC.
5. That the applicant record as a condition of any land use approval of subdivision of the ranch or additional residences on the ranch notice of this Waiver, proof of such documentation must be provided to Marlene Crosby, Director, Gunnison County Public Works Department, no later than the plat of the subdivision is approved by the BOCC.
6. Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, Gunnison County will require, as a condition of permits issued on all lots within this subdivision, that non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.
7. The applicant is cautioned that loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are necessary to insure that negative affects pets do not occur.
8. The applicants 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 lots, for inclusion into the rural addressing system.
9. 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 the new lot, to the appropriate office of Qwest.
 - 2) The applicant shall provide one copy of the final plat, designating County addresses for the new lot, to the U.S. Postal Service.
10. The applicant shall record the *Declaration of Protective Covenants of Roper Subdivision*, with the Gunnison County Clerk and Recorder, contemporaneously with the subdivision plat.

11. The applicant shall include all applicable portions of Section 6-105: 5. Protective Covenants and Design Guidelines, Condominium or Townhouse Declarations, or Deed Restrictions in the Declaration of Protective Covenants of Roper Subdivision, prior to review by the Board of County Commissioners.
12. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plat 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*.
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.
15. 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.

AND WHEREAS, the applicant has complied with the following conditions, prior to review by the Board of County Commissioners:

- a. The applicant has submitted copies of three contracts from the Upper Gunnison River Water Conservancy District, for augmentation water, dated November 20, 2008, to the Planning Department. (Condition No. 3)
- b. The requirement, that the owners of the new lots currently proposed, be paying participants in any organization (e.g., a local improvement district or homeowners association), is identified in the subdivision covenants and shall be recorded contemporaneously with the subdivision plat, in the Office of the Gunnison County Clerk and Recorder. (Condition No. 4)
- c. Resolution No. 2008-09 *A Resolution Waiving Certain Provision Of The Gunnison County Standard Specifications For Road And Bridge Construction, Requested By Albert Roper For Access To And Across Property Located At 8256 Highway 135, Almont, Colorado*, is recorded with the Office of the Gunnison County Clerk and Recorder, at Reception No. 583301, dated April 14, 2008. (Condition No. 5)

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that *Roper 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 Chairperson Channell, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – no; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 08-57**

A RESOLUTION AUTHORIZING THE CONVEYANCE OF
THE VAN TUYL PROPERTY TO THE GUNNISON COUNTY LIBRARY DISTRICT

WHEREAS, on December 18, 2007, pursuant to C.R.S. § 24-90-106 and 107(1) by Resolution No: 2007-57, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") established the Gunnison County Library District (herein the "Library District"); and

WHEREAS, to identify the rights, obligations and responsibilities of the Board and the Library District, on August 5, 2008, the Board and the Library District entered into an "Intergovernmental Agreement between the Board of County Commissioners of the County of Gunnison, Colorado and the Gunnison County Library District Concerning the Provisions of Library Services" (herein the "IGA"); and

WHEREAS, pursuant to the terms of the IGA, during the 2008 calendar year the Board shall transfer certain assets to the Library District and one such asset is the Van Tuyl Property as identified in Appendix "A" attached hereto and incorporated herein; and

WHEREAS, execution of a certain Special Warranty Deed as identified in Appendix "B" attached hereto and incorporated herein is necessary to convey the Van Tuyl Property to the Library District.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the conveyance of the Van Tuyl Property as identified in Appendix "A" attached hereto and incorporated by the Special Warranty Deed as identified in Appendix "B" attached hereto and incorporated herein, is hereby authorized and approved.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS

OF GUNNISON COUNTY, COLORADO

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