

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
December 15, 2009**

The December 15, 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: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the Regular Meeting of October 6, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the Regular Meeting of November 3, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the Special Meeting of November 24, 2009 as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the Special Meeting of December 8, 2009 that started at 1:30 pm as submitted. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the minutes of the meeting which started at 7:30 pm, the Special Meeting of December 8, 2009 as submitted. Motion carried unanimously.

2010 GUNNISON COUNTY BUDGET ADOPTION: Finance Director Linda Nienhueser was present for discussion.

1. Resolution; Adopting a Budget for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-50, a Resolution Adopting a Budget for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. Motion carried unanimously.
2. Resolution; Appropriating Revenues of the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. **Moved** by Commissioner Channell, seconded by Commissioner Starr to adopt Resolution #2009-51, a Resolution Appropriating Revenues of the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010 and authorize signatures. Motion carried unanimously.
3. Resolution; Appropriating Revenues of the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. **Moved** by Commissioner Channell, seconded by Chairperson Swenson to adopt Resolution #2009-52, a Resolution Appropriating Revenues of the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010 and authorize signatures. Motion carried. Commissioner Starr abstained from the vote due to a potential conflict of interest.
4. Resolution; Setting the Temporary Tax Credit Mill Levy for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-53, a Resolution Setting the Temporary Tax Credit Mill Levy for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010 and authorize signatures. Motion carried unanimously.
5. Resolution; Setting the Mill Levy for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. **Moved** by Commissioner Channell, seconded by Commissioner Starr to adopt Resolution #2009-54, a Resolution Setting the Mill Levy for the County of Gunnison, Colorado for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010. Motion carried unanimously.

BREAK: The meeting recessed from 8:13 until 8:18 am in order to call to order as the Gunnison County Housing Authority Board (see below).

GUNNISON COUNTY HOUSING AUTHORITY:

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:14 am.

2010 GUNNISON COUNTY HOUSING AUTHORITY BUDGET ADOPTION: Finance Director Nienhueser and Gunnison County Housing Authority Executive Director KT Gazunis were present for discussion.

RESOLUTION; ADOPTING A BUDGET FOR THE GUNNISON COUNTY HOUSING AUTHORITY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010: Moved by Commissioner Starr, seconded by Commissioner Channell to approve Gunnison County Housing Authority Resolution #2009-001, a Resolution Adopting a Budget for the Gunnison County Housing Authority for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010 and authorize signatures. Motion carried unanimously.

RESOLUTION; APPROPRIATING REVENUES OF THE GUNNISON COUNTY HOUSING AUTHORITY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010: Moved by Commissioner Channell, seconded by Commissioner Starr to adopt Resolution #2009-002, a Resolution Appropriating Revenues for the Gunnison County Housing Authority for the Fiscal Year Beginning January 1, 2010 and Ending December 31, 2010, as amended, and authorize signatures. Commissioner Channell asked that the resolution be amended to reflect revenues "for" the Gunnison County Housing Authority, not "of" the Gunnison County Housing Authority. Motion carried unanimously.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the Gunnison County Housing Authority. Motion carried unanimously. The meeting adjourned at 8:18 am and the Board of County Commissioners Regular Meeting was immediately reconvened.

CONSENT AGENDA: Commissioner Channell requested that Consent Agenda Items #16, #18, #19 and #22 be pulled for further discussion. Moved by Commissioner Starr, seconded by Commissioner Channell to approve Consent Agenda Items # 1 through #15, #17, #21, #20, and #23 through #31 and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Approval to Submit; Year 3 Continuation Application for Expansion Grant Colorado Family Planning Initiative; Colorado Department of Public Health and Environment, Family Planning Program, Fiscal Year 2011, 7/1/10 thru 6/30/11
2. Acknowledgment of County Manager Signature; Corporate Membership Agreement; The Gym; 1/1/10 thru 12/31/10
3. Acknowledgment of County Manager Signature; Corporate Membership Agreement; Colorado Fitness; 1/1/10 thru 12/31/10
4. Acknowledgment of County Manager Signature; Colorado Division of Emergency Management (CDEM), Emergency Management Program Grant (EMPG), Local Emergency Manager Support (LEMS), Program Funding Application
5. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice Statement of Grant Award; Victims of Crime Act, Crime Victim Assistance Program, 27-VA-GX-0039, 28-VA-GX-0019, 29-VA-GX-0006; 1/1/10 thru 12/31/10; \$58,559
6. Acknowledgment of County Manager Signature; Colorado Department of Human Services Division of Youth Corrections, HB 1451 Juvenile Justice Capacity Building Grant Application; \$40,767.84
7. Acknowledgment of County Manager Signature; Certification of Eligibility to Receive Conservation Trust Funds (CTF) for Period January 1 to December 31, 2010
8. Acknowledgment of County Manager Signature; Agreement; Planet Footprint; Professional Services Regarding Environmental Scorekeeping, Improving Environmental and Financial Performance and Efficiency, Providing Complete and Comparable Information on Energy, Water, Fleet, Waste and Greenhouse Issues, and Providing Tracking and Benchmarking of Gunnison County operations; 12/7/09 thru 12/31/10; \$2,950
9. Acknowledgment of County Manager Signature; Contract for Services; Omni Institute; 11/17/09 thru 9/30/10
10. Acknowledgment of County Manager Signature; Software Support Renewal Contract; Blackbaud Fund Ware; 2/1/2010 thru 1/31/2011; \$5,075
11. Acknowledgment of County Manager Signature; Provider Agreement; Trustees of Western State College of Colorado; Family Planning Activities to Individuals Enrolled in Western State College; 12/1/09 thru 1/1/11; \$10,000
12. Ratification of County Manager Signature; Statement of Opposition by the Board of County Commissioners of the County of Gunnison, Colorado for Second Amended Application for Underground Water Rights, Storage Rights, Surface Rights, Change of Water Rights and for Approval of Plan for Augmentation
13. Software Support Renewal Contract; Blackbaud FundWare; Implementation of the Blackbaud FundWare Payroll Module; \$1,149
14. Intergovernmental Agreement Regarding Undesirable Plant Management; Gunnison County, Saguache County, Hinsdale County, Town of Crested Butte, Town of Mt. Crested Butte, City of Gunnison, Town of Pitkin and Lake City; 1/1/09 thru 12/31/09
15. Memorandum of Agreement; Gunnison Watershed School District RE1J; National Forest Payments; 2009 thru 2012
16. **Pulled for Discussion and Separate Action:** Reimbursement Agreement; Dr. John Tarr, MD; Professional Services Regarding Medical Consultation, Planning and Incident Command Activities Associated with H1N1 for the County Health Department; \$3,000; 12/1/09 thru 4/30/10
17. Interpreter at Gunnison County Independent Contractor Agreement; HB 1451/FAST; Karen Immerso

18. **Pulled for Discussion and Separate Action:** Interpreter at Gunnison County Independent Contractor Agreement; HB 1451/FAST; Laurie Lakin
19. **Pulled for Discussion and Separate Action:** Interpreter at Gunnison County Independent Contractor Agreement; HB 1451/FAST; Veronica Mendez
20. Lease Agreement; Gunnison Valley Observatory; 2804 CR 38, Gunnison, CO 81230; \$10.00 Annually for Twenty (20) Years
21. Eighth Addendum to Development Improvements Agreement; Brush Creek Airport, LLC; Buckhorn Ranch, Filing 2B, Dated 4/23/04
22. **Pulled for Discussion and Separate Action:** CDHS Certification of Compliance, County Merit System, Year 2010
23. Resolution; Amending Resolution No: 07-34, a Resolution and Certificate of Major Impact Approval Approving the Final Plan for the Thornton Meadows Subdivision, Submitted by Deloray LLC, LUC #2005-74
24. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the North Gunnison Division of the Gunnison County Water and Sewer District
25. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Antelope Hills Division of the Gunnison County Water and Sewer District
26. Resolution; Establishing the Schedule of Fees and Rates for Water Service Within the Dos Rios Division of the Gunnison County Water and Sewer District
27. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Dos Rios Division of the Gunnison County Water and Sewer District
28. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Somerset Division of the Gunnison County Water and Sewer District
29. Provider Agreement; Professional Services Regarding Assessment, Service Planning, Relinquishment Counseling, and Parenting Education to Promote Health and Wellness to Individuals and Families Referred from the Gunnison County Department of Health and Human Services; Susan Russell; 11/20/09 thru 11/19/10
30. Contract No. 3000056582, Amendment 1; Between QinetiQ, LTD and Board of County Commissioners of Gunnison County, Colorado for the Provision of Aircraft Rescue Fire Fighter (ARFF) Coverage; Extension to 2/28/10; \$28,000
31. Eligible Governmental Entity Agreement Between the Statewide Internet Portal Authority of the State of Colorado and Gunnison County, Colorado Regarding the Transmission of Electronic Information; Credit Card Vending

CONSENT AGENDA ITEM #16: Commissioner Channell asked that item be pulled from the Consent Agenda for further discussion in order to ensure that the County Attorney's office had approved the language in the contract. County Attorney David Baumgarten explained that there was no indemnity for either party, which reverts back to common law for retaining governmental immunity. He confirmed that the language was appropriate. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #16. Motion carried unanimously.

CONSENT AGENDA ITEMS #18 and #19: Commissioner Channell asked that these items be pulled from the Consent Agenda for further discussion regarding Deputy County Attorney Tom Dill's comments on the routing sheet. County Manager Birnie explained that this contractor had previously been a volunteer and would not normally carry the same type of insurance as a business would. County Attorney Baumgarten felt that mandating insurance coverage would result in the loss of these types of contractors due to the cost of insurance. County Attorney Baumgarten felt that the risk was appropriate and agreed to ask Deputy County Attorney Dill to clarify the language in future contracts. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Items #18 and #19 and authorize signatures. Motion carried unanimously.

CONSENT AGENDA ITEM #22: Commissioner Channell asked that this item be pulled from the Consent Agenda for clarification of County Attorney Baumgarten's cautionary editorial comment on the routing sheet. County Attorney Baumgarten confirmed that this comment had been addressed. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #22 and authorize signatures. Motion carried unanimously.

Commissioner Channell stated that the Board does not want the pulling of contracts from the Consent Agenda to imply that the Board does not trust the comment(s) and/or does not want to sign the contract(s). He explained that pulling items for further discussion assists the Board in becoming more engaged with Consent Agenda items that would normally be approved without discussion. County Attorney Baumgarten stated that his office makes notations on the agenda routing sheets for this purpose. He stated that he appreciates receiving questions from the Board as the current system works much better than what was used previously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2010 Gunnison County Holiday Schedule. Personnel Director Debbie Moore was present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the 2010 Gunnison County Holiday Schedule as submitted. Motion carried unanimously.

2. Joint Meeting with Mt. Crested Butte Town Council. This meeting was tentatively scheduled to begin at 6:00 pm on 1/20/10. The location in Mt. Crested Butte will be determined at a later date.

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

1. Correspondence; Gunnison County Detention Center Staff. **Moved** by Commissioner Channell, seconded by Commissioner Starr to authorize signatures on the 12/15/09 letter from the Board to the Detention Center staff. Motion carried unanimously.
2. Correspondence; Governor Bill Ritter; Conservation Easement Tax Credit Program. Commissioner Starr explained that he had requested this discussion since he felt it would be detrimental to the County if the Conservation Easement Tax Credit Program were eliminated. He volunteered to provide draft correspondence for consideration during the 1/5/10 meeting.
3. Mt. Crested Butte; Sheriff's Office Services. County Manager Birnie informed the Board that he and Commissioner Starr met during the previous week with law enforcement representatives from Mt. Crested Butte for contract negotiations. The meeting concluded with a proposal to extend the current contract for a six-month period. The Mt. Crested Butte Town Council will vote on the proposal this evening. The extension will allow for either a transition of services or sufficient time to negotiate terms.
4. Vacation of 14th Street. County Manager Birnie informed the Board that the City Planning and Zoning Commission voted unanimously to recommend this vacation to the Gunnison Town Council.
5. Financial Firm Interviews. County Manager Birnie informed the Board that two firms were interviewed during the previous week and that two more firms were scheduled for interview during the current week. He will provide a recommendation to the Board at the first meeting in January.
6. Personnel Policy Amendments. County Manager Birnie informed the Board that Personnel Director Moore had been working on these amendments that will be presented to the Personnel Board during the following week. A recommendation to the Board will follow in January.
7. Somerset Visit; List of Concerns. Commissioner Channell wondered how the County will best follow up on the list of items pending from the recent visit to the Somerset and Marble areas. County Manager Birnie explained that he would first start by sending an email to the Board with the list of items and their status. This discussion will then be scheduled for a January work session.
8. Biomass Funding Update. Commissioner Channell requested a status update on the Forest Service funding opportunity issue. County Manager Birnie stated that he had heard that the QECBs would not be appropriate for the loan program and that it was not completely clear how the funding would happen. He also confirmed that the Forest Service would be allocating funding in the near future to various projects, but that it would not technically be considered a grant program. County Manager Birnie explained that he has applied to all possible funding sources for all funding that may be possible, but that he had no way of knowing how much, if any, may be received by the County.

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

1. Intergovernmental Agreement; Montrose County; Snow Removal on the Big Cimarron. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the Intergovernmental Agreement with the County of Montrose for up to \$5,000 for plowing on the Big Cimarron and authorize signatures. Motion carried unanimously.
2. Intergovernmental Agreement; Town of Marble; Snow Removal in the Town of Marble. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Chairperson's signature on the Intergovernmental Agreement with the Town of Marble for snow removal in the Town during the winter of 2009-2010. Motion carried unanimously.
3. Ratification of Chairperson Signature; DOLA Contract Amendment #7; EIAF #4830. Assistant County Manager Crosby noted that she normally signs these types of contracts extensions, but that DOLA had stated that only the chief elected official can now sign. She explained that she arranged for Chairperson Swenson to sign these extensions outside of a regular meeting and requested Board ratification of her signature. **Moved** by Commissioner Channell, seconded by Commissioner Starr to ratify the Chairperson's signature and approve the contract amendments for DOLA contract numbers #7, #5, #8, #4 and #1. Motion carried unanimously.
4. Ratification of Chairperson Signature; DOLA Contract Amendment #5; EIAF #4946. See above for approval motion.
5. Ratification of Chairperson Signature; DOLA Contract Amendment #8; EIAF #5294. See above for approval motion.
6. Ratification of Chairperson Signature; DOLA Contract Amendment #4; EIAF #5835. See above for approval motion.
7. Ratification of Chairperson Signature; DOLA Contract Amendment #1; EIAF #6192. See above for approval motion.
8. Ratification of Chairperson Signature; DOLA Contract Amendment #1; EIAF #6236. See above for approval motion.

9. County Christmas Party. Assistant County Manager Crosby informed the Board that she had received a great deal of positive feedback from staff members who attended the party. The Board agreed that the party was an event to be remembered.
10. North Valley Sewer Update. Assistant County Manager Crosby informed the Board that she had received confirmation from Nick Spallone that he would be shutting down the project due to the weather. Work will resume in the spring.
11. Pedestrian Bridge Update. Assistant County Manager Crosby informed the Board that the relevant advertisement could be seen in the newspaper for the next two weeks.
12. Antelope Hills Water Project Update. Assistant County Manager Crosby stated that this issue is likely to return to the Board for a policy decision. She explained that the County would normally own the infrastructure; however, in order for the HOA to receive additional grant funding, the HOA will need to own the line. She will work through the issues before submitting the USDA application, which will include an explanation to the USDA on whether or not the application is submitted by the County on behalf of the HOA.

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

SILVER THREAD SCENIC BYWAY GRANT UPDATE: Bureau of Land Management representative Sally Thode was present for discussion.

Ms. Thode explained that they had received a \$105,000 grant for development of interpretative sites along this byway. The funding should be available this spring or early summer and the work should begin in early September 2010. Hinsdale County has agreed to work on some of the locations. The Board previously gave a verbal approval to donate \$2,000 cash and \$8,000 of in-kind support for this project, but could not formally commit 2010 funds during 2009. Ms. Thode stated that the County funds need to be submitted by 6/1/10.

Commissioner Channell questioned which budget these funds would be paid from. Ms. Thode thought that Assistant County Manager Crosby would have more information since there was earlier discussion related to the possibility of paying for this commitment via the Beautification/Scenic Corridors Committee budget. The Board congratulated Ms. Thode for receiving the grant and thanked her for her work on this project.

RESOLUTION; DENYING THE REQUEST BY THE UPPER CRYSTAL RIVER CAUCUS FOR THE DESIGNATION OF THE UPPER CRYSTAL RIVER SPECIAL AREA FOR NATURAL BEAUTY: Assistant Planning Director Neal Starkebaum was present for discussion.

Commissioner Channell explained that he had previously asked that this issue be tabled until further, non-substantive, changes were made. Modifications were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve Resolution #2009-61, a Resolution Denying the Request by the Upper Crystal River Caucus for the Designation of the Upper Crystal River Special Area for Natural Beauty and authorize signatures. Commissioner Starr stated that, since he did not agree with all of the findings within the resolution, he would not vote to support it. Motion carried. Commissioner Starr voted against the motion.

GUNNISON VALLEY AVIATION LEASE AGREEMENT: Airport Manager John DeVore was not available for discussion, so this item was postponed for a future agenda.

REQUEST FOR FINANCIAL SUPPORT; GUNNISON VALLEY RURAL TRANSPORTATION AUTHORITY; SATURDAY NIGHT BUS: County Manager Birnie explained that this discussion would be suspended until 1/5/10.

COVENANTS AMENDMENT; SILVER SAGE SUBDIVISION; LIMIT RESIDENTIAL SIZE TO 5,000 SQUARE FEET; J. ROYCE RENFROW: Assistant Planning Director Starkebaum was present for discussion.

Assistant Planning Director Starkebaum explained that the Property Owners' Association requested this amendment for limit of residential size to 5,000 square feet or 25% of the size of the lot, whichever is less. **Moved** by Commissioner Starr, seconded by Commissioner Channell to adopt Resolution #2009-62, a Resolution Approving Land Use Change Permit No. 2009-34, a Land Use Change Permit for Silver Sage Homeowners Association for the Amendment of the Declaration, Covenants and Restrictions of Silver Sage Subdivision (a Planned Community) and authorize signatures. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the Chairperson to sign the formal amendment to their (the POA) declaration, which is a document that they (the POA) will record after signed by the POA. Motion carried unanimously.

GUNNISON COUNTY PERSONNEL FORM MODIFICATIONS:

1. Summary Plan Description of Gunnison County, Colorado Employee Dental Benefit Plan, as Amended and Restated, Effective January 1, 2010. **Moved** by Commissioner Channell, seconded

by Commissioner Starr to approve the Gunnison County, Colorado Employee Dental Benefit Plan, effective January 1, 2010 and authorize signatures. Motion carried unanimously.

2. Summary Plan Description of Gunnison County, Colorado Employee Vision Benefit Plan, as Amended and Restated, Effective January 1, 2010. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve and authorize signatures on the Gunnison County, Colorado Employee Vision Benefit Plan, effective January 1, 2010. Motion carried unanimously.
3. Summary Plan Description of Gunnison County, Colorado Employee Medical Benefit Plan, as Amended and Restated, Effective January 1, 2010. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Gunnison County, Colorado Employee Medical Benefit Plan, effective January 1, 2010 and authorize signatures. Motion carried unanimously.

LETTER OF SUPPORT; GREAT OUTDOORS COLORADO GRANT APPLICATION; TOWN OF CRESTED BUTTE AND TRUST FOR PUBLIC LANDS: Crested Butte Town Planner John Hess was present for discussion.

Commissioner Starr stated that this proposal, encompassing a total of 314 acres, will be the largest of its kind in the County, if received. He noted that this is a joint effort between the Trust for Public Lands, the CB Land Trust and the Town of CB.

Using a map, Mr. Hess illustrated the proposed portions of land to be included in Phase I and Phase II. He explained that the application was submitted for \$3,000,000.

County Attorney Baumgarten requested that staff meet with the CB Land Trust and the Trust for Public Lands to determine how to maximize the amount of land and ease the process.

A draft letter of support was discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve the support letter to Great Outdoors Colorado concerning the Kochevar parcels project among the Trust for Public Lands, the Crested Butte Land Trust and the Town of Crested Butte for open space conservation and authorize signatures. Motion carried unanimously. The Board gave County Attorney Baumgarten permission to begin discussions as proposed.

CARBON NEUTRALITY POLICY DISCUSSION: Commissioner Channell stated that each time the County approves growth, it adds to carbon emissions as opposed to decreasing it. He felt this is counterproductive and felt that the County should formulate some sort of carbon-neutrality policy for all projects, large or small.

Commissioner Channell noted that, during meetings with the Planning Commission, it was agreed that a group should be designated to investigate the issue outside of the Board. Commissioner Starr felt that it would be prudent to identify people that may have experience in this area. The Board agreed that the County should put out a notice of interest similar to what is done for County Boards and Commissions.

Citizen Rich Karas felt that the Board should draft a charge so that the task force can be informed on what the constraints might be. He felt that this will not be an impossible task for the group as long as the scope is well defined. He also suggested that the County consider the types of expertise desired within the group.

The Board agreed that it would be optimal to have scientists, public policy experts, development/commercial interests and energy providers serve in the group. The Board also thought that representation from the Planning Department, the CSU Extension and/or the Office for Resource Efficiency, and the Aspen Institute would be beneficial.

By 1/5/10, Commissioner Channell will write the advertisement for consideration. The Board agreed that advertisements should begin during the week of 1/18/10 and should last for four weeks. Letters of interest will be due by 2/16/10 at 5:00 pm. The Board will respond to the letters of interest and a 2/23/10 work session was scheduled.

BREAK: The meeting recessed from 10:01 until 10:21 am.

DESIGNATION OF CCI 2010 STEERING COMMITTEE PROXIES: **Moved** by Commissioner Starr, seconded by Chairperson Swenson to identify Hap Channell as our (the Board) proxy for the steering committees other than Health and Human Services and that we identify Renee Brown as our proxy for the Health and Human Services Committee for CCI during the year of 2010. Motion carried. Commissioner Channell abstained from the vote due to the obvious conflict of interest.

DEPARTMENT OF ENERGY REGIONAL GRANT APPLICATION: This agenda discussion was cancelled due to the lack of new information to report.

BREAK: The meeting recessed from 10:24 until 10:39 am.

RESOLUTION; PLACING A TEMPORARY PROHIBITION ON THE CONSTRUCTION, ALTERATION, OR USE OF ANY BUILDING, STRUCTURE, OR PROPERTY FOR MEDICAL

MARIJUANA DISPENSARIES AND/OR GROWING OPERATIONS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AND FURTHER INSTRUCTING COUNTY STAFF TO ESTABLISH REGULATIONS FOR MEDICAL MARIJUANA DISPENSARY AND/OR GROWING OPERATIONS:

County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten presented a draft resolution for discussion and explained that he requested this agenda item in order to discuss what the State Constitution and the two applicable statutes allow and forbid. He stated his belief that dispensaries have not been allowed by the State and referenced a 10/29/09 case in which a conviction of possession and intent to distribute was upheld. He explained that, under the current laws, patients and caregivers must obtain marijuana unlawfully in order to lawfully use it. The issues related to possessing, growing and dispensing will return to the State legislation this session. He agreed with the case reference stating that it will take legislation to clear the murky waters. Until clearer legislation is available, he proposed that the Board institute a moratorium.

Commissioner Channell stated that the Gunnison County Substance Abuse Prevention Program members had been discussing this issue for quite some time. He stated his opinion that it will be important to clarify that this would not speak to the efficacy of the medical use of marijuana. He suggested that the resolution be amended to cite the pending legislative review as the reason for the resolution. The session ends in early May 2010 and Commissioner Channell will resume attendance in CCI subcommittee meetings on 1/22/10.

Further modifications to the draft resolution were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-63, a Resolution Placing a Temporary Prohibition on the Construction, Alteration, or Use of any Building, Structure, or Property for Medical Marijuana Dispensaries and/or Growing Operations in Unincorporated Gunnison County for a Period not to Exceed Six (6) Months and Further Instructing County Staff to Establish Regulations for Medical Marijuana Dispensary and/or Growing Operations, as amended, and authorize signatures. Motion carried unanimously.

An unidentified female citizen requested further information related to how this ruling may affect her private business and County Attorney Baumgarten informed her that she should discuss this matter privately with either the District Attorney or her private legal counsel.

BREAK: The meeting recessed from 11:00 until 11:32 am to call to order as the Gunnison River Valley Local Marketing District (see below).

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: Clerk to the Board Ruth Dukeman was present to take the minutes of the Gunnison River Valley Local Marketing District meeting.

MEMORANDUM OF AGREEMENT: GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT AND GUNNISON/CRESTED BUTTE TOURISM ASSOCIATION (TA); 12/15/09 THRU 12/31/2010; \$1,080,000:

Present for discussion were TA board members Wanda Bearth and Stephen Pierotti, TA Director Jane Chaney and TA Marketing Director/Webmaster Rob Strickland.

Discussion about the Memorandum of Agreement ensued, with the budgetary concerns being reviewed. County Manager Birnie explained that he did receive confirmation that the Town of Mt. Crested Butte would not be entering into the agreement.

Director Chaney explained plans for marketing each season equally, versus half of the budget focusing on the winter season. Plans also included marketing the entire Gunnison Basin, versus a specific focus on the ski industry.

Moved by Commissioner Channell, seconded by Vice-Chairperson Starr to authorize the agreement with the Gunnison River Valley Local Marketing District and the Gunnison/Crested Butte Tourism Association for the time period of December 15, 2009 thru December 31, 2010. Motion carried unanimously.

Discussion about the Marble Tourism Association commenced. Membership in the organization, fiscal responsibilities and the relationship with the Town of Marble were deliberated. The logistics of the how the tax is collected and distributed were reviewed.

3RD QUARTER 2009 TOURISM ASSOCIATION REPORT:

Director Chaney advised that Tourism Association meeting agendas had been reformatted and the meetings had better engagement from the Board. Members also indicated that they have a better understanding of their job duties. She announced the replacement of retiring Bureau of Land Management (BLM) representative Arden Anderson with Sandy Snow. The Western State

College (WSC) representative will also be approached to see if a change was needed for attendance to the meetings to assure open lines of communications. The meetings are held the seconded Tuesday of every month. It was noted how, even without 100% member attendance, the Advisory Board had been moving tasks forward at each meeting.

Vice-Chairperson Starr asked about the complexity of changing marketing efforts equally to each season. Director Chaney presented ideas related to the upcoming spring season marketing campaigns. A meeting with Tammy Scott, Director of the Gunnison Chamber of Commerce, was held to assure everything Gunnison has to offer could be included in upcoming marketing materials. Commissioner Channell offered additional ideas about neighboring communities that have had success marketing a Headless Chicken Festival with different levels of participation and encouraged steering away from the main stream ideas and capitalizing on cozy indoor activities, poo fest, and other unique attributes of the community. Director Chaney shared several ideas she has for marketing mud season. Marketing Director Strickland announced events scheduled around the Memorial Day holiday to include fishing tournaments, bike races and shopping sidewalk sales. The benefits and hopes for adding a Sales Manager in 2011 were shared.

Information about how potential visitors were requesting information was summarized. Website success, search engine results and other areas of the report were discussed. Commissioner Channell asked about combining efforts with the Gunnison and Crested Butte Chamber of Commerce to ensure that search engine efforts were optimized. Specific key words being used for searches and how the site was being found were reviewed. Marketing Director, Strickland noted how it appeared from comments made by guests that visitors had ties to the community, versus being brand new to the area. Commissioner Channell mentioned marketing efforts he received from the Governor of the State of Alaska. Director Chaney will research the potential for a Governor endorsement for the State of Colorado, as she agreed that it may be impactful to her activities.

ADJOURN: Moved by Vice-Chairperson Starr, seconded by Commissioner Channell, to adjourn the meeting. Motion carried unanimously. The Gunnison River Valley Local Marketing District meeting adjourned at 11:32 am. The Board of County Commissioners Regular Meeting was immediately reconvened.

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

COMMISSIONERS MEETING REPORTS:

Chairperson Swenson:

1. Colorado Cattlemen's Association; State Officers Meeting. Commissioner Swenson informed the Board that she and County Attorney Baumgarten met with this group during the previous week to discuss ongoing prairie-dog issues, including the status of the related litigation. The CCA would like to support local efforts to conserve the Gunnison Prairie Dog. Gunnison County Wildlife Conservation Coordinator Jim Cochran and County Attorney Baumgarten will follow up with the CCA and will then report back to the Board in January 2010.
2. Ranchland Initiative; Meeting with Bill Trampe. Commissioner Swenson informed the Board that she met with Mr. Trampe during the previous week to discuss the Ranchland Initiative. Mr. Trampe is supportive of the effort and would like to see an education element introduced in the early part of 2010. She noted that Stockgrowers' Association President Sandy Guerreri had expressed the same desire and hopes to assemble educational programming in the near future. Commissioner Swenson agreed to move forward with these suggestions.

Commissioner Starr:

1. Arden Anderson Retirement. Commissioner Starr informed the Board that representatives from the State BLM office recently honored Mr. Anderson. The local retirement party is scheduled for 1/9/10.
2. Clark Land Exchange Update. Commissioner Starr informed the Board that the initial directors meeting is scheduled to take place on 1/8/10.
3. Rural Transportation Authority. Commissioner Starr informed the Board that the last meeting of the year was productive. A tax-revenue subcommittee held discussions with the Gunnison City Council, but the Council did not believe that this issue was worth doing a formal survey. The RTA will evaluate whether or not it makes sense to recommend this for vote next fall, either by raising all entities 1% or just raising the City of Gunnison 6% to ensure fairness. Another subcommittee has been tasked with finding ways to raise revenues in the private sector. A focus group of six to eight out-of-town second-home owners will gather later this month to see if the energy exists to start a non-profit entity to raise funds.

Commissioner Channell:

1. Airport Tabletop Exercise. Commissioner Channell informed the Board that he attended this recent event and that many primary responders were also in attendance. The issue of entry to the airport in the event of an emergency was discussed during the meeting. County Manager

- Birnie will follow up with Airport Manager DeVore and Emergency Manager Scott Morrill to discuss any unresolved issues.
2. Gunnison County Substance Abuse Prevention Program. Commissioner Channell informed the Board that the Medical-Marijuana Task Force could be coming out with a news release to increase public awareness.
 3. Child Welfare Action Committee. Commissioner Channell informed the Board of his belief that County Manager Birnie and Health and Human Services Director Renee Brown have collaborated well. He is encouraged about the message that the County is sending to the public.
 4. County Boards and Commissions Applications. Commissioner Channell reminded the Board that the task of recruiting applicants for each group would need to be divided between the commissioners.

BREAK: The meeting recessed from 12:01 until 2:36 pm for lunch and to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes) and the Gunnison County Board of Health (see below).

GUNNISON COUNTY BOARD OF HEALTH: Clerk to the Board Dukeman was present to take the minutes of the Gunnison County Board of Health meeting.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 2:04 pm.

County Medical Officer Dr. John Tarr, Health and Human Services Director Renee Brown, Public Health Director Carroll Worrall and Public Health Nurse II Jean Kelly were present for discussion.

NATIONAL ASSOCIATION OF LOCAL BOARDS OF HEALTH MEMBERSHIP: County Manager Birnie advised that when the Board was formed a complimentary one-year membership was accepted. Commissioner Channell mentioned how he found their publication helpful and shared an article of interest with relevant County staff members. The availability of educational materials was noted. The cost of membership was discussed. With the current budget concerns noted, it was decided not to renew the membership at this time.

H1N1 INFLUENZA UPDATE: With the first shipment of vaccines arriving on October 8, 2009, Public Health Director Worrall advised that 2,900 doses of the H1N1 vaccine had been received by Gunnison County Public Health. 1,800 doses were administered by Public Health, with the remaining doses distributed to health care providers and many were thought to be retained in stock for a mass immunization clinic scheduled for December 16, 2009, 2:00 pm to 7:00 pm at the Fred R. Field Western Heritage Center. Public Health Director Worrall further explained the processes for completing and submitting forms and the challenges with the distribution process. She shared several flow charts reflecting the different types of vaccine and the complexity for health care providers administering the vaccine. Also reviewed were clinics hosted by Public Health to administer the vaccine to the community. Details about public perception surrounding the H1N1 outbreak and the overall response were further discussed. Opening vaccine availability to all, versus just priority groups, was hoped to encourage many in the population to become vaccinated. Concern about how widespread infection may return in the spring was expressed. Dr. Tarr explained how it appeared there was a great demand for seasonal flu vaccine, with very limited supplies available.

EMERGENCY RESPONSE PLANS: Public Health Nurse II Kelly presented the Public Health Emergency Operation Plan (PHEOP) that was in draft form for review and comments. The confidentiality of some elements of the plan not yet completed were further discussed. Public Health Nurse II Kelly then highlighted how an additional \$67,000 of funding for the H1N1 response was provided by the State of Colorado to Gunnison County because Public Health was preparing a Plan.

The all-hazards approach for preparedness planning and how this process was designed to create relationships and define the roles in the community during an incident was further explained. The process for certification of the Plan was outlined, with State then Federal review of the information. The Plan was scheduled to be completed in March 2010. Comments to the plan were noted. The participation of Hinsdale County was discussed and it was determined that Hinsdale County would be developing its own plan and would not be part of this process. The integration of this information, including the Gunnison County Emergency Operations Plan, was further deliberated. As Colorado is the first state to implement Public Health Preparedness at this level, Public Health Nurse II Kelly was commended for her efforts on behalf of Gunnison County.

STAFFING AND GRANT UPDATES: As the time scheduled for the meeting was coming to a close, this section of the meeting was postponed for a future agenda.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell, to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Health meeting adjourned at 2:36 pm. The Board of County Commissioners Regular Meeting was immediately reconvened.

BREAK: The meeting recessed from 2:37 until 2:45 pm.

SET 2010 PRIORITIES FOR THE GUNNISON COUNTY PLANNING COMMISSION: Planning Department Director Joanne Williams and County Attorney Baumgarten were present for discussion.

Chairperson Swenson explained that the request to decide on priorities was a result of the joint meeting that the Board had with the Planning Commission on 12/4/09. The Planning Commission requested direction for 2010.

The Board agreed that the 2010 priorities should be as follows:

1. Draft possible LUR amendments relative to ridgelines, defensible space and diseases of trees.
2. Investigate alternative-energy permitting issues.
3. Review the Special Geographic Area processes.

The Board agreed that the Planning Commission should also plan to attend a Ranchland Initiative presentation and then give feedback.

Commissioner Channell noted that the Board would have put marijuana land uses on the list prior to the discussion earlier in the day. County Attorney Baumgarten confirmed that staff will not work on this issue until the basic legal concepts have been resolved by legislation.

Commissioner Channell felt that the issue of abandoned vehicles may be added to the list of priorities, but County Attorney Baumgarten felt that this may be an enforcement issue so he suggested suspending this addition to the list until sometime during the first quarter of 2010.

Commissioner Starr suggested that the Board schedule a work session to discuss permitting growth next to established population centers since this is a BOCC responsibility. This was scheduled for 2/23/10.

The three-mile plan will be discussed during the Board retreat with the Planning Commission. This will also be discussed during each joint meeting that the Board will have with the local municipalities.

Planning Department Director Williams stated that the issue of initiating Intergovernmental Agreements with municipalities regarding the impacts of large projects will also be a retreat discussion. The Board agreed that this should also be discussed with the municipalities.

BREAK: The meeting recessed from 2:57 until 3:07 pm.

CRESTED BUTTE MOUNTAIN RESORT FOR LETTER OF SUPPORT FOR NEPA PROCESS ON SNODGRASS: County Attorney Baumgarten, Planning Department Director Williams and approximately 70 interested citizens were present for discussion.

Chairperson Swenson informed the attendees that the Board would be discussing a proposed letter to the Forest Service regarding Forest Service Supervisor Charlie Richmond's recent decision related to Snodgrass Mountain. On behalf of the Board, an excessive amount of public input had been received. Commissioner Swenson stated that the Board had heard every possible comment and concern. One extreme would be that Mr. Richmond's decision is absolutely correct and should be accepted. The other extreme would be that the County should support lift skiing on Snodgrass without concern toward County regulations. She stated that the Board had reached consensus that there is not public consensus on this issue, that there is a strong feeling that the community portion of Mr. Richmond's letter is not supported, that his rationale regarding the Special Development Project Regulations is not accurate, and that his analysis inappropriately stated that the Board's lack of a position statement was to be construed as a negative position.

Draft correspondence compiled from comments provided by the Board and by staff was discussed. Commissioner Channell noted that the draft also considered Mr. Richmond's letter and the eight factors described within that letter.

The Board agreed that Mr. Richmond's letter inappropriately cited a community-support element because the pre-NEPA process does not call for community support.

The Board agreed that Mr. Richmond made incorrect statements regarding the County's process since the Special Development Project Resolution was written with the explicit and affirmative intent to coordinate County, State and Federal review, while requiring an applicant to address how those processes will be integrated. The Board agreed that this coordinated review was an important element of the SDPR.

The Board agreed that its correspondence to Mr. Richmond and dated 10/20/09 clearly outlined the reasons for which the Board would not be submitting comments or a position and that the lack of a stated position or comments should not be construed as a negative position by the County.

Commissioner Starr felt that, because the Board sits as a judge in the quasi-judicial setting, the Board would need to remain neutral on this issue and cannot give the impression of prejudgment. He agreed that Mr. Richmond made mistakes with his correspondence, particularly where County regulations were cited.

Chairperson Swenson thanked all persons for supplying comments and concerns. She confirmed that the Board could not take a side with the issue, but believed that the Forest Service should be informed that a large part of the community has concerns about the rationale listed by Mr. Richmond. She also felt that the County's inability to weigh in on this issue should not be construed as an opinion one way or the other.

The draft correspondence was discussed and modifications were agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize sending the letter as outlined by Commissioner Channell to Mr. Rick Cables (Forest Service Regional Forester for the Rocky Mountain Region) and Mr. Richmond with the changes as proposed and that it goes out as soon as possible. Copies of the letter will be sent to Senator Mark Udall, Senator Michael Bennet, Congressman John Salazar, USDA Undersecretary for Natural Resources and Environment Harris Sherman and Crested Butte Mountain Resort President Tim Mueller. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:30 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Ruth Dukeman, Deputy County Clerk
(For those portions of the minutes as noted.)

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009-50**

A RESOLUTION ADOPTING A BUDGET FOR THE COUNTY OF GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado did on the 8th day of December, 2009, consider a proposed budget covering the fiscal operations of the County of Gunnison for fiscal year 2010; and

WHEREAS, public notice of such budget hearing was published as required by law on October 29, 2009; and

WHEREAS, the Board of County Commissioners, after considering the proposed budget at said public hearing did take into consideration the public comment in developing the final budget; and

WHEREAS, all expenditures budgeted by the Board of County Commissioners have been matched by projected income so that the total means of financing the budget is at least equal to or greater than the amount of the proposed expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the budget of the fiscal year beginning January 1, 2010, and ending December 31, 2010, which was considered at the public hearing on December 8, 2009, and finally accepted by the Board on the 15th day of December, 2009, be and the same hereby is approved and adopted as the budget for the County of Gunnison, Colorado, for the fiscal year 2010 beginning January 1, 2010, and ending December 31, 2010.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009-51**

A RESOLUTION APPROPRIATING REVENUES OF THE COUNTY OF GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted a budget for the fiscal year beginning January 1, 2010, and ending December 31, 2010, in accordance with the statutes of the State of Colorado:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following sums of money or as much thereof as may be authorized by law and as may be needed or deemed necessary to defray all expenses and liabilities of the County, be and the same hereby are appropriated for the lawful purposes and objects of the County of Gunnison during the 2010 fiscal year:

General Fund	\$12,233,610
Less District Attorney's portion	-248,373
Road & Bridge Fund	7,366,166
Human Services Fund	3,383,654
Conservation Trust Fund	94,425
Sales Tax Fund	1,688,846
Land Preservation Fund	465,307
Mosquito Control District Fund	81,595
Sage Grouse Trust Fund	75,000
Risk Management Fund	116,650
Gunnison River Valley Local Marketing District	1,126,658
Gunnison Valley Transportation Authority	1,924,328
Public Health Agency Fund	614,004
Airport Construction Fund	1,212,255
Capital Expenditures Fund	888,906
Airport Operations Fund	1,229,540
Gunnison County Sewer District Fund	952,350
Gunnison County Water District Fund	2,290,972
Solid Waste Fund	853,759
Public Hospital Fund	29,905,623
Internal Service I Fund	2,508,307
Internal Service II Fund	1,295,333
Internal Service III Fund	<u>1,773,245</u>
TOTAL APPROPRIATIONS	<u>\$71,832,160</u>

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009-52**

A RESOLUTION APPROPRIATING REVENUES OF THE COUNTY OF GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted a budget for the fiscal year beginning January 1, 2010, and ending December 31, 2010, in accordance with the statutes of the State of Colorado:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following sums of money or as much thereof as may be authorized by law and as may be needed or deemed necessary to defray all expenses and liabilities of the County, District Attorney Department, be and the same hereby are appropriated for the lawful purposes and objects of the County of Gunnison, District Attorney Department during the 2010 fiscal year:

General Fund	
District Attorney's portion	<u>\$248,373</u>
TOTAL APPROPRIATIONS	<u>\$248,373</u>

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – abstained, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009-53**

A RESOLUTION SETTING THE TEMPORARY TAX CREDIT MILL LEVY FOR THE COUNTY OF GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has adopted a budget for the fiscal year beginning January 1, 2010, and ending December 31, 2010, in accordance with the statutes of the State of Colorado, which budget includes revenues from ad valorem taxes; and

WHEREAS, the Board has determined that the permanent mill levy of 17.075 mills will raise excess revenues; and

WHEREAS, the revenue limit created by the Constitution and the laws of the State of Colorado will be reached by a total mill levy of 9.546.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that this Board refund the excess revenue raised through a temporary tax credit of 7.529 mills to be applied to each tax schedule issued by the County Assessor and Treasurer.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2009-54**

A RESOLUTION SETTING THE MILL LEVY FOR THE COUNTY OF GUNNISON, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has adopted a budget for the fiscal year beginning January 1, 2010, and ending December 31, 2010, in accordance with the statutes of the State of Colorado, which budget includes revenues from ad valorem taxes; and

WHEREAS, the Board of County Commissioners has also appropriated the necessary revenues for the said 2010 fiscal year as authorized by law in accordance with the statutes of the State of Colorado; and

WHEREAS, the Gunnison County Assessor has certified the 2009 total net assessed valuation of \$832,601,280;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following mill levies are hereby established and levied upon the total valuation for assessment of all taxable property within Gunnison County for the fiscal year 2010:

General Fund	15.127
Temporary Tax Credit	<u>(7.529)</u>
	7.598
Hospital Fund (GHCC)	0.695
Library Fund	0.877
Human Services Fund	<u>0.352</u>
MILLS	9.522
Tax Abatement Levy	<u>0.024</u>
Total Mill Levy	9.546

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 15th day of December, 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: 2009-55**

A RESOLUTION AMENDING RESOLUTION NO: 07-34, A RESOLUTION AND CERTIFICATE OF MAJOR IMPACT APPROVAL APPROVING THE FINAL PLAN FOR THE THORNTON MEADOWS SUBDIVISION, SUBMITTED BY DELORAY LLC, LUC #2005-74

WHEREAS, on October 2, 2007 by Gunnison County Resolution No: 07-34 the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") approved Land Use Change No: 2005-74, the Final Plan for the Thornton Meadows Subdivision; and

WHEREAS, Gunnison County Resolution No: 07-34 referenced an exhibit, "Exhibit A", the Final Plan and the Decision Document which was supposed to be attached to the Resolution and incorporated into it; and

WHEREAS, it has come to the attention of the Board that "Exhibit A" which was referenced in Resolution No: 07-34 was inadvertently not attached to Resolution No: 07-34; and

WHEREAS, it is necessary that "Exhibit A" be attached to Resolution No: 07-34 to complete the intent of Resolution No: 07-34.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that Gunnison County Resolution No: 07-34 be amended to include "Exhibit A", the Final Plan and Decision Document for the Thornton Meadows Subdivision, attached hereto and incorporated herein.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-56**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 08-54

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the North Gunnison Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the North Gunnison Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount

will equal the product of the current residential sewer rate (partial tap) according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the North Gunnison Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the North Gunnison Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the North Gunnison Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-57**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 08-52

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Antelope Hills Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount

will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Antelope Hills Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-58**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 08-50

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Commercial Water User Fees. User fees for each commercial connection will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears. The base user fee will equal the product of the Equivalent Residential Units (ERUs), seventy-five percent (75%), and the current residential base rate

according to Appendix A attached hereto. The ERUs will equal the product of the factor according to Appendix C and the number of factor units according to Appendix C.

The base gallons for each commercial connection will equal the product of the ERUs and the residential base gallons according to Appendix A attached hereto.

4. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Dos Rios Division which has water service available to that parcel but which parcel is not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for water service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to meter size.

6. Meter Fee. There is a one-time fee for the use of a Gunnison County owned water meter. This fee will be "at cost" for the meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.

7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.

8. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.

9. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

10. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, the additional inspection fee will be charged.

11. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.

12. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

13. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-59**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 08-51

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Dos Rios Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any

past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Dos Rios Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 09-60**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE SOMERSET DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 08-53

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the operation of the sewage treatment system providing service to the Somerset Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Somerset Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. User fees will be billed in advance.

3. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Somerset Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

4. Tap Connection Fee. There is a fee for sewer service tap connection within the Somerset Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

5. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

6. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Somerset Division unless the tap fee for that parcel has been paid in full as set forth above.

8. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

9. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 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. 09 - 61**

**A RESOLUTION DENYING THE REQUEST BY THE UPPER CRYSTAL RIVER CAUCUS FOR THE
DESIGNATION OF THE UPPER CRYSTAL RIVER SPECIAL AREA FOR NATURAL BEAUTY**

WHEREAS, the *Gunnison County Land Use Resolution* establishes, at *Section 1-110, Process For Designating Special Areas*, "...a process by which the County may designate particular geographical areas, basins or other land areas as being subject to specialized land use regulations."; and

WHEREAS, following a series of meetings with County Planning Staff and the Board of County Commissioners, the Upper Crystal River Caucus requested designation of a special geographic area to be known as the *Upper Crystal River Special Area for Natural Beauty*. The Upper Crystal River Caucus submitted a proposed set of specialized regulations, in a letter from Eli Beeding, dated January 3, 2008; and

WHEREAS, the request, proposed regulations and a map of the boundaries of the area were prepared by the Planning Director, pursuant to the requirements of *Section 1-110: Process for Designating Special Areas*, of the *Gunnison County Land Use Resolution*; and

WHEREAS, the request, and final set of proposed specialized regulations titled *Upper Crystal River Special Area Regulations – July 11, 2008 Draft*, including a map identifying the boundary of the special Area, Exhibit A - *Upper Crystal River Special Area Boundary*, inclusively, the "Proposal", were reviewed by the Planning Commission and the County Attorney; and

WHEREAS, on October 10, 2008, a joint public hearing was conducted by the Board of County Commissioners and Planning Commission at the Fellowship Hall of the Marble Community Church, in Marble, to solicit public comment from residents, landowners and interested public on the "Proposal"; and

WHEREAS, on August 7, 2009, the Gunnison County Planning Commission unanimously voted to recommend denial of the "Proposal" to the Board of County Commissioners, and forwarded said recommendation to the Board of County Commissioners for their review; and

WHEREAS, on October 6, 2009, the Board of Commissioners did receive and review the Planning Commission's recommendation and considered the recommendation in evaluating the "Proposal" and intends to adopt in full of the Planning Commission's August 7, 2009 recommendation, with the following findings:

1. The proponent has not demonstrated the need of the proposed designation and there is no expressed consensus within the Upper Crystal River Valley community for the adoption of this Special Area designation.
2. County building permit records demonstrate no history of construction of homes that approach the maximum size currently allowed by the Land Use Resolution; therefore there is no demonstrated need to impose even more stringent standards.
3. It would be more appropriate to request an amendment to the *Gunnison County Land Use Resolution*, to add the subject roads to Section 11-108: Standards for Development on Ridgelines, rather than create a specialized land use regulation, as part of a Special Area.
4. The requirement for the completion of a building within a four year time limit would be unreasonable due to the short building season in Marble and Schofield and that many property owners in the upper Crystal River Valley construct their houses. In addition, the proposed enforcement provision and the amount of the fines for non-completion would be excessive.
5. The boundary of the proposed designation is identified as Exhibit A in the *Upper Crystal River Special Area Regulations – July 11, 2008 Draft*.
6. There was no community plan or technical study conducted regarding the proposed designation.
7. No alternatives were presented. The purpose that was proposed to be achieved by the designation of this special area can be sufficiently achieved by application of the current Land Use Resolution.
8. Any adverse impacts that might reasonably be anticipated to result from development in the area if the designation were not to occur, and the expected benefits that can reasonably be anticipated to result from the review of development pursuant to the proposed *Upper Crystal River Special Area Regulations* do not warrant the designation of this special area.
9. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including the map, report, the proposed regulations, and all other exhibits, references and documents as included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the request by the Upper Crystal River Caucus, for the designation of the *Upper Crystal River Special Area for Natural Beauty*, is hereby denied.

THIS RESOLUTION 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 Channell, seconded by Commissioner Swenson, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – no, Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 62, SERIES 2009**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2009-34

A LAND USE CHANGE PERMIT FOR SILVER SAGE HOMEOWNERS ASSOCIATION
FOR THE AMENDMENT OF THE DECLARATION, COVENANTS AND RESTRICTIONS OF SILVER SAGE
SUBDIVISION (A PLANNED COMMUNITY)

WHEREAS, on July 24, 1996, the Declaration, Covenants, and Restrictions of Silver Sage Subdivision (A Planned Community), hereinafter the "Covenants," were recorded in the Office of the Gunnison County Clerk and Recorder at Book 787, Page 507; and

WHEREAS, the Silver Sage Subdivision Property Owner's Association has requested a Land Use Change permit to amend the Covenants; and

WHEREAS, Section 13.03 of the Covenants require the written consent of the Board of County Commissioners of Gunnison County, Colorado for amendments to the Covenants; and

WHEREAS, on November 19, 2009, the Silver Sage Property Owner's Association did ratify the proposed amendment to the Covenants with the approval of ninety percent (90%) of the lot owners in the Silver Sage Subdivision pursuant to written ballot; and

WHEREAS, on December 15, 2009 the Gunnison Board of County Commissioners received and reviewed the proposed amendment for the Covenants and intends this Resolution to memorialize in writing approval of the amendment with the following findings:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that Land Use Change Permit No. 2009-42, for Silver Sage Subdivision is approved as an Administrative Review; and

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 Staff, seconded by Commissioner Channell, and adopted this 15th day of December, 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. 2009-63**

A RESOLUTION PLACING A TEMPORARY PROHIBITION ON THE CONSTRUCTION, ALTERATION, OR USE OF ANY BUILDING, STRUCTURE, OR PROPERTY FOR MEDICAL MARIJUANA DISPENSARIES AND/OR GROWING OPERATIONS IN UNINCORPORATED GUNNISON COUNTY FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AND FURTHER INSTRUCTING COUNTY STAFF TO ESTABLISH REGULATIONS FOR MEDICAL MARIJUANA DISPENSARY AND/OR GROWING OPERATIONS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado understands that county staff has received an increasing number of inquiries related to the location and use of properties in unincorporated Gunnison County properties for growing and dispensing "medical marijuana;" and

WHEREAS, the Board believes that current regulations are inadequate to address the unique impacts of such facilities and further believe that conditions require that the Board take immediate action to ensure local regulatory requirements are sufficient to address and mitigate the impacts; and

WHEREAS, the Board believes it is appropriate to temporarily prohibit the construction, alteration or use of any building, structure, or property for a) medical marijuana dispensaries; b) medical marijuana growing operations; and c) all other land uses associated with the dispensing and growing of medical marijuana (collectively "Medical Marijuana Land Uses") for a period not to exceed six (6) months for the unincorporated territory of Gunnison County, as permitted by Section 30-28-121, C.R.S.; and

WHEREAS, the Board directs County staff to study the safety, health, and legal impacts of the locating and operating of Medical Marijuana Land Uses on the neighbors and residents of Gunnison County and develop regulations to address and mitigate such impacts during the same six (6) month period; and

WHEREAS, there is an expectation that the upcoming state legislative session will include legislation that will clarify the legal definitions and mechanisms regarding Medical Marijuana land uses;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that there shall be a temporary prohibition for a period not to exceed six (6) months on the construction, alteration, or use of any building, structure, or property within the unincorporated territory of Gunnison County for Medical Marijuana Land Uses, and be it further resolved that County staff shall conduct studies and prepare regulations for Medical Marijuana Land Uses within this six (6) month time frame.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2009-001**

A RESOLUTION ADOPTING A BUDGET FOR THE GUNNISON COUNTY HOUSING AUTHORITY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of the Gunnison County Housing Authority did on the 8th day of December, 2009, consider a proposed budget covering the fiscal operations of the County of Gunnison for fiscal year 2010; and

WHEREAS, public notice of such budget hearing was published as required by law on October 29, 2009; and

WHEREAS, the Board of the Gunnison County Housing Authority, after considering the proposed budget at said public hearing and after considering public comment, did take into consideration the public comment in developing the final budget; and

WHEREAS, all expenditures budgeted by the Board of the Gunnison County Housing Authority have been matched by projected income so that the total means of financing the budget is at least equal to or greater than the amount of the proposed expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority, that the budget of the fiscal year beginning January 1, 2010, and ending December 31, 2010, which was considered at the public hearing on December 8, 2009, and finally accepted by the Board on the 15th day of December, 2009, be and the same hereby is approved and adopted as the budget for the Gunnison County Housing Authority for the fiscal year 2010 beginning January 1, 2010, and ending December 31, 2010.

INTRODUCED by Commissioner Starr, seconded by Commissioner Channell, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2009-002**

A RESOLUTION APPROPRIATING REVENUES FOR THE GUNNISON COUNTY HOUSING AUTHORITY
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010.

WHEREAS, the Board of the Gunnison County Housing Authority has adopted a budget for the fiscal year beginning January 1, 2010, and ending December 31, 2010, in accordance with the statutes of the State of Colorado,

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority, that the following sums of money or as much thereof as may be authorized by law and as may be needed or deemed necessary to defray all expenses and liabilities of the Housing Authority, be and the same hereby are appropriated for the lawful purposed and objectives of the Gunnison County Housing Authority during the 2010 fiscal year:

Gunnison County Housing Authority	<u>\$1,253,254</u>
Total Appropriations	<u>\$1,253,254</u>

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 15th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Channell – yes, Starr – yes, Swenson – yes.