

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 1, 2009**

The September 1, 2009 Gunnison County Board of County Commissioners meeting was held in the Gunnison County Board of County Commissioners' boardroom in the Gunnison County Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Jim Starr, Vice-Chairperson
Hap Channell, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 7:58 am.

BREAK: The meeting recessed from 7:58 am until 8:15 am in order to hold the below Public Hearing.

PUBLIC HEARING; CONCERNING THE ISSUANCE OF REVENUE BONDS BY GUNNISON COUNTY, COLORADO TO FINANCE A PROJECT FOR THE WESTERN STATE COLLEGE (WSC) FOUNDATION: WSC President Jay Helman, WSC Foundation Executive Director Tom Burgraff, WSC legal bond counselor Fred Marienthal, County Attorney David Baumgarten and citizen Gary Hausler were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 7:58 am.
2. Public Notice Confirmation. Clerk to the Board Haase confirmed proper public notice.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. This was not applicable.
5. Applicant Presentation. Attorney Marienthal explained that the bonds would be used to complete the student center on the WSC campus and that a provision in the State statutes permits cities and counties to issue bonds for 501c3 organizations. In this instance, the County would issue the bonds and loan the proceeds to the WSC Foundation; the Foundation would then repay the tax-exempt debt at 6.1% interest with a maturity date in 2017.

Attorney Marienthal explained that the Foundation worked with the City of Gunnison in 2006 to issue \$6,000,000 in bonds to finish the Borick Business Building. Philanthropy and capital campaign monies repaid the funds. WSC incurred between \$19 and \$20 million in debt earlier this year for this building.

Mr. Burgraff stated that the student center did not qualify for any State capital funding, so this project had not been affected by the State's current financial problems.

Citizen Hausler wanted to know what contractual means the County has to protect itself from the debt. Attorney Marienthal explained that a financial agreement would be part of this process.

Citizen Hausler wanted to know how much of the funding was available and Mr. Burgraff confirmed that all necessary funding had been pledged.

Citizen Hausler wanted to know when the bonds would be issued and funds presented. Attorney Marienthal explained that this would occur on 9/2/09. Citizen Hausler requested confirmation that this would fund the remainder of the building and Mr. Burgraff confirmed that it would.

Citizen Hausler expressed concern because of the economic downturn and stated his opinion that the worst has yet to be seen. Because of this, he feels that it is important for tax payers to closely follow governmental proceedings.

6. Board Questions. Commissioner Starr wanted to know the estimated completion date for the building and Mr. Burgraff explained that it should be in full use by the spring semester. Portions of WSC's operation may be ready to move into the space prior to the spring semester.

Commissioner Starr wanted to know who would be signing the bond counsel letter and attorney Marienthal explained that WSC would be signing. County Manager Birnie confirmed that the County had hired its own bond counsel who approved of all related documents.

Commissioner Channell questioned why the notice of Public Hearing stated a principal amount not to exceed \$6.5 million while the rest of the documents state \$6 million. Attorney Marienthal explained that this figure was exaggerated in the event that the funding would become necessary.

7. Public Comments. There was no additional public comment provided other than citizen Housler's.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. This was not applicable.
10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 8:15 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; AUTHORIZING THE ISSUANCE BY GUNNISON COUNTY, COLORADO OF ITS GUNNISON COUNTY, COLORADO REVENUE BOND (WESTERN STATE COLLEGE FOUNDATION PROJECT) SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF A FINANCING AGREEMENT, CLOSING DOCUMENTS AND SUCH BOND IN CONNECTION THEREWITH; APPROVING THE FORM OF CERTAIN ANCILLARY DOCUMENTS; AND REPEALING ANY ACTION HERETOFORE TAKEN IN CONFLICT HERewith: **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-33, a Resolution Authorizing the Issuance by Gunnison County, Colorado of its Gunnison County, Colorado Revenue Bond (Western State College Foundation Project) Series 2009 in the Aggregate Principal Amount of Not to Exceed \$6,000,000; Ratifying Certain Actions Heretofore Taken; Authorizing the Execution and Delivery by the County of a Financing Agreement, Closing Documents and Such Bond in Connection Therewith; Approving the Form of Certain Ancillary Documents; and Repealing Any Action Heretofore Taken in Conflict Herewith. Motion carried unanimously.

ISSUANCE OF REVENUE BONDS BY GUNNISON COUNTY, COLORADO TO FINANCE A PROJECT FOR THE WESTERN STATE COLLEGE FOUNDATION; ALL NECESSARY AND RELATED DOCUMENTS: All related documents were signed during the meeting as authorized by Resolution #2009-33 above.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Regular Meeting minutes of July 7th and authorize signatures. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Special Meeting minutes of July 14, 2009 and authorize signatures. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Special Meeting minutes for August 11, 2009 and authorize signatures. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Special Meeting minutes for August 25, 2009 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA: Commissioner Channell requested that Items #2 and #9 be pulled for further discussion. Commissioner Starr requested that Item #4 be pulled for further discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Consent Agenda, with the exception of #2, #4 and #9 and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Approval for Submission; Local Influenza Surveillance 2009/2010 Grant Proposal
2. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; City of Gunnison Water/Sewer Invoice; Mountain View Apartments; New 4" Fire Sprinkler Line; \$4,758.29
3. Acknowledgment of County Manager Signature; Challenge Cost Share Agreement Between USDA Forest Service Grand Mesa, Uncompahgre & Gunnison National Forest and Gunnison County Colorado Public Works Department
4. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Contract for Technical Energy Audit and Project Proposal; Ennovate Corporation
5. Ratification of Correspondence; Planning Director Joanne Williams; Paradise Animal Welfare Society; Consent to Initiate and Conduct a Land Use Change Permit Application for the Animal Holding Facility on Gunnison County Property at the Crested Butte Shop Site
6. Airport Rental Car Operator Agreement; Gunnison Crested Butte Regional Airport; Avis Rent A Car System, LLC
7. Resolution; Authorizing the Acquisition of Fairgrounds Parcel 1A, City of Gunnison, State of Colorado
8. Regional Host Agency/Regional Affiliate CBB Memorandum of Agreement; Bright Beginnings Program
9. **Pulled for Discussion and Separate Action:** Resolution Amending Certain Charges and Fees for Integrated Solid Waste Services Effective September 1, 2009
10. Release of Development Improvements Agreement and Addendum Thereto

CONSENT AGENDA ITEM #2: Commissioner Channell asked that this be pulled from the Consent Agenda because the City of Gunnison's right-of-way extends 25 feet beyond the curb, while the

document stated that it will stop two feet behind the curb. Chairperson Swenson explained that the right-of-way differs for areas of the City. County Manager Birnie explained that this would be where the City brings the utility to for the contractor to bring it the rest of the way, and that this has nothing to do with the right-of-way. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #2 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #4: Commissioner Starr asked that this be pulled from the Consent Agenda for further discussion in order to determine why the Blackstocks Government Center is included. County Manager Birnie explained that the last audit was 10 years ago and the building is not thought to be as energy efficient as it could be. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Item #4 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #9: Commissioner Channell asked that this be pulled from the Consent Agenda for further discussion to determine why the County is keeping fees lower than the State survey indicated for asbestos. Assistant County Manager Crosby explained that the County will provide the site and the dirt, but that it cannot handle the asbestos. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #9 and authorize signatures. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Citizen Survey Update. County Manager Birnie informed the Board that the draft had been received and would be discussed on an upcoming work session.
2. November 3, 2009 Coordinated Election Costs. County Manager Birnie explained that this will be a mail ballot, which will save money, but that each entity may be responsible for approximately \$8,000 to \$10,000.
3. Governors Office of Homeland Security Grant. County Manager Birnie explained that the West Region Executive Committee turned down this funding source, which prompted the State to request confirmation from the County. A letter will be drafted. Emergency Manager Scott Morrill was in attendance and explained that the State offered \$17,000 to the West Region with stringent spending guidelines, which led to the West Region turning down the opportunity.
4. Department of Homeland Security Phone Cards. Emergency Manager Morrill distributed these cards to the Board. The cards allow for placement of official business calls in the event that the phone network within the State or Nation is compromised, similar to what occurred during Hurricane Katrina. Use of the card will place calls higher in the cue and data can be sent via fax. Emergency Manager Morrill requested that the cards be activated.
5. County Vision Statement Promotion. County Manager Birnie requested additional information relative to Commissioner Channell's request that the Vision Statement be prominently displayed in County buildings. The Vision Statement is displayed on the County's website and it was agreed that it should also be displayed in the BOCC boardroom and other offices where the public frequently interacts with staff. Assistant County Manager Marlene Crosby felt that these displays would also serve as good reminders for staff members.
6. Letter of Appreciation for Service; Candy Sparks. Draft correspondence was discussed and modified. (See below for approval.)
7. Letter of Appreciation for Service; Karin Stewart. Draft correspondence was discussed and modified. (See below for approval.)
8. Gunnison County Stockgrowers Association; Invitation to 9/22/09 Work Session Discussion on the Gunnison County Ranchland Initiative. Draft correspondence was discussed and modified. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the three correspondence pieces, as amended, and authorize signatures. Motion carried unanimously.
9. County Policy Manual. Commissioner Channell requested an update on this task. County Manager Birnie confirmed that the information had been compiled and will next be integrated into an indexed manual.
10. Marble Tourism Association (MTA). Commissioner Starr requested an update related to the MTA. County Manager Birnie confirmed that MTA Treasurer Vince Savage had delivered documentation on 8/31/09 for review. He noted that this could be scheduled for discussion on an agenda, but that the County had not yet heard from the MTA board.

BID AWARD; NORTH VALLEY SUBDIVISION SEWER PROJECT: Assistant County Manager Crosby was present for discussion.

Assistant County Manager Crosby requested that the County review the received bids for accuracy. Relative to the lowest two bids, she received additional information that is now being reviewed by the Water and Power Authority to ensure that the bids are compliant with the request for bid. Assistant County Manager Crosby recommended that the Board authorize County Manager Birnie to award the bid to the appropriate contractor after review of all appropriate documentation has been completed. The two lowest bids were submitted by Spallone Construction and Mendez Construction. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize the County Manager to sign the

contract with the appropriate bidder once the qualification process is complete on the North Gunnison Sewer Extension by the Water and Power Authority. Motion carried unanimously.

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

1. Kebler Pass Update. Assistant County Manager Crosby informed the Board that the first 1.3 miles of chip seal had been completed. The Public Works Department will next stripe the road to try to keep people off of the shoulders. Both distributors were utilized, which saved approximately 40% of the staff time.
2. Fuel-Efficient Vehicles Update. Assistant County Manager Crosby informed the Board that progress was being made on this issue. Recently, she took the Impala round-trip to Denver and experienced a 28 MPG benefit. Other vehicles are getting between 12 and 16 MPG.
3. Taylor Project Update. Assistant County Manager Crosby recently met with representatives from the Federal Highway Administration and received direction to move forward with the right-of-way acquisition since the FHA felt that this project should be split into two portions.
4. Public Works Facility Update. Assistant County Manager Crosby received pricing quotes for basic repairs needed for her building. Approximately \$14,000 to \$16,000 will be necessary.
5. Public Works Facility; Use of Woody Biomass. Commissioner Channell noted that the County will need to make progress on this issue in order to meet the adopted strategic goals. Assistant County Manager Crosby explained that the County was in the process of receiving input from the crew to evaluate needs. She also noted that heating exterior buildings would be an important factor to consider. County Manager Birnie stated that the County has 2009 funding available to hire an architect. The Board agreed that the use of woody biomass should be planned for the Public Works facility with the intention of providing products and/or services to other entities.
6. RV Park Update. Commissioner Channell asked for information about the park and Assistant County Manager Crosby confirmed that this park exclusively serves citizens who are least 50 years of age.

RIVERLAND INDUSTRIAL PARK SUBDIVISION ACCESS UPDATE: Assistant County Manager Crosby and Riverland Lot Owners' Association President Danny D'Aquila were present for discussion.

Assistant County Manager Crosby informed the Board that the Riverland LOA is working to determine the types of nonconformities they can address versus those that would necessitate a change in covenants.

Mr. D'Aquila informed the Board that all LOA members agreed that the south entrance to Riverland will be closed and, possibly, relocated. The berm is already down and revegetation along Lot 4 has begun. The State was pleased to hear that the LOA is working closely with the John Rozman family on this project because this process will require some highway widening. The infrastructure will be completed by the Park and the materials have been committed for a 2010 project. Design of the entry has not yet been completed, but it will likely include berms. Mr. D'Aquila will verify with the State those steps that property owner John Rozman will need to follow in order to apply for an access permit.

Mr. D'Aquila stated that the LOA is diligently working on revegetation. Near the end of the season, trees will be purchased with some of the remaining \$7,000 held by the LOA. He confirmed that irrigation will not be a problem. He opined that the LOA board was solid and taking charge of the unsightly issues in the area by instituting \$100 fines and denying water for noncompliance.

Chairperson Swenson thanked him for the progress and work completed to date.

BREAK: The meeting recessed from 10:02 until 10:12 am.

GUNNISON VALLEY AVIATION (GVA) MAINTENANCE LEASE AGREEMENT DISCUSSION: County Attorney David Baumgarten, and GVA representatives Pat Wiesner, Pat Lazerus and Dick Hayes were present for discussion. Airport Manager John DeVore participated in the discussion via telephone.

Mr. Hayes informed the Board that he wanted to begin a dialogue with the County relative to requirement issues that the maintenance facility is experiencing. He added that there were only six flights during the previous year that required maintenance and that GVA's only direct contract with the airlines is set to expire at the end of 2010.

Airport Manager DeVore explained that other airports handle this type of maintenance, but acknowledged that the practice varies for different airports.

Commissioner Channell felt that it would be important to understand the contractual obligations between the RTA and the airlines as it relates to maintenance of aircraft. Airport Manager DeVore stated that the RTA is not likely to commit any entity without the County's knowledge. Airport Manager DeVore volunteered to speak with the airlines, particularly American Airlines, to receive input about how the airlines might be impacted in the future if this service was not available.

Commissioner Starr wondered about the feasibility of hiring a regional maintenance person. Mr. Hayes stated that all airports are in need of maintenance staffers and that small aviation is at a steep decline, as much as 50%. Mechanics are being pulled away from this industry and retaining a permanent maintenance person is not feasible due to the low work load. Monetary compensation is not a problem.

BUCKHORN RANCH, FILING 2B; STATUS OF IMPROVEMENTS AND AFFORDABLE HOUSING UNITS; POSSIBLE NOTICE OF DEFAULT; POSSIBLE EXECUTIVE SESSION: Developer Dr. Richard Landy, County Attorney Baumgarten, Gunnison County Housing Authority Executive Director KT Gazunis, Assistant Public Works Director Allen Moores and Schmuesser Gordon Meyer, Inc. engineer Tyler Harpel were present for discussion.

County Attorney Baumgarten informed the Board that today was the deadline for Dr. Landy to report on the items that were outlined during the last meeting. He also explained that the Development Improvements Agreement allows for each private contractor agreement to list the County as a third-party beneficiary. County Attorney Baumgarten requested that the County be included on all contracts in this manner.

Engineer Harpel stated that the following eight work items remained incomplete. Some of those items have been contracted and some are out to bid. Some of the smaller items will be handled by a labor crew.

1. Chip and Seal. PMS from Salida has been contracted to perform this work by 9/15/09 due to oil supply warranties. Spallone Construction has completed all road repairs to prepare for this process, including fixing the areas of settling around utility lines.
2. Lake Liner. The liner bubbles have decreased in size, with maximum of two feet in diameter, but are still present in the shallow areas in the north end of the lake. The scope of work has been completed. It is thought that gas may be causing the bubbles, so the engineers felt that the best way to handle this would be to hold the bubbles down by using the weight of rocks. County Attorney Baumgarten stated that the County does not necessarily agree with this method and suggested the County not sign off on this element and hold security to possibly take care of this issue.
3. Trail. This trail, which may connect to the trail system in the future, has been mowed and cleared. Dr. Landy indicated that he had previously submitted photographs of the trail to County Paralegal Rachel Magruder. County Attorney Baumgarten added that there was supposed to be reconstruction of a bridge(s), so the County will need to confirm whether or not it has been accomplished.
4. Sparse Areas and Weed Problems. A scope of work has been completed to address the sparsely vegetated areas. Engineer Harpel felt that the revegetation is progressing well without any sign of erosion issues; the seed mix utilized should yield a high success rate. Stampede Pest and Weed has been contracted to address the weed issues since 2005.
5. Fire Hydrants. Spallone Construction has not yet performed this work. Four hydrants need height and/or fill modifications. Correspondence dated 7/30/09 has been provided to Spallone Construction.
6. Wetlands Mitigation Plan. Kent Croft will certify compliance by 9/30/09.
7. Remaining Chip Pile and Overburden Piles. The chip pile will be used in the chip seal process next week. Engineer Harpel visited the area and could not find piles of overburden on the private properties.
8. Ballfield. Drawings and a scope of work have been assembled. Bids have been sent out. Engineer Harpel stated that the homeowners are not fond of the ballpark and would prefer a picnic shelter, as evidenced from a recent poll. The Town of Crested Butte adamantly insists on construction of the ballpark. County Attorney Baumgarten stated that the obligation to construct a ballpark is both historical and current. Modification from this requirement would necessitate a formal land-use change. Chairperson Swenson stated that the Board will require a ballpark since a change has not been requested.

County Attorney Baumgarten questioned what the replacement will be for the damaged chip seal. Engineer Harpel explained that this would be replaced by a double chip seal. Dr. Landy stated that he could not afford to provide asphalt and reminded the Board that the DIA calls for double chip seal. County Attorney Baumgarten agreed that double chip sealing would be appropriate; however, he noted that the County could pull security money to hard surface the roads in the event that the double chip sealing fails.

Regarding Stallion Park, County Manager Birnie felt that the Board needed to decide whether or not to extend the deadline for completion. He noted that Community Banks would prefer to extend the credit. County Manager Birnie recommended an extension of the deadline for completion of units, pending the extension of the security. County Attorney Baumgarten felt that the County could extend the completion of the final two units to 9/30/2010 as long as the security is extended to 11/15/2010. Dr. Landy reported that he had gone through the area and removed all dangerous rebar portions from the two remaining units. He also stated that some stone located across the street from the units would be used on the outside of the completed units. County Manager Birnie felt that a subfloor could be used, but that it

wouldn't be usable in the final product since it will be subject to the weather for up to a year. Commissioner Starr expressed his desire for a staff member to accompany Dr. Landy, or a designated representative, to the site and then formulate a recommendation. Commissioner Channell agreed that a staff recommendation for temporary mitigation would be helpful as he was concerned about children's safety on and around the rock piles.

Moved by Commissioner Channell, seconded by Commissioner Starr to extend the construction deadline of Stallion Park to 9/30/2010 with the understanding that security will be extended to 11/15/2010 and that we (the County) will receive a recommendation from staff on safety and esthetic mitigation of the existing foundation, with temporary mitigation up until construction activity begins. Motion carried unanimously.

ADMINISTRATIVE CLOSURE OF YULE CREEK ACCESS ROAD ABOVE PUBLIC PARKING LOT AT QUARRY: Colorado Stone Quarry representative Denis Doucet (via telephone) and County Attorney Baumgarten were present for discussion.

County Attorney Baumgarten presented a draft resolution and read the text aloud (see the inclusion to the minutes for the complete document text, as amended below). He stated that, if approved, this closure would continue indefinitely until further action of the Board. Commissioner Starr felt that a sunset provision should be included and Commissioner Channell agreed so that a review would be triggered. The Board requested that Mr. Doucet offer a reasonable sunset date and both parties agreed on 8/31/2010. Commissioner Channell wondered about enforcement of the document and County Attorney Baumgarten explained that violation of the closure would be a criminal offense. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-36, a Resolution Administratively Closing Portions of the Yule Creek Access Road Located Near the Town of Marble, County of Gunnison, Colorado, as amended and with the condition that staff appropriately sign the closure to inform the public that it is temporary and will be reviewed by August 31, 2010, and authorize signatures. Motion carried unanimously.

CONSIDERATION, POSSIBLE PUBLIC HEARING, AND POSSIBLE ACTION; RESOLUTION; SUBMITTING TO ALL OF THE REGISTERED ELECTORS OF THE COUNTY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2009, A BALLOT ISSUE AND TITLE CONCERNING THE ISSUANCE OF DEBT BY A CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT TO BE FORMED BY THE COUNTY FOR THE PURPOSE OF FINANCING RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN SUCH DISTRICT; AND RELATED MATTERS: County Attorney Baumgarten, Finance Director Linda Nienhueser and Office for Resource Efficiency representative Andris Zobs were present for discussion.

County Manager Birnie informed the Board that bond counsel had been retained to draft the resolution and that approval of the resolution would allow, yet not require, the Board to place this issue on the 11/3/09 ballot. The immediate decision would not encompass what form the program may take; it was simply to allow this issue to be on the ballot if desired. County Manager Birnie also stated that staff was not ready to make a recommendation on how the program would or could work within its own resources.

Commissioner Channell wondered if the LID boundary would automatically be the County's boundary and County Attorney Baumgarten confirmed that it would be, but only involving those persons that contractually opt-in. Boulder County has confirmed that they can do an extra-territorial LID. Commissioner Channell pointed out that the language in the draft resolution referred to a "Clean Energy Options" LID and County Manager Birnie confirmed that this was statutory language and that the particular program could be renamed.

Finance Director Nienhueser informed the Board that Boulder County will hold \$400,000 for this program and that the funding could not be spent on anything else for 15 years.

Commissioner Channell expressed concern about the cost of the election due to County Manager Birnie's estimated costs of \$8,000 to \$10,000 per entity. County Manager Birnie additionally explained that Gunnison County Clerk and Recorder Stella Dominguez did not include this item in the estimates for the 11/3/09 coordinated election.

Commissioner Channell requested information relative to the impact on County staff to administer the program since Boulder County is realizing that the charged fees do not pay for the cost of administration. He stated his firm belief that the program should be self-sustaining. He added that Eagle County and Pitkin County have added this issue to their ballot and that both entities are interested in the concept of regional financial responsibility of administrative costs.

Commissioner Channell expressed concern related to educating the public since the ballot language could be misinterpreted.

County Manager Birnie restated that the administrative questions did not need to be solved during the meeting. The budget and estimates provided were from Boulder County, but not from the Financial Department that has been burdened greatly. He stated that no evidence had been provided to suggest that this program can be self-sustaining. He also did not believe that partnering with two other small counties would prove sustainable.

Chairperson Swenson stated that the Board feels this is an advantageous program and would provide a wonderful avenue for the citizens. However, brought forward this late and so close to the election, there is much work to be done to design a program. She expressed concern that a lack of public education could cause this issue to fail in the election.

Mr. Zobs informed the Board that ORE had raised \$2,000 for the campaign fund. ORE received 140 signatures (45 from the Marble area) in support of the program, 30 signatures from stakeholders and 26 volunteers had committed their time to support the campaign. He felt that a campaign could be successful, but acknowledged that public education will be vital. He stated that ORE had created a campaign strategy and a budget and that ORE would have the capacity to work on the campaign. He acknowledged that ORE had not worked on a political campaign in the past, but provided letters of support. The budget indicated a surcharge of 3.9% and an application fee of \$120, which he felt would cover the costs in the first year.

Citizen Rich Karas felt that the language does not obligate the county to issue bonds, it just authorizes it, which he felt was a selling point. County Manager Birnie felt that citizens will have a realistic expectation, if approved by the vote, that the County has formulated a working program. Mr. Karas felt that education will be a key component of the campaign.

Mr. Zobs felt that citizens will compare costs between bank rates, but that banks are not issuing a lot of loans in the current economic environment.

Chairperson Swenson questioned how the public education costs would be covered, which would be incurred well before financial assistance via the bond.

Mr. Zobs informed the Board that the Governor's Energy Office had allocated \$3,000,000 for this program, which would be allocated quickly. An argument for formulating a program now would be that QECBs must be issued by next year, but would not be available in the future. The State assembled a list of State buildings for energy efficiency programs. Counties will add their buildings to the list and then the list will be prioritized.

Commissioner Starr questioned whether or not the County should consider that passage of the resolution would not obligate the County to anything, while it would provide for the option. As well, the Library District and Gunnison Valley Hospital may be requesting tax increases in 2010, which could make this request harder to pass if on the same ballot.

Commissioner Starr felt that approval should be conditional upon design of a program that has no fiscal impact to taxpayers. He also felt that the County should consider the fact that it does not currently have the staff resources to administer the program as the current staff is already overburdened. He felt that creation of employment and the opportunity to utilize passive or active solar in homes will be beneficial. He volunteered to assist with the campaign.

Commissioner Channell stated his support of the resolution, but felt that the language should be examined. Commissioner Starr suggested modifications to the ballot language and asked staff to check into the viability of modifying the language to state that any and all County costs of the program will be allocated to the program.

Moved by Commissioner Channell, seconded by Commissioner Starr to pass Resolution #2009-37, a Resolution of the Board of County Commissioners of Gunnison County, Colorado, Submitting to all of the Registered Electors of the County at the General Election to be Held on November 3, 2009, a Ballot Issue and Title Concerning the Issuance of Debt by a Clean Energy Options Local Improvement District to be Formed by the County for the Purpose of Financing Renewable Energy Improvements or Energy Efficiency Improvements for Property Owners that Consent to be Included in Such District; and Related Matters, with potential amendments to the ballot language included within the resolution, those being the bolding and underlining of the language "with no increase in any County tax or tax rate", and the addition of the additional language if it is allowed, and authorize signatures. Chairperson Swenson felt that there were too many unanswered questions so she would not be voting in favor of the motion. Motion carried. (Chairperson Swenson voted against the motion.)

UNSCHEDULED CITIZENS:

1. Rich Karas. Mr. Karas stated that he had questions for County Manager Birnie related to the asbestos abatement issue located by Garlic Mikes restaurant. The two agreed to meet privately after the meeting adjourned.

2. Rich Karas. Mr. Karas informed the Board that he had recently traveled on Kebler Pass where he encountered a motorist in need of assistance. While parked alongside the road, several cars passed him at speeds that he believes exceeded the speed limit.

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

CRWCD Representative Trampe reminded the Board that information was previously sent to them via email regarding a seminar on 9/18/09. He also informed the Board that the CRWCD Board would be holding a budget workshop on 9/17/09 in Grand Junction. The CRWCD financial picture looked satisfactory for the current year; however, he stated that next year could be challenging.

CRWCD Representative Trampe informed the Board that the mediation process was picking up speed with weekly meetings. The process may conclude by the end of the year as the Federal Court's deadline was set as 1/1/10.

PURCHASE APPROVAL; FIFTEEN (15) COZY LEGS RADIANT HEATERS; PILOT PROGRAM; \$900: Assistant Finance Director Ben Cowan was present for discussion.

Assistant Finance Director Cowan informed the Board that the Green Team unanimously voted in favor of requesting this funding from the Board to purchase 15 radiant heaters. The ultimate goal of this program would be to rid the County buildings of space heaters; however, he acknowledged that there may always be some people that feel cold with what may be acceptable temperatures to other staff members. He noted that Geographic Information Services Manager Mike Pelletier has used this type of heater and has been pleased with the results.

Compared to traditional space heaters, this model will reduce the risk of fire. However, Commissioner Channell asked that the Green Team look into timers that will turn the heaters off automatically. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the expenditure of approximately \$900 to purchase 15 of the heaters as discussed, and the funds to come from the Energy Efficiency line item. Motion carried unanimously.

RESOLUTION; ADOPTING AMENDMENTS TO THE GUNNISON COUNTY REGULATIONS FOR SPECIAL DEVELOPMENT PROJECTS: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten presented a draft resolution with modified language for discussion and approval. **Moved** by Commissioner Channell, seconded by Commissioner Starr to adopt Resolution #2009-38, a Resolution Adopting Amendments to the Gunnison County Regulations for Special Development Projects. Motion carried unanimously.

CONSIDERATION, POSSIBLE PUBLIC HEARING, AND POSSIBLE ACTION; RESOLUTION; SUBMITTING TO ALL OF THE REGISTERED ELECTORS OF THE COUNTY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2009, A BALLOT ISSUE AND TITLE CONCERNING THE ISSUANCE OF DEBT BY A CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT TO BE FORMED BY THE COUNTY FOR THE PURPOSE OF FINANCING RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN SUCH DISTRICT; AND RELATED MATTERS (continued): County Attorney Baumgarten was present for discussion and provided the final resolution for signature that had been approved earlier in the day. **Moved** by Commissioner Starr, seconded by Commissioner Channell to reconsider approval of Resolution #2009-37, passed earlier today. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to rescind our prior approval of Resolution #2009-37. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Starr to adopt Resolution #2009-37, a Resolution of the Board of County Commissioners of Gunnison County, Colorado, Submitting to all of the Registered Electors of the County at the General Election to be Held on November 3, 2009, a Ballot Issue and Title Concerning the Issuance of Debt by a Clean Energy Options Local Improvement District to be Formed by the County for the Purpose of Financing Renewable Energy Improvements or Energy Efficiency Improvements for Property Owners that Consent to be Included in Such District; and Related Matters and authorize signatures. Motion carried. (Chairperson Swenson voted against the motion.)

RECESS: **Moved** by Commissioner Channell, seconded by Commissioner Starr to recess the meeting. Motion carried unanimously. The Board of County Commissioners meeting recessed from 1:04 pm.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

CALL TO ORDER: Chairperson Swenson called the meeting to order at 1:04 until 1:14 pm.

CORRESPONDENCE; TOURISM ASSOCIATION (TA) BOARD: Town of Mt. Crested Butte Town Manager Joe Fitzpatrick was present for discussion. Chairperson Swenson noted that Region 10 representative Dave Clayton had voiced support of the draft correspondence.

Commissioner Channell felt that the correspondence reflected compromise because the elected representatives would not have a majority of the vote on the TA Board of Directors. Commissioner Starr agreed and proposed modifications to the draft. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the letter to the Gunnison-Crested Butte Tourism Association, as amended. Motion carried unanimously.

CERTIFICATION OF THE ORDER OF THE NOVEMBER 3, 2009 BALLOT AND BALLOT CONTENT TO THE COUNTY CLERK AND RECORDER: County Attorney Baumgarten was present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Starr to direct the Gunnison County Clerk and Recorder to certify the order of the November 3, 2009 ballot and ballot content for the Local Marketing District. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The Gunnison River Valley Local Marketing District meeting recessed at 1:14 pm and the Board of County Commissioners meeting was immediately reconvened.

COMMISSIONERS MEETING REPORTS:

Chairperson Swenson:

1. Region 10. Chairperson Swenson stated that Region 10 representatives would be available on 9/15/09 to attend the scheduled Public Hearing and to sign the CSBG application documents.
2. Personal Absence. Chairperson Swenson informed the Board that she would be out of the office at the end of this month. The duration of the absence could not be estimated.

Commissioner Channell:

1. Gunnison Valley Rural Transportation Authority (RTA) Subcommittee Meeting. Commissioner Channell attended this meeting. The group will be evaluating the feasibility of ever possibly increasing the RTA tax level in Gunnison to match the rest of the county.
2. Gunnison County Substance Abuse Prevention Project (GCSAPP). Commissioner Channell informed the Board that GCSAPP received \$600,000 in funding for the next five years.
3. Tobacco Coalition Meeting. Commissioner Channell informed the Board that this group performed a survey of 16 tobacco retailers and that most of those clerks at those retailers believed that a license was necessary in order to sell tobacco products. Of those surveyed, all but two reported that youths attempt to purchase cigarettes at their location. Some retailers receive monthly payments from Marlboro for use and placement of marketing materials. A steering committee may be developed to look at ordinance issues for licenses and youth possession since youths are allowed to possess tobacco even though they are not allowed to purchase it. Multi-cultural Office Coordinator Ellen Pederson surveyed her Latino clients and was able to report that 17% of those households have smokers, mostly men. None of the Latino households surveyed reported use of chewing tobacco by any member(s) of the household.
4. Pandemic Meeting. Commissioner Channell attended this meeting on 8/31/09. Public school attendance may be the best indicator of the numbers of sick in our communities because attendance is taken daily. Margaret Wacker will serve as the Public Information Officer for the H1N1 virus situation. Commissioner Channell felt that the Pandemic group is doing a good job of preparing for the upcoming flu season.

Commissioner Starr:

1. Governor Bill Ritter's Reception. Commissioner Starr attended this recent event in Mt. Crested Butte with approximately 15 other residents. No new information was given and not many questions were asked.
2. Paradise Animal Welfare Society. Commissioner Starr informed the Board that he is working closely with PAWS to finalize a formal application with the Planning Department.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn. Motion carried unanimously. The meeting adjourned at 1:38 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, 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. 09-33**

A RESOLUTION AUTHORIZING THE ISSUANCE BY GUNNISON COUNTY, COLORADO OF ITS GUNNISON COUNTY, COLORADO REVENUE BOND (WESTERN STATE COLLEGE FOUNDATION PROJECT) SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF A FINANCING AGREEMENT, CLOSING DOCUMENTS AND SUCH BOND IN CONNECTION THEREWITH; APPROVING THE FORM OF CERTAIN ANCILLARY DOCUMENTS; AND REPEALING ANY ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH

WHEREAS, Gunnison County, Colorado (the "County"), is a duly organized and existing political subdivision of the State of Colorado (the "State"); and

WHEREAS, the Board of County Commissioners of the County (the "Board") is authorized by the County and Municipality Development Revenue Bond Act, Sections 29-3-101, *et seq.*, Colorado Revised Statutes, as amended (the "Act") and by the Supplemental Public Securities Act, Section 11-57-201 *et seq.*, Colorado Revised Statutes, as amended (the "Supplemental Public Securities Act"), to issue industrial revenue development bonds; and

WHEREAS, the Western State College Foundation ("WSCF") has requested that the County assist in financing a portion of the construction of the student center building located at 600 North Adams, on the Western State College of Colorado campus, in Gunnison, Colorado 81231 (the "Facilities"), and the County hereby determines that such financing will be consistent with the Act and the Supplemental Public Securities Act; and

WHEREAS, pursuant to and in accordance with the Act and the Supplemental Public Securities Act, the County proposes to undertake the financing of a portion of the construction of the Facilities (the "Project"); and

WHEREAS, the County proposes to undertake the Project under the Act and the Supplemental Public Securities Act by the issuance of a revenue bond (the "Bond") of the County, and by loaning the proceeds thereof to WSCF; and WSCF desires to borrow the proceeds of the Bond upon the terms and conditions set forth in the Financing Agreement, dated as of September 1, 2009 (the "Agreement"), by and among the County, WSCF and Wells Fargo Brokerage Services, LLC (the "Purchaser"); and

WHEREAS, the Purchaser proposes to purchase the Bonds from the County;

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

Section 1. All action not inconsistent with the provisions of this Resolution heretofore taken by any of the County's officials and the efforts of the County directed toward the Project, the issuance and sale of the Bond therefor, and loaning the proceeds thereof to WSCF therefor be, and the same hereby are, ratified, approved and confirmed.

Section 2. The County shall undertake the financing of the Project by causing the proceeds of the Bond to be used to undertake the Project and to pay certain costs incurred in connection with the issuance of the Bond, all in accordance with the provisions and conditions of the Agreement, the Act and the Supplemental Public Securities Act. The County hereby elects to have the provisions of the Supplemental Public Securities Act apply to the Bond.

Section 3. To defray the cost of the Project, there is hereby authorized and created a revenue bond designated as "Gunnison County, Colorado Revenue Bond (Western State College Foundation Project) Series 2009," in an aggregate amount not to exceed \$6,000,000, to be dated the date of issuance and delivery and shall, pursuant to the Supplemental Public Securities Act, bear interest from its date at the rate of 6.100% per annum; provided, however, that if an Event of Taxability shall have occurred, the Bond shall bear interest at a rate equal to 9.150% per annum, beginning on the date which is six months from the date the Registered Owner thereof gives notice of the Event of Taxability to WSCF. Pursuant to the Supplemental Public Securities Act and the Agreement, the original principal amount of the Bond shall be determined by the Board. The maximum net effective interest rate on the Bond shall be 6.100%.

The Bond will mature on July 15, 2019. Principal and interest on the Bond shall be payable semiannually on each January 15 and July 15, commencing January 15, 2010, as provided in the Agreement. The Bond will be issuable as a fully registered bond in accordance with the provisions of the Act, the Supplemental Public Securities Act and the Agreement.

The Bond shall be subject to redemption prior to maturity and shall be in substantially the form provided in the Agreement. The Bond shall be sold to the Purchaser in a negotiated, private sale at a purchase price equal to the original outstanding principal amount of the Bond plus net original issue premium, if any.

Section 4. The following determinations and findings, based upon information supplied and representations made by WSCF are hereby made:

- (a) Using the expected yield on the Bond of 5.7976%, the principal and interest payments on the Bond are as set forth in Appendix A hereto.
- (b) The terms of the Agreement pursuant to which the County will loan the proceeds of the Bond to WSCF provide that WSCF shall cause the facilities being financed to be maintained in good repair and shall carry all proper insurance with respect thereto.
- (c) The revenues payable under the Agreement are sufficient to pay all other requirements of the Agreement and this Resolution.
- (d) No reserve funds shall be established for the Bond or the Project.

Section 5. The form, terms and provisions of the Agreement be and they hereby are approved, and the Board shall enter into the Agreement substantially in the form of the Agreement presented at this meeting, but with such changes therein as the officers of the Board executing the Agreement shall approve, their execution thereof being deemed conclusive of their approval of any such changes, and the Chairperson, or in the absence thereof, the Vice-Chairperson of the Board, is hereby authorized and directed to execute and deliver the Agreement and the County Clerk or, in the absence thereof, the Deputy County Clerk, is hereby authorized and directed to affix the seal of the County to, and to attest the Agreement in substantially the form of the Agreement attached hereto.

Section 6. The form, terms and provisions of the Bond, in substantially the form contained in the Agreement, be and they hereby are approved; and the Chairperson or, in the absence thereof, the Vice-Chairperson of the Board, is hereby authorized and directed to execute the Bond, the County Clerk or, in the absence thereof, the Deputy County Clerk, is hereby authorized and directed to attest the Bond and is authorized to deliver the Bond in the form contained in the Agreement but with such changes therein as the officer of the Board executing the Bond shall approve, his or her execution thereof being deemed conclusive of his or her approval of any such changes. The seal of the County is hereby authorized and directed to be affixed to or imprinted on the Bond. The signature of the Chairperson or Vice-Chairperson, as the case may be, or the signature of the County Clerk or Deputy County Clerk, as the case may be, on the Bond, and the County seal, may be a facsimile.

Section 7. The officers of the Board shall take all action which they deem necessary or reasonably required in conformity with the Act and the Supplemental Public Securities Act to undertake the Project which is hereby authorized, and for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and the Agreement, including without limitation the execution and delivery of any closing documents to be delivered in connection with the sale and delivery of the Bond.

Section 8. The cost of the Project will be paid out of the proceeds of the Bonds. THE BOND AND THE INTEREST THEREON SHALL NEVER CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION WHATSOEVER OF THE COUNTY OR THE DEBT OR INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY PROVISION OR LIMITATION OF THE CONSTITUTION OR STATUTES OF THE STATE OF COLORADO AND SHALL NEVER CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER.

Section 9. Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board hereby approves the issuance of the Bond and the Project and hereby requests that the Chairperson or, in the absence thereof, the Vice-Chairperson of the Board execute a public approval certificate which approves the issuance of the Bond and the Project.

Section 10. After the Bond is issued, this Resolution shall be and remain irrevocable until the Bond and interest thereon shall have been fully paid, cancelled and discharged.

Section 11. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 12. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith or with the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance, or part thereof.

Section 13. This Resolution shall be in full force and effect upon adoption. This Resolution shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Chairperson or Vice-Chairperson of the Board, as the case may be, and the County Clerk or Deputy County Clerk, as the case may be, and shall be published in accordance with law.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 1st day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 09-34A RESOLUTION AUTHORIZING THE ACQUISITION OF FAIRGROUNDS PARCEL 1A,
CITY OF GUNNISON, STATE OF COLORADO

WHEREAS, The Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") has reviewed current and potential needs of Gunnison County and acquiring additional real property for county purposes is in the best interests of the public; and

WHEREAS, pursuant to C.R.S. §30-11-101 the Board has the authority to purchase and own real property; and

WHEREAS, the Board believes that it would be in the best interest of the public to purchase "Fairgrounds Parcel 1A" as identified on the plat titled "Subdivision of Fairgrounds Parcel 1 into Fairgrounds Parcel 1A and Fairgrounds Parcel 1B Fred R. Field Western Heritage Center Gunnison County Fairgrounds located in Block 55 Amended West Gunnison in NE1/4 Section 2, T. 49 N. R. 1 W., N.M.P.M.", created by North Star Surveying, Inc., dated January 2007 and recorded with the Gunnison County Clerk and Recorder's Office on February 20, 2007, bearing Reception No: 573042 as set forth in Appendix "A" attached hereto and incorporated herein.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Board acquire the real property known as "Fairgrounds Parcel 1A" as identified on the plat titled "Subdivision of Fairgrounds Parcel 1 into Fairgrounds Parcel 1A and Fairgrounds Parcel 1B Fred R. Field Western Heritage Center Gunnison County Fairgrounds located in Block 55 Amended West Gunnison in NE1/4 Section 2, T. 49 N. R. 1 W., N.M.P.M.", created by North Star Surveying, Inc., dated January 2007 and recorded with the Gunnison County Clerk and Recorder's Office on February 20, 2007, bearing Reception No: 573042 as set forth in Appendix "A" attached hereto and incorporated herein.

FURTHERMORE the Board hereby ratifies any and all previous actions performed by the Board and its staff to accomplish the acquisition of Fairgrounds Parcel 1A and directs its staff to take all appropriate action to accomplish the acquisition. County Manager, Matthew Birnie is authorized to execute any and all necessary documents to accomplish the acquisition.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 1st day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-35**A RESOLUTION AMENDING CERTAIN CHARGES AND FEES FOR INTEGRATED SOLID WASTE SERVICES
EFFECTIVE SEPTEMBER 1, 2009
THIS RESOLUTION SUPERSEDES RESOLUTION 08-55

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 September 1, 2009:

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	24.27	2.27	0.45	1.74	1.00	0.27	30.00
Loose Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Mini Pickup	7.95	2.86	0.57	2.19	1.26	0.17	15.00
Minimum Charge	3.73	0.00	0.00	0.00	0.00	0.27	4.00
Organic Material Yards	5.25	0.00	0.00	0.00	0.00	0.00	5.25
Packed Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Refrigerator/Freezer	15.00	0.00	0.00	0.00	0.00	0.00	15.00
Special Waste Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Standard Pickup	12.91	4.54	0.90	3.48	2.00	0.17	24.00
Tire Rims	1.25	0.00	0.00	0.00	0.00	0.00	1.25
Tires-Loader	10.36	0.00	0.02	0.08	0.04	0.00	10.50
Tires-Passenger	4.11	0.00	0.02	0.08	0.04	0.00	4.25
Tires-Truck	5.11	0.00	0.02	0.08	0.04	0.00	5.25

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

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

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

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 1st day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2009-36**

A RESOLUTION ADMINISTRATIVELY CLOSING PORTIONS OF THE YULE CREEK ACCESS ROAD LOCATED NEAR THE TOWN OF MARBLE, COUNTY OF GUNNISON, COLORADO

WHEREAS there is a public road identified as the Yule Creek Access Road which is located at and near the Town of Marble, Gunnison County, Colorado, which has one terminus at the Town of Marble, then travels to a public parking lot at the private entrance road to the Colorado Yule Marble Quarry (the "Public Parking Lot"), and beyond the Public Parking Lot both to private and public lands; and

WHEREAS the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") is informed that there is a need for certain repairs and improvements to those portions of Yule Creek Access Road beginning at the Public Parking Lot and intermittently extending southerly beyond the Public Parking Lot both to private and public lands; and

WHEREAS pursuant to C.R.S. 18-9-117(1)(b) and (f) the Board may, by order, rule or regulation, administratively restrict or limit the use of public property as to time, manner or permitted activities, and may restrict the use of all vehicles as to place, time and manner of use; and

WHEREAS the Board desires to protect public health and safety by restricting public motorized and non-motorized use of those portions of the Yule Creek Access Road beginning at the Public Parking Lot and intermittently extending southerly beyond the Public Parking Lot both to private and public lands; and

WHEREAS the Board further desires that the owners and tenants of private properties accessed by those portions of the Yule Creek Access Road beginning at the Public Parking Lot and intermittently extending southerly beyond the Public Parking Lot both to private and public lands have the ability to continue to access their respective properties;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that pursuant to C.R.S. §18-9-117(1)(b) and (f) those portions of the Yule Creek Access Road beginning at the Public Parking Lot and intermittently extending southerly beyond the Public Parking Lot to private and public lands shall be and hereby are temporarily closed until August 31, 2010 to the public EXCEPT that only the property owners and tenants of the real properties adjacent to and accessed by the temporarily closed portions of the Yule Creek Access Road shall continue to have motorized and non-motorized use of those temporarily closed portions ONLY for non-commercial use, non-industrial use, and for those commercial or industrial uses which have received approval pursuant to the Gunnison County Land Use Change Resolution.

FURTHERMORE, any and all improvements, repairs and/or maintenance on those temporarily closed portions of the Yule Creek Access Road shall require the prior written approval of the Board of County Commissioners or its designee.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 1st day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-37**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO, SUBMITTING TO ALL OF THE REGISTERED ELECTORS OF THE COUNTY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2009, A BALLOT ISSUE AND TITLE CONCERNING THE ISSUANCE OF DEBT BY A CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT TO BE FORMED BY THE COUNTY FOR THE PURPOSE OF FINANCING RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN SUCH DISTRICT; AND RELATED MATTERS

WHEREAS, Gunnison County, Colorado (the "County"), is a county duly organized and existing under the Constitution and laws of the State of Colorado (the "State"); and

WHEREAS, pursuant to Title 30, Article 20, Part 6, of the Colorado Revised Statutes, as amended (the "Act"), the County is authorized to initiate a local improvement district for the purpose of encouraging, accommodating, and financing "renewable energy improvements" and "energy efficiency improvements," as defined and described in the Act; and

WHEREAS, the County expects to initiate a local improvement district pursuant to the Act to be known as the "Gunnison County Clean Energy Options Local Improvement District" (the "District") for the purpose of accommodating, encouraging, and financing such energy improvements (the "Project"), including paying all costs necessary and incidental thereto; and

WHEREAS, the District will be formed pursuant to a separate resolution of the Board of County Commissioners of the County adopted subsequent to the date of adoption of this Resolution; and

WHEREAS, the funding of the Project requires the issuance of special assessment obligations of the County which, pursuant to the Act and Article X, Section 20 of the Colorado Constitution ("TABOR"), may not issue without prior voter approval; and

WHEREAS, pursuant to the Act the County is authorized to submit the question of issuing such special assessment obligations and the indebtedness represented thereby to all of the registered electors of the County, and the County desires to submit such question to all of the registered electors of the County; and

WHEREAS, TABOR requires the County to submit "ballot issues" (as defined in TABOR) to the County's electors on limited election days; and

WHEREAS, November 3, 2009 is one of the election dates at which ballot issues may be submitted to registered electors of the County pursuant to TABOR; and

WHEREAS, the interest of the County and the public interest and necessity demand that the County seek voter approval to authorize the issuance of the special assessment obligations heretofore described for the purpose of funding the Project; and

WHEREAS, the County will hold its election on November 3, 2009 as a coordinated mail ballot election pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, inclusive, of the Colorado Revised Statutes, as amended (the "Code"); and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of such election.

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

Section i) All action heretofore taken (not inconsistent with the provisions of this Resolution) by the County and the officers thereof, directed toward the Election (defined herein) and the objects and purposes herein stated is, ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Code.

Section ii) Pursuant to the Code and other applicable laws of the State of Colorado, the Board hereby determines that a coordinated mail ballot election shall be held on November 3, 2009 (the "Election"), at which time there shall be submitted to all of the registered electors of the County the question set forth in Section 4 hereof. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the "Agreement") between the District and the County Clerk of Gunnison, County, Colorado (the "County Clerk"), who shall conduct the Election on behalf of the County. The officers of the District are hereby authorized to enter into the Agreement with the County Clerk pursuant to Section 1-7-116 of the Colorado Revised Statutes.

Section iii) The Board hereby designates the County Clerk as the Designated Election Official for purposes of performing acts required or permitted by law in connection with the Election.

Section iv) The following ballot title and issue, in substantially the form set forth below, are hereby referred to all of the registered electors of the County:

COUNTY ISSUE (Gunnison County Clean Energy Options LID Debt and Multiple Fiscal Year Financial Obligation Authorization):

SHALL GUNNISON COUNTY DEBT (FOR CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT) BE INCREASED BY UP TO \$3,000,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$6,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, AS FOLLOWS:

SUCH DEBT MAY BE ISSUED FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, ACQUIRING AND INSTALLING SOLAR AND OTHER RENEWABLE ENERGY SYSTEMS OR ENERGY-EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN THE DISTRICT BY ENTERING INTO A CONTRACT OR AGREEMENT FOR INCLUSION IN THE DISTRICT, AND ANY COSTS NECESSARY OR INCIDENTAL THERETO, INCLUDING WITHOUT LIMITATION THE COST OF ESTABLISHING RESERVES TO SECURE THE PAYMENT OF SUCH DEBT;

SUCH DEBT MAY BE EVIDENCED BY THE ISSUANCE OF BONDS, LOAN AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS OR OTHER MULTIPLE FISCAL YEAR FINANCIAL OBLIGATIONS PAYABLE FROM SPECIAL ASSESSMENTS IMPOSED ONLY AGAINST BENEFITED PROPERTIES FOR WHICH THE OWNERS THEREOF HAVE CONSENTED TO BE INCLUDED WITHIN THE DISTRICT BY ENTERING INTO SUCH A CONTRACT OR AGREEMENT FOR INCLUSION, AND FROM OTHER FUNDS THAT MAY BE LAWFULLY PLEDGED TO THE PAYMENT OF SUCH DEBT;

SUCH DEBT MAY BE SOLD OR ENTERED INTO FROM TIME TO TIME AT A PRICE ABOVE, BELOW OR EQUAL TO THE PRINCIPAL AMOUNT OF SUCH DEBT, WITH A NET EFFECTIVE INTEREST RATE NOT EXCEEDING 10% AND ON SUCH TERMS AND CONDITIONS AS THE COUNTY MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF PREMIUM OF NOT TO EXCEED 3.0%;

AND SHALL THE COUNTY BE AUTHORIZED TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO ADVANCE AMOUNTS FOR PAYMENT OF A PORTION OF SUCH DEBT AND TO REIMBURSE ITSELF FOR SUCH ADVANCES BY COLLECTING UNPAID ASSESSMENTS AS PROVIDED IN SECTION 30-20-619(2), COLORADO REVISED STATUTES, AS AMENDED; AND SHALL THE COUNTY BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION, PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE COUNTY PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND ANY INVESTMENT INCOME THEREON BE COLLECTED, RETAINED, AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section v) The Designated Election Official is authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, but not limited to, mailing, posting and publishing notices of the Election, including the TABOR notice, and mailing the mail ballot packets. The costs of the election shall be paid by the County; provided that the County may

elect to reimburse itself for such cost from assessments paid by property owners as a portion of the Project in accordance with the Act.

Section vi) Pursuant to Section 1-11-203.5 of the Colorado Revised Statutes, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section vii) The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section viii) All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the County, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section ix) All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed.

Section x) If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section xi) All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion thereof are hereby repealed to the extent of such inconsistency or conflict.

Section 12. This Resolution shall be effective immediately upon its adoption by the Board.

ADOPTED AND APPROVED this 1st day of September, 2009.

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

STATE OF COLORADO)
) SS.
COUNTY GUNNISON)

I, Stella Dominguez, the duly qualified and acting Clerk and Recorder of Gunnison County, Colorado (the "County"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") adopted by the Board of County Commissioners of the County (the "Board") at a regular meeting held on August __, 2009.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of August __, 2009, by an affirmative vote of a majority of the members of the Board as follows:

Table with 5 columns: Name, "Yes", "No", Absent, Abstain. Rows include Paula Swenson, Chair; Jim Starr, Vice Chair; Hap Channell, Director.

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signatures of each member of the Board, sealed with the County seal, attested by the County Clerk and Recorder, and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board that might prohibit the adoption of said Resolution.

6. Attached hereto as Exhibit A is a copy of the notice of the regular meeting of August __, 2009, which notice was posted at least 24 hours before such meeting as provided by law.

WITNESS my hand and the seal of said County affixed this September 1, 2009.

(SEAL)

County Clerk and Recorder
Gunnison County, Colorado

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2009-38

A RESOLUTION ADOPTING AMENDMENTS TO THE GUNNISON COUNTY REGULATIONS FOR SPECIAL DEVELOPMENT PROJECTS

WHEREAS, on December 19, 1990, by Resolution No: 90-43 and pursuant to Colorado Revised Statutes, including but not limited to CRS 24-65.1-101, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the Board) adopted the Gunnison County Special Development Project Regulations; and

WHEREAS, the Gunnison County Special Development Project Regulations were amended on June 7, 1994 by Resolution 94-18; and

WHEREAS, the intensity of current and foreseeable development pressures within Gunnison County necessitate that the Board consider further revisions to the Gunnison County Special Development Project Regulations; and

WHEREAS, the Gunnison County Planning Commission, County staff and counsel have prepared and reviewed amendments to the Gunnison County Special Development Project Regulations as set forth in the document titled "Gunnison County, Colorado Special Development Projects Resolution", dated July 14, 2009 (hereinafter "Special Development Projects Resolution") incorporated in full by reference herein; and

WHEREAS, the Board has reviewed the Special Development Projects Resolution; and

WHEREAS, the public has been duly notified and the Planning Commission and the Board have duly conducted public meetings or hearings and performed all other processes as required by law to amend the currently existing Gunnison County Special Development Project Regulations; and

WHEREAS, the Board has considered the following:

1. The intensity and current and foreseeable development pressures within Gunnison County; and
2. All testimony, written and oral, and all other materials presented at the hearings; and
3. The written recommendation of the Gunnison County Planning Commission dated July 10, 2009; and
4. Reasons for designating matters of state interest and amending the Gunnison County Special Development Project Regulations; and

WHEREAS, it as been recommended to the Board that the text of the Special Development Projects Resolution, Section 5-101:R. PROPOSED PROJECT SHALL BE CARBON NEUTRAL, should read in full: "The Proposed Project shall be in compliance with each Gunnison County carbon neutral policy and/or standard existing at the time the formal application for a Special Development Project is filed with Gunnison County."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Gunnison County Special Development Project Regulations shall be and hereby are amended by replacement in full by the document titled "Gunnison County, Colorado Special Development Projects Resolution", dated July 14, 2009, conditioned upon the following:

1. The text of the Special Development Projects Resolution, Section 5-101:R. PROPOSED PROJECT SHALL BE CARBON NEUTRAL, shall read in full: "The Proposed Project shall be in compliance with each Gunnison County carbon neutral policy and/or standard existing at the time the formal application for a Special Development Project is filed with Gunnison County."
2. Staff shall make the amendment identified in paragraph 1 above, and any other grammatical and/or ministerial changes, to the Special Development Projects Resolution in a timely manner so that the Special Development Projects Resolution will be finalized and recorded with the Gunnison County Clerk and Recorder's Office no later than September 15, 2009; and
3. If any guideline or standard of the Special Development Projects Resolution is found to be invalid by a court of competent jurisdiction, Gunnison County reserves the right, pursuant to C.R.S. 24-65.1-404(4), to forbid any person from engaging in the development regarding a matter of state interest pursuant to the Special Developments Projects Resolution until Gunnison County adopts a further guideline or standard.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 1st day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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