

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
December 23, 2008**

The December 23, 2008 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

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: Vice-Chairperson Swenson called the meeting to order at 8:06 am. Chairperson Channell was absent.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: Regular Meeting minutes from October 7, 2008, October 21, 2008 and November 11, 2008 as well as Special Meeting minutes from December 15, 2008 and Public Hearing minutes from December 9, 2008 were presented for review and discussion. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Regular Meeting minutes from October 7, 2008, October 21, 2008 and November 11, 2008 as well as Special Meeting minutes from December 15, 2008 and Public Hearing minutes from December 9, 2008. Motion carried.

CONSENT AGENDA: **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Consent Agenda and to authorize Vice-Chairperson Swenson's signature. Motion carried.

1. Ratification of County Manager Signature; Grant of Perpetual Easement; Rebecca J. Barkman
2. Ratification of County Manager Signature; Grant of Perpetual Easement; Craig Nichols
3. Acknowledgment of County Manager Signature; Health Disparities Grant Program Application; Colorado Department of Public Health and Environment
4. Acknowledgment of County Manager Signature; Gunnison Hinsdale Counties Early Childhood Council, Colorado Trust, Health Integration Planning Grant; \$7,375.76
5. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice, Statement of Grant Award (SOGA); Gunnison County Sheriff's Department; Law Enforcement Crime Victim Services; Purchase of 13 Sets of Winter Coats and Gloves for Sheriff's Deputies; \$3,500; 1/1/09 - 12/31/09
6. Acknowledgment of County Manager Signature; Contractor Agreement; Jere L. Thomas, dba Sage Resources; Professional Services Regarding the Early Childhood Council; 12/23/08 thru 1/30/09
7. Acknowledgment of County Manager Signature; Amendment of Request for Application/Modification of Assistance Agreement; Bureau of Land Management; Weed Control Project for Gunnison, Cimarron River Watershed, Soap Creek, and Fall Cheatgrass Treatment; \$10,000 Additional Funding
8. Acknowledgment of County Manager Signature; Provider Agreement; Monica Bilow, MA; Limited Family Therapy
9. Authorization of Signature by Gunnison County Geographic Information Services Coordinator Jeff Guy; Colorado Department of Transportation Special Use Permit
10. Memorandum of Agreement; Between the Gunnison County Board of County Commissioners and the Gunnison/Crested Butte Tourism Association; Through 12/31/2009
11. Lease Agreement for the Gunnison County Library to the Gunnison County Library District
12. Bill of Sale of Library Assets to the Gunnison County Library District
13. Release of Landscaping Improvements Agreement; Lot 12, Riverland Industrial Park, Filing 1; Charles L. Stellberger
14. Petition for Abatement or Refund of Taxes; Lot 9, Meridian Lake Park Filing 1, #503266; Thomas M. Hein, etal; Tax Year 2007; \$1,388.42

15. Second Addendum to the Development Improvements Agreement; Hassco Land, Inc. and Summerset Land Group, Inc.; Elk River Ranch, Phase 2
16. Contract Amendment #7; EIAF #5294-Gunnison County Impacted Roads-R&B; Grant Extension Request
17. Contract Amendment #7; EIAF #4790-Gunnison County Water UMTRA; Grant Extension Request
18. Seventh Amendment to the Gunnison County Employee Benefit Plan as Amended and Restated Effective April 1, 2004
19. Gunnison/Hinsdale County Purchase of Service Agreement; Sherry Ruble Enterprises, LLC; Program Eligibility Supervision; 1/1/09 thru 4/30/09
20. Colorado Counties Casualty and Property Pool, Agreement for Partially Self-Funded Program; 1/1/09 thru 12/31/09
21. Airline Operating Agreement and Lease of Airport Facilities; Gunnison-Crested Butte Regional Airport; Delta Airlines, Inc.
22. Employee Assistance Program Agreement; TRIAD Resource Group, LLC, d/b/a/ TRIAD EAP; 1/1/09 thru 12/31/09
23. Intergovernmental Agreement; Between the Board of County Commissioners of Gunnison, Hinsdale, San Miguel, Ouray, Montrose, and Delta Counties; West Central Public Health Partnership
24. Resolution; Amending the Gunnison County Budget for Fiscal Year 2008 and Amending the Appropriate Resolution
25. 2009 Memorandum of Agreement; Northwest CO Legal Services Project, CO Legal Services; Community-Based Organization Funding; \$4,000
26. 2009 Memorandum of Agreement; Literacy Action, a Program of the Gunnison County Library District; Community-Based Organization Funding; \$2,500
27. 2009 Memorandum of Agreement; GHS Mini Food Court; Community-Based Organization Funding; \$500
28. 2009 Memorandum of Agreement; Gunnison Valley Animal Welfare League; Community-Based Organization Funding; \$1,500
29. 2009 Memorandum of Agreement; Adaptive Sports Center of Crested Butte, Inc.; Community-Based Organization Funding; \$1,000
30. 2009 Memorandum of Agreement; Powderhorn Community Association; Community-Based Organization Funding; \$4,000
31. 2009 Memorandum of Agreement; Safe Ride of Gunnison, Inc.; Community-Based Organization Funding; \$2,500
32. 2009 Memorandum of Agreement; Rocky Mountain Biological Laboratory; Community-Based Organization Funding; \$1,500
33. 2009 Memorandum of Agreement; Gunnison Country Chamber of Commerce; Community-Based Organization Funding; \$10,000
34. 2009 Memorandum of Agreement; Six Points Evaluation and Training, Inc.; Community-Based Organization Funding; \$12,000
35. 2009 Memorandum of Agreement; Stepping Stones Children's Center; Community-Based Organization Funding; \$2,500
36. 2009 Memorandum of Agreement; Hospice & Palliative Care of the Gunnison Valley; Community-Based Organization Funding; \$5,000
37. 2009 Memorandum of Agreement; Gunnison Hinsdale Youth Services, Inc., dba Partners; Community-Based Organization Funding; \$8,000
38. 2009 Memorandum of Agreement; Center for the Arts; Community-Based Organization Funding; \$2,000
39. 2009 Memorandum of Agreement; Crested Butte Mountain Heritage Museum, Inc.; Community-Based Organization Funding; \$2,500
40. 2009 Memorandum of Agreement; Crystal River Heritage Association; Community-Based Organization Funding; \$2,000
41. 2009 Memorandum of Agreement; Office for Resource Efficiency (ORE); Community-Based Organization Funding; \$12,500
42. 2009 Memorandum of Agreement; Coal Creek Watershed Coalition; Community-Based Organization Funding; \$3,000
43. 2009 Memorandum of Agreement; Midwestern Colorado Mental Health Center; Community-Based Organization Funding; \$11,000
44. 2009 Memorandum of Agreement; Crested Butte Mountain Theatre; Community-Based Organization Funding; \$500
45. 2009 Memorandum of Agreement; Crested Butte Nordic Council; Community-Based Organization Funding; \$4,000

46. 2009 Memorandum of Agreement; Gunnison Area Restorative Practices; Community-Based Organization Funding; \$8,000

SCHEDULING: The upcoming meetings schedule was discussed and updated. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson, to authorize sending a letter in support of the candidacy of Randy See and further authorized Vice-Chairperson Swenson's signature. Motion carried.

COUNTY MANAGER'S REPORT AND CORRESPONDENCE:

1. Colorado Department of Human Services Certification of Compliance; County Merit System, Year 2009 was presented for review and discussion. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the County Merit System for 2009 and authorize Vice-Chairperson Swenson's signature on the document. Motion carried.
2. Library Board: At a recent meeting held with Larry Meredith and Bruce Bartleson of the Library Board, a request was made for support from County Manager Birnie for a grant application to the International City/County Management Association (ICMA) titled: Creating the 21st Century Library. The Library Board is also requesting support from Ken Coleman, City Manager for the City of Gunnison. ICMA is an administrator's organization and the support of the City and County Managers would be a requirement of application. If approved the grant funds could be used to support the evolving role of the library system.
3. Strategic Planning: An update of the Strategic Planning process was provided. With the Public Works Department's process underway, soon other departments such as Administration, Finance and Personnel will begin the facilitated Strategic Planning process in the coming weeks. At the January 27, 2009 meeting time may be scheduled to address any needed updates or changes the County Strategic Plan.
4. Enforcement update: Support of the Board has been crucial and has helped to drive results. The group is working through the back log and is now able to address current issues.
5. Housing Needs Assessment update: County Manager Birnie and Housing Authority staff members have worked with the State to complete the contract for the services. Several issues found after the initial submission appear to be resolved. Selection of the vendor will need to be completed.
6. Housing Authority: has an opening for an Administrative Assistant position. Web site and email announcements have resulted in several applicants. Housing Authority Director Gazunis is hoping to fill the position as soon as possible.

ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:

1. Private Plow Request; Limited Plowing by Cross Bar Ranch on a Portion of County Road 888. Saguache County has provided plowing services to this area historically. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the request for plowing services on County Road 888 as proposed by Public Works Director, Marlene Crosby, for a period of three years. Motion carried.
2. Private Plow Request; Limited Plowing by Beaver's Construction on County Road 265, Buzzard Divide Road. This request was presented for plowing as necessary to allow access to properties. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson, to approve the snowplowing request, as proposed by Public Works Director Marlene Crosby, for Beaver Construction for a period of three years. Motion carried.
3. Annual Highway Users Tax Fund (HUTF) Report: **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Annual Highway Users Tax Fund Report and authorize Vice-Chairperson Swenson and Commissioner Starr signatures. Motion carried.
4. Snow Plow Services: Public Works Director Crosby noted that citizen requests for snow plowing services on county roads may be refused when weather conditions are deemed unsafe. Dispatch of the crew to the requested locations will be done as soon as the weather conditions are appropriate.
5. ORE Grant Application Support: An application from the Office for Resource Efficiency (ORE) for a Zero Waste Community grant was received on the morning of the meeting. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson for a letter of support for the Recycling Resource Opportunity Fund grant to be drafted and forwarded to ORE, subject to final changes by Director of Public

Works Marlene Crosby and authorize Vice-Chairperson Swenson's signature. Motion carried.

6. RTA Bus Stop Project Update: Commissioner Starr requested a budgetary breakdown to provide to the State to request a fund allocation. Public Works Director Crosby requested a meeting to further address this question after the first of the year. She further noted that this region is without a dedicated Colorado Department of Transportation engineer as there has been a hiring freeze and the engineer for this area recently retired.

2009 STEERING COMMITTEE PROXY DESIGNATION FORMS; COLORADO COUNTIES, INC.; AGRICULTURE, WILDLIFE AND RURAL AFFAIRS; GENERAL GOVERNMENT; HEALTH AND HUMAN SERVICES; LAND USE AND NATURAL RESOURCES; PUBLIC LANDS; TAXATION AND FINANCE; TOURISM, RESORTS AND ECONOMIC DEVELOPMENT; TRANSPORTATION AND TELECOMMUNICATIONS: After discussion, Health and Human Services Director Renee Brown was selected to serve as Gunnison County's designee. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to designate Renee Brown as having Proxy Voting authority for the 2009 Calendar Year Designation for Colorado Counties, Inc. (CCI) Steering Committee and authorize Vice-Chairperson Swenson's signature. Motion carried.

BREAK: The meeting recessed from 9:04 am to 9:15 am.

JOINT FUNDING AGREEMENT; US DEPARTMENT OF THE INTERIOR, US GEOLOGICAL SURVEY; FOR WATER RESOURCES INVESTIGATIONS: Planning Director Joanne Williams was present for discussion. Early in the 1990's a study was performed to create a geologic overlay that has been used for permit decisions. These funds would allow a project with US Geological Survey to determine the effects of wildfires on vegetation and water resources. Commissioner Starr asked if there was a potential for additional GPS locations to be added with this project. Planning Director Williams will research the legal implications, as that may be part of this project's proposal. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to authorize Environmental Health Official Richard Stenson and County Manager Matthew Birnie to execute the contract for water resources investigations between the County and U.S. Geological Survey for work to be done in the Crystal River Valley. Motion carried.

BOUNDARY LINE ADJUSTMENT; 2.68 ACRES IN S2SW4, SEC 8, 49N1W, 243 CR 32; DAN MCELROY AND THE REAL ESTATE COUNCIL, LLC: County Planner Cathie Pagano was present for discussion. She explained how these are legally defined lots that contain several cabins. Some of the cabins had received County permits to be remodeled for sleeping quarters. There is a trailer on the property that was planned to be removed, but the property owners decided to keep it on the property. These buildings have a shared leach field with a formal agreement in place. The parcel requested to be created in the boundary line adjustment has no improvements. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the boundary line adjustment for the Macallory parcel and to authorize Vice-Chairperson Swenson's signature. Motion carried.

MINOR IMPACT SUBDIVISION REVIEW AND APPROVAL; AMENDMENT TO COVENANTS; BOUNDARY LINE ADJUSTMENT; LOT 2B, COLUMBINE MEADOWS SUBDIVISION: County Planner Cathie Pagano, property owners Pete and Jeanne Glatiotis, and legal counselors Markus Lock and Jacob Webb were present for discussion.

A deed restriction from 1984, still in place, states that any further subdivision of a lot requires them to be at least 2,300 square feet in size. There was 17 square feet needed to meet this requirement and this land was purchased from the adjoining property belonging to the Reynolds. The original covenants for this subdivision, also from 1984, had several issues that need to be addressed, including the size of setbacks. Currently, the applicants would like to propose that the new subdivision would be subject to the new proposed covenants, if approved. An established property, a Kingdom Hall belonging to the Jehovah's Witnesses, was included in part of the negotiations. The owners of the Kingdom Hall have requested a separate entrance to their property and will have no maintenance responsibilities of the new entrance to the subdivision. There are some logistical issues with the elders of the congregation being out of town, but they have agreed to sign the document upon their return. Ramon Reed, Planning Commissioner, was present for discussion. Commissioner Starr questioned why there was a split vote in the Planning Commission during the approval process of this project. Mr. Reed advised there seemed to be some difference of opinion about the mitigation of several issues

that were part of this proposal. As part of the mitigation, a \$1,000 contribution per lot at the initial sale would be put into a fund to be used for purposes as set in the LUR for future improvements. The discussion lead to future traffic impacts on the road. County Manager Birnie explained that a transportation study was planned to evaluate the impact to the entire system. However, at this time the Public Works Department has not expressed concern over the proposed development.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the boundary line request set forth on the plat of Glatiotis boundary line adjustment and authorize Vice-chairperson Swenson's signature. Motion carried.

Moved by Commissioner Starr, seconded by Vice-chairperson Swenson to adopt Resolution 2008-63: A Resolution Approving an Amendment to Declaration of Protective Covenant of the Glatiotis Subdivision and to authorize Vice-Chairperson Swenson's signature. Motion carried.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve Resolution 2008-64, A Resolution Approving Land Use Change Permit No. 2008-03 a Land Use Change Permit for Pete and Jeanne Glatiotis for the Subdivision of a 3.16- Acre Parcel into Six Lots, Each Approximately 0.5 Acres in Size. An amendment to paragraph 10 to include the conditions, will read the subdivision plat should not be recorded unless and until the subdivision request is complete, and to authorize Vice-Chairperson Swenson's signature. Motion carried.

BREAK: The meeting recessed from 9:48 am until 10:33 am.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Cash Transfer Authorization report for November 2008 and the Monthly Warrant Report for discussion and approval.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Warrant Report dated December 23, 2008 in the amount of \$877,765.91. Motion carried.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the Cash Transfers for November 2008 in the amount of \$1,847,540.51. Motion carried.

TREASURER'S MONTHLY REPORT: Treasurer Melody Marks presented the Treasurer's Monthly Report for November 2008 for discussion and acceptance. Concern was expressed as to a negative balance the Crested Butte DDA account, the owner of the account has been contacted and payment was promised.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to authorize a temporary loan from the General Fund to the Crested Butte DDA, if needed, as of December 31, 2008 for no more than the amount of \$1,204.65. Motion carried.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to accept the Treasurer's Monthly Report for November 2008 and authorize Vice-Chairperson Swenson's signature. Motion carried.

OUT-OF-STATE TRAVEL REQUEST; NICOL TALBERT, PA; SANTE FE, NM, JAN. 21-24, 2009; SAN FRANCISCO, CA, MAR. 18-21, 2009: Health and Human Services Director Renee Brown was present for discussion. Two grants were perused for travel and training opportunities to further Ms. Talbert's skills in the area of family planning. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the travel request as submitted by Health and Human Services Director Renee Brown for travel for Nicol Talbert to Santa Fe for the amount up to \$2490.00 and to San Francisco for the amount up to \$1516.00. Motion Carried.

PUBLIC HEARING; COMMUNITY SERVICES BLOCK GRANT: Health and Human Services Director Renee Brown was present for discussion.

1. Public Notice Confirmation. Vice-Chairperson Swenson confirmed that proper public notice had been given.
2. Identify Ex Parte Communications. There were no ex parte communications identified.

3. Staff Presentation. Health and Human Services Director Renee Brown explained that this grant request for a total of \$25,442, if approved, would provide funds to assist with emergency housing, transportation, medical services and childcare. \$4,000 of the total amount was budgeted to provided screening and interview services to help identify clients who need long term sufficiency solutions.
4. Applicant Presentation. There was no applicant presentation.
5. BOCC Questions. There were no questions from the Board.
6. Public Comment. There were no citizens present for discussion.
7. Acknowledge Correspondence Received. No additional correspondence was received.
8. Applicant Response. There was no applicant response.
9. BOCC Decision. **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to Authorize Vice-Chairperson Swenson's signature on the application for the Community Service Block Grant. Motion carried.

BREAK: The meeting recessed from 11:06 am until 12:06 pm for a short break and to convene as the Local Marketing District (see minutes below).

LOCAL MARKETING DISTRICT

CALL TO ORDER: Commissioner Swenson called the meeting of the Local Marketing District to order at 11:21 am. Present for discussion were: Tourism Association (TA) Director Jane Chaney, TA President Joellen Fonken, TA Marketing Coordinator/Webmaster Rob Strickland, Mt. Crested Butte Town Manager Joe Fitzpatrick and Mt. Crested Butte Mayor William Buck.

The Executive Summary 2009 Work Plan, 2009 Work Plan and Memorandum of Agreement between the Gunnison/Crested Butte TA were presented for review and discussion. Mt. Crested Butte Mayor Buck explained that the town council had decided to allocate some marketing funds to sources other than the TA for the upcoming year. After deliberation about reports and the role that the TA plays for the town of Mt. Crested Butte, Commissioner Starr explained that the purpose of creating the TA was for marketing for the entire valley and that the dollars generated county wide are used county wide. He further emphasized the rational for pooling the dollars into a single source for the greatest marketing impact and shared his concern about if different communities are going to use their dollars independently how that could lessen the critical mass to accomplish the goals set forth at the creation of the relationship. Mt. Crested Butte requested additional reporting from the TA, the TA agreed as long as the development of reports does not create a time burden to the limited TA resources. It was decided that additional communications between the Town of Mt. Crested Butte and the TA could take place to strengthen relationships and evolve the understanding of the TA's role and benefits of membership.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to approve the MOA between the Gunnison/Crested Butte Tourism Association, the Town Council of Mt. Crested Butte, and the Board of the Gunnison River Valley Local Marketing District for the calendar year of 2009, and for all appropriate signatures. Further clarification that the document authorized being signed does not have what was previously the last sentence of paragraph two in section 2 of the agreement "It is further understood and agreed that this funding is conditioned upon the Town of Mt. Crested Butte's approval of a performance measurement program." That was not part of the agreement being signed and there was a new paragraph six added. Motion carried.

The meeting adjourned at 12:06 pm and Vice-Chairperson Swenson immediately called the Gunnison County Board of County Commissioners meeting back to order.

LUNCH BREAK: The meeting recessed from 12:06 until 1:14 pm.

GUNNISON PRAIRIE DOG; STAFF COMMENTS APPROVAL: County Sage-grouse Conservation Coordinator Jim Cochran, County Attorney David Baumgarten, and County Paralegal Angela Buchanan were all present for discussion. County Attorney Baumgarten explained the review process of the Colorado Division of Wildlife's Prairie Dog Conservation Plan

and development of comments from Gunnison County. Several outside organizations were contacted for input. Insights were provided from the Gunnison County Stockgrowers Association president Sandy Guerrieri. The Board requested further clarification of several comments to be included in the document.

Sage-grouse Conservation Coordinator Cochran explained that dialog about the issues faced had been started with Saguache County. He further detailed the geographic range for the Gunnison Prairie Dog explaining the extensive habitat range. County Attorney Baumgarten recommended opening a conversation with the other entities to include states, counties and municipalities that are found inside the geographic region of habitat and that consideration of a new position for a specialized coordinator may be needed to orchestrate projected future activities.

Steve Westbay, City of Gunnison Community Development Director, was present for discussion. He advised that the City Council had reviewed the documents and is supportive of the comments.

Moved by Commissioner Starr, seconded by Vice-Chairperson Swenson to authorize sending Amy Seglund, Colorado Division of Wildlife, the documents concerning the Gunnison Prairie Dog Conservation Plan with the changes discussed today and to authorize the Vice-Chairperson Swenson's signature. Motion carried.

BREAK: The meeting recessed from 1:34 pm until 2:00 pm.

UNSCHEDULED CITIZENS: Ramon Reed was present to discuss concerns that had surfaced about the current Gunnison County Land Use Resolution (LUR) that may need to be addressed. A Planning Department retreat was scheduled for the coming months and this topic may be added to the agenda. A consultant has been hired to participate in the retreat to help facilitate discussions, identify areas of concern and help the group to find solutions to the problems.

COMMISSIONERS MEETING REPORTS:

COMMISSIONER STARR:

1. Rural Transit Authority (RTA): Mechanical issues with the busses are continuing to be addressed. Scott Truex, Executive Director of the RTA, has approached the vendor with an idea to supply loaner busses during repair. Currently the organization is using Alpine Express equipment and the cost and effects to scheduling are presenting challenges to both organizations.

COMMISSIONER SWENSON:

1. DOW Luncheon: Vice-Chairperson Swenson attended a luncheon with J. Wenum in attendance. Mr. Wenum noted that with the seasonal climate changes and greater water sources in some areas big game herds are distributing in different patterns than historically noted. These changes may have an effect future management practices.
2. Gunnison Country Chamber of Commerce: At a recent meeting it was announced that the Chamber membership has shown an increase in numbers. The Chamber of Commerce Board has two new members: Matthew Birk of Sugah's and Kelly Osness from Tread N Threads.
3. Gunnison Valley Animal Welfare League (GVAWL): The organization has completed the restructuring processes and now has a full board in place. There is a new plan for a shelter facility and a budget request of \$550,000 for the base plan versus the previously proposed \$5 million.
4. Land Donation: Vice-Chairperson Swenson meet with Butch Clark and representatives from the Forest Service to report the meeting was productive in identifying interest from all parties involved and a desire to move forward. An initial letter of intent to move forward signed by the Board may be needed in the future. County Manager Birnie recommended working with John Sale to see if land would be available in a desirable location and to include Hosing Authority Director Gazunis in future conversations.

ADJOURN: **Moved** by Commissioner Starr, seconded by Vice-Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 2:21 pm.

Absent
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. 63 SERIES 2008**

A RESOLUTION APPROVING AN AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS OF THE GLATIOTIS SUBDIVISION

WHEREAS, the Glatiotis Subdivision homeowners have submitted a request to amend the *Declaration of Protective Covenants of Glatiotis Subdivision*, which amendment is attached; and

WHEREAS, the proposed amendment has received the approval of the three lot owners in Glatiotis Subdivision required by the *Declaration of Protective Covenants of Glatiotis Subdivision* to effect an amendment; and

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

WHEREAS, after a review of the submitted information, the Board of Commissioners has determined that approval of the amendment violates no provision of the *Gunnison County Land Resolution* or the conditions of Land Use Change Permit No. 2008-14;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the *Declaration of Protective Covenants of Glatiotis Subdivision* are hereby amended, as reflected in the attached "Exhibit A."

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 Starr, seconded by Commissioner Swenson, and passed on this 23 day of December, 2008.

Channell – absent (no vote), Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 64 SERIES 2008**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-03
A LAND USE CHANGE PERMIT FOR PETE AND JEANNE GLATIOTIS
FOR THE SUBDIVISION OF A 3.16-ACRE PARCEL INTO SIX LOTS, EACH APPROXIMATELY 0.5
ACRES IN SIZE

WHEREAS, Pete and Jeanne Glatiotis have submitted an application to subdivide a 3.16-acre parcel into six lots. Each lot will be served by an individual well and central wastewater treatment provided by the North Gunnison Sewer Extension. The applicant has identified building envelopes on each lot. There is an existing residence on the proposed Lot 3 and there is an existing pole barn on the proposed Lot 6. The existing pole barn is located partially within the Gunnison County sewer easement. Gunnison County Public Works has indicated that the pole barn does not infringe on the sewer line and was in existence there prior to the sewer line and during installation of the sewer line. The parcel on which the Land Use Change is proposed is north of the City of Gunnison at 663 County Road 13 (Slaughterhouse Rd). The parcel is legally described as Lot 2B, Glatiotis Subdivision; and

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 December 5, 2008 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This project is classified as a Minor Impact.
2. The applicant will utilize individual wells for the water supply.
3. The applicant has signed augmentation agreements with the Upper Gunnison River Water Conservancy District for individual wells in Contract Nos. 08-122A, 08-123A, 08-124A, 08-125A, 08-126A and 08-130A.
4. Each lot will tie onto the North Gunnison Sewer extension central wastewater treatment line.
5. The applicant has obtained "A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by Pete Glatiotis for Access to and over Lot 2B, Glatiotis Subdivision, Recorded at Reception No. 448749, Records of the Gunnison County Clerk and Recorder." The waiver resolution is recorded at Reception No. 583300.
6. The applicants' have also offered the following as mitigation for the proposed subdivision density in an email dated December 8, 2008:
 - In the event that Gunnison County or the City of Gunnison establish a Local Improvement District in which Columbine Meadows Subdivision is located, in whole or in part, and William P. Glatiotis or Helen J. Glatiotis retain any ownership interest in any of the lots within Columbine Meadows Subdivision at the time such Local Improvement District is established, William P. Glatiotis, Helen J. Glatiotis, or both, as appropriate, shall exercise good faith efforts to participate fully therein with respect to any such property they still own in Columbine Meadows Subdivision.
 - From the first conveyance by William P. Glatiotis and Helen J. Glatiotis of each individual lot in Columbine Meadows Subdivision to someone other than William P. Glatiotis or Helen J. Glatiotis, one thousand dollars shall be paid to Gunnison County for the purposes of helping fund, at the sole discretion of Gunnison County, public transportation, the provision of essential residences, or additional open space. Consequently, after the first conveyance of each of the six lots in Columbine Meadows subdivision, a total of six thousand dollars (\$6,000.00) shall have been paid to Gunnison County under this provision.
7. The applicant has adequately mitigated the proposed density of the subdivision.

8. This application is consistent with the standards and requirements of this *Resolution*.
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:

1. In the event that Gunnison County or the City of Gunnison establish a Local Improvement District in which Columbine Meadows Subdivision is located, in whole or in part, and William P. Glatiotis or Helen J. Glatiotis retain any ownership interest in any of the lots within Columbine Meadows Subdivision at the time such Local Improvement District is established, William P. Glatiotis, Helen J. Glatiotis, or both, as appropriate, shall exercise good faith efforts to participate fully therein with respect to any such property they still own in Columbine Meadows Subdivision.
2. From the first conveyance by William P. Glatiotis and Helen J. Glatiotis of each individual lot in Columbine Meadows Subdivision to someone other than William P. Glatiotis or Helen J. Glatiotis, one thousand dollars shall be paid to Gunnison County for the purposes of helping fund, at the sole discretion of Gunnison County, public transportation, the provision of essential residences, or additional open space. Consequently, after the first conveyance of each of the six lots in Columbine Meadows subdivision, a total of six thousand dollars (\$6,000.00) shall have been paid to Gunnison County under this provision.
3. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
 - "Road Plans, Profile and Section" dated October 6, 2008, stamped by Robert Williams, P.E.
 - "Columbine Meadows Subdivision" dated August 28, 2008, prepared by Fred Ballard.
 - "Cost Estimate, Road Construction, Columbine Meadows Subdivision," dated October 17, 2008 and stamped by Robert Williams, P.E.
 - "Terms Regarding PC Meeting for Glatiotises," dated December 8, 2008.
4. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent; such costs as detailed by the applicant's engineer, "Cost Estimate, Road Construction, Columbine Meadows Subdivision," dated October 17, 2008 and that said surety is retained by the County.
5. The applicant shall provide three copies of the subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for County addressing of the new lot, and inclusion into the rural addressing system.
6. The following shall be completed upon recordation of the Final Plat:
 - The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
7. All applicable Land Use Change permit fees shall be paid prior to recordation of the Minor Impact Certificate and/or recordation of the final plat of Columbine Meadows Subdivision.
8. The applicant shall request approval for amendment of the Glatiotis Subdivision covenants, recorded in the Gunnison County Clerk and Recorder's office at Book 609, Page 065 prior to recordation of the final plat of the proposed subdivision.
9. The applicant shall request approval for a boundary line adjustment prior to recordation of the final plat of the proposed subdivision.
10. The Columbine Meadows subdivision plat shall not be recorded unless and until the Glatiotis Subdivision covenants are amended and approved by the BOCC and the Boundary Line adjustment is approved by the BOCC.

11. 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*.
12. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-03, for Pete and Jeanne Glatiotis 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 Starr, seconded by Commissioner Swenson and passed on this 23rd day of December, 2008.

Channell – absent (no vote), Starr – yes, Swenson – yes.