

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING MINUTES  
December 8, 2009**

The December 8, 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 1:30 pm.

**ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR TOMICHI CREEK SUBDIVISION; SE ¼ SECTION 10 AND THE N1/2NE1/4 SECTION 15, TOWNSHIP 49 NORTH, RANGE 1 WEST, NMPH; POSSIBLE ACTION:** Manager of West Elk Properties, LLC Mark Lucas, County Attorney David Baumgarten and Assistant Public Works Director Allen Moores were present for discussion. County Paralegal Rachel Magruder was available for discussion via telephone.

Chairperson Swenson explained that the original DIA had expired in October and that a building permit needed to be pulled.

Mr. Lucas informed the Board that he had discussed this with Assistant County Manager Marlene Crosby prior to the meeting. He explained that he would rather not pave the gravel road until some of the construction had been completed, which would prevent unnecessary damage to the road. He also noted that he would eventually prefer that the road become a County road.

Mr. Lucas confirmed that the landscaping could not yet be signed off on because a year must first pass to ensure that all landscaping work completed survives the first year. He confirmed that the utilities were in.

Mr. Lucas suggested that the addendum be extended for a couple of years so that he could potentially pave the road at the same time as working on the Fairway Lane project. He would like the addendum to include a requirement for a current letter of credit so that it would be current so long as the letter of credit is renewed annually.

County Attorney Baumgarten stated that the project has progressed well. He agreed that the paving should not be completed until some of the building is done and suggested that the Board authorize Mr. Lucas to obtain a building permit before the paving has been completed. He felt that the County should extend far enough into the future to ensure that the developer has completed the work and that the County's interests have been secured.

Commissioner Channell stated his support for the request, but was concerned about how the County would handle the timing issue. County Attorney Baumgarten explained that either the County could execute a five-year contract or Mr. Lucas can renew the amount of security annually.

County Paralegal Magruder suggested that the Fairway Lane DIA be amended to clarify information related to the letter of credit.

**Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Addendum to Development Improvements Agreement for the Tomichi Creek Subdivision as submitted to us (the Board) in our packets and authorize the Chairperson's signature. Motion carried unanimously.

**DEVELOPMENT IMPROVEMENTS AGREEMENT FOR LAND USE CHANGE PERMIT NO: 2006-10; WEST ELK PROPERTIES; REQUEST FOR AUTHORIZATION TO OBTAIN A BUILDING PERMIT BEFORE PAVING IS COMPLETE; POSSIBLE ACTION:** **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the execution of a building permit by County staff for Lot 4 of Tomichi Creek Subdivision at any time, including today's date. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to direct staff to update the Development Improvements Agreement for the Tomichi Creek Subdivision and to have it available for our review and possible approval at our meeting on 12/22/09. County Attorney Baumgarten confirmed that this modification would not only change this DIA, but that it would be changed within the template to reflect that the County shall, without option, withhold security. Motion carried unanimously.

**PROCLAMATION; DECEMBER 11, 2009 TO BE JO ANN STONE DAY IN THE COUNTY OF GUNNISON, COLORADO:** A draft proclamation was provided by Emergency Manager Scott Morrill for discussion and approval. Modifications were agreed upon. **Moved** by Commissioner Channell, seconded

by Commissioner Starr to approve the Proclamation for Jo Ann Stone Day in the County of Gunnison, Colorado on December 11, 2009 as amended and authorize signatures. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 1:58 pm.

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Paula Swenson, Chairperson

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Jim Starr, Vice-Chairperson

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Hap Channell, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk