

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 17, 2010**

The August 17, 2010 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:

Jim Starr, Chairperson
Hap Channell, Vice-Chairperson
Paula Swenson, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Starr called the meeting to order at 8:05 am.

AGENDA REVIEW: Deputy County Attorney Tom Dill's annual review scheduled to begin at 10:10 am was cancelled as it was scheduled in error.

MINUTES APPROVAL: Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes for June 1, 2010, the Regular Meeting minutes for June 15, 2010, the Special Meeting minutes for June 29, 2010, the Regular Meeting minutes for July 6, 2010, the Regular Meeting minutes for July 20, 2010, and the Regular Meeting minutes for August 3, 2010 as submitted and authorize signatures. Motion carried unanimously.

CONSENT AGENDA: Moved by Commissioner Channell, seconded by Commissioner Swenson to approve the Consent Agenda as submitted. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Revised Scope of Work; Caring for Colorado Foundation Grant; Health Navigator; \$49,088
2. Acknowledgment of County Manager Signature; Contractor Agreement; National Association of County and City Health Officials; Emergency Preparedness; \$44,000
3. Acknowledgment of County Manager Signature; Memorandum of Understanding; Midwestern Colorado Mental Health Center; Coordination of Disaster Preparation and Response for Midwestern Colorado Communities
4. Colorado Department of Public Health and Environment, PSD-WIC, FLA, Contract Routing Number 11-20846; Amendment for Task Orders #3
5. Consultant Agreement – Professional Services for Materials Testing and Inspection; Gunnison County Jail & Public Works Facility Project; \$51,660
6. Underground Sewer Line Easement; William R. Goddard, Jr.; Township 50 North, Range 1 West, NMPM, Section 26, NE1/4NE1/4
7. Colorado Department of Public Health and Environment Emergency Preparedness and Response Division Grant Application; \$11,970; 8/10/10 thru 8/9/11
8. Out-of-State Travel Request; National Women and Infant Children (WIC) Association Biennial Nutrition and Breastfeeding Conference; San Diego, CA; 9/21/10 thru 9/23/10; WIC Program Coordinator Kim Bemis; \$1735
9. State of Colorado Online Utility Bill Payment Work Order
10. Colorado Department of Public Health and Environment, Colorado Local Health Department Indirect Cost Negotiation Agreement; 1/1/10 thru 12/31/10

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Bond Ratings from S&P and Moody's. County Manager Birnie informed the Board that the County received an AA rating, which is an excellent rating. County Manager Birnie attributed this to sound financial management. Bonds will be sold next week and the closing is set for 9/22/2010. Both projects will break ground in the middle of September.
2. Correspondence; Quartz Creek Property Owners' Association (POA) Request for Donation of LaVeta Land. County Manager Birnie requested direction from the Board regarding this request. He noted that the County acquired the property through default and that part of it had been used as the Town of Pitkin's dump. The POA did not clearly define an intended use for the land. The Board asked staff to evaluate the request for potential legal issues, whether or not the Town of Pitkin supports the request and what public benefit there might be, if any.
3. Authorization to Sign and Submit Great Outdoors Colorado (GOCO) Grant Applications; Fairgrounds and Whitewater Park. County Manager Birnie explained that the grant applications were not yet complete and that they were due by the end of the month. Moved by Commissioner Swenson, seconded by Commissioner Channell to authorize the County Manager to sign and submit the Great Outdoors Colorado grants for the Whitewater Park and the Fairgrounds bathrooms with showers. Motion carried unanimously.

4. Capital Projects Update. County Manager Birnie informed the Board that Buckhorn Geotech had been hired to perform testing. Commissioner Swenson said that Spallone Construction was very pleased with the progress of local contractors being hired. The contract with GE Johnson has been executed, yet a final guaranteed maximum price contract will still need to be executed in the near future.

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

1. Request for Reduction of Landfill Fees; \$7,000; Towner Property Clean-up. Assistant County Manager Crosby confirmed that she had previously spoken with Finance Director Linda Nienhueser about this request and that the Beautification/Scenic Corridors Committee (BSCC) budget has funds that will be available for this project this year. Finance Director Nienhueser recommended discounting the landfill portion of the bill provided that other funding would cover the cost. Assistant County Manager Crosby agreed with the request, but did not recommend discounting the asbestos abatement related portion of the project. The Board questioned the idea of granting this discount for a private project since public funds would be used. As well, the private entity could profit substantially while possibly returning no public benefit. The Board felt that the BSCC could independently decide whether or not to provide funds. Assistant Finance Director Ben Cowan, present for discussion, suggested billing the whole amount without interest and then possibly using BSCC funds as a payment on the account. **Moved** by Commissioner Channell, seconded by Commissioner Swenson, in the case of the landfill fees for the Towner property cleanup, that we (the County) defer the collection of said fees without interest until the closing of the sale of the property or for one year, whichever occurs first. Motion carried unanimously.
2. Release of Gunnison Energy Road Improvement Bond. Assistant County Manager Crosby noted that the details of the \$250,000 cash bond were in the submitted packet materials. She reminded the Board that three bridge projects were paid for with Department of Local Affairs funding, but that one of the bridges already had sufficient structure, which lowered the costs. A speed indicator sign and a message board will be utilized, when appropriate, to alert residents to roadwork issues; Gunnison Energy will fund these tools. The County will bill Gunnison Energy for the magnesium chloride in the coming years; Gunnison Energy will work with SG Interests to pay the County's bill. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to release, in whatever time constraint we have, the unspent portion of the cash bond that was spent by Gunnison Energy and authorize either the County Manager or the Assistant County Manager to sign on those said documents. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize the County Manager or the Assistant County Manager to proceed with a contract document that memorializes the arrangement for the magnesium chloride with Gunnison Energy as a condition of the previous motion. Motion carried unanimously.
3. Resolution: Approving the Adoption of Special Waste Acceptance Protocol, Amendment #4 – Friable Asbestos, Amendments to the Sanitary Landfill Design and Operation Plan for the Six Mile Lane Landfill and the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division Requisites for Amendments and Modification. Assistant County Manager Crosby explained that adoption of this resolution would allow for evaluation on a case-by-case basis without the need for the State to approve each instance. This will also reduce the infiltration of water, enable the placement of inert materials in that corner of the landfill to be covered with dirt, allow for the reduction in size of a new cell, and allow the reuse of an old cell. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-33, a Resolution Approving the Adoption of Special Waste Acceptance Protocol, Amendment #4 – Friable Asbestos, Amendments to the Sanitary Landfill Design and Operation Plan for the Six Mile Lane Landfill and the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division Requisites for Amendments and Modification. Motion carried unanimously.
4. Traffic Concerns on Kebler and Cottonwood Passes. Assistant County Manager Crosby encouraged the Board to note the increased traffic on Kebler Pass as they use the road in the coming days as she felt that the traffic was becoming problematic. She had not yet discussed her concern and the possibility of increased patrols with the Sheriff's Office.

2011 – 2015 CAPITAL IMPROVEMENT PLAN (CIP) ADOPTION: Assistant Finance Director Cowan was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt the 2011-2015 Capital Improvement Plan. Motion carried unanimously. The Board thanked the Finance Office for their hard work.

LETTER OF SUPPORT; TOWN OF CRESTED BUTTE; GREAT OUTDOORS COLORADO (GOCO) GRANT APPLICATION; BIG MINE ARENA PROJECT: Town of Crested Butte Director of Parks and Recreation Jake Jones was present for discussion.

Mr. Jones explained that the Town intended to cover the rink instead of constructing a new rink and that this intention was agreeable by the public. GOCO will grant as much as \$700,000 of a project; this project will cost approximately \$1,100,000. The grant requires a 10% match with 2011 funds. Other

local funds had been requested and approved. He asked for the letter and any in-kind or financial support or ideas. The grant decisions will be announced on 12/8/2010. The Board asked County Manager Birnie to discuss the option of in-kind support with Assistant County Manager Crosby and then report back to the Board. Modifications to the draft letter were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the support letter to Great Outdoors Colorado for the Big Mine Arena Project, as amended, and authorize signatures. Motion carried unanimously.

RESOLUTION; GUNNISON COUNTY ELECTRIC ASSOCIATION WORKFORCE FEE EXEMPTION: County Attorney David Baumgarten and Gunnison County Housing Authority Executive Director KT Gazunis were present for discussion.

County Attorney Baumgarten presented a draft resolution for discussion. Modifications were agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-34, a Resolution Regarding Assessment of the Workforce Housing Fee for Construction of an Addition to Headquarters of Gunnison County Electric Association (GCEA). Motion carried unanimously.

RESOLUTION; AUTHORIZING THE PURCHASE OF 1416 ROCK CREEK, GUNNISON, COLORADO; POSSIBLE EXECUTIVE SESSION. Gunnison County Housing Authority Executive Director Gazunis and County Attorney Baumgarten were present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-35, a Resolution Authorizing the Purchase of 1416 Rock Creek, Gunnison, Colorado. Staff did not recommend entering into an executive session. Motion carried unanimously.

RESOLUTION; AUTHORIZING THE PURCHASE OF 1420 ROCK CREEK, GUNNISON, COLORADO; POSSIBLE EXECUTIVE SESSION: Gunnison County Housing Authority Executive Director Gazunis and County Attorney Baumgarten were present for discussion.

County Attorney David Baumgarten suggested that he and the Board enter into an executive session to discuss the purchase of real property and to instruct negotiators. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to go into the executive session as the County Attorney outlined, and the participants would be the Director of Housing, the County Attorney, the County Manager and the Board. Motion carried unanimously. An electronic audio recording of the executive session was kept.

The board went into executive session at 10:01 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(a)(e).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Jim Starr, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:11 am. Chairperson Starr confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

Moved by Commissioner Swenson, seconded by Commissioner Channell to authorize the Housing Director and the County Manager to proceed with negotiations in the purchase of 1420 Rock Creek, Gunnison, Colorado. Motion carried unanimously. Since a resolution had been prepared that would authorize the purchase of the property, Commissioner Swenson withdrew her motion and Commissioner Channell withdrew his second. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-36, a Resolution Authorizing the Purchase of 1420 Rock Creek, Gunnison, Colorado. Motion carried unanimously.

GUNNISON COUNTY PERSONNEL EVALUATIONS; COUNTY MANAGER MATTHEW BIRNIE AND COUNTY ATTORNEY DAVID BAUMGARTEN; POSSIBLE EXECUTIVE SESSION FOR EACH INDIVIDUAL EVALUATION: County Manager Birnie and County Attorney Baumgarten were present for discussion.

County Manager Birnie requested that the discussion be held during an executive session. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to go into an executive session for the purposes of his (County Manager Birnie) annual review. Motion carried unanimously.

The board went into executive session at 10:16 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(f).*

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive sessions, and that all of those executive sessions were confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Jim Starr, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 11:13 am. Chairperson Starr confirmed that the discussion remained on-topic and that no decisions were made. At some point during the executive session, County Manager Birnie's review concluded and County Attorney Baumgarten began his review with the Board. County Manager Birnie was not present for County Attorney Baumgarten's review, and vice-versa.

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

COMMISSIONER ITEMS:

Commissioner Swenson:

1. Mayors/Managers Meeting. Commissioner Swenson attended this recent meeting where she received the following updates.
 - a. Western State College. The renovation of Taylor Hall has begun. A total of \$56,000,000 worth of construction projects are planned, such as demolishing the Keating and Coronado structures in order to construct an apartment complex. The project should be completed by the fall of 2012. The college passed a resolution in opposition of Proposition 101 and Amendments 60 and 61.
 - b. Mt. Crested Butte. June sales tax collections were down 22.8% and the year-to-date collections are down 15%. The Town passed a resolution in opposition of Proposition 101 and Amendments 60 and 61. An ordinance banning all medical marijuana activities is being drafted.
 - c. Upper Gunnison River Water Conservancy District. The District is focusing on educating the public about water diversion issues.
 - d. Library District. A new branch will be placed in Somerset in the near future.
 - e. City of Gunnison. The Hells Angels motorcycle club has expressed a desire to return to Gunnison as they felt safe in our community. Their recent visit cost the City approximately \$38,000. Year-to-date sales tax collections are down 4%.
 - f. Town of Crested Butte. June's sales tax collections were down 6%. The annexation project has been tabled and the property has been listed for sale.
 - g. Gunnison Watershed School District. The construction projects are finishing on schedule for the 9/1/10 open house celebration. Enrollment is stable. The bus garage will be completed in September.
2. UCC Church Meeting. The church has expressed a desire to assist with recycling efforts. Commissioner Swenson stated that she would like to schedule a work session to discuss recycling programs and efforts within the County.

BREAK: The meeting recessed from 11:30 am until 12:33 pm in order to call to order as the Gunnison River Valley Local Marketing District (see minutes below, as created by Administrative Assistant III Ruth Dukeman), the Gunnison County Board of Equalization (see separate minutes) and the Gunnison/Hinsdale Board of Human Services (see separate minutes).

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

CALL TO ORDER: The meeting of the Gunnison River Valley Local Marketing District was called to order at 11:31 am. Gunnison-Crested Butte Tourism Association (TA) Director Jane Chaney, Gunnison-Crested Butte Tourism Association Marketing Coordinator/Web Master Erica Kelleher and Gunnison-Crested Butte Tourism Association Board members Carolyn Riggs, Steven Pierotti, and Wanda Bearth were present for discussion.

TOURISM ASSOCIATION FUNDING REQUEST: Discussion about the TA's request for funding to complete a structural and organizational assessment commenced. Director Chaney explained, based on the research performed relative to other nearby municipalities, that the total cost should not exceed \$15,000. Concerns related to budgeting allocations and management of the project were deliberated. For clarity, it was decided that the TA would serve an advisory role, with the Gunnison River Valley Local Marketing District (LMD) contracting for the services and managing the project. Invoices would be submitted to Gunnison County's Finance Department to assure that payment for these services would be separate from other TA expenses. The timelines related to the project were reviewed. The desire to complete the project as soon as possible was discussed.

Budgetary concerns were reviewed and options for future TA spending, the importance for everyone involved having a level of comfort with the fund balances after this expenditure and the hopes for increased revenue were discussed. Director Chaney explained a potential budget reduction for the TA that could allocate funds to the project. It was determined that the LMD could allocate reserve funds, with the TA returning budgetary allocations to replace the monies spent from the reserve fund balance. It was agreed that spending for this purpose was warranted. The exact details related to overall fund balances being determined as additional information related to the expense of the project and the revenue balances are available.

Commissioner Starr asked about identifying other metrics to determine if marketing efforts are successful. Currently, "heads in beds" was the metric being used to determine if marketing efforts are successful. The challenges related to tracking data for destination resorts where the marketing organizations do not close the sale, but are completed with local vendors, review of a potential project outline and how there was a desire to identify the best possible metric to identify marketing successes were further discussed.

Moved by Commissioner Swenson, seconded by Commissioner Channell to authorize the expenditure of funds, up to \$15,000, from Gunnison River Valley Local Marketing District reserve funds, to contract for an organizational assessment for the Gunnison-Crested Butte Tourism Association and to direct staff to proceed with the request for proposals (RFP) process with potential vendors. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the August 17, 2010 meeting of the Gunnison River Valley Local Marketing District. Motion carried unanimously. The meeting adjourned at 11:54 am.

COMMISSIONER ITEMS (continued):

Commissioner Channell:

1. Gunnison County Substance Abuse Prevention Project. The City of Gunnison has adopted a Social Hosting Ordinance. The Town of Crested Butte and the County should be evaluating similar decisions in the near future. Attendance at the meetings has been impressive.
2. North Rim Landscape Strategy (NRLS) Workgroup Meeting. Commissioner Channell attended this meeting with Geographic Information Services Manager Mike Pelletier during the previous week. The group is attempting to get interested individuals and agencies to collaborate on all wildlife and land issues in the area. This group was created by the UP Project (www.upproject.org).

Chairperson Starr:

1. Correspondence; Property for Sale; Don Wilson. After receiving the correspondence, Chairperson Starr spoke with Mr. Wilson and learned that he is leaving the area and would like to sell the property outlined in the correspondence. The Board agreed that there were no identifiable County uses for this land in the foreseeable future and Chairperson Starr will relate that conclusion to Don Wilson.
2. Vehicle Traffic and Parking Issues; Gothic Road to Scofield Pass. Chairperson Starr stated that he had traveled on this pass during the previous week. He noted an excessive number of vehicles parked on and using the road.

- 3. CB South Property Owners' Association Annual Meeting. Chairperson Starr attended this meeting and learned that 20 acres of open space by Cement Creek were purchased. The sewer plant expansion was completed by the Met Rec District. All lots in the subdivision will have water running through by next year. The next project is to pave all of the streets. The subdivision is 45% built out at this time.
- 4. Correspondence; Medical Marijuana; Town of Crested Butte. The Board received this correspondence on 7/17/10. The issue will be discussed by the Board at a later date. A response will be drafted by Chairperson Starr to inform the Town that the County is working on the issue.

PROPOSITION 101 AND AMENDMENTS 60 AND 61: The Board scheduled a 60-minute work session on 9/14/10 to discuss this issue. Adoption of a resolution regarding this issue was scheduled for 9/21/10.

ADJOURN: Moved by Commissioner Channell, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:59 pm.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Ruth Dukeman, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2010-33**

A RESOLUTION APPROVING THE ADOPTION OF SPECIAL WASTE ACCEPTANCE PROTOCOL , AMENDMENT #4 – FRIABLE ASBESTOS, AMENDMENTS TO THE SANITARY LANDFILL DESIGN AND OPERATION PLAN FOR THE SIX MILE LANE LANDFILL AND THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT’S HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION REQUISITES FOR AMENDMENTS AND MODIFICATION

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (the “Board”) would like to modify certain provisions of design and operation for the Six Mile Lane Landfill located within Gunnison County, Colorado as more specifically identified as follows:

Township 49 North, Range 1 East, New Mexico Principal Meridian, Colorado

- Sec. 10; S1/2NE1/4SE1/4, SE1/4SE1/4;
- Sec. 11; Lots 9-11 inclusive, SW1/4SW1/4, W1/2SE1/4SW1/4;
- Sec. 14; W1/2NE1/4NW1/4, NW1/4NW1/4, N1/2S1/2SW1/4NW1/4, N1/2SW1/4SE1/4NW1/4, NW1/4SE1/4NW1/4;

Sec. 15; N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4, N1/2SE1/4NW1/4NE1/4,
N1/2SW1/4NE1/4NE1/4, SE1/4NE1/4NE1/4, NE1/4SE1/4NE1/4,
N1/2SE1/4SE1/4NE1/4;

Containing 319.95 acres, more or less, in Gunnison County, Colorado (the "Gunnison County Landfill"); and

WHEREAS, in order to modify those certain provisions of design and operation for the Gunnison County Landfill, the Board submitted a request for approval to the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division (the "Division") for adopting Special Waste Acceptance Protocol #4 – Friable Asbestos and amending the current Sanitary Landfill Design and Operation Plan; and

WHEREAS, the Board has received two letters dated June 22, 2010 from the Division recommending approval of the following:

1. Special Waste Acceptance Protocol, Amendment #4 – Friable Asbestos which will allow the Gunnison County Landfill to accept, for disposal, friable asbestos generated in Gunnison County without case-by-case review by the Division as proposed in the document titled "Special Waste Acceptance Protocol, Amendment Four, Gunnison County Landfill, Colorado" prepared by KRW Consulting, Inc., dated March 11, 2010. The Division approves this amendment contingent upon the requisites identified in the Division's letter to the Board, dated June 22, 2010. The June 22, 2010 letter is attached to this resolution and incorporated herein as Appendix "A"; and

2. The amendment to the Sanitary Landfill Design and Operation Plan for a reduction of the landfill footprint in Modules 2 and 8 in the eastern portion of the Phase 2 area of the Gunnison County Landfill as proposed in the Design and Operations Plan Amendment Request prepared by KRW Consulting, Inc., dated February 8, 2008. The Division also approves this amendment contingent upon the requisites identified in the Division's letter to the Board of County Commissioners of the County of Gunnison, Colorado dated June 22, 2010. This letter is attached to this resolution and incorporated herein as Appendix "B"; and

3. The amendment to the Sanitary Landfill Design and Operation Plan for the Phase 3 Expansion located near the northwest corner of the landfill as proposed in the Design and Operations Plan Amendment Request prepared by KRW Consulting, Inc., dated March 12, 2010. The Division further approves this amendment pursuant to the requisites identified in the Division's letter to the Board of County Commissioners of the County of Gunnison, Colorado dated June 22, 2010. This letter is attached to this resolution and incorporated herein as Appendix "B"; and

WHEREAS, the Board has reviewed and considered the Division's requisites for approval of Special Waste Acceptance, Protocol #4 – Friable Asbestos and the amendments to the Sanitary Landfill Design and Operation Plan and finds that those requisites of the Division are in the best interests of public health, safety and welfare; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that Special Waste Acceptance Protocol, #4 – Friable Asbestos and the proposed amendments to the Sanitary Landfill Design and Operation Plan for the Six Mile Lane Landfill as identified herein and the requisites as identified in the two letters dated June 22, 2010 from the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division shall be and hereby are approved.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 17th day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2010-34**

A RESOLUTION REGARDING ASSESSMENT OF WORKFORCE HOUSING FEE FOR CONSTRUCTION OF AN ADDITION TO HEADQUARTERS OF GUNNISON COUNTY ELECTRIC ASSOCIATION ("GCEA")

WHEREAS, the Workforce Housing Fee was enacted as part of the Workforce Housing Program by the Board pursuant to Resolution 2006-44 and Resolution 2009-19.

WHEREAS, one of the primary purposes of the Workforce Housing Fee is to ensure the opportunity for the workforce and their families to live in Gunnison County to address the impact generated by new residential and commercial development on the demand for affordable housing .

WHEREAS, the Workforce Housing Fee is based on a Nexus/Proportionality Analysis which establishes the link between new commercial and residential development and the demand for affordable housing for employees.

WHEREAS, according to the Nexus/Proportionality Analysis, the Board set the Workforce Housing Fee to address only a percentage of the affordable housing needs of workers generated by new development.

WHEREAS, the Board of County Commissioners has determined that:

- a. Gunnison County Electric Association ("GCEA") will be adding approximately 7,000 square feet to its headquarters as a second story to the existing building located at 37250 Highway 50, Gunnison Colorado. The headquarters building is located in unincorporated Gunnison County.
- b. GCEA has implemented an employee housing program ("Housing Program") that assists employees with a down payment so that they can afford to purchase or build a home.
- c. The Housing Program is available to all GCEA employees and designed to close the gap between what an employee can afford and the cost of housing.
- d. Through the Housing Program, GCEA supplies the Employee with a down payment allowance on qualified real property not to exceed twenty-five percent (25%) of the purchase price and shall not exceed \$100,000.00.00.
- e. The GCEA employee is required to eventually reimburse GCEA for the allowance by contributing at least three per cent (3%) of the purchase price as a down payment.
- f. The employee is required to use the allowance for his/her primary residence and must have at least 12 months of service working for GCEA.
- g. If the employee separates from GCEA, the employee must pay to GCEA within 180 days the full amount of the allowance plus a pro rata share of the increased value of the residence.
- h. If the GCEA employee sells, transfers the residence to another party, refinances, or pays the first mortgage in full, the employee must pay to GCEA the full amount of the allowance plus a pro rata share of the increased value of the residence.
- i. The GCEA employee has an option to reimburse GCEA the allowance at any time prior to thirty-six months from the date of purchase in full or in part with no interest. At any time after thirty-six months the reimbursement will include interest, or a pro rata share of the increased value of the residence.

NOW THEREFORE, the Board of County Commissioners of Gunnison County, Colorado finds and resolves that:

1. It is the policy of the County that linkage or mitigation fees placed on new development should be proportional to the impacts caused by new development.
2. Through its down payment allowance, GCEA has implemented a program to mitigate the demand for affordable housing caused by its new construction.
3. The down payment allowance accomplishes the same objectives for which the Workforce Housing Fee is assessed.
4. If assessed against GCEA, the Workforce Housing Fee would be \$14,000.00 and would be deposited into an account to be spent by Gunnison County on programs to address the demand for affordable housing created by new development in general.
5. The most cost effective and efficient way to ensure that the impacts of GCEA's new construction on the availability of affordable housing is mitigated is to waive assessment of the Workforce Housing Fee for GCEA's new construction in accordance with the terms and conditions of this Order.
6. The Workforce Housing Fee is waived for GCEA's addition to its headquarters subject to the following conditions:
 - a. The GCEA down payment allowance shall remain in effect for a minimum of two years after issuance of the certificate of occupancy for the addition.
 - b. Beginning six (6) months after issuance of the certificate of occupancy for the addition and every six months after that for a total of two years, GCEA shall submit to the County Manager a report documenting the total amount of funds spent by GCEA on the down payment allowance, and the number of workers who have received a down payment allowance.
 - c. The County reserves the right to assess the Workforce Housing Fee against GCEA for the new construction if the amount of the down payment allowance GCEA provides to workers is less than \$14,000.00 at the end of the two year reporting period.
 - d. GCEA may file a written request for a waiver of the Workforce Housing Fee for new construction that it may conduct other than the addition to its headquarters.
7. Unless or until the Workforce Housing Fee Resolution is amended, the County will entertain requests on a case-by-case basis from public utilities, governmental entities, and commercial enterprises to waive the Workforce Housing Fee based if such utility, entity or enterprise has in place programs to mitigate the impacts to the availability of affordable housing caused by new construction.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 17th day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2010-35**

A RESOLUTION AUTHORIZING THE PURCHASE OF 1416 ROCK CREEK, GUNNISON, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") has reviewed current and potential needs of Gunnison County and acquiring additional real property for affordable housing is in the best interests of the public; and

WHEREAS, pursuant to C.R.S. § 30-11-101 and § 30-11-103, the Board has the authority to purchase and own real property.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Board purchase the real estate described as 1416 Rock Creek, Gunnison, Colorado, pursuant to the Contract To Buy And Sell Real Estate, dated November 30, 2009 and Real Estate Purchase Addendum, between Aurora Loan Services and Gunnison County. The Board herein ratifies all previous actions performed by the Board and its staff to accomplish that purchase and directs its staff to take all appropriate action to accomplish that purchase. K.T. Gazunis is hereby authorized to execute all necessary documents to accomplish that purchase including but not limited to loans, grants and closing documents.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 17th day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2010-36**

A RESOLUTION AUTHORIZING THE PURCHASE OF 1420 ROCK CREEK, GUNNISON, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") has reviewed current and potential needs of Gunnison County and acquiring additional real property for affordable housing is in the best interests of the public; and

WHEREAS, pursuant to C.R.S. § 30-11-101 and § 30-11-103, the Board has the authority to purchase and own real property.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Board enter into negotiations in good faith to purchase the real estate described as 1420 Rock Creek, Gunnison. The Board herein directs its staff to take all appropriate action to accomplish that purchase. K.T. Gazunis is hereby authorized to execute all necessary documents to accomplish that purchase including but not limited to loans, grants and closing documents.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 17th day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON COUNTY, COLORADO

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