

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 6, 2009**

The October 6, 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 8:01 am.

AGENDA REVIEW: The letter of support scheduled under the County Manager's Reports was pulled from the agenda as the appointment decision had already been made.

MINUTES APPROVAL: Moved by Commissioner Starr, seconded by Commissioner Channell to approve the Public Hearing minutes from August 25, 2009 as submitted. Motion carried unanimously.

CONSENT AGENDA: Commissioner Starr requested that Item #21 be pulled from the Consent Agenda for further discussion. Commissioner Channell requested the same of Items #4, #5, #6, #8 and #11. Moved by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Items #1 through #21, with the exception of #4, #5, #6, #8, #11 and #21. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Contract Agreement; Spallone Construction; North Valley Sewer Extension
2. Acknowledgment of County Manager Signature; Governor's Office of Homeland Security 2009 IECGP Grant Application; \$28,845
3. Acknowledgment of County Manager Signature; \$2,000 for Get Real Grant; Youth Tobacco Prevention
4. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Facilities Use Agreement; Aspinall-Wilson Center; Gunnison Valley Early Childhood Council
5. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Modification No.1 to Participating Agreement Number H1379080012 for Noxious Weed Control Program
6. **Pulled for Discussion and Separate Action:** State of Colorado Department of Agriculture Grant Agreement with Gunnison County; Noxious Weed Control
7. ~~DELETED (Duplicate): Memorandum of Understanding; Board of County Commissioners of the County of Gunnison, Colorado and West Region Recipients of the 2008 State Homeland Security Grant Program; \$707,732~~
8. **Pulled for Discussion and Separate Action:** Lease Agreement (Improved Real Property); 105 W. Main Street, Marble, CO; State of Colorado, Department of Natural Resources, Colorado Geological Survey, Colorado Avalanche Information Center
9. Memorandum of Understanding Between the Board of County Commissioners of the County of Gunnison, Colorado and West Region Recipients of the 2008 State Homeland Security Grant Program; Montrose County, Colorado
10. Memorandum of Understanding Between the Board of County Commissioners of the County of Gunnison, Colorado and West Region Recipients of the 2008 State Homeland Security Grant Program; Ouray County, Colorado
11. **Pulled for Discussion and Separate Action:** Provider Agreement; Creative Solutions/Cheryl Coffey; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services
12. ~~DELETED (Moved to 2:40 pm): Resolution; Supporting Ballot Initiative 5A Continuing the Existing Local Marketing District Marketing and Promotion Tax~~
13. Agreement to Terminate Lease Agreements; Mountain Wood Supply
14. Contract Amendment #2; Colorado Department of Public Health and Environment; PSD-CCPD, FLA, Contract Routing Number 10-5304; Cardiovascular Cancer Pulmonary Program
15. Amendment for Task Orders #1; Colorado Department of Public Health and Environment, PSD-STEPP, FLA, Contract Routing #10-5223; Budget Amendment
16. Agreement for Services; Alpine Cleaning and Maintenance, LLC; Janitorial Services for Blackstocks Government Center and Family Services Center
17. Agreement for Services; T&A Enterprises; Janitorial Services for Courthouse Building
18. Agreement for Services; Western Slope Maintenance; Janitorial Services for Housing Authority Offices
19. Contract Amendment #1; Colorado Department of Public Health and Environment, PSD-HCP, FLA; Contract Routing Number 10-3367

20. Acknowledgment of County Manager Approval to Submit; Development and Support of Local Coordinating Councils Grant Proposal; Colorado Department of Transportation; Special Needs Transportation for Elderly and Disabled Citizens; \$15,000
21. **Pulled for Discussion and Separate Action:** Resolution; Amending Resolutions 05-67 and 06-63 to Define "Crawlspace" and to Expressly Define the Calculation for Crawlspaces

CONSENT AGENDA ITEM #4: Commissioner Channell requested that this item be pulled for further discussion because the routing sheet was not included within the packet. County Manager Birnie explained that he had already signed this document and that, for reasons unknown, the initiated routing sheet did not accompany the materials at the end of the routing process.

CONSENT AGENDA ITEMS #5 & #6: Commissioner Channell requested that this item be pulled for further discussion because he did not recognize Ms. Wood's name. Chairperson Swenson explained that Ms. Wood is the Chairperson of the Weed Commission.

CONSENT AGENDA ITEM #8: Commissioner Channell requested that this item be pulled for discussion since the contract referenced the Department of Natural Resources while the contract appeared to be a lease with the Colorado Department of Transportation. Assistant County Manager Marlene Crosby was present for discussion and explained that the contract, as submitted, was correct.

CONSENT AGENDA ITEM #11: Commissioner Channell requested that this item be pulled for further discussion as he wanted to ensure that County Attorney David Baumgarten's comment had been applied. It was determined that it had.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Items #4, #5, #6, #8 and #11, and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #21: Commissioner Starr requested that this item be pulled for further discussion and modification of the verbiage within the resolution. Modifications were discussed and agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Item #21 with the amendment by adding the words "part of" so that the last clause of the resolution reads, "and will not be calculated as part of the gross floor area of the building it occupies". Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

RESOLUTION; SUPPORTING BALLOT INITIATIVE 5A CONTINUING THE EXISTING LOCAL MARKETING DISTRICT MARKETING AND PROMOTION TAX: Former Tourism Association Co-president Joellen Fonken was present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-42, a Resolution Supporting Ballot Initiative 5A Continuing the Existing Local Marketing District Marketing and Promotion Tax and authorize signatures. Motion carried unanimously.

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

1. Forest Payments Negotiations; Gunnison RE1J School District. County Manager Birnie informed the Board that he attended a work session on 9/28/09 with members of the School District. There is consensus from the School Board to accept the County's proposal that for 2009 (the first year that the State law goes into effect) the payments would remain at the minimum of 25% to the School District and 75% to the County. Over the remaining four years of this Federal legislation, the payments will adjust annually until reaching 50/50. Formal action of this acceptance is expected by the School District later in the day. County Manager Birnie requested that the transition be made in equal amounts each year, as outlined in the agreement being drafted by the County Attorney's Office. County Manager Birnie requested permission to sign the contract. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the County Manager's signature on the agreement with the School District on Forest Payments. Motion carried unanimously.
2. Letter of Support; 7th Judicial District Performance Commission Appointment; Gunnison County Undersheriff Rick Besecker. This discussion was pulled during the Agenda Review at the beginning of the meeting.
3. Public Facilities Planning Seminar. County Manager Birnie informed the Board that he had attended this informative seminar on 10/1/09 in Denver. He agreed to share the information with the Sheriff's Office. The two principal architects (a father and son) that led the seminar felt that a traditional-design build is generally not optimal for these types of public facilities (jail and Sheriff's Office), so the architects gave several different scenarios that the County may use for the jail project. The cost benefit will be analyzed regarding LEED certification.
4. Association of Government Accountants (AGA) Performance Management Conference in Seattle. County Manager Birnie informed the Board that he had been invited to speak at this conference scheduled for 11/5 and 11/6. If approved by the Board, his travel costs will be paid for by the conference, but he would need to pay for meals. This conference schedule conflicts with the first

- budget meeting, but he noted that Finance Director Linda Nienhueser was comfortable in presenting the information to the Board in his absence. His presentation at the conference would be related to performance management from a local government perspective. Weidner, Inc. highly recommended the conference. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve out-of-state travel for Matthew Birnie to go to the AGA Performance Management Conference in Seattle, understanding that the majority of the expenses are covered by the conference since he will be doing a presentation, and that the County will pick up the incidental expenses. Motion carried unanimously.
5. Colorado Municipal League (CML) District Meeting. County Manager Birnie informed the Board that he attended this meeting during the previous week in Mt. Crested Butte. During the meeting, the CML lobbyist who works on natural resource issues was in attendance and stated his opinion the State legislature is going to take the counties' and municipalities' direct distribution. Because of this, the lobbyist urged counties to not budget for the receipt of any of these monies since they will likely go away.
 6. Housing Needs Assessment. County Manager Birnie informed the Board that the draft assessment would be presented during the 10/13/09 work session and that, while all other portions are complete, some of the Assessor's Office data is missing.

BREAK: The meeting recessed from 8:43 until 8:48 am.

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

1. Biosolids at the Landfill. Assistant County Manager Crosby informed the Board that an amendment to the operating plan allows for biosolids at the landfill. This request originated from the Crested Butte Wastewater Treatment Plant as waste from the treatment plant is currently being taken out of the valley at a high cost. If accepted at the landfill, the waste would have to be taken either before or after regular business hours and will be combined with the normal trash, which will require metals testing on a regular basis. There would be no liability to staff members as long as they were in a closed, pressurized cab. Commissioner Channell asked for information about what other sanitation districts do locally, such as the East River Sanitation District and Assistant County Manager Crosby agreed to report back at a later date on this question. Commissioner Channell wondered what acceptance of these biosolids would do to the landfill's capacity and Assistant County Manager Crosby explained that no impacts were predicted. Assistant County Manager Crosby noted that the landfill volume is down 25% for the year so far, but that varying years are expected due to large projects.
2. State Intergovernmental Agreement Modifications; Pedestrian Path. Assistant County Manager Crosby informed the Board that the State sent a new contract with modifications and requested permission for Chairperson Swenson to sign the contract since County Attorney Baumgarten had already reviewed it. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the amendment to the IGA with CDOT for the construction of the pedestrian bridge and authorize the Chairperson's signature. Motion carried unanimously. Assistant County Manager Crosby stated that the schedule with CDOT will preclude anything being accomplished this fall. The project will need to be out to bid by 3/1/2010 for a late-August build.
3. Antelope Hills Water Update. Assistant County Manager Crosby informed the Board that the alignment had to be changed; she provided a map showing some potential alternatives. The alignment will come from the tank, proceed along the County Road until the top of the hill to the subdivision roads, then return across to a specified location and then back to the current alignment with the BLM. This would allow for service to citizens who have been struggling to get water. Assistant County Manager Crosby stated her hope to have the cultural and preliminary engineering ready to submit by the end of November. Commissioner Starr wondered if this would encompass any sage-grouse issues, but Chairperson Swenson explained that the lek is inactive so it is not considered a priority area.
4. Purchase of a Fingerprint Machine. Assistant County Manager Crosby informed the Board that she had pulled this line item out of the airport's budget for further consideration. FAA and Homeland Security discussions suggest that all airport personnel and rental car drivers get fingerprints and background checks. As well, returning airport employees must be reprinted if they are out for more than 180 days. Assistant County Manager Crosby felt that purchasing this machine could solve an airport issue while also providing relief to the Sheriff's Office. Commissioner Channell wondered about training for the machine and Assistant County Manager Crosby stated that Airport Director of Administration Kathie Lucas would be the lead on training and that the cost of training should be included in the purchase price. Regarding maintenance of the machine, Assistant County Manager Crosby agreed to check into the details of the warranty. County Manager Birnie added that the County would probably not sign a maintenance contract since the machine wouldn't be used daily. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the expenditure of up to \$35,000 for the purchase of a new fingerprint machine out of the airport budget for 2009. Motion carried unanimously.
5. Pedestrian Bridges at Slate River. Commissioner Starr asked for an update on this issue. Assistant County Manager Crosby explained that the County will work on a Forest Service co-op and that the deck will not go in until spring.

PRIVATE PLOW PERMIT REQUESTS: Assistant County Manager Crosby was present for discussion.

1. Grooming. Assistant County Manager Crosby informed the Board that she had received a request for grooming Slate River Road (CR #734) from/by the Nordic Council for which staff recommended approval. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Nordic Council's request for grooming the Slate River Road, as has been approved in the past, for a period of one year. Motion carried unanimously.
2. Use of Snowcat. Assistant County Manager Crosby informed the Board that she received this request from RecVac, Inc. for the snowcat use in the Elkton area. She stated that the staff approval recommendation, pursuant to the application, would include no parking of pickups, trailers or snowcats at the trailhead. Commissioner Channell wondered who would be responsible for monitoring the use and Assistant County Manager Crosby guessed that misuse would be reported by the users or the neighbors since staff members do not travel above the trailhead. The Board agreed to request a seasonal log for use. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the RecVac, Inc. application for permission to use a snowcat for access to their property in Elkton, based on the policy that we (the Board) have previously set and the additions or comments that we have made with regards to that permit for one year; those changes would be the seasonal log to Assistant County Manager Crosby by June 10th of each year, and the second change would be that the return trips and activity at the trailhead would have to be done the same day with no overnight parking for pickup, trailer or snowcat. Motion carried unanimously.
3. Intergovernmental Agreements (IGA) for Plowing.
 - a. Town of Marble. Assistant County Manager Crosby recommended approval of the Town of Marble's request for County plowing on CR #3 through the town and on the road to the school.
 - b. Montrose County. Assistant County Manager Crosby also explained that she would like to enter into an IGA with Montrose County for plowing on the Big Cimarron, not to exceed \$5,000. The County has had an IGA with Montrose County for the past three or four years.
 - c. City of Gunnison. Assistant County Manager Crosby stated that she would present an IGA for plowing the road into Van Tuyl for summer and winter maintenance at a later date.
 - d. Town of Crested Butte. Assistant County Manager Crosby stated that she would present an IGA that would encompass night plowing at a later date.
 - e. Saguache County. Assistant County Manager Crosby recommended approval of an IGA with Saguache County and agreed to provide further details at a later date.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve Intergovernmental Agreements for plowing with the Town of Marble, as outlined here, and with Montrose County for the Big Cimarron for one year. Motion carried unanimously.
4. One Year Renewals. Assistant County Manager Crosby presented her recommendation to approve one-year private plowing renewal permit requests for the following:
 - a. County Road #2, Bear Road, for Bear Ranch.
 - b. County Road #4, Peanut Mine Road, for Dorothy Budd.
 - c. County Road #4, Peanut Mine Road, for Connie Maxcenti/Trappers at CB.
 - d. County Road #9, Way Camp Road, for Camp Gunnison.
 - e. County Road #25, Pine Creek (HW #149), for Blue Mesa Subdivision.
 - f. County Road #26, Lake City Cut-Off (HW #50), for Cebolla River Ranchers.
 - g. County Road #721, Soap Creek, for up to four different owners.

Moved by Commissioner Starr, seconded by Commissioner Channell to approve the one-year renewals for snowplowing on County Roads #2, #4, #9, #25, #26 and #721 as recommended by the staff. Motion carried unanimously.
5. Three-Year Renewals. Assistant County Manager Crosby presented her recommendation to approve three-year private plowing renewal permit requests for the following:
 - a. County Road #26, Lake City Cut-Off (HW #149), for Ed and Barbara Wilson.
 - b. County Road #38, Gold Basin Road, for Gold Basin High Country Road User's Association
 - c. County Road #749, Alkali Basin, for Gunnison County REA.
 - d. County Road #813, Jack's Cabin, for Sue Booe.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve the staff-recommended three-year private-plowing permits for County Roads #26, #38, #749 and #813. Motion carried unanimously.

BREAK: The meeting recessed from 9:39 until 10:04 am.

FORMATION OF A GUNNISON COUNTY UTILITY DISTRICT TO SERVE TOMICHI VILLAGE HOTEL / RESTAURANT PROPERTIES: Assistant County Manager Crosby, County Attorney David Baumgarten, applicant Bob Williams of Williams Engineering, and Bob O'Hayre, attorney for the Kanye family, were present for discussion.

Assistant County Manager Crosby explained that this request originated from Williams Engineering in hopes of resolving some wastewater treatment issues at Tomichi Village since the City of Gunnison does

not allow individual citizens to take this approach. Assistant County Manager Crosby stated that she would only be interested in this project if the line and lift station were designed in a way that would allow for tie in of adjoining properties in the future, if requested. The Hotchkiss Bank, owner of the Tomichi Village property, has money in escrow for this project, and those funds must be spent by 2/1/2010. Early indications from the City of Gunnison suggest that this would be treated much like the Gunnison Basin Industrial Park; this issue is on the City of Gunnison Council's agenda for later in the evening.

Mr. Williams informed the Board that the lagoon was never technically permitted before it was created in the 1970's. He stated that the pond is leaking and that the Hotchkiss Bank retained his services for this matter. He evaluated the issue from the most economical view possible since a new treatment plant would cost between \$500,000 and \$600,000. He proposed building a lift station to accommodate the adjacent lots and noted that there is a good possibility of obtaining the necessary easements as he had already spoken with the landowners. Any residents wishing to tie into the system would do so at the lift station. Crossing the highway could cost approximately \$80,000. Mr. Williams provided an area map outlining the proposed location of the line and the lift station.

Assistant County Manager Crosby confirmed that this system would be built and financed privately, but then taken over by the County after the completion of testing. She noted that she would want to designate the service area proposed and would not want to include all properties in Tomichi Heights.

Commissioner Channell asked about maintenance and Assistant County Manager Crosby explained that this would be like all other utility districts. Users would pay for costs occurring after the expiration of the one-year warranty. Future tap fee costs will be negotiated with the City of Gunnison and should not be considered at this stage. Mr. Williams informed the Board that City of Gunnison City Manager Ken Coleman was in agreement with this proposal.

Attorney O'Hayre informed the Board that his clients, the Kanye family, previously owned the hotel before the judicial foreclosure. He noted that the lagoon had historically been problematic and is not capable of repair. He also opined that the available escrow funds could not cover all costs involved. Mr. Williams stated that utilizing a 3" pipe would be economical and that the bank would pay for the costs in excess of what is available in the escrow account.

Assistant County Manager Crosby recommended approval of the proposal. She added that the County generally discourages construction of individual wastewater treatment plants, and that this can be dissolved in the future if the annexation plans come to fruition.

Mr. Williams stated that this process would necessitate a Land Use Change application with review and approval by the State. He also explained that the City of Gunnison and CDOT would need to approve the application since this involves right-of-way issues.

Moved by Commissioner Starr, seconded by Commissioner Channell to direct staff to continue working with the proponents of the project, the engineers and the City of Gunnison to determine the most efficient way to move forward with creating a new division for our wastewater district that would include the areas that have been discussed. Motion carried unanimously.

VARIANCE REQUEST; RIVERLAND INDUSTRIAL PARK, FILING 2, LOT 27; MAXIMUM ALLOWABLE SQUARE FOOTAGE; PHILLIP COOMBS: County Planner Cathie Pagano and applicant Phillip Coombs were present for discussion.

County Planner Pagano explained that Mr. Coombs had asked for a variance to build a larger-than-permitted structure. This is relevant to the interior and would not affect anything on the outside of the building.

Mr. Coombs explained that the existing two-story building is partially occupied by a furniture storage firm. He requested permission to install flooring in the middle of the two-story space without adding walls. The Riverland Lot Owners' Association determined that this would not impact the property, but the LOA did request that he professionally plant 10 trees with irrigation, which he has accomplished and the LOA has approved of. This modification will add about 500 square feet of floor space with which to accommodate storage.

Commissioner Starr noted that the original approval was for a one-story structure, but Mr. Coombs explained that two stories are allowed by the LOA and that the LOA is agreeable with how the structure has been built. County Planner Pagano noted that the building plans were available during the approval on 7/18/2005 and that construction of a one-story structure was not a condition recommended by the Planning Commission, so this reference to a one-story structure may just be an error within the minutes of 7/18/2005.

Commissioner Channell expressed concern about how much may be requested in the future and questioned the point that the County must live up to the intent of the original approval. Mr. Coombs stated that there have been other instances of this at Riverland, which does not make his request unique.

Commissioner Starr took note that this request would not increase the outside of the structure, but he requested a review of the materials presented on 7/18/2005 to ensure that the application was presented as a two-story structure. The Board agreed and this discussion was tabled until later in the day. **Moved** by Commissioner Starr, seconded by Commissioner Channell to table the matter until 2:45 this afternoon. Motion carried unanimously.

BREAK: The meeting recessed from 10:43 until 10:53 am.

BOND COUNSEL ENGAGEMENT: County Attorney Baumgarten was present for discussion.

County Manager Birnie stated that he added this to the agenda in order to engage counsel for the jail financing. He requested authorization of expenditure from the Jail Fund to engage bond counsel and noted that he will use Dee Wisor for limited questions. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize the County Manager to expend funds from the Jail Fund to engage bond counsel in a consulting capacity concerning the new jail bond. Motion carried unanimously.

JAIL SITE SELECTION: County Attorney Baumgarten was present for discussion.

County Manager Birnie stated that he added this to the agenda in order to hold a formal discussion so that the County could begin exploring a vacation with the City of Gunnison and architect issues. He confirmed that the property-purchase documents had been fully executed. **Moved** by Commissioner Starr, seconded by Commissioner Channell to select the County-owned property contiguous to the Rodeo Grounds as the potential site for a new jail center for the County. Commissioner Channell stated that he had been pleased that the discussions included the previous site-selection committee and took into account the feelings of neighbors; he felt very confident that this would be a most-appropriate site. Commissioner Starr agreed on the site selection because of its close proximity to the Courthouse, which will minimize travel and allow for video arraignment. He also felt that the impact to the neighbors should be minimal because of the use of new construction technologies. Chairperson Swenson noted that she had spoken with groups and individuals who had expressed opposition, but that those persons were now more at ease with new information. Motion carried unanimously.

LITIGATION UPDATES; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten informed the Board that he would be presenting an update on the three separate pieces of litigation listed below. He also suggested an executive session to answer any questions that the Board might have related to any issues.

1. Lucky Jack Discharge Permit; Colorado Water Quality Control Division; Administrative Hearing. County Attorney Baumgarten stated that the very specific issue was whether or not the CWQCD should require financial assurances in the fourth reissuance. He explained that the case was divided into two parts and that a hearing had been held 10/2/09 on the facts of the permit. The judge has not yet made a decision and the final arguments will be held over the phone later in the week. He was able to factually demonstrate to the Court that the site is an inactive mine that discharges water daily, that the untreated water contains harmful components, that the water-treatment site is within the Town's watershed, and that the physical discharge from the plant is within 75 to 90 feet of the intake for the Town's drinking water which provides the opportunity for water to be discharged into the creek above the Town's water intake. The State and the owner were able to provide the history of the plant being operated well with a qualified operator on site. This plant requires a human on-site, but the contract between the owner and the operator shows a shorter term than the term of the permit. County Attorney Baumgarten could not predict how the judge would rule as this is the first time in the history of the State of Colorado that a community has asked the Division to require financial assurances.
2. Gunnison Prairie Dog Litigation. County Attorney Baumgarten informed the Board that the County had successfully intervened in the lawsuit. The range of the species has been divided into montane and prairie for endangered species purposes; however, County Attorney Baumgarten feels that it is illegal to do so. The judge has requested that the County not serve as an intervener, but instead as a formal friend of the Court. County Attorney Baumgarten is pleased to do this because this will allow the County to read briefs in the Administrative Record. He and Gunnison County Wildlife Conservation Coordinator Jim Cochran are beginning to read all briefs.
3. Mile 200, LLC Enforcement; Status Conference with Judge Patrick. County Attorney Baumgarten informed the Board that the attorney for Mile 200, LLC noted that the permits require the US government to decide whether or not Mile 200, LLC can cross the land. County Attorney Baumgarten stated that his intent would be to get Mile 200, LLC to agree to a temporary injunction to use of the land because Mile 200, LLC has admitted that it does not have the necessary permits.

County Attorney Baumgarten felt that all other current litigation is status quo and, therefore, did not provide any further updates.

Commissioner Channell asked whether the County is taking a position on the Lucky Jack issue as to the type of protection we believe is appropriate. County Attorney Baumgarten explained that financial assurance is a broad position that can be achieved in several ways depending on the situation at the time.

Commissioner Starr requested an update on the asbestos issue close to Garlic Mikes restaurant and County Attorney Baumgarten explained that the State permit has been applied for and granted.

Commissioner Starr wondered whether or not, if the parties in the Lucky Jack litigation were not pleased, the decision would be appealable through the District Court. County Attorney Baumgarten believed that it would be, but had not yet formulated an opinion. The judge reviewing the case is an Administrative Line Judge, so it may advance into the Judicial Branch.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. Colorado Counties, Inc. (CCI). Commissioner Channell informed the Board that he would be attending legislative committee meetings on 10/9/09 to receive all of the legislative reports from the various individual steering committees. For CCI sponsored bills, the lobbyist will go forward.
 - a. Tourism, Resorts & Economic Development. There were no bills that CCI wanted to forward to the legislative committee.
 - b. General Government.
 - i. The requirement for burn permits on private land was advanced.
 - ii. The office supply bid/advertisement requirement for each purchase was advanced. More counties put out annual bids instead of bids for each purchase; however, most counties don't follow any bidding procedures.
 - iii. There was discussion about archaic publishing requirements so CCI didn't put this forward.
 - iv. The removal of the commissioner district requirement was removed and not put forward.
 - v. Updating of sheriff's fees was not advanced.
 - vi. County clerks came to discuss optional mail-in ballots. It was decided that this was a timing issue and not put forward.
 - vii. County coroner salaries were discussed. Smaller counties are against paying for a low case load and would opt to contract with coroners on a per-case basis. They voted to refer this issue to the Annual Legislative Salary Committee.
 - viii. The issue related to bonding for elected officials was advanced.
 - ix. The issue related to registering or licensing businesses by towns or counties to provide an inventory of businesses will be advanced.
 - x. The issue related to certified VIN inspections was advanced.
 - xi. The new treasurer's fee for delinquent tax notices was not advanced.
 - c. Taxation and Finance.
 - i. The proposal to increase the alcohol tax did not advance.
 - ii. The senior property tax work-off program from Workers Compensation was advanced.
 - iii. The statewide Energy Improvement District issue, via a personal loan and not following HB1350 on a real estate assessment, was not advanced, but will be closely monitored.
 - iv. The issue related to owners of high-dollar large parcels of land taking advantage of residential vs. non-residential classifications for agricultural assessments in resort counties was advanced.
 - d. Transportation and Telecommunications. The issue related to annexation of road boundaries was not advanced.
 - e. Public Lands. No legislation was advanced. The public-lands dues calculation was proposed to increase approximately \$250,000 between 2008 and 2009. The County's dues will increase from \$1,950 in 2009 to \$2,103 in 2010.
 - f. Land Use and Natural Resources. The issue related to 35+ acre exemptions was withdrawn, but a working/interest group was created to delve into this complex issue. There may be legislation brought forward out of the legislative committee. County Manager Birnie noted that recent information indicates that this exemption will be removed from the legislation.
 - g. Health & Human Services. Commissioner Channell attended this steering committee meeting in place of Health and Human Services Director Renee Brown who was unable to attend. The majority of discussion was related to the hybrid structure for the delivery of social services by State Regional Offices (SRO) and County Regional Offices (CRO). The

CRO would be for the 11 large counties in the State with populations of 35,000 or more. The SRO would be for the rest of the counties. Both types of offices will be staffed by State employees. The counties within the SRO would be required to contribute 25%, which is an increase from the current 20% allocation. Commissioners in both scenarios were concerned about the lack of local control. County Manager Birnie felt that this could be positively viewed as removing local control such as in the cases of the abolishment of slavery and granted additional provisions for American Indians. Commissioner Channell requested that staff work through this issue and County Manager Birnie confirmed that Health and Human Services Director Brown has a copy of the proposal. However, County Manager Birnie did not feel that enough detail was included in the recommendation with which to formulate a position. County Attorney Baumgarten felt that there are benefits to responding to situations on a larger scale because some smaller counties don't have the necessary resources.

Commissioner Starr:

1. Gunnison Valley Rural Transportation Authority (RTA). Commissioner Starr attended the recent meeting regarding the park-n-ride at Cement Creek Road. He noted that \$389,754 of Federal funding is available for this project, but that \$282,000 will be forfeited if it is not spent by October 2010. The RTA feels that the acquisition of land for the park-n-ride should proceed. Commissioner Starr and RTA Executive Director Scott Truex met with the CB South POA on 10/5/09 and received support for the plan to start with room for approximately 15 automobiles. The POA was asked to allocate \$10,000 in its 2010 budget to use as part of a local match in order to make use of the Federal funds. The County match request could be \$90,000 to \$100,000 as the required entire local match is \$97,431. The municipalities have paid for bus stations within their jurisdictions, so Mr. Truex does not believe they will provide additional funding. Commissioner Starr felt that purchase of this property may negate the need for a costly realignment in the future. One-third of the available Federal funding was forfeited in 2009 because a project could not be committed to. Chairperson Swenson felt that a circulated bus to serve CB South would work better than creating a park-n-ride less than one mile from CB South.

BREAK: The meeting recessed from 12:06 until 1:02 pm for lunch.

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

CRWCD representative Trampe informed the Board that the District held a budget workshop seminar in mid-September. There will be expenditures of approximately \$3,500,000 for the District's general fund. The biggest single-line item other than salaries will be \$500,000 to the USGS for stream-flow monitoring. Of that, \$100,000 will come to the Gunnison Basin and \$50,000 of it will be for the upper basin. The District is budgeting for a 1.5% base salary increase in 2010. The total valuation for the district increased because of the oil and gas industry. The mill levy for 2010 will be 0.164.

On 10/7/09, CRWCD Representative Trampe and three other District directors will fly to Kremmling to view the settling of the reservoir dam and begin the process of finding a solution. There has not been excess leakage. The dam was completed in approximately 1996 or 1997.

CRWCD Representative Trampe spent three days during the previous week involved in the ongoing mediation. He had nothing new to report.

RESOLUTION; APPROVING SPECIAL DEVELOPMENT PROJECTS RESOLUTION MAPS: County Attorney Baumgarten was present for discussion and provided the draft resolution and maps for discussion and approval. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-43, a Resolution Directing the Recording of Certain Special Development Projects Resolution Maps. Motion carried unanimously.

RESOLUTION; UPPER CRYSTAL SPECIAL GEOGRAPHIC AREA FOR NATURAL BEAUTY: Assistant Planning Director Neal Starkebaum, County Attorney Baumgarten and Upper Crystal River Caucus Chairperson Eli Beeding were present for discussion.

Assistant Planning Director Starkebaum presented the draft resolution for consideration. He explained that a Public Hearing between the Board and the Planning Commission was held on 10/10/08 and provided the minutes from the hearing. On 8/7/09, the Planning Commission voted unanimously to recommend that the Board deny the request.

Chairperson Swenson felt that modifications to the request were to be drafted in between the Public Hearing and the Planning Commission evaluation. Assistant Planning Director Starkebaum confirmed this, but informed the Board that no modifications were received from the Caucus.

Commissioner Starr informed the Board that he had spoken with Mr. Beeding and Mike Preston a few weeks ago and was under the impression that changes were desired.

Mr. Beeding stated that the majority of the Planning Commission's concerns dealt with the lack of variance suggestions and he felt that the associated financial penalties were too severe. He stated that the Caucus did not put variances in the proposal because Planning Department Director Joanne Williams and Assistant Planning Director Starkebaum informed them that they were not needed. He stated that he had attended a Planning Commission meeting when a resolution was passed, but then a member questioned the need for a variance and it was stated by another member that one was not needed.

Mr. Beeding requested that the regulation remain in its current form. The Caucus had proposed reducing the limit on the primary residence size from 9,000 square feet to 5,000 square feet, but he later discovered that the regulation already contains a variance stating that, if more than 5,000 square feet is needed, it can be achieved via a major land use application.

Mr. Beeding stated that the penalty for not finishing the construction in the time specified should be included as the current mode of operation may otherwise continue. Instead of compounding penalties, he proposed the repayment of building fees if deadlines are not met.

Commissioner Starr stated that he tends to agree with the intent to keep the Crystal River a natural area as much as possible. Given the amount of time put into this request, he felt that it should be honored. He also felt that any modifications should be presented during the trip to Marble on 10/30/09 and that the Board should not make a decision on the resolution today.

Commissioner Channell felt that the County could look at the facts as presented. Since a proposal was made and the Planning Commission recommended not adopting the proposal, he felt that the Board should make a decision based on the original SGA regulations that were proposed. Because the draft resolution was not based on the newer point of view, he felt that the correct procedure would be to act on the original proposal and then consider a new proposal if one is submitted. Chairperson Swenson agreed that this would be the most appropriate route.

Assistant Planning Director Starkebaum stated that the ridgeline view proposal could be reviewed by the Planning Commission, but he felt that the Board should consider the Planning Commission's recommendations and then make a decision.

County Attorney Baumgarten confirmed that the Board could adopt the recommendation, adopt it with modifications, or deny the recommendation. It could be tabled, but that there is not another option as far as holding another meeting for public input.

Assistant Planning Director Starkebaum felt that these proposed modifications should have been brought forward by the Caucus prior to the Public Hearing so that the public could evaluate them at that time. Commissioner Starr felt that the opportunity for the public to consider new information could eliminate the need to start the process over from the beginning.

Assistant Planning Director Starkebaum stated that, between 2004 and 2009, a total of 32 building permits were granted for single family residences, with the average being 1,876 square feet and the largest being just over 3,600 square feet. He felt that the issue had more to do with the type of siding than the square footage in order to maintain the area look and feel. Mr. Beeding felt that the Planning Commission was too focused on the present instead of the future as the fact no huge houses have been built, does not mean anything for the future.

Commissioner Channell again questioned the procedure and asked County Attorney Baumgarten if this discussion and decision could be tabled in order to clarify possible modifications to the proposal. County Attorney Baumgarten confirmed that it could be tabled, but questioned what the Board would like to do with that time as the LUR doesn't specify what can or cannot be done during that time. Commissioner Channell felt that a decision, either way, would mandate that proposed modifications restart the process, so he suggested tabling the issue in order to avoid spending more time and money.

Commissioner Starr agreed, considering all of the time spent on this proposal, that the Board should suspend the decision until the Planning Commission has enough time to evaluate the suggested changes.

Chairperson Swenson felt that the decision should not be suspended since the Public Hearing was held a year ago and the Planning Commission waited 10 months for input from the Caucus without anything being received in writing to this date with a consensus from the Caucus. She also felt that Commissioner Starr only had one conversation outside of the public process without confirmation that the Caucus is in agreement with the content of that conversation; however, Commissioner Starr explained that the meeting included verbal confirmation that the Caucus was in agreement with the statements made. Mr. Beeding confirmed that there had been no official vote by the Caucus.

Commissioner Starr stated that the Public Hearing was held at a time when he was not available and he was not happy that it was not rescheduled for another time. He felt that public processes should include

as many people as possible and maintained his position that suspending the decision would not create a problem.

Commissioner Channell agreed with Commissioner Starr, but wanted to require the Caucus to provide written notification of any proposed modifications to the Board before the Marble meeting. **Moved** by Commissioner Channell, seconded by Commissioner Starr to table the decision on the Planning Commission recommendation on the Upper Crystal River SGA until the first regular meeting in November, and that we (the Board) have as our agenda item a discussion of proposed modifications to the original SGA recommendation, and that those be delivered in written form to the County no later than 10/26/09. Motion carried. Chairperson Swenson voted against the motion.

BREAK: The meeting recessed from 2:18 until 2:23 pm.

POSSIBLE SUBDIVISION EXEMPTION AND PLAT VACATION; VADER SUBDIVISION; LEITHA VADER AND VALERIE FUNK: Assistant Planning Director Starkebaum was present for discussion.

Assistant Planning Director Starkebaum explained that part of this request was for a subdivision exemption for Funk's parcel, which was created illegally in 1982 via a quit claim deed from Ms. Funk's daughter. A manufactured house was placed on the Funk's parcel in 1975 and another was placed in 1982. In 1998, the Vader property was subdivided into Tract A (six acres) and Tract B (35 acres). In 2008, Ms. Vader combined the two parcels using a lot cluster agreement. An existing stock well on Funk's parcel can only be used for livestock or historic purposes; the stock well was supposed to be attached to 37 acres, but the location of those acres were never defined.

Commissioner Starr questioned whether or not a decision could cause a change in the maximum number of potential structures on the property and Assistant Planning Director Starkebaum explained that it could, but that there would be water issues to work through.

Assistant Planning Director Starkebaum confirmed that there are no covenants associated with the land.

Commissioner Starr wondered if there was any downside to approving of this request. Assistant Planning Director Starkebaum stated that this could create the ability for a future single-family residence.

Commissioner Channell wondered if this was an opportunity to bring this subdivision up to par with covenants. Assistant Planning Director Starkebaum felt that this would be up to Ms. Vader. County Attorney Baumgarten felt that the County could condition the subdivision exemption on the creation of covenants.

Assistant Planning Director Starkebaum stated that Ms. Vader would need to provide a water well and a sharing agreement if this request goes forward. He questioned the type of covenants that would be created because the LUR covers almost any conceivable option. Under a normal subdivision, multiple lots would have multiple owners with an overseeing organization such as an HOA. Without this, he questioned who would be tasked with enforcement of the covenants and agreed to discuss the possibilities with Ms. Vader and Ms. Funk.

Moved by Commissioner Starr, seconded by Commissioner Channell to direct staff to continue the process as outlined and to sit down with the applicants and see if there are any opportunities, as far as covenants that may require documentation. Motion carried unanimously.

VARIANCE REQUEST; RIVERLAND INDUSTRIAL PARK, FILING 2, LOT 27; MAXIMUM ALLOWABLE SQUARE FOOTAGE; PHILLIP COOMBS: This discussion was continued from the morning. After review of the original record, it was determined that two stories were approved. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the variance request for Riverland Industrial Park Filing 2, Lot 27, to exceed the maximum allowable square footage as proposed. Motion carried unanimously.

GUNNISON-CRESTED BUTTE REGIONAL AIRPORT; FINANCING UTILITIES FOR HANGAR ROW: Airport Manager John DeVore was present for discussion and presented the request for approval for financing a utility extension for Hangar Row at the airport. He stated that Wells Fargo would finance the project at 4.6% over 10 years with no closing costs. County Manager Birnie stated his support of the request. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Airport Manager and the appropriate staff to pursue financing for utilities for Hangar Row as discussed and presented today. Motion carried unanimously.

BUCKHORN RANCH, INCLUDING FILING 2B; STATUS OF IMPROVEMENTS AND AFFORDABLE HOUSING UNITS; POSSIBLE NOTICE OF DEFAULT AND DEMAND USE OF SECURITY; POSSIBLE ACTION; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten, County Paralegal Rachel Magruder, Assistant Public Works Director Allen Moores, and Schmueser Gordon Meyer, Inc. (SGM) engineers Jerry Burgess and Tyler Harpel were present for discussion.

County Attorney Baumgarten provided copies of the original DIA so that the Board could reference it. He also provided copies of a letter dated 10/5/09 from SGM engineer Harpel to Dr. Landy. Photographs of the baseball field, asphalt patches and the trail leading to the ball field were presented for discussion. County Attorney Baumgarten acknowledged receipt of correspondence from SGM, but stated that the County could not confirm that Tyler Harpel is a registered engineer.

County Attorney Baumgarten explained that the Board needed to decide whether to give the developer a notice of default. This notice would give him 14 days to either cure or ask for an extension. The security expires at the end of October and the notice would detail all deficiencies.

Commissioner Starr requested additional information about the trail and County Paralegal Magruder explained that this was always supposed to be just a rough-dirt trail. County Attorney Baumgarten explained that the responsibility for the trail was expected to be conveyed to the HOA.

Engineer Burgess stated that there was not quality standard or specification designated for their use with the ball field project. He stated that the outfield would be raked and seeded, the backstop was scheduled for installation before the end of the day, the outfield will not be sod. He felt that the field will require a lot of maintenance, but that it is still a regulation ball field.

Engineer Burgess noted that the DIA mandates chip seal on the road, which has been done. He stated that chip seals have high maintenance needs and the current lack of maintenance is not aiding the situation as the HOA has hired a snow plow that damages the road. He felt it should be the responsibility of the HOA to fix the problems that are created from the plow.

Engineer Burgess stated that the road to the tennis courts was never designed and that it was only shown as a space, so he does not agree that it should be bladed.

Engineer Burgess stated that the floating liner was recommended for the Buckhorn Lake, which has been done but will require maintenance in the future. He stated that the other lake has been filled higher as a result of Spallone Construction's recommendation.

Engineer Burgess stated that the fire hydrant work had been accomplished and that confirmation was expected to be received from the Fire Department.

Engineer Burgess confirmed that the wetland mitigation had been done.

County Attorney Baumgarten informed the Board that the County was withholding security pending the decision of whether or not the County should accept certain improvements as being accomplished or not. Then, for a period of one year after the acceptance by the County, the developer must make all repairs to the property during which time the County can retain all security. For incomplete items, the County could opt to send a default letter. Also, since security is only extended through the end of the month, the developer must provide an extension of that security. County Attorney Baumgarten suggested either going through the items individually to determine acceptability or issuing the letter and then waiting for a couple of weeks to see what elements might also get finished.

Commissioner Starr wondered what the test would depend on in the absence of normal standards for what is acceptable. County Attorney Baumgarten agreed with Engineer Burgess that some of the standards were not created initially, which supported the suggestion that the test could be administered considering what could be agreed upon as reasonable. He noted that the term "reasonable" was used within the DIA in several instances.

Commissioner Channell wondered who would run the HOA and County Attorney Baumgarten did not know the answer.

County Attorney Baumgarten suggested that he meet with Engineer Burgess, Dr. Landy and the homeowners on 10/9/09, for as long as necessary, to determine the completeness of each item. The Board agreed with this approach.

Moved by Commissioner Channell, seconded by Commissioner Starr to authorize staff to send the appropriate letter of default. Commissioner Starr felt that the joint inspection of the roads should also be completed before the 10/20/09 meeting. Motion carried unanimously.

RESOLUTION; SUPPORTING BALLOT ISSUE 1A REGARDING FINANCING RENEWABLE ENERGY IMPROVEMENTS FOR CONSENTING PROPERTY OWNERS: County Attorney Baumgarten was present for discussion.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-44, a Resolution Supporting Ballot Issue 1A Regarding Financing Renewable Energy Improvements for Consenting Property Owners and authorize signatures. Motion carried. Chairperson Swenson voted against the motion because she feels that the program will financially affect others in the County.

ADJOURN: Moved by Commissioner Starr, Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of County Commissioners meeting adjourned at 3:30 pm.

GUNNISON COUNTY BOARD OF EQUALIZATION:

CALL TO ORDER: Chairperson Swenson called the meeting to order at 3:30 pm.

MINUTES APPROVAL: Moved by Commissioner Channell, seconded by Commissioner Starr to approve the CBOE meeting minutes for September 22, 2009 and authorize signatures. Motion carried unanimously.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. The Gunnison County Board of Equalization meeting adjourned at 3:31 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 THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-41**

A RESOLUTION AMENDING RESOLUTIONS 05-67 AND 06-63 TO DEFINE "CRAWLSPACE" AND TO EXPRESSLY DEFINE THE CALCULATION FOR CRAWLSPACES

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado adopted Resolution 05-67; A Resolution Adopting the 2003 Editions of the "International Building Code", The "International Residential Code For One and Two Family Dwellings", The "International Fuel Gas Code", The "International Mechanical Code", and the "International Energy Conservation Code", With Amendments; and

WHEREAS, the Board further adopted Resolution 06-63; A Resolution Amending The Definition Of "Gross Floor Area" Under Section 1002 Of The 2003 International Building Code With Amendments Thereto; and

WHEREAS, the Board wishes to further amend Resolutions 05-67 and 06-63, to a. define "crawlspac" and b. expressly define the calculation for crawlspaces; and

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

For the purposes of Resolutions 05-67 and 06-63, "Crawlspac" is defined as any space below the first floor of a building with a height of 60 inches or less, measured from the average ground level within the perimeter foundation to the bottom of the floor joist above, and will not be calculated as part of the gross floor area of the building it occupies.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 6th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2009-43**

A RESOLUTION DIRECTING THE RECORDING OF CERTAIN SPECIAL DEVELOPMENT PROJECTS
RESOLUTION MAPS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, (the "Board"), on September 1, 2009, adopted the Gunnison Colorado Special Development Projects Resolution (the "SDPR") and

WHEREAS, the SDPR, Section 1-113: MAPS, references certain maps as being adopted as if fully set forth in the SDPR; and

WHEREAS, the SDPR, Section 1-113: MAPS, in addition, directs that new or revised maps shall be recorded in the records of the Office of the Gunnison County Clerk and Recorder; and

WHEREAS, the Board intends that the following additional new maps be adopted and recorded pursuant to SDPR, Section 1-113: C.2.:

1. Gunnison County Special Development Projects Resolution Map – Historic Or Archeological Resources Of Statewide Importance;
2. Gunnison County Special Development Projects Resolution Map - Key Facilities;
3. Gunnison County Special Development Projects Resolution Map - Mineral Resource Areas;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO, RESOLVES:

1. The following maps, attached hereto and incorporated herein, are adopted pursuant to the SDPR, Section 1-113: MAPS, and are directed to be recorded in the Office of the Gunnison County Clerk and Recorder:

- a. Gunnison County Special Development Projects Resolution Map – Historic Or Archeological Resources Of Statewide Importance;
- b. Gunnison County Special Development Projects Resolution Map - Key Facilities;
- c. Gunnison County Special Development Projects Resolution Map - Mineral Resource Areas;

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 6th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2009-44**

A RESOLUTION SUPPORTING BALLOT ISSUE 1A REGARDING FINANCING RENEWABLE ENERGY
IMPROVEMENTS FOR CONSENTING PROPERTY OWNERS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado adopted, on September 1, 2009, Resolution 2009-37 to initiate on the coordinated mail ballot election to be held on November 3, 2009 ballot issue 1A that, if passed, would authorize financing of renewable energy improvements for consenting property owners; and

WHEREAS, a fundamental component of that financing opportunity would be the creation of a local improvement district; and

WHEREAS, the creation of the local improvements district and voter approval of the authority to finance energy improvements for consenting property owners would include the benefits of:

- Financing energy improvements at low cost;
- Helping property owners save on their utility bills;
- Repaying the costs through a voluntary assessment on the property;
- Keeping the financial obligation with the property and not the person;
- Utilizing long-term repayment;
- Stimulating the local economy, creating jobs and putting people to work;
- Ensuring no increased taxes for non-participants.

WHEREAS, residents who do not wish to participate in the program will not pay any additional taxes or fees; they will not be impacted financially in any way; and

WHEREAS, energy improvements such as upgrading insulation, replacing inefficient heating systems, upgrading lighting systems and fixtures, sealing air leakages, and installing solar electric, solar hot water and wind energy would all be eligible for financing through the local improvement district; and

WHEREAS, residents who own their property will be able to borrow money through the County and pay it back, over time, through a special assessment on their property tax bills. This would provide borrowers a long term repayment on the improvements, which will allow the borrower to realize annual energy savings similar to their additional property tax assessment; and

WHEREAS, at a time of rising energy costs, the program would offer property owners a low cost means of financing energy improvements. It provides a stream-lined loan process, and a fixed-rate loan to fund energy improvements and decrease utility bills.

WHEREAS, whether a property owner is interested in saving money, reducing dependence on fossil fuels, stimulating the local economy, or increasing their energy independence, the local improvement district removes many of the financial hurdles that prevent them from achieving those goals; and

WHEREAS, if the property is sold prior to the end of the repayment period, the new owner takes over repayment as part of their property tax bill or other arrangements may be made by the seller and buyer; and

WHEREAS, those who choose to pay for renewable energy systems like solar, or energy efficiency upgrades through this program will pay only for the cost of their project, loan interest, and an administrative fee to cover the administrative costs, if necessary; and

WHEREAS, ballot issue 1A aims to provide the tools for eligible Gunnison County families to finance energy efficiency and renewable energy improvements – without raising taxes; and

WHEREAS, the Gunnison County Board of County Commissioners is committed to environmental protection and energy conservation. Voter approval of ballot issue 1A would be a major milestone in moving towards these goals.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Gunnison County, Colorado endorses Gunnison County ballot issue 1A and urges the electorate to vote YES on 1A in order to help create a more sustainable energy future for Gunnison County.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 6th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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