

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 3, 2009**

The November 3, 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 8:06 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of August 18, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Chairperson Swenson to approve the Special Meeting minutes of October 15, 2009. Motion carried (Commissioner Channell was not in attendance for the 10/15/09 meeting and, therefore, could not vote to approve the minutes). **Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the Regular Meeting minutes of October 20, 2009. Motion carried (Commissioner Starr was not in attendance for the 10/20/09 meeting and, therefore, could not vote to approve the minutes). **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the meeting minutes of September 22, 2009 as submitted. Motion carried unanimously.

CONSENT AGENDA: Commissioner Starr requested that Items #7 and #8 be pulled from the Consent Agenda for discussion. Likewise, Commissioner Channell requested that Items #3, #6 and #11 be pulled for discussion. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Items #1, #2, #4, #5, #9 and #10 and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Contract for Services; Omni Institute
2. Acknowledgment of County Manager Signature; Emergency Preparedness and Response Division (EPRD), Public Health and Social Services Emergency Fund, Public Health Emergency Response (PHER), H1N1 Phase II and Phase III, 2009-2010 Scope of Work; 9/28/09 - 7/30/10; \$55,463
3. **Pulled for Discussion and Separate Action:** Gunnison County Sage-grouse Strategic Committee Appointment; Allen Roper; Gunnison County Stockgrowers' Association Alternate Position
4. 2009 Memorandum of Agreement; Community Based Organization Funding; Gunnison Nordic Club, Inc.; \$2,000
5. Approval and Acceptance of a Conveyance of a Public Highway to Gunnison County; Taylor River Road
6. **Pulled for Discussion and Separate Action:** Release of Development Improvements Agreement; Castle Mountain Ranches, LLC; West Elk Ridge Subdivision
7. **Pulled for Discussion and Separate Action:** Acknowledgment of County Sheriff Signature; Memorandum of Understanding Between the Bureau of Land Management Colorado and the Office of the Sheriff Gunnison County for Law Enforcement Services
8. **Pulled for Discussion and Separate Action:** Provider Agreement; Annie Starr; Professional Services Regarding the Provision of Expanding Quality Services to Child Care Providers Consistent with Established Curriculum; 10/1/09 - 6/30/10
9. Amendment No. 4 to Contract Dated 09/04/2007 Between Jacobs Engineering Group, Inc. and the Board of County Commissioners of Gunnison County on Behalf of the Gunnison-Crested Butte Regional Airport Gunnison, Colorado; Relocate Existing Utilities/On-Site Construction Coordination Phase as Detailed in Exhibit A
10. Acknowledgment of County Manager Signature; Purchase of Service Agreement; Section 8 Preparation and Training; Tammy Miller; 10/13/09 thru 10/31/09
11. **Pulled for Discussion and Separate Action:** Gunnison County Mosquito Control Services Contract; Colorado Mosquito Control, Inc.; 2010 thru 2012 Seasons

CONSENT AGENDA ITEM #3: Commissioner Channell asked to pull this for discussion because the appointment falls out of sequence with the adopted schedule. County Manager Birnie explained that this position is chosen by the Stockgrowers' Association and that the Board merely has to approve of it. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #3. Motion carried unanimously.

CONSENT AGENDA ITEM #6: Commissioner Channell asked to pull this for discussion in order to clarify the document type. County Attorney David Baumgarten confirmed that this document was not a resolution, though the format was similar. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #6 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #7: Commissioner Starr asked to pull this for discussion to determine whether or not it was considered a mutual-aid agreement since no compensation is involved. County Manager Birnie confirmed that it was a mutual-aid agreement. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Item #7 and acknowledge the Sheriff's signature on the document. Motion carried unanimously.

CONSENT AGENDA ITEM #8: This was pulled from the Consent Agenda due to a conflict of interest for Commissioner Starr. **Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve Consent Agenda Item #8 and authorize signatures. Motion carried. Commissioner Starr abstained from the conversation and the vote.

CONSENT AGENDA ITEM #11: Commissioner Channell requested that this be pulled for discussion to discuss the possibility of competitive bidding. County Manager Birnie stated that this did not involve a large sum of money and that the contractor had been very responsive in the past to all requests. He also confirmed that there were no local competitors found. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #11 and authorize signatures. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Joint Meeting with the Planning Commission; 12/4/2009. Chairperson Swenson clarified that this two-hour meeting was scheduled to begin at 9:00 am on 12/4/09 in the Planning Commission meeting room.
2. Mayors/Managers Meetings. Commissioner Channell proposed that the individual Board members continue to attend meetings as available, but that only one Board member should report for the County so as to not overwhelm the other participants with County information. Chairperson Swenson felt that this was agreeable.

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

1. Financial Underwriter; Jail and Public Works Construction Projects. County Manager Birnie informed the Board that the Request for Proposal (RFP) had been issued and that interviews would be scheduled based on the responses. This will close at the end of the month and the law firm of Sherman and Howard has been engaged as bond counsel. The next step will be to contract an architect. County Manager Birnie stated his opinion that the design/build approach could keep the process running smoothly while minimizing costs.
2. Doyleville Shop; Passive-Solar Project. County Manager Birnie informed the Board that Geographic Information Services Manager Mike Pelletier would be pursuing this project, which would require permission from the owner. He informed the Board that he gave permission as a representative of the owner, which is the County.
3. Forest Service Funding for Biomass Applications. County Manager Birnie informed the Board that the Forest Service may have some sort of direct funding available and he agreed to follow up on the possibility.
4. Contract; Sheriff's Office and Mt. Crested Butte. County Manager Birnie informed the Board that he met during the previous week with the Sheriff's Office and representatives from Mt. Crested Butte to discuss the renewal of the contract that will expire on 12/31/2009. The contract includes a cost of approximately \$112,000, which is a 100% increase over the current contract, and the Mt. Crested Butte representatives requested that this be increased within the following year to \$190,000. County Manager Birnie did not feel that this would be affordable for the County, so the Sheriff's Office may have to assume patrol responsibilities in Mt. Crested Butte. He felt that the current expenditures would enable the County to provide the service. Since these contract negotiations began at such a late date, County Manager Birnie proposed a one-year extension of terms to allow for additional negotiation time. County Manager Birnie informed the Board that the Sheriff did not feel that a satellite office would need to be in place in order to proceed with taking over patrols in the area. The satellite office project is within the Capital Improvements Plan, but at a lower priority than other projects.

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

1. Board Signature on Wilder Plat. County Attorney Baumgarten, County Paralegal Rachel Magruder, and Rufus Wilderson, legal counsel for the Wilder family, were present for discussion. Assistant County Manager Crosby presented the plat for discussion and approval. Mr. Wilderson explained that this required Board approval since it involved a 35-acre subdivision. He further explained that the easements already existed and provided drawings to illustrate the existing Jacks Cabin Road and the proposed Jacks Cabin Road realignment. Any structural building issues with the topography will be addressed during the planning process for structures. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Chairperson's signature on the Wilder on the Taylor Plat. Motion carried unanimously.
2. North Bridge Update. Assistant County Manager Crosby informed the Board that she had originally intended to advertise this project in January 2010 for an August 2010 project; however, this will now be advertised next week.

3. FedEx Facility. Assistant County Manager Crosby informed the Board that a modular dock was approved by the Design Review Committee (DRC). Currently, FedEx is requesting to put in an office facility of modular design to include a couple of offices and a restroom facility. Assistant County Manager Crosby asked the Board if this would need to be reviewed by the DRC since the language in the current agreement is not clear. County Manager Birnie asked whether or not this would require a change with the City of Gunnison since a sewer hook up would be necessary and Assistant County Manager Crosby stated that FedEx will need to pay the tap fee. Commissioner Channell felt that this review should be accomplished via staff based on the guidelines in the document. He also felt that the Board should readdress the template language to ensure that it is clear for scale changes. Assistant County Manager Crosby noted that the DRC should now be made up of the leaseholds as the Board was to be acting as the DRC during development only.
4. Request for Permission; Snowcat Access on Kebler Pass. Assistant County Manager Crosby informed the Board that she had received this request, but that the County historically had not allowed this type of access. She noted that this would be from the trailhead to the Town of Irwin. The Board agreed that Assistant County Manager Crosby should respond to the request by denying the request at this time, but being open to further discussion if the issue becomes problematic.
5. Ohio City Town Hall Project. Assistant County Manager Crosby informed the Board that the architectural bidding phase would end on 11/6/09. Approximately eight firms submitted proposals, which she felt was an impressive number. The State Historical Fund will be funding this project.

BREAK: The meeting recessed from 8:59 until 9:13 am in order to hold the below Public Hearing.

PUBLIC HEARING; ACCEPTANCE OF BIOSOLIDS AT THE GUNNISON COUNTY LANDFILL:

Assistant County Manager Crosby, District Foreman Sean McCormick and Town of Crested Butte Wastewater Plant Operator Taylor Davis were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 8:59 am.
2. Public Notice Confirmation. Assistant County Manager Crosby confirmed that proper public notice had occurred.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Assistant County Manager Crosby explained that this request was received from the Town of Crested Butte. She confirmed that the Colorado Department of Public Health and Environment (CDPHE) requires the County to publically notice this Public Hearing and that the CDPHE would then perform the same notice separately. Assistant County Manager Crosby confirmed that testing and the administrative requirements would be billed appropriately, though she could not propose a landfill fee until after a couple of loads had been delivered and the amount of time and equipment costs had been calculated.

Mr. Davis explained that the Town currently processes material into Class B biosolids and that those biosolids are transported to Leadville for use in mine reclamation, which is expensive and inconvenient. The Town believes that transporting these biosolids to the Gunnison County Landfill approximately once per week would benefit both the Town and the landfill, while also reducing the Town's costs by about 50%. He stated that approximately 90 metric tons of biosolids are produced each year, which currently costs the Town nearly \$60,000 to transport to Leadville. He provided copies of biosolids reports and confirmed that the Town would continue to contract quarterly with an outside laboratory for this part of the process.

Assistant County Manager Crosby stated that the Town should retain the right to use their choice of engineer. She confirmed that the landfill would benefit from this as there is currently a large amount of sterile dirt at the landfill.

District Foreman McCormick informed the Board that the County had previously only evaluated mixing biosolids with trash, not dirt. He stated that he was not aware of all State requirements for handling Class B biosolids, but he agreed to get more information as he felt that the County could benefit from this type of program in the very near future. He explained that this Public Hearing was a State requirement for public comment only and that all other details could be worked out in the future.

5. Applicant Presentation. This was not applicable.
6. Board Questions. Commissioner Channell wondered if heat would be a factor to consider, but District Foreman McCormick explained that the effect would be minimal. Commissioner Channell also wondered if any knowledge could be gained from evaluating the City of Gunnison's methods for handling waste. District Foreman McCormick explained that the City's final product is Class A material.

District Foreman McCormick stated that the County would consider mixing the waste with the trash, but acknowledged that this would not be the eventual best use and would cost more.

Commissioner Starr requested information about the timeline for implementation. Assistant County Manager Crosby explained that, once the Board approved the action, this could go into effect as soon as State approval is received. The comment period ends 11/16/09.

7. Public Comments. Chairperson Swenson opened the meeting to public comment at 9:13 am; however, there was no comment provided.
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 9:13 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

A decision on this matter was scheduled on the 11/17/09 Board agenda.

BREAK: The meeting recessed from 9:13 until 9:19 am.

RESOLUTION; RESIDENTIAL DENSITY TRANSFER: Geographic Information Services Manager Mike Pelletier and Gunnison County Housing Authority Executive Director KT Gazunis were present for discussion.

Geographic Information Services Manager Pelletier provided the draft documents for discussion and approval. He explained that the Board asked staff to revisit the essential housing portion of this program during the 10/27/09 meeting. He confirmed that staff utilized the same language as is used for the workforce linkage fee, which is basically a percentage of AMI. He and Gunnison County Housing Authority Executive Director Gazunis agreed that a percentage of AMI could be used and that this program could reference the administrative documents as a way to parallel all documents.

Geographic Information Services Manager Pelletier explained that the Planning Commission recommended including a provision for 15% of open space based on a sense of how often this voluntary program may be used. The Planning Commission felt that using 15% would financially incent the developers to use the program more often.

Commissioner Starr felt that the Board should proceed with suggestions provided by the Planning Commission and Geographic Information Services Manager Pelletier, and then revisit this issue in one year.

Other ministerial modifications to the document were discussed and agreed upon. The date of passage and adoption was changed to reflect 11/3/09. The Board initially agreed to add the dates of 10/27/09 and 11/3/09 in the fifth whereas clause after the date of 9/22/09; however, Planning Director Williams explained that those were public hearing dates so the Board agreed that they should not be included in the document. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt, with changes as discussed, Resolution #2009-47, a Resolution Amending the Gunnison County Land Use Resolution Concerning the Addition of a Voluntary Residential Density Transfer Section to the Resolution. Motion carried unanimously.

MOUNTAIN MEADOWS SUBDIVISION; RESOLUTION, ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT, REPLAT AND REVOCATION OF SUSPENSION OF THE LAND USE CHANGE PERMIT; MARILYN MCGILL: County Attorney Baumgarten, County Paralegal Magruder, County Planner Cathie Pagano, applicant Marilyn Magill, and Jacob With, legal counsel for Ms. Magill, were present for discussion.

County Planner Pagano presented the documents for Board consideration. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Chairperson's signature on the Release of Notice of Suspension of Gunnison County Land Use Change Permit #2003-54 for Mountain Meadows Subdivision, and we (the Board) also authorize the Chairperson's signature on the Addendum to the Development Improvements Agreement for Mountain Meadows Subdivision, that we (the Board) authorize the Chairperson's signature on the replat of Mountain Meadows Subdivision within Parcel A, Fisher Subdivision, to reflect the creation of four lots, and that we approve the amended and restated Declaration of Protective Covenants for Mountain Meadows Subdivision, and that we (the Board) adopt Resolution #2009-48, a Resolution Approving Land Use Change Permit No. 2008-34, a Land Use Change Permit for MJM, Inc. for the Replat of Mountain Meadows Subdivision to Reduce the Number of Lots from Eleven Lots to Four Lots. Motion carried unanimously.

PLAT AMENDMENT; RIVERWALK ESTATES; RELOCATION OF DRIVEWAY EASEMENT ON LOTS 16, 17 AND 18: County Planner Pagano was present for discussion.

County Planner Pagano explained that three lots would be affected by this easement relocation, if approved. She confirmed that Assistant Public Works Director Allen Moores and County Attorney Baumgarten had both reviewed the documentation provided. Commissioner Starr recused himself from the conversation and the vote due to a potential conflict of interest and he left the room at 9:37 am. **Moved** by Commissioner Channell, seconded by Chairperson Swenson to authorize the Chairperson's signature on the correction plat with access to utility easement for Lot 17 of Riverwalk Estates. Motion carried. (Commissioner Starr recused himself from voting on this issue.)

COMMISSIONERS MEETING REPORTS: This portion of the meeting began earlier than scheduled due to opening in the meeting.

Commissioner Channell:

1. Alliance for Sustainable Colorado (ASC) Meeting. Commissioner Channell informed the Board that he attended this meeting with approximately 15 other persons, including two regional representatives from the Governor's Energy Office. He explained that ASC is a non-profit located near Union Station in Denver. He stated that the Education Outreach Coordinator for ASC, Janice Six, did a great job leading the roundtable discussion. Commissioner Channell felt that the County could benefit from similar meetings in the local area, possibly arranged by the Green Team.

Commissioner Starr:

1. Library District Meeting. Commissioner Starr requested information related to the meeting on 11/2/09 as he was unable to attend. Chairperson Swenson explained that the meeting provided an overview for the Library and the intent to request voters to pass a funding request in 2010. She felt that the meeting was well attended and noted that the Library District board members present all agreed that more community involvement was needed. Commissioner Channell added that the Library District received \$900,000 from the VanTuyl settlement. He also explained that the new facility would be approximately 15,000 to 20,000 square feet and would include community meeting rooms and a permanent location for the Literacy Program. Commissioner Channell felt that the County might need to financially support this project in the future.
2. Butch Clark Land Exchange Project. Commissioner Starr stated that this project is moving forward and that a non-profit organization would be formed. Attorney Luke Danielson is working with Gunnison County Housing Authority Executive Director KT Gazunis to evaluate the possibility of turning this into a future housing project. Within a few weeks, the Articles of Incorporation should be filed. The concept will be to provide land for energy smart affordable housing that will benefit the County.
3. Code Enforcement. Commissioner Starr requested an update on enforcement and County Manager Birnie explained that a year-end report to the Board would be scheduled to take place in January 2010. In the future, there will be monthly reports.

BREAK: The meeting recessed from 10:05 until 10:12 am.

UPPER CRYSTAL RIVER SPECIAL GEOGRAPHIC AREA DESIGNATION DECISION: County Attorney Baumgarten, Assistant Planning Director Neal Starkebaum and Planning Commission member Ramone Reed were present for discussion.

Chairperson Swenson noted that this discussion had been suspended until after the 10/30/09 meeting in Marble. Commissioner Channell stated that three meetings were held that day; one with the Marble Town Council, one in Somerset as a public meeting, and another in Marble as a public meeting with approximately 34 citizens in attendance.

Commissioner Starr questioned whether or not the evaluation process would need to begin again for a modified version of the request. He felt that perhaps this issue should be discussed during the upcoming joint meeting between the Board and the Planning Commission on 12/4/09 in order to discuss the logistics of an immediate Board decision versus first holding another public meeting in Marble. He noted that the opponents of the SGA had created a non-profit organization to represent their opinion, which may improve the quality of dialogue.

Chairperson Swenson disagreed with Commissioner Starr as she felt that the non-profit was only created due to the opponents' frustration over not being heard. She felt that the Planning Commission did an exceptional job evaluating this issue. Resulting from the public meeting on 10/30/09, Chairperson Swenson stated her opinion that the area residents do not want the SGA designation, but that they do want to have a voice in any regulations that affect their geographical area. She felt that the Planning Commission recommendation should be accepted by the Board. She also felt that the County should hold future public meetings and hearings in the Marble valley so that greater input can be received on various topics.

Commissioner Channell noted that Board acceptance of the Planning Commission's recommendation would not preclude the caucus from submitting a different proposal in the future. Commissioner Starr did not feel that the caucus would submit another proposal because of the amount of time involved thus far.

Commissioner Channell felt that the current issue was processed by the Planning Commission, that the issue should be considered concluded, and that any new proposals should begin the process as a new proposal normally would. He also felt that enforcement of the regulations would be more important to the local citizens than creating additional regulations for the area. He felt that the Board should craft a letter of explanation about this conversation that includes the support for holding public meetings in Marble for any topics that affect Marble. Lastly, he questioned the possibility of having different Planning Commissions for different parts of the County, similar to what other counties do.

Assistant Planning Director Starkebaum informed the Board that the County holds public hearings in Marble for issues involving the Upper Crystal River Valley, but that possibly only five applications had been submitted for this area in the past five years. Commissioner Channell stated his impression that the citizens of Marble want more interaction with the County, possibly by being included in the deliberation process after a hearing. Assistant Planning Director Starkebaum felt that the length of travel between Gunnison and Marble could become problematic.

Moved by Commissioner Channell, seconded by Commissioner Starr, on the question of the Special Geographic Area proposal for the Upper Crystal River Valley, that we (the Board) uphold the recommendation of the Planning Commission, but that we (the Board) compile an explanation of our deliberations and encourage the entities in the Upper Crystal River Valley to work together to produce a plan, if in fact they can do that. Motion carried unanimously. Planning Commissioner Reed stated his opinion that this issue should be included on the 12/4/09 joint meeting agenda.

GUNNISON COUNTY ENERGY COORDINATOR POSITION DISCUSSION: CSU Extension County Director Eric McPhail and Office for Resource Efficiency (ORE) Program Director Maya Silver were present for discussion.

Mr. McPhail stated that the Governor's Energy Office (GEO) had done a good job of outlining the specifics of this half-time position and the deliverables that the position should meet. The position will be allocated \$65,000 for three years of service in the Gunnison and Hinsdale areas. He felt that the program would be beneficial as long as the recipient of the funds was a good caretaker of the funds. Training for the position will be provided by the GEO.

Mr. McPhail informed the Board that CSU would be applying for the grant in individual areas, which could mean that some areas do not receive funding. The intention is to meet the needs of education outreach, which he felt would be a large component of the program. CSU would like to evaluate the sustainability factor of CSU taking on energy programs in the future. In the last few years, a team of CSU Extension personnel created the Clean Energy Initiative team; Mr. McPhail serves on that team.

County Manager Birnie asked for information relative to what kind of access to CSU's resources would be available at the Extension level. Mr. McPhail stated that the access is already available, but that it is dependent on the local community making requests known, based on need.

County Manager Birnie questioned how this would be structured within the Extension office. Mr. McPhail stated that CSU would pay for the position, travel, and all related costs except for the cost of an internet connection. Space for the position would be provided with minimal oversight. The State coordinator would manage these positions and could not be located in the County. This position would be a new local hire.

Commissioner Channell questioned whether the correspondence included in the packet was a draft. Mr. McPhail explained that he had already submitted it to CSU in the event that CSU would need it for the grant application package. Mr. McPhail explained that he had received feedback supporting the creation of an energy-outreach program in Gunnison County given the local climate.

The grant application deadline was 11/2/09 with an extension until 11/7/09 for submission of letters of support.

Ms. Silver provided copies of the application that had been submitted by ORE. She stated that ORE would like to receive support for their application since ORE had been working on related issues for the past few years. ORE had not decided whether the position would be a new hire or not as Ms. Silver thought that it might be possible for the duties to be assumed by multiple persons on the current staff.

Commissioner Starr requested information related to administrative fees. Mr. McPhail stated that the fees would likely come in at 22%, but acknowledged that he was unfamiliar with the budget. He confirmed that a grant parameter outlined that only 8% of the grant funding could be used for administrative costs.

Commissioner Channell stated that he was encouraged by the CSU Extension becoming involved in energy-related issues as he hopes to find ways to integrate the CSU Extension into the County's future plans. He felt that CSU's involvement would be important, regardless of which grant application the Board chose to support. He stated that he would be in favor of supporting ORE's application because of ORE's history of working with these issues.

Chairperson Swenson felt that the County had an even longer history of working with the CSU Extension in our community. She did not feel that the Board needed to support only one of the applications.

Mr. McPhail confirmed that, with or without the grant funding, CSU would continue to grow its energy-related programming. He stated that his office had worked with ORE in the past and that he hoped that cooperation would continue.

Commissioner Starr stated that this would be a close decision for him, but that he felt a slight pull in the direction of supporting ORE's application since ORE had been established for a few years and is comprised of local representatives with mechanisms already in place.

Mr. McPhail felt that his office would be stronger and that outreach would be more diverse. He stated that his office is capable of meeting the needs of the County if his office receives the grant, but he felt that the Board could support both applications. Ms. Silver felt that an advisory board should be created with members from both organizations.

Moved by Commissioner Channell, seconded by Commissioner Starr to send the support letter for the application for the Energy Efficiency and Conservation Block Grant, Energy Coordinator Grant application in support of ORE's application, as amended, and authorize signatures. Chairperson Swenson stated that she would vote in favor of this motion so that all commissioners' signatures would appear on the letter; however, she felt that both applications should be supported. Motion carried unanimously.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD representative Bill Trampe was not available for discussion, so this agenda item was cancelled during the meeting.

UNSCHEDULED CITIZENS:

1. Marilyn Laverty, Director of the Small Business Development Center at Western State College. Ms. Laverty provided some general background on this office that strives to create and save jobs while measuring new-business start ups. She explained that her group reports to Governor Bill Ritter and is tasked with creating \$4,000,000 new money in the economy each year. She noted that her office receives many requests to assist with completing loan packages and building marketing plans. Her office also supports non-profit organizations and spends between five and 10 hours assisting each client. Confidentiality agreements are signed with each company that comes in for assistance. This office is located in Taylor Hall on the WSC campus.

COMMISSIONERS MEETING REPORTS (continued):

Chairperson Swenson:

1. Telecommunications Update. Chairperson Swenson informed the Board that her husband, Jason Swenson, had been working closely with the Town of Crested Butte to submit a grant application within the Town's grant cycle. Mr. Swenson believes that he will be able to include Somerset in his telecommunications plan. He will be meeting with County Manager Birnie so that County Manager Birnie can bring a recommendation to the Board in the near future.
2. Meeting at Somerset Park. This open meeting was held on 10/30/09 at the Somerset Park.
 - a. Ragged Mountain Fire Protection District Dissolution. Chairperson Swenson explained that this District is about to become part of the Paonia Fire Protection District. The District is still planning on building a firehouse on County property as the funds are available. County Manager Birnie will check into this situation and report back to the Board at a later date. The Board asked him to also check into the possibility of including Somerset within the new District.
 - b. Enforcement. Commissioner Channell requested that County Manager Birnie provide an update relative to a situation in which a County resident appears to be hoarding old unusable vehicles. County Manager Birnie will revisit this issue with the Code Enforcement group and he will update the Board at a later date.
 - c. Somerset Park. Chairperson Swenson stated that the Park requested funding, particularly for a riding lawnmower, but that the request was received after the Community Based Organization Funding program application deadline. County Manager Birnie stated that the Board had discretionary funds in the budget for these types of requests as he felt that it would not be fair to allow the Park to submit a late application for CBO funding. County Manager Birnie proposed that the Park submit a detailed funding request and Commissioner Starr agreed to request this from the Park. County Manager Birnie suggested that the County formalize the agreement, using language similar to the CBO agreement language, should the Board agree to provide funding.

- d. Alleys in Somerset. Chairperson Swenson questioned whether these alleys are vacated or whether there is public access. County Manager Birnie informed the Board that Assistant County Manager Crosby had agreed that the issue is confusing.
- 3. Town Council Meeting with Marble. This open meeting was held on 10/30/09 in Marble.
 - a. Marble Tourism Association. Chairperson Swenson stated that the County may possibly contract with the Town of Marble to provide these tourism-related needs. The Board agreed that the Town should submit a proposal to the County.
 - b. Marble Institute. Commissioner Channell stated that the Board discovered that this private non-profit organization, without local persons serving on the board, is located on land that was given to them within the limits of the Town of Marble and is zoned as residential. Additionally, this organization does not collect sales tax on the sale of sculpting equipment. He felt that this organization is a huge economic benefit to the Town of Marble, but that the Board may need to intervene via reporting this situation to the State. County Manager Birnie stated that the County does not have the authority to collect sales tax. Commissioner Channell stated that he spoke with an artist at the meeting, who was also an original board member, and then contacted him again via email for further details about the organization. He received a reply to the email, but he could not confirm the gentlemen's status within the organization. Commissioner Channell agreed to follow through with this issue.
 - c. Complaint; Parking on County Road 3 by Beaver Lake. County Manager Birnie will refer this issue to the Sheriff's Office.
- 4. Public Meeting in Marble. This open meeting was held on 10/30/09 in Marble.
 - a. Serpentine Trail Plowing. The Board asked County Manager Birnie to have Assistant County Manager Crosby organize a concise compilation of all concerns and options related to this issue and then hold a work session for plowing in the Upper Crystal River Valley. Commissioner Starr felt that the County may be able to place a moratorium on building in this area until the situation has been satisfied, possibly through formation of a Road Improvement District. Funding may be available through the balance of the Marble Ski Area Fund and County Manager Birnie will check on this option.
 - b. Enforcement. Chairperson Swenson stated that a pile of trees had been dumped on Prospector Trail when a resident cleared his lot. This is now blocking the trail. County Manager Birnie will check into the situation and report back at a later date.
 - c. Court Decree Giving a Road to the County. During the meeting, Mike Preston requested a copy of this document. This issue will be included in an upcoming work session.
 - d. Urban Zoned Subdivision. Residents requested information about this because it is referenced on a memo from Assistant County Manager Crosby dated 12/8/1998. Paula Sahr provided a copy of the memo and County Manager Birnie agreed to follow up on this issue.
 - e. Impact Fee on Marble Quarry. During the meeting, questions arose related to assessing this situation due to the heavy impact to the road. County Manager Birnie felt that instituting an impact fee on an existing operation would be difficult, but that the roads could be addressed through the possibility of load-limit fees.
 - f. Complaint; Outwest Guides and Avalanche Outfitters. Complaints were received relative to parking at the end of CR 3 and the possibility that the road may be being used for commercial transactions.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:21 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. 47, SERIES 2009**

A RESOLUTION AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION CONCERNING THE ADDITION OF A VOLUNTARY RESIDENTIAL DENSITY TRANSFER SECTION TO THE RESOLUTION

WHEREAS, the *Gunnison County Land Use Resolution* ("the Resolution"), Section 1-113, details a process for initiation, review and Board of County Commissioners' action on proposed amendments to the *Resolution*; and

WHEREAS, pursuant to Section 113, the Geographic Information Services Department initiated and the Gunnison County Planning Commission has completed review of the proposed amendment as required by the *Resolution*; and

WHEREAS, the Planning Commission on July 10, 2009 recommended approval of said amendment as reflected in their Recommendation, forwarded it to the Board of Commissioners July 24, 2009; and

WHEREAS, the Gunnison County Attorney and Geographic Information Services Department (GIS) Manager subsequently reviewed the Planning Commission's recommendation and submitted recommended changes to the Board in a memorandum dated August 11, 2009, which has also been reviewed and considered by the Board; and

WHEREAS, the Board of County Commissioners has conducted a duly-noticed public hearing on this proposed amendment September 22, 2009; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendment using the following criteria:

- Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;
- Changed conditions, including the economy of Gunnison County;
- Effect of the proposed amendment on the natural environment;
- Community needs;
- Development pattern;
- Changes in applicable law;
- Public health, safety and welfare;
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Board hereby adopts the amendment to the *Gunnison County Land Use Resolution* as included in the attached "Exhibit A."

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

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and passed on this 3rd day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 48, SERIES 2009**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-34
A LAND USE CHANGE PERMIT FOR MJM, INC.
FOR THE REPLAT OF MOUNTAIN MEADOWS SUBDIVISION TO REDUCE THE NUMBER OF LOTS FROM
ELEVEN LOTS TO FOUR LOTS

WHEREAS, MJM, Inc. has requested a Land Use Change permit to replat the Mountain Meadows Subdivision to reduce the number of lots from eleven lots to four lots. Each lot will be permitted for single-family residential use; and

WHEREAS, the subdivision was approved by the Gunnison County Board of Commissioners on November 1, 2005 for eleven lots on a 19+-acre parcel. The original Mountain Meadows Subdivision plat is recorded in the Office of the Gunnison County Clerk and Recorder at Reception No. 563568.; and

WHEREAS, on April 1, 2008 the Gunnison County Board of Commissioners issued a Notice of Suspension of Gunnison County Land Use Change Permit No. 2003-54, Mountain Meadows Subdivision recorded in the Office of the Gunnison County Clerk and Recorder at Reception No. 583062. The permit was suspended due to issues with water supply; and

WHEREAS, Protective Covenants for Mountain Meadows Subdivision were approved by the Board of County Commissioners and recorded in the Office of the Gunnison County Clerk and Recorder at Reception No. 563569. The applicant has proposed amendments to the existing covenants to address the change in number of lots and ministerial items; and

WHEREAS, on October 20, 2009 the Gunnison Board of County Commissioners received and reviewed the proposed plat and proposed protective covenants for the Mountain Meadows Subdivision replat and intends this Resolution to memorialize in writing approval of the replat with the following findings:

1. The applicant has submitted a Ruling of Referee and Decree in Gunnison County, Colorado District Case No. 07CW7. The decree approves the proposed storage right, underground water rights, surface water right and approval for augmentation and right of exchange for four single-family residential lots at Mountain Meadows Subdivision. The ruling was signed by the Water Referee, S. Gregg Stanway on January 16, 2009 and Steven Patrick, Water Judge on February 10, 2009.
2. The applicant proposes that Lots 1 and 4 will utilize a portion of the area labeled "utility easement" on the plat for driveway access. Lots 2 and 3 will utilize from Spring Meadows Trail. Gunnison County Public Works has approved this plan in a letter dated May 13, 2009.
3. The original Development Improvements Agreement shall be amended to reflect the proposed changes to the subdivision.
4. Approval is limited to the plan described within the "Project Description" of Land Use Change Application 2008-34, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former *Land Use Resolution*.
5. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that Land Use Change Permit No. 2008-34, for MJM, Inc. Mountain Meadows Subdivision is approved as an Administrative Review, subject to each and all of the following conditions:

1. Each and every water well constructed, used or maintained in Mountain Meadows Subdivision shall be in compliance with the Ruling of the Referee and Decree in Gunnison County, Colorado District Case No: 07CW7.
2. Lots 1 and 4 will utilize a portion of the area labeled "utility easement" on the plat for driveway access. Lots 2 and 3 will utilize from Spring Meadows Trail. Gunnison County Public Works has approved this plan in a letter dated May 13, 2009.
3. Approval is limited to the plan described within the "Project Description" of Land Use Change application 2008-34, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former Land Use Resolution.
4. The Development Improvements Agreement shall be amended and executed prior to recordation of the replat of Mountain Meadows Subdivision.
5. The following shall be completed upon recordation of the Final Plat:
 - a. The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate Qwest office.
 - b. The applicant shall provide two copies of the final plat designating County addresses for each lot, to the U.S. Postal Service.
6. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.
7. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
8. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
9. The removal or material alteration of any physical feature of the property geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
10. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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

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

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and passed on this 3rd day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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