

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
July 20, 2010**

The July 20, 2010 Board of Commissioners meeting was held in the Commissioners' Meeting Room at the Courthouse. Present were:

Jim Starr, Chairperson	Matthew Birnie, County Manager
Hap Channell, Vice-Chairperson	Ruth Dukeman, Clerk to the Board
Paula Swenson, Commissioner	Others Present as Listed in Text

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

**AGENDA REVIEW:** The agenda was approved as circulated.

**MINUTES APPROVAL:** **Moved** by Commissioner Channell, seconded by Commissioner Starr to accept the June 22, 2010 Special Meeting Minutes as submitted. Commissioner Swenson was not in attendance of the Special Meeting held on June 22, 2010. Motion carried.

**CONSENT AGENDA:** Commissioner Channell requested Consent Agenda items #2, #3 and #6 pulled for further discussion and separate action. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve Consent Agenda items #1, #4, #5, #7, #8 and #9 and authorize signatures for these Consent Agenda items. Motion carried unanimously.

1. Acknowledgment of County Manager Signature and Authorization to Submit; Energy Outreach Colorado Grant Application; Home Energy Assistance Grant Recipient Organization Certification Form; \$18,900
2. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Energy Performance Contract; Ennovate Corporation
3. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; West Central Public Health Partnership Office of Planning and Partnership, 2010-2011 Scope of Work; 7/1/10 – 9/30/11
4. Acknowledgment of County Manager Signature; Amended Letter of Agreement; Gini Bradley; Early Childhood Council Facilitation
5. Victim Assistance and Law Enforcement Fund Full Year Grant Application; \$16,000
6. **Pulled for Discussion and Separate Action:** Provider Agreement; Gunnison County Library District; Professional Services Regarding Parent Education and Life Skills to Promote Health and Wellness to Individuals and Families Referred from the Gunnison County Department of Health and Human Services or the Family Advocacy and Support Team; 7/12/10 – 6/30/11
7. Provider Agreement; Growing, LLC; Professional Services Regarding Child Care Services for Gunnison/Hinsdale County Department of Health and Human Services; 7/14/10 – 6/30/11
8. Release of Mitigation Funding Agreement; SG Interests I, Ltd.; Bull Mountain Pipeline
9. Grant Contract; Community Foundation of the Gunnison Valley; 2010 Competitive Cycle; Gunnison County Fairgrounds; Solar Thermal System for New Restroom/Shower Facility; \$1,200

**CONSENT AGENDA ITEM#2:** Commissioner Channell requested that this item be pulled for discussion concerning the auditable and non-auditable items noted on page 45 and again on page 112 of the Energy Performance Contract with Ennovate Corporation. County Manager Birnie explained the different methods related to the information. Commissioner Channell requested that a press release be prepared to help make the public aware of the county's efforts to save on energy and energy costs. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #2 and the acknowledgment of County Manager Birnie's signature. Motion carried unanimously.

**CONSENT AGENDA ITEM #3:** It was noted that the comments on the Agenda Routing Sheet were not complete. However, there were no additional questions related to the item. **Moved** by Commissioner Channell, seconded by Commissioner Swenson for approval of Consent Agenda Item #3. Motion carried unanimously.

**CONSENT AGENDA ITEM #6:** Commissioner Channell asked for further clarification about a comment made on the Agenda Routing Sheet about how certain types of funds cannot be used for these types of services. As there were several different funding sources identified, the sources of funding specifically related to this allocation were further discussed. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize Consent Agenda #6 and approve signatures. Motion carried unanimously.

**Amended Provider Agreement; Annie Starr; Professional Services Regarding the Provision of Expanding Quality Services to Child Care Providers Consistent with Established Curriculum:** Commissioner Starr recused himself for this agenda item. Discussion about the competitive nature of procurement of these services commenced. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Amended Provider Agreement for Professional Services from Annie Starr. Motion carried.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated. Removal of additional proposed County Board of Equalization dates that will not be needed was proposed. The dates for an annual site visit to the Marble and Somerset area were deliberated. A meeting with the Upper Gunnison River Water Conservation District was proposed for Monday, July 26<sup>th</sup>. Congresswoman Degette requested a meeting with the Board. The date of Monday, August 23<sup>rd</sup> from 1:00 pm to 2:00 pm was proposed for this meeting.

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

1. **Grant Application; Department of Local Affairs, Energy Impact Assistance Fund (EIAF) Grant Program; Gunnison County Detention Center Capital Project:** County Manager Birnie presented information related to this grant. He requested authorization for signature on the document to assure adequate timing for application submission. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize County Manager Matthew Birnie to sign the Department of Local Affairs, Energy Impact Assistance Fund Grant Application. Motion carried unanimously.
2. **Out-of-State Travel Request; International City/County Managers Association (ICMA) Conference:** It was noted that this travel was included in the budget and that the conference would be held in San Jose, California. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the out-of-state travel request for County Manager Birnie to go to San Jose, California in October 2010. Motion carried unanimously.

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

1. **Gunnison Valley Health Foundation Request for Benefit Run on Ohio Creek Pass:** Gunnison Valley Health Foundation representatives Lauren Holbrook and Dan Marshall were present for discussion. Logistics related to the event were presented. Closure of the road was discussed and was not the intent of the event organizers and determined not to be necessary. The importance of managing the event to avoid traffic congestion was emphasized. Coordination for parking to include shuttle service, road signage and assuring that the effects to the general public viewing changing leaves in the area is minimized to the extent possible.
2. **Request to Sell Asphalt Millings to a Subdivision:** Airport Manager, John DeVore and Gold Basin Road Users Association President, Bruce Saunders were present for discussion. The purchase of asphalt millings left over from an airport project and the close proximity to the Gold Basin project were discussed. It was proposed to sell these millings to the Gold Basin Road Users Association for an improvement project. It was determined that these supplies may be needed for Gunnison County related projects and were not eligible for sale. Mr. Saunders expressed appreciation for the consideration of the Board.
3. **Award Bid; Asphalt Paving:** It was explained that several projects were combined and placed out to bid. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the bid award to Pavement Maintenance Services. Commissioner Channell asked about the overall cost of asphalt and it was thought to be lower than historic figures.
4. **Clark Land Exchange; Jorgenson Cabin:** Ralph "Butch" Clark was present for discussion. Housing Director Gazunis (not present) had made a recommendation for a helicopter training exercise to move a historic cabin from property that Mr. Clark was proposing for donation to the County. The value of the trade was recognized, however the logistics related to the process would still need to be determined. A letter would be drafted in response to the formal request for the cabin to be moved, advising the project would not be within the scope of the County's interest or capacity at this time.

**RESOLUTION; AMENDING THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT:** Assistant County Manager Crosby was present for discussion. There was a need to amend the existing boundaries for the North Gunnison Water and Sewer Division. Maps showing the proposed modifications to the boundaries, the areas serviced and impacts this change could have for the area were reviewed and discussed. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the boundary adjustment for the North Gunnison Water and Sewer Division and authorize signatures. Motion carried unanimously.

**RESOLUTION; ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT:** County Attorney David Baumgarten, Finance Director Linda Nienhueser and Assistant Finance Director Ben Cowan were present for discussion. The naming of the project was identified as Parcel 1 and Parcel 2 as noted in the documentation. It was explained by Assistant Finance Director Cowan that homeowners claimed they were having difficulties finding financing options for the \$5,500 tap fee to access the new system. The payment of tap fees was not anticipated in the financing of the project. The interest rate of 7.5% for a five-year obligation was proposed after interviews with several local bank presidents. There was not a desire to compete with banking institutions. The payment schedule and amounts were reviewed. Specifics related to two separate residents that have paid a partial payment were discussed. Concerns related to collection policies, the banking process related to

financing options, and how this would be considered a tax lien in first position on the titling paperwork of the properties and the logistics related to the Resolution were further deliberated. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to accept Resolution 2010-26: 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 and to authorize signatures. Motion carried unanimously.

The details related to a unique situation agreed upon before the logistics related to the other homeowners were further discussed. Because a previous agreement was made with Assistant County Manager Crosby and a homeowner about payment of the tap fees, it was determined that if payment was not made as agreed then authorization for a lien to be filed according to the resolution was warranted. County Attorney Baumgarten recommended a written agreement with the property owner to honor the agreement with the Assistant County Manager with a lien clause included. **Moved** by Commissioner Channell, seconded by Commissioner Swenson for an agreement to be drafted, approved and signed by the homeowner and Gunnison County related to the special agreement for the payment of tap fees for the North Gunnison Division of the Gunnison County Water and Sewer District. Motion carried unanimously.

**RESOLUTION; AUTHORIZING THE PURCHASE, ACQUISITION AND LEASING OF EQUIPMENT FOR BETTER ENERGY PERFORMANCE:** **Moved** Commissioner Channell, seconded by Commissioner Swenson to approve Resolution 2010-27: A Resolution Authorizing the Purchase, Acquisition and Leasing of Equipment for Better Energy Performance and approve signatures. Motion carried unanimously.

**OIL AND GAS LEASE SALE COMMENTS:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the draft letter as submitted and authorize County Attorney David Baumgarten's signature. Motion carried unanimously.

**PROPOSED AMENDMENTS TO THE TEMPORARY OIL AND GAS REGULATIONS:** County Attorney David Baumgarten and Community Development Director Joanne Williams were present for discussion. Information related to the proposed amendments to the document commenced. It was noted that the companies affected by these decisions were in communication with the County Attorney's Office related to the proposed changes. The draft document will be presented to the Board at a future meeting.

**FUNDING REQUEST; CRESTED BUTTE/MT. CB BARTENDERS & SERVERS ASSOCIATION; LATE-NIGHT TAXI SERVICE BACKFILL:** Chairperson Starr commented how no documentation was received and there was no one present to discuss the topic. It was removed from the meeting agenda.

**BREAK:** The meeting recessed from 10:00 am until 10:15 am.

**LETTER OF SUPPORT; GREAT OUTDOORS COLORADO (GOCO) GRANT; TOWN OF CRESTED BUTTE; PURCHASE PHASE II OF KOCHIEVAR PARCEL FROM TRUST FOR PUBLIC LANDS:** Town of Crested Butte Director of Planning and Community Development, John Hess was present for discussion. The proposed area was reviewed, comments were made to the verbiage of the letter noting that comments concerning agricultural grazing were included. Commissioner Channell asked if there were any proposals in the lower section of the Gunnison Valley. Open space and trail easements along the corridor were reviewed. Trail easements in Baxter Gulch were highlighted, the Gunnison spur of the Colorado Trail, the Nicholi parcel just south of the Allen Home sites and others were reviewed. Trails between Crested Butte and Crested Butte South and the conservation easements related to several developments were presented. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the draft letter for Great Outdoors Colorado and authorize signatures. Motion carried unanimously.

**TREASURER'S REPORT:** County Treasurer Melody Marks presented the June 2010 Treasurer's Report for discussion and acceptance. Discussion about foreclosures, tax sales, interest earned and the inclusion of the Treasurer during the budget process commenced. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to accept the Treasurer's monthly report for June 2010 and authorize signatures. Motion carried unanimously.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented the Warrant Report dated July 20, 2010 and the Cash Transfer Authorization dated June 2010 for discussion and approval. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Warrant Report through July 20, 2010 in the amount of \$1,970,359.25. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to authorize the Cash Transfer for June 2010 in the amount of \$2,904,673.43. Motion carried unanimously.

**BREAK:** The meeting recessed from 10:52 am until 11:57 am to call to order as the Gunnison River Valley Local Marketing District (see minutes below) and the Gunnison/Hinsdale Board of Human Services (see separate minutes).

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT**

**CALL TO ORDER:** Chairperson Starr called the meeting of the Gunnison River Valley Local Marketing District to order at 10:52 am.

**QUARTERLY TOURISM ASSOCIATION REPORT:** Gunnison-Crested Butte Tourism Association Board Members Carolyn Riggs and Stephen Pierotti, as well as Executive Director Jane Chaney and Marketing Coordinator and Webmaster, Erica Kelleher were present for discussion. The Executive Overview from the Gunnison – Crested Butte Tourism Association for 2<sup>nd</sup> Quarter 2010 was reviewed. Visitor centers were reporting increased visitors in June and July in comparison from 2009. There were many lodging facilities reporting last minute reservations. An increase in website visits was noted. A service was being used to target highly qualified groups of people; comparisons of different campaigns were reviewed; higher number of phone calls were reported and visitor origins were reviewed with the Front Range being the source of many in state visitors. Visitors from Texas were drilled down into the specific city areas and it was thought that continued efforts to these focus areas was recommended. Marketing in the Kansas City area was reviewed.

Commissioner Channell asked about the Heritage Tourism efforts. Director Chaney advised that collecting and tracking data for that specific segment was a challenge as there was no specific collection method. 51 heritage sites have been identified in Gunnison County and are featured on the website. The Vacation Planner highlights 24 of the sites. Additional research related to heritage site visits would be performed in hopes of being able to provide a more detailed report. It was thought that museum visits increased in both Gunnison and Crested Butte.

The Park Service was performing a baseline data field study this summer. Ms. Riggs provided a generalized report from the restaurant industry. She explained that the summer tourism was appreciated, however there is a desire for the back-to-school crowd to return to town for consistent business.

It was reported that consumers are looking for bargains and some lodging facilities were thought to be offering 20% to 30% price reductions for their over-the-counter rates versus attempting to include value added products. This change would result in a reduction to the taxable income.

Mr. Pierotti asked about appropriating funds for an assessment of the Gunnison River Valley Local Marketing District and the Gunnison-Crested Butte Tourism Association's role in marketing efforts for the entire area. It was expressed that there was a desire to perform the study sooner, than later, to allow any identified changes to be made so that the organizations could be as effective as possible.

A Crested Butte Mountain Resort (CBMR) funding request was briefly discussed with this item to be included on a future agenda. It was also proposed to visit in more detail about Rural Transportation Authority (RTA) funding all four seasons of the year, versus focusing efforts on just the winter season. There was a desire for year round air service and offering additional services to help increase visitors, benefit locals and second homeowners.

**ADJOURN: Moved** by Commissioner Channell, seconded by Commissioner Starr adjourn the meeting of the Gunnison Valley Local Marketing District. Motion carried unanimously. The meeting adjourned at 11:46 am.

**UNSCHEDULED CITIZENS:** Chris Dickey from the Gunnison Country Times asked about the relationship between the Cattlemen's Day's Carnival and the proposed Gunnison County Detention Center site. Discussion about the logistics and the potential effects construction on the site and the storage of equipment related to the Cattlemen's Day's Carnival was discussed. It was hoped that there would not be any changes needed to the location of the carnival in the future. Ground breaking for the construction of the new facility was proposed for September 7, 2010.

**COMMISSIONERS MEETING REPORTS:**

**Commissioner Channell:**

**Foundation Grant Ceremony:** Commissioner Channell was in attendance of this event, as was Chairperson Starr and reported that it was rewarding to have representatives from many non-profits gathered in the same location and have an update on activities in that community. He reported that the amount of funding raised by the non-profit sector as a whole appeared to be growing.

**Committees Update:** Commissioner Channell reported on two state-wide committees, the Agricultural Assessment Committee and the Child Welfare Action Committee II. Both Committees have scheduled pre-meetings for the commissioners involved and the full committee afterward. There are challenges with both committees that might or might not result in legislation. Staffing, committee make-up, information covered and the issues related to the process were reviewed. Commissioner Channell has been in close communications with Health and Human Services Director Rene Brown and he described his plan for future communications with Gunnison County Assessor Kristy McFarland related to these topics.

**Commissioner Swenson:**

**Rural Transportation Authority (RTA) Meeting:** It was decided at a recent RTA meeting to collect a \$2.00 fare for bus service starting during ski season. A desire for the Airport to be represented at the meetings was emphasized. The Crested Butte South ridership was discussed with the value of a bus stop inside the Crested Butte South community being presented. Having a separate commuter bus used exclusively for the Crested Butte South area discussed.

**Planning Commission Meeting:** A Minor Impact application meeting was attended. Concerns about environmental health issues were addressed.

**Chairperson Starr:**

**Master Planning Process:** An update to the Fairgrounds Master Plan was requested. It was thought that there was an update scheduled for September. Having electrical outlets available for RV's in the airport parking area may be proposed in the future to provide a location for the carnival personnel to park vehicles.

**Gunnison Valley Health:** Follow-up activities to the Gunnison Valley Health appeals process as presented by their attorney at a previous Work Session were deliberated. A letter will be drafted for review.

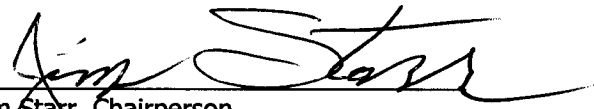
**Colorado Wildlife Commissioners Meeting:** A dinner event was attended. The excitement for relocation of the Colorado Division of Wildlife Southwest Regional Center as well as a public outreach facility was shared.

**Riverland Pedestrian Bridge Grand Opening Event:** Commissioner Starr felt the event was well attended. The bridge was reported to be large enough for a snow cat to set cross-country ski track during the winter months.


**Crested Butte Town Council Meeting:** It was reported that easements for a proposed trail in Baxter Gulch had hopes for future development of a trail in the area.

**Pristine Point Home Owners Association:** A homeowner's association meeting was attended about road improvements and maintenance. A formalized request may be proposed to the County.

**ADJOURN:** Moved by Commissioner Channell, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:28 am

  
Jim Starr, Chairperson

  
Hap Channell, Vice-Chairperson

  
Paula Swenson, Commissioner

Minutes Prepared By:

  
Ruth Dukeman, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

BOARD OF COUNTY COMMISSIONERS  
OF COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 10-25

A RESOLUTION AMENDING THE NORTH GUNNISON DIVISION OF THE  
GUNNISON COUNTY WATER AND SEWER DISTRICT

WHEREAS, there was established, by virtue of Resolution 9, Series 1977 of the Board of County Commissioners of the County of Gunnison, Colorado, (herein the "Board") the Gunnison County Water and Sewer District; and

WHEREAS, the Board may, in their sole discretion, designate and establish divisions of the Gunnison County Water and Sewer District, which divisions shall be wholly within the boundaries of said Water and Sewer

District and may be established only by resolution of the Board describing the boundaries of the division; and

WHEREAS, the Board deems it necessary to amend the boundaries of the North Gunnison Division of the Water and Sewer District;

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

Section 1. Amendment of North Gunnison Division of the Gunnison County Water and Sewer District.

The boundary of the North Gunnison Division of the Gunnison County Water and Sewer District, designated and established pursuant to Resolution 9, Series 1977, is hereby amended.

Section 2. Boundary of the North Gunnison Division.

The boundary of the North Gunnison Division is and shall consist of the two parcels as set forth in Appendix "A" and Appendix "B" attached hereto and incorporated herein.

Section 3. Water and Sewer Services Within the Division.

The Board may provide such services within the Division which the Board in its sole discretion deems necessary for the protection of the health, safety and general welfare of the inhabitants thereof, and which are authorized by C.R.S. (1973) 30-20-401 *et seq.*, as it may be amended, including but not limited to the acquisition, construction, reconstruction, lease, improvement, betterment, or extension of any water facilities or sewerage facilities, or both.

Section 4. Services Not Required.

Nothing contained herein shall be construed as requiring the Board to provide sewer collection, treatment, disposition facilities or services, or water collection, treatment or distribution facilities or services, or any other facilities or services. The provision of any such facilities or services, or the non-provision of same, shall be at the sole discretion of the Board for any reason whatsoever.

Section 5. Funding.

The Board shall, by virtue of this or any subsequent resolution passed in connection herewith, have the full right and authority to acquire, improve or extend any water and/or sewerage facility as defined by law including but not limited to lands, easements and/or rights in land in connection therewith by gift, purchase, lease or eminent domain, or other legal authority. To pay for such facilities, the Board shall have all the rights and authorities provided by virtue of C.R.S. (1973) 30-20-402 as it may be amended.

Section 6. Authority Not Limited.

Nothing contained herein shall be interpreted as limiting the authority of the Board. It is the intent hereof to enable the Board to exercise the full authority granted by law, whether or not recited herein.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 20<sup>th</sup> day of July, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 10-26  
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 09-56

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.

5a. **Non-payment of Tap Connection Fee.** Each residential property as of July 1, 2010 that does not pay the required tap connection fee prior to installation of the service line shall pay an additional \$332.32 per quarter until the quarter ending June 30, 2015. This additional fee shall constitute financing of the tap connection fee according to the following amortization schedule.

Date Billed		Payment	Principal	Interest Total
07/01/10	1	(\$229.19)	(\$103.13)	(\$332.32)
10/01/10	2	(\$233.49)	(\$98.83)	(\$332.32)
01/01/11	3	(\$237.87)	(\$94.45)	(\$332.32)
04/01/11	4	(\$242.33)	(\$89.99)	(\$332.32)
07/01/11	5	(\$246.87)	(\$85.45)	(\$332.32)
10/01/11	6	(\$251.50)	(\$80.82)	(\$332.32)
01/01/12	7	(\$256.22)	(\$76.10)	(\$332.32)
04/01/12	8	(\$261.02)	(\$71.30)	(\$332.32)
07/01/12	9	(\$265.91)	(\$66.40)	(\$332.32)
10/01/12	10	(\$270.90)	(\$61.42)	(\$332.32)
01/01/13	11	(\$275.98)	(\$56.34)	(\$332.32)
04/01/13	12	(\$281.15)	(\$51.16)	(\$332.32)
07/01/13	13	(\$286.43)	(\$45.89)	(\$332.32)
10/01/13	14	(\$291.80)	(\$40.52)	(\$332.32)
01/01/14	15	(\$297.27)	(\$35.05)	(\$332.32)
04/01/14	16	(\$302.84)	(\$29.48)	(\$332.32)
07/01/14	17	(\$308.52)	(\$23.80)	(\$332.32)
10/01/14	18	(\$314.30)	(\$18.01)	(\$332.32)
01/01/15	19	(\$320.20)	(\$12.12)	(\$332.32)
04/01/15	20	(\$326.20)	(\$6.12)	(\$332.32)
		(\$5,500.00)	(\$1,146.36)	(\$6,646.36)

Upon default, unpaid principal and interest shall constitute a lien on and against the real 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. Default shall not cause acceleration of the entire unpaid principal, accrued interest, and penalties.

Upon sale or transfer of the real property served, the entire unpaid principal, accrued interest, and penalties shall accelerate and become due and payable immediately.  
Prepayments may be made at any time, provided all unpaid principal is paid in one lumpsum.  
There is no fee or penalty for prepayment.

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 Swenson, seconded by Commissioner Channell, and adopted this 20<sup>th</sup> day of July, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2010-27

A RESOLUTION AUTHORIZING THE PURCHASE, ACQUISITION AND LEASING OF EQUIPMENT FOR  
BETTER ENERGY PERFORMANCE

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (the "Lessee") a political subdivision of the State of Colorado, is authorized by the laws of the State of Colorado to purchase, acquire and lease personal property for the benefit of Gunnison County and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREASE, in order to acquire such equipment, the Lessee proposes to enter into that certain Equipment Lease-Purchase Agreement (the "Agreement") with All American Investment Group, LLC (the "Lessor") and that certain Escrow Agreement (the "Escrow Agreement") with the Lessor and SunTrust Bank, Atlanta, Georgia, as Escrow Agent, the forms of which have been presented to the Lessee at a public meeting; and

WHEREAS, the Lessee deems it for the benefit of Gunnison County and for the efficient and effective administration thereof to enter into the Agreement and the Escrow Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided; and

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

*Section 1. Approval of Documents.* The form, terms and provisions of the Agreement and the Escrow Agreement are hereby approved in substantially the form presented at this meeting, with insertions, omissions and changes as shall be approved by counsel of the Lessee, the execution of such documents being conclusive evidence of such approval; and Matthew Birnie, County Manager of the Lessee is hereby authorized and directed to execute, and Katherine Haase, Deputy County Clerk of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and the Escrow Agreement and any

related exhibits attached thereto, and the Deputy County Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

*Section 2. Other Actions Authorized.* The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement and the Escrow Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of the Acceptance Certificate contemplated in the Agreement, including appropriate arbitration certifications) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement and the Escrow Agreement.

*Section 3. No General Liability.* Nothing contained in this Resolution, the Agreement, the Escrow Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, the Escrow Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are special limited obligations of the Lessee as provided in the Agreement.

*Section 4. Section 265(b)(3) Designation.* Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" for the purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. Lessee further represents that Lessee reasonably anticipates that Lessee and other entities that Lessee controls will not issue tax-exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$30,000,000 during the calendar year in which the Agreement is executed and delivered.

*Section 5. Severability.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 6. Repealer.* All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

*Section 7. Effective Date.* This Resolution shall be effective immediately upon its approval and adoption.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 20 day of July, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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