

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
September 7, 2010**

The September 7, 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

**GUNNISON COUNTY BOARD OF EQUALIZATION:**

**CALL TO ORDER:** Chairperson Jim Starr called the meeting to order at 8:03 am.

**MINUTES APPROVAL:** Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Regular Meeting minutes of August 2, 2010 and August 17, 2010 for the Board of Equalization, and authorize signatures. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Equalization meeting adjourned at 8:04 am.

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:**

**CALL TO ORDER:** Chairperson Starr called the meeting to order at 8:04 am.

**AGENDA REVIEW:** There were no changes to the agenda.

**MINUTES APPROVAL:** There were no minutes available for approval.

**CONSENT AGENDA:** Commissioner Swenson requested that Consent Agenda Item #3 be pulled for further discussion. Commissioner Channell requested that Consent Agenda Items #5, #6, #8, #11 and #12 be pulled for further discussion. Chairperson Starr requested that Consent Agenda Item #2 be pulled for further discussion. Moved by Commissioner Swenson, seconded by Commissioner Channell to approve Consent Agenda Items #1, #4, #7, #9, #10 and #13. Motion carried unanimously.

1. Ratification of County Manager Signature; Letter of Support; Quiznos Pro Challenge Bicycle Race
2. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Standard form of Agreement Between Owner and Construction Manager as Constructor Where the Basis of Payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price; GE Johnson Construction Company; Gunnison County New Jail Building and New Public Works Building
3. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Equipment Lease-Purchase Agreement; All American Investment Group, LLC
4. Acknowledgment of County Manager Signature; Memorandum of Understanding Between Gunnison County and the USDA, Forest Service Grand Mesa, Uncompahgre and Gunnison National Forest
5. Pulled for Discussion and Separate Action: Amendment to the Memorandum of Understanding Between Board of County Commissioners of Gunnison County, Colorado and Gunnison Family Physicians; Implanon Insertion and Removal, IUD/IUS Insertion and Removals, and Vasectomy Procedures; 6/1/09 thru 5/31/11
6. Pulled for Discussion and Separate Action: Memorandum of Understanding Between Board of County Commissioners of Gunnison County, Colorado and Gunnison Family Medical Center; Implanon Insertion and Removal, IUD/IUS Insertion and Removal, and Vasectomy Procedures
7. US Department of Agriculture Forest Service Communications Use Lease Authority: Federal Land Policy and Mgmt Act, as Amended October 21, 1976; Comstock Communications Site, Lot #2; T15S., R.84W., 6<sup>th</sup> Principal Meridian, Section 29: SW1/4
8. Pulled for Discussion and Separate Action: Second Addendum to the Development Improvements Agreement for Thornton Meadows Subdivision; Deloray, LLC; Extension of Work Completion Date
9. Colorado Department of Public Health and Environment Immunization Program, Amendment 35 Immunization Funds for Local Public Health Agency Statement of Work; Gunnison County Department of Health and Human Services Total for FY 2011: \$9,836
10. Consulting Agreement; Tuck Communication Services, Inc.; Professional Sales and Services of Mitel Telephone Systems; \$166,659
11. Pulled for Discussion and Separate Action: Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; Aaron Clay,

Clay and Dodson, PC; Analysis of Water Rights for Hartman 1 and 2 Ditches and the Filing for Diligence for the Gunnison County Municipal Pipeline

12. **Pulled for Discussion and Separate Action:** Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; Barbara Green, Sullivan Green & Seavy, LLC; Development of Amendments to the Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations for Water Quality Purposes, Specifically Relating to Setbacks from Wetlands and Waterbodies, and Water Quality Non-Point Source Impacts
13. Product and Services Agreement; Microtech-Tel; PRI Phone Service and Long Distance

**CONSENT AGENDA ITEM #2:** Chairperson Starr requested additional discussion related to the hiring of local contractors and service providers. County Manager Birnie explained that all locals would be given the opportunity to submit bids. Since this is a maximum-price guarantee contract, the County cannot mandate that GE Johnson hire any locals. County Manager Birnie will visit with Project One Senior Project Manager Mike Mismash about a possible modification to the contract. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #2. Motion carried unanimously.

**CONSENT AGENDA ITEM #3:** Commissioner Swenson stated that she no longer needed further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve Consent Agenda Item #3. Motion carried unanimously.

**CONSENT AGENDA ITEMS #5 and #6:** Commissioner Channell requested additional information to determine if the County went through the bidding process and if the Gunnison Valley Health Hospital is capable of providing these services. Commissioner Swenson stated that the physicians that practice at the hospital are the same physicians that perform this Public Health service for pre-qualified patients. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Items #5 and #6. Motion carried unanimously.

**CONSENT AGENDA ITEM #8:** Commissioner Channell asked for additional discussion related to the timeline of the project since the first deadline had lapsed prior to submission of a request for another extension. County Paralegal Rachel Magruder and County Attorney David Baumgarten were present for discussion and explained that work is supposed to be complete by the end of the month. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #8. Motion carried unanimously.

**CONSENT AGENDA ITEMS #11 and #12:** Commissioner Channell asked for additional discussion related to the source of funding for these expenditures. County Attorney Baumgarten explained that money is put into the fund automatically every year. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Items #11 and #12. Motion carried unanimously.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

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

1. **Bond Closing: 9/2/2010.** County Manager Birnie informed the Board that the closing went as planned and that the funds have been invested and are ready to be drawn for the capital projects. He also informed the Board that the City of Gunnison has recommended that the communications center not be relocated to the new facility, which he believed would not be problematic as long as a final decision is released quickly. The Emergency Operations Center will still relocate as grant funds are awarded to cover the costs.
2. **Citizen Complaint: Jack Dietrich.** County Manager Birnie informed the Board that Mr. Dietrich is not pleased with the County's decision to waive the Gunnison County Electric Association's (GCEA) linkage fee. County Manager Birnie explained to Mr. Dietrich that GCEA has a viable program in place. Mr. Dietrich may be attempting to start a program and County Manager Birnie asked Gunnison County Housing Authority Executive Director KT Gazunis to attend Mr. Dietrich's upcoming Property Owners' Association meeting as this issue is on the POA's upcoming agenda.
3. **Marble Tourism Association.** County Manager Birnie informed the Board that some of the former members of the MTA have retained attorney Marcus Locke and are proposing that the Tourism Association (TA) assume marketing duties for the Marble area. County Manager Birnie discussed this concept with TA Director Jane Chaney, who expressed some concerns but would be willing to take the duty. County Manager Birnie asked if the Board was interested in having Mr. Locke work with Ms. Chaney to pursue this option. County Manager Birnie believed that this practice would market the Marble area much more effectively than it had been in the past. The Board was supportive of the general direction.
4. **Gunnison County Incumbency and Signature Certificate.** County Manager Birnie requested Board ratification of the form's execution. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the certificate for signatures pertaining to our (the County) trustee on the Certificates of Participation and authorize the Chairperson's signature. Motion carried unanimously.

5. Signature Authorization; Property Closing Documentation; 1416 Rock Creek. County Manager Birnie stated that the Board had previously authorized staff to negotiate for this purchase, but not for signature of the closing documents. The offer was accepted and within the parameters noted in the authorization for negotiation. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize the County Manager or the Housing Director to execute the property closing documents for 1416 Rock Creek. Motion carried unanimously.
6. Gunnison Rising Donation of Conservation Easement on 160 Acres Near Signal Peak. Gunnison Wildlife Conservation Coordinator Jim Cochran was present for discussion and confirmed that this approval is one part of a two-part recommendation from the Sage-grouse Strategic Committee. This land includes active habitat, but the lek is not on the property. This easement is in the far northeast corner of the property. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to support the Conservation Easement by Gunnison Valley Partners on 160 acres of land to be held by the Colorado Division of Wildlife and authorize the Chairperson's signature.

**ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Assistant County Manager Marlene Crosby was not available for discussion.

**BREAK:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to recess the meeting and walk to Legion Park to meet with Senator Udall. Motion carried unanimously. The meeting recessed from 8:59 until 10:10 am so that the Board could meet with Senator Mark Udall and representatives from the Gunnison Country Chamber of Commerce for general discussion at the Legion Park pavilion. County Manager Birnie did not immediately return to the meeting after the break as his attendance at another meeting was mandatory; he returned at 11:15 am as noted in the minutes.

**POWDERHORN AND WEST ELKS WILDERNESS ADDITION LEGISLATION; REQUEST FOR SUPPORT:** Congresswoman Diana DeGette's staff representative Jennifer Clanahan; National Park Service Area Superintendent Connie Rudd, Upper Gunnison River Water Conservancy District General Manager Frank Kugel and County Attorney David Baumgarten were present for discussion.

Chairperson Starr stated that the Board had met with Congresswoman Diana DeGette a couple of weeks ago to discuss this issue and to request additional information.

Ms. Clanahan provided revised maps and explained that her office was waiting to hear from the Bureau of Reclamation before moving forward. She stated that her office had received verbal support of the legislation and that no negative comments had been received. She discussed this issue with all relevant agencies and, while none was permitted to advocate for the legislation, none expressed concerns. She provided a letter of support received from David Gorsuch, a ranch owner in Gunnison County. No other users were available for her to request a position from. Chairperson Starr read out loud the letter from David Gorsuch so that members of the audience could hear its content.

Commissioner Channell stated that it seemed obvious that the public believes this land is worthy of the wilderness designation. Yet he expressed concern related to setting a precedence of not adhering to the proper vetting process. Ms. Clanahan felt that this proposal had been well vetted in the time since it was first brought to the attention of Congresswoman DeGette in 1999.

Commissioner Swenson also expressed concern about the vetting process since, although the Congresswoman had been working on this since 1999, the Board hasn't been asked for a formal position statement until this year and there hasn't been an opportunity for enough public input. She was also concerned about jurisdictional boundaries and didn't want other counties' commissioners regulating Gunnison County's areas. Her strongest concern was that the Board had not yet worked with Gunnison County's own district congressman on this issue, Congressman John Salazar. Ms. Clanahan stated that Congresswoman DeGette and Congressman Salazar had discussed this legislation and that Congressman Salazar wanted to ensure that it had local support before moving forward.

Commissioner Channell stated that he had hoped for more evidence of the grassroots meetings on this issue. Ms. Clanahan stated that approximately 80 people had attended an initial meeting in 1999 at the Courthouse. Chairperson Starr stated that he was present at that time and could not recall the content of the meeting or any stated objections to the content.

Ms. Rudd agreed, without support or opposition for the legislation, that the National Park Service could handle the West Elks addition, if it were designated, but that certain areas would need to be excluded as outlined within her previous correspondence to the Board.

Chairperson Starr agreed that the vetting process was probably not done properly as the public has not yet had the chance to provide comments. He noted that the legislation appears to have overarching general support, but that he remains concerned about the water rights language. Ms. Clanahan stated that the language would not impact these two areas. Mr. Kugel noted that the UGRWCD had been reviewing the language without any specific concerns. Ms. Clanahan stated that her office was in the process of developing language based on new information and Mr. Kugel was pleased to hear this since he had planned to recommend similar changes. With changes, he believed that the UGRWCD board

would support the legislation. Ms. Clanahan agreed to submit the language changes to Mr. Kugel upon their completion.

Chairperson Starr stated that he has difficulty supporting legislation when the draft bill isn't complete.

Resident Jeremy Rubin urged the Board to support the legislation since it hadn't caused any controversy. He stated that another wilderness bill includes these two areas and has been discussed publicly at length.

Resident Sue Navy stated her support of the legislation.

Commissioner Swenson stated that there appeared to be a consensus on the designation, but that issues remained regarding which district should be proposing the legislation and whether or not the issue had been properly vetted.

Ms. Rudd felt that the ideal sequence should be to first establish the boundary for Curecanti. Commissioner Channell agreed and felt that the boundary distinction could create issues if not addressed first. Commissioner Channell felt that the Board should craft a response that would include support for these areas to be considered as wilderness, contingent upon resolving the Curecanti designation issue and presentation of a final bill for review.

Commissioner Swenson agreed with the contents of the proposed letter.

Chairperson Starr felt, if the final bill could be available for review within a week, that the Board could hold a special meeting to further discuss supporting the legislation. He believed that the Curecanti designation could take several years to resolve.

Further discussion was scheduled to take place as part of the 9/14/10 work session. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to establish or call a Special Meeting of the Board of County Commissioners at 11:15 am for Tuesday the 14<sup>th</sup> of September, specifically to discuss and make a decision about Congresswoman DeGette's proposed wilderness bill. Motion carried unanimously.

**PETITION FOR ABATEMENT OR REFUND OF TAXES FOR 2009; ACCOUNT R031938, LOT 37, MERIDIAN LAKE MEADOWS SUBDIVISION; MARIE ANN ST. JAMES, ETAL:** Assessing Coordinator William Spicer and Meissner Associates representative Dave Meissner were present for discussion.

Assessing Coordinator Spicer explained that this lot is located within the Meridian Lake Meadows Subdivision and that the Assessor's Office recommended denial of the petition because it is believed that the value is supported by comparable sales. He provided information on three comparable sales within the upper lots with sales prices ranging from \$450,000 to \$620,000; the median price was \$540,000.

Mr. Meissner, representing for the property owner, stated that the upper lots have more vegetation and that views are an issue because the lot in question has an obstructed view. He also felt that the Assessor's Office should not evaluate the area on a per-lot basis because the size of the lots varies greatly. The lot in question, one of the smallest lots in the subdivision, was assessed at the equivalent of \$681,000 per acre, which is higher than most other lots in the subdivision. The property directly across the street from the subject property has similar views and would be valued, on a per-acre basis, at approximately \$450,000. Mr. Meissner requested that the subject property be reassessed at \$357,000, which would equate to slightly more than \$450,000 per acre.

Assessing Coordinator Spicer explained that the Assessor's Office utilizes a site value because analysis data indicates that the lots sell as building sites and not as acreage. He noted that the property directly across the street from the subject property is a very irregularly shaped lot and that there has been no correlation between lot size and sales price seen in the subdivision. He stated that he had not seen any indication that corner lots sell for adjusted amounts because there had not been enough sales to use for trend analysis. The owner of the subject property did not submit an appeal during the appeal process; there was an abatement petition filed more recently.

**Moved** by Commissioner Swenson, seconded by Commissioner Channell to uphold the Assessor's Office recommendation and deny the petition for abatement. Motion carried unanimously.

County Manager Birnie returned to the meeting at 11:15 am.

**REQUEST FOR WAIVER OF FAIRGROUND FEES; GUNNISON HIGH SCHOOL RODEO:** City of Gunnison Special Events/Facility Manager John Messner was present for discussion.

Mr. Messner explained that his intent was not to assume responsibility for the rodeo. Instead, he would prefer to provide leadership to ensure that the event continues during years with decreased youth

participation. There was no request for 2010 funding during the Community Based Organization (CBO) process.

Commissioner Channell noted that the Board would likely support this request, but he wanted to know why a request for funds wasn't presented to the County during the CBO process. Mr. Messner explained that the club was in limbo last fall. Commissioner Channell appreciated that Mr. Messner was willing to take on a leadership role. Mr. Messner noted that, if revenues exceed expenses this year, the club would donate the proceeds to the Fairgrounds.

**Moved** by Commissioner Channell, seconded by Commissioner Swenson to fund the rental fees for the High School Rodeo from our discretionary dollars up to \$750. Motion carried unanimously. The Board encouraged Mr. Messner to apply for 2011 funding through the CBO process.

**TRAILS EASEMENT ACROSS SADDLE RIDGE SUBDIVISION:** Attorney Mike Dawson, Crested Butte Town Planner John Hess, County Attorney Baumgarten and Crested Butte Mayor Leah Williams were present for discussion.

County Attorney Baumgarten presented the easement issue to the Board. Attorney Dawson was present as he represented the developer at some point in time. County Attorney Baumgarten requested permission to speak with the Homeowners' Association members and/or their attorney to find out whether or not they are in agreement with memorializing the particulars of the easement and parking issues. He would then report back to the Board in two weeks. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to instruct County Attorney David Baumgarten to talk with the Saddle Ridge HOA with regards to the clarification and memorialization of the 60-foot public access trail as it connects to the 20-foot access easement, and report back in two weeks. Motion carried unanimously.

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

#### COMMISSIONER ITEMS:

##### Chairperson Starr:

1. Mayors/Managers Meeting. Chairperson Starr attended the recent meeting that was hosted by Western State College and provided the following information to the Board.
  - a. Mt. Crested Butte. July 2010 was the second highest July in Mt. Crested Butte's history for sales tax collections, which was up 27% over July 2009. Lodging was up 42%, but the year-to-date is still down 10%. The opposers of Proposition 101 and Amendments 60 and 61 have collected \$6,500,000 for their efforts; the supporters have collected approximately \$200,000. Mr. Tyler Martineau resigned from the roundtable so a new person will need to be designated.
  - b. Crested Butte. Sales tax collections for July were up 8.5%, which is the best in recorded history for the month of July; however, sales tax collections are still down approximately 1.5% year-to-date. The Town applied for a \$700,000 Great Outdoors Colorado grant for the ice rink project.
  - c. Crested Butte Mountain Resort. Summer camp enrollment was up 60% this year. Three affordable housing units have sold. The Performing Arts Center is progressing. The Treasury Center is being remodeled to accommodate 280 additional seats. Group bookings are up 50% for this coming season. The Elevation Hotel is in receivership. Commissioner Swenson stated that she attended a presentation from CBMR and that a work session should be scheduled as a follow up. Chairperson Starr will talk to CBMR Vice President Ken Stone to see if CBMR would be available to make the presentation during the 10/12/10 work session.
  - d. Upper Gunnison River Water Conservation District. The District is concerned because it may be out of compliance with aquatic life on the Tomichi River.
  - e. Gunnison Watershed School District. The Crested Butte School opened and enrollment is slightly lower than last year.
  - f. Library District. The District plans to ask the voters for an increase in operations and a new facility next year. A fundraising foundation is being formed.
  - g. City of Gunnison. The July sales tax collections were up 1%, but overall collections are down 1.5% year-to-date. The path under Hwy 135 to connect to the bridge is being constructed. The west bridge is scheduled to be delivered this week.
  - h. Western State College. The college is preparing three possible 2011 budgets because of the possibility of Proposition 101, Amendment 60 and Amendment 61 passing in the November 2, 2010 election. The college has \$5,600,000 in General Fund reserves. Capital campaigns are continuing. The college is optimistic about the future and is working with the partners of the Discovery Center. Kelly Hall received the Gold LEED rating.
2. Saddle Ridge Subdivision. Town of Crested Butte Mayor Leah Williams will propose potential times to meet with the council in October. Chairperson Starr will coordinate this discussion with her and the 10/26/10 Board work session may be relocated to the Crested Butte area to allow for

greater participation in this discussion. Possible additional agenda items include an Intergovernmental Agreement for the Special Development Project Regulations, the three-mile plan area, medical marijuana, and the extension of water and sewer outside of the Town's boundaries.

**Commissioner Swenson:**

1. Community Economic Development Meeting. Commissioner Swenson attended a recent meeting. Western State College is redesigning its website. The group is working collaboratively with community leaders to present the community as a typical college town. The Week of Welcome night was attended by more parents and students than usual, and businesses stayed open longer. Progress is being made to make the community more inviting. The group is also focusing on WSC merchandise being available in more local businesses locations.
2. Sage Grouse Strategic Committee Meeting. Commissioner Swenson attended a Bureau of Land Management presentation last week regarding geothermal leasing. There is concern related to sage-grouse impacts and how those impacts might be mitigated.
3. RSVP Luncheon. Commissioner Swenson and Chairperson Starr attended this recent meeting. Volunteerism among seniors is increasing in the County.

**Commissioner Channell:**

1. Child Welfare Action Committee. Commissioner Channell informed the Board that the Committee is focusing on the concept of a centralized call center; only one person on the 21-person Committee felt that the concept had any merit. Formal recommendations will begin to be drafted at the next meeting, scheduled for 9/16/10.
2. Agriculture Classification Committee. This Committee has progressed to the point of having conversations about distinguishing between owners/operators versus lessees and a possible minimum residential acreage for classification as agriculture land. A couple of Committee members felt that a minimum of one or two acres on a property must be classified as residential in order for the overall classification of agricultural, but the group acknowledged that this type of scenario could create subdivision issues. Commissioner Channell stated that he would support an owner/operator scenario being classified as agricultural land, but not an owner that leases the land.
3. Community Foundation of the Gunnison Valley Retreat. Commissioner Channell attended this recent retreat. The Foundation granted over \$500,000 to the community in 2009. The Foundation's investment portfolio is over \$5,000,000.
4. Planning Commission Meeting; Bureau of Land Management and Forest Service Presentation on Water Quality Impacts in Oil and Gas Regulations. Commissioner Channell attended this meeting. He noted that many questions remain unanswered.
5. Central Colorado Land Exchange. County Attorney Baumgarten informed the Board that issues continue to emerge. He felt that further discussion would be beneficial, so this was scheduled on the 9/21/10 agenda.

**PUBLIC RECORDS REQUEST POLICY:** County Attorney Baumgarten was present for discussion and explained that this policy was discussed during a previous work session, just never adopted. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt the Public Records Request Policy, as presented today. Motion carried unanimously.

**SET PUBLIC HEARING DATE; AMENDMENTS TO GUNNISON COUNTY OIL AND GAS REGULATIONS REGARDING APPLICATION FEES AND CONSULTANT COSTS:** County Attorney Baumgarten and Assistant Community Development Director Neal Starkebaum were present for discussion.

Assistant Community Development Director Starkebaum informed the Board that the Planning Commission had taken action during the previous week on the application fee issue. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to set a Public Hearing for October 5, 2010 at 8:50 am for the Amendments to the Gunnison County Temporary Oil and Gas Regulations regarding application fees and consultant costs. Motion carried unanimously.

**GUNNISON BASIN INDUSTRIAL PARK DESIGN REVIEW COMMITTEE; APPROVAL OF GUNNISON COUNTY PUBLIC WORKS BUILDING PLANS:** County Attorney Baumgarten was present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the submitted site, building and landscaping plans for the Public Works facility located in the Gunnison Basin Industrial Park. Motion carried unanimously.

**BUCKHORN RANCH, FILING 2B; UPDATE; POSSIBLE ACTION; ISSUANCE OF NOTICE OF DEFAULT; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten, County Paralegal Rachel Magruder and Assistant Public Works Director Allen Moores were present for discussion.

County Attorney Baumgarten gave the following update to the Board on all pending improvements. The deadline for repairs was 7/9/10 and deadline for chip seal was 7/31/10.

- Road Repairs. The work on the potholes should be completed before the end of the week.
- Chip Sealing. This has been completed.
- Ball Field. Some of the work had been completed, but the field remained incomplete. Assistant Public Works Director Moores gave instructions to the contractor and, weather permitting, work will begin today.
- Signage. The signs are on the ground and have not been signed off on yet.
- Weed Control. The areas of concern were those that were disturbed by construction.
- Storm Water Management. An inspection will be scheduled.
- Wetland Mitigation. This will require approval by the US Army Corp of Engineers. Assistant Public Works Director Moores will request that Jerry Burgess investigate the status of this issue.

County Attorney Baumgarten will update the Board in two weeks relative to the road repairs and the ball field.

**AIRPORT TERMINAL:** Chairperson Starr received a complaint about the absence of signage at the airport terminal. He questioned whether or not Airport Manager John DeVore should convene a group of airport users to brainstorm possible facility improvements. A work session regarding minor airport improvements may be scheduled.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:50 pm.

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Jim Starr, Chairperson

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Hap Channell, Vice-Chairperson

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Paula Swenson, Commissioner

Minutes Prepared By:

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Katherine Haase, 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 GUNNISON COUNTY RESOLUTION NO. 2010 - 38**

#### **A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION FUND FOR WATER RESOURCE PROTECTION PURPOSES**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted Resolution No. 90-2, A Resolution Creating A Water Resources Protection Fund; and

WHEREAS, such Resolution No. 90-2 states that funds from the Water Resources Protection Fund may be used for water resources upon majority vote of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that certain expenditures are necessary for the participation of Gunnison County in joint use of water rights.

NOW THEREFORE, it is resolved by the Board of County Commissioners that the Board authorizes expenditure of funds from the Water Resources Protection Fund for:

1. Engagement of special counsel Aaron Clay, Clay and Dodson, P.C., for analysis of water rights for Hartman 1 and 2 ditches and the filing for diligence for the Gunnison County Municipal Pipeline in an amount not to exceed \$5,000.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 7<sup>th</sup> day of September, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2010 - 39**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION  
FUND FOR WATER RESOURCE PROTECTION PURPOSES**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted Resolution No. 90-2, A Resolution Creating A Water Resources Protection Fund; and

WHEREAS, such Resolution No. 90-2 states that funds from the Water Resources Protection Fund may be used for water resources upon majority vote of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that certain expenditures are necessary for the participation of Gunnison County in joint use of water rights.

NOW THEREFORE, it is resolved by the Board of County Commissioners that the Board authorizes expenditure of funds from the Water Resources Protection Fund for:

1. Engagement of special counsel Barbara Green, Sullivan Green & Seavy, LLC, for development of amendments to the Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations for water quality purposes, in an amount not to exceed \$20,000 for calendar year 2010.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 7<sup>th</sup> day of September, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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