

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 5, 2010**

The October 5, 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 8:03 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: Moved by Commissioner Channell, seconded by Commissioner Swenson to approve the Regular Meeting minutes for August 17, 2010, the Special Meeting minutes for August 24, 2010 and the Special Meeting minutes for September 14, 2010 as submitted. Motion carried unanimously.

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

1. Acknowledgment of County Manager Signature; Federal Forest Payment & Secure Rural Schools and Community Self Determination Act Election Form
2. Acknowledgment of County Manager Signature; Location Release Form; Trevor Mark; Permission, Right and License to Photograph, Film, and Videotape the Premises Located at County Courthouse for a Media Production; 10/15/10 - 10/16/10
3. Acknowledgment of County Manager Signature; Natural Gas Distribution Main Extension Agreement; Atmos Energy Corporation; Detention Center Facility; \$2,617
4. 7th Judicial District Victim Assistance and Law Enforcement Board Grant Contract; Gunnison County Sheriff's Office, Victim Services; Grant Number VA-11-009; 1/1/11 thru 12/31/11; \$16,000
5. Consulting Agreement; Dr. John Tarr, MD; Professional Services Regarding Medical Consultation for the Public Health Nurse and the Environmental Health Official and Other Duties of the Gunnison County Medical Officer for the County Health Department; Shared Portion of Malpractice Insurance; 10/1/10 thru 12/31/10; \$847.50
6. Consulting Agreement; Dr. John Tarr, MD; Professional Services Regarding Medical Consultation for the Public Health Nurse and the Environmental Health Official and Other Duties of the Gunnison County Medical Officer for the County Health Department; Shared Portion of Malpractice Insurance; 1/1/11 thru 12/31/11; \$2,550
7. Consulting Agreement; Dr. Marie Matthews, MD; Professional Services Regarding Medical Consultation for the Gunnison County Public Health Family Planning Program; 1/1/11 thru 12/31/11; \$1,200
8. Grant of Temporary Construction Easement; Realignment and Construction of Taylor River Road (aka County Road 742); Duffy Hutchins and Alyson McGinty
9. Grant of Temporary Construction Easement; Realignment and Construction of Taylor River Road (aka County Road 742); Louise D. Cross
10. Purchase of Service Contract, Regional Substance Abuse Services; Mental Health Service Plan for Montrose, Delta, Gunnison, Hinsdale, San Miguel and Ouray Counties; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services (Midwestern Colorado Counties) and West Slope CASA; Drug and Alcohol Services Using Core Services and ADAD Additional Family Services Dollars; 6/1/2010 thru 5/31/2011

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Capital Projects Update. County Manager Birnie informed the Board that the building sites have been active. Dirt work has begun and concrete will be poured next week.
2. Strategic Planning Update. County Manager Birnie informed the Board that approximately 50 managers and supervisors will attend management training in mid-November. Elected officials will be invited to attend the training. This training was designed to connect strategic business plans to management practices and will be given by Weidner, Inc.
3. Tourism Association Assessment. County Manager Birnie informed the Board that TA Executive Director Jane Chaney will organize a group to review the four proposals that were submitted for consideration. The group will provide a recommendation to the Board on 10/7/10; the Board will

make a formal decision on 10/19/10. The assessment may cost up to \$15,000. The County solicited bids from targeted firms.

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

1. Gunnison County Landfill; Winter Hours of Operation. Assistant County Manager Crosby informed the Board that Vicki James resigned her position as the landfill's gatekeeper. Assistant County Manager Crosby stated that she would probably not fill the position this winter. Further, she recommended closing the landfill on Saturdays from 11/1/10 until 5/15/11. She noted that all landfill closures are posted on the County website, at the landfill and in paid display advertisements in the newspaper. Commissioner Swenson proposed closing until only 4/1/11 in order to evaluate the closure in the spring. The Board agreed to close the landfill on Saturdays from 11/1/10 until 4/1/11.
2. Amendment to Ground Lease Agreement; B.A.M.P., LLC; Identify Legal Description for the Current Leased Premises. Assistant County Manager Crosby recommended a change to the lease that would allow the Gunnison Valley Animal Welfare League to lease a portion of the lot previously leased to B.A.M.P. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the B.A.M.P. lease amendment in the Gold Basin Industrial Park and authorize the Chairperson's signature. Motion carried unanimously.
3. Award Bid; Watson Flats Gravel Pit Crushing Operation. Assistant County Manager Crosby recommended awarding the bid to Elk Creek Sand and Gravel Company from Conifer. She requested authorization for the County Manager to sign the contract, when available. She stated that the total cost will be \$97,936.40, but that the US Forest Service would provide \$21,936.40 of that total cost, which will reduce the County's cost to \$77,000. She confirmed that no local firms have this crushing capability, which is why she could not recommend a local firm. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to award the bid to Elk Creek Sand and Gravel Company, and to authorize the County Manager's signature on the contract. Motion carried unanimously.
4. County Road 10 Completion Update. Assistant County Manager Crosby informed the Board that the shoulder work is complete and that, due to financial issues, some sections are paved while others are not. Striping should be completed before the end of the week, which will leave only culvert work to be done.
5. USDA Engineering Contract for Antelope Water. County Attorney David Baumgarten confirmed that he was agreeable to the language within the contract.

BREAK: The meeting recessed from 8:56 until 9:00 am in order to hold the below Public Hearing.

PUBLIC HEARING; AMENDMENTS TO THE GUNNISON COUNTY TEMPORARY OIL AND GAS REGULATIONS; APPLICATION AND CONSULTANT FEES: Assistant Community Development Director Neal Starkebaum was present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 8:57 am.
2. Public Notice Confirmation. Assistant Community Development Director Starkebaum confirmed that the Public Hearing had been properly and publicly noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Assistant Community Development Director Starkebaum explained that the County does not have any adopted fees for oil and gas operations.
5. Applicant Presentation. N/A.
6. Board Questions. Commissioner Channell asked if any industry entities had provided any input prior to the Public Hearing; Assistant Community Development Director Starkebaum stated that no such input had been provided.
7. Public Comments. Chairperson Starr opened the Public Hearing to comments at 8:58 am. No members of the public were present for discussion.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Starr closed the Public Hearing at 9:00 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; AMENDMENTS TO THE GUNNISON COUNTY TEMPORARY OIL AND GAS REGULATIONS; APPLICATION AND CONSULTANT FEES: Assistant Community Development Director Starkebaum was present for discussion.

Moved by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-43, a Resolution Approving an Amendment to the Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations that deals with fees. Motion carried unanimously.

The Board acknowledged that each review, Administrative, Minor and Major, differs in the amount of time necessary to complete the review and that the County should recoup the cost of the applications for the public. A work session related to all Community Development fees will be scheduled by Assistant Community Development Director Starkebaum as soon as is feasible.

BREAK: The meeting recessed from 9:11 until 9:26 am.

MINUTES APPROVAL: After the 8/24/2010 meeting minutes were approved earlier in the meeting, it was determined that Commissioner Channell should not have voted to approve the minutes since he was not in attendance. **Moved** by Commissioner Swenson, seconded by Chairperson Starr to reconsider the August 24, 2010 Special Meeting minutes. Motion carried. Commissioner Channell abstained from the vote. Moved by Commissioner Swenson, seconded by Chairperson Starr to approve the Special Meeting minutes for August 24, 2010. Motion carried. Commissioner Channell abstained from the vote.

PETITION FOR ABATEMENT OR REFUND OF TAXES; LOT 2 LOWER SLATE RIVER RANCH, PLAT #587183; BARRY W. WHITE, ETAL: Assessing Coordinator William Spicer was present for discussion.

Assessing Coordinator Spicer explained that this lot is agricultural land, but that it had been mistakenly reclassified as vacant land at some point in time. The taxpayer didn't notice the error until receipt of the tax bill. Assessing Coordinator Spicer stated that the Assessor's Office recommended approval of the petition. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Petition for Abatement or Refund of Taxes for Lot 2, Lower Slate River Ranch, and authorize signatures. Motion carried unanimously.

PETITION FOR ABATEMENT OR REFUND OF TAXES; TRACT 1, ISLAND ACRES SUBDIVISION, ADJ 100' NORTH #563442; ISLAND ACRES RESORT, LLC: Assessing Coordinator Spicer was present for discussion.

Assessing Coordinator Spicer explained that the petitioner filed an appeal in 2009, which resulted in an adjusted value based on the physical condition of the property and a review of comparable sales. This petition is for 2008 and the petitioner is seeking an equivalent adjustment. The Assessor's Office recommended approval of the petition. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Petition for Abatement or Refund of Taxes for 2008 for Tract 1, Island Acres Subdivision. Motion carried unanimously.

REVISED PERSONNEL POLICIES: Human Resources Director Debbie Moore was present for discussion.

Human Resources Director Moore presented draft modifications to the personnel policies. Further modifications were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt the revised personnel policies, with the additional revisions made today. Motion carried unanimously.

REQUEST FOR FUNDING; BUILDING OUR COMMUNITY; WESTERN STATE COLLEGE AND GUNNISON COUNTRY CHAMBER OF COMMERCE: Gunnison Country Chamber of Commerce President Greg Larson, Gunnison Country Chamber of Commerce Director Tammy Scott and Western State College (WSC) Vice-President of Student Affairs Gary Pierson were present for discussion.

Ms. Scott explained that the Chamber has begun promoting a broader scope of the community, including WSC. Fundraising efforts resulted in the \$1,200 purchase of over-the-highway banners, which will be used until WSC graduation in May 2011. The purchase of smaller flags would enhance WSC's downtown visibility. Because merchants will not likely be able to afford the cost of these materials, Ms. Scott requested financial assistance from the County.

Mr. Pierson stated that WSC purchased t-shirts to give to the employees of downtown businesses to wear on game days and other important WSC weekends. Mr. Pierson would also like to sell WSC merchandise, such as apparel, via placement in downtown stores.

Mr. Larson explained that the downtown flags cost approximately \$75 each, for a total project cost of up to \$6,000. While businesses will still be asked to purchase the flags, financial assistance from the County would help to offset the total cost. Mr. Larson requested \$2,500 to purchase 100 flags and flagpoles.

Moved by Commissioner Channell, seconded by Commissioner Swenson to appropriate \$3,000 for the Western State College Town Flag project from discretionary funds. Motion carried unanimously.

BREAK: The meeting recessed from 10:10 until 10:16 am.

COUNTY PHONE SYSTEM OPTIONS: IT Director Mike Lee presented the Board's telephone options to them. The Board decided that their individual cellular phones would suffice as their County phones in lieu of setting up individual extensions or purchasing additional telephone equipment.

SLATE RIVER ROAD TRAILHEAD: Assistant County Manager Crosby and County Attorney Baumgarten were present for discussion.

Assistant County Manager Crosby presented her written recommendations as well as copies of written opinions from various community members. The Board took time to read through the materials before proceeding with discussion.

Assistant County Manager Crosby stated that the Board previously asked her to assemble a users group, including any interested parties. She provided a large map of the location for illustration during the discussion. Overnight snowmobile parking was an issue addressed by the users group, though there was no estimate of how many snowmobiles remain overnight at any given time.

Tony Stroh, property owner in the Townsite of Pittsburg, stated that he and his wife do not use snow vehicles to access their property.

US Forest Service Engineering Technician Garth Gantt posed the feasibility of a permit process for the parking area.

CB Nordic Center Director Keith Bauer stated that the CB Nordic Council would prefer not to see any overnight parking until after winter travel issues have been addressed. He stated that he would also prefer that the Board address drainage issues with the US Forest Service.

Mr. Gantt noted that it may be possible for the US Forest Service to evaluate winter travel management and drainage. He provided a pamphlet with some Crested Butte winter travel use information and stated that education and enforcement efforts will need to improve. He felt that USFS Recreation/Trails/Wilderness/Facilities Program Manager Bill Jackson will want the Board to outline a specific need for change before considering modification of the current plan.

Burt Phillips, property owner, stated that commercial trailers use the trailhead and that he alerts law enforcement whenever he witnesses it. He would appreciate an improvement in enforcement, including set repercussions for those that break the rules. He asked the Board to suspend any decisions to avoid setting a precedent.

Mr. Stroh stated his opposition to overnight parking of snowmobiles because it can last for months. He requested that the Board schedule a Public Hearing during the summertime to allow for further discussion. Lastly, he expressed that residents along Alpine Meadows Road should not have to put up with parking along the road. Assistant County Manager Crosby stated that, if parking impedes safety vehicles or maintenance such as plowing, the County can install signage.

Chairperson Starr opined that there should be a public process and that the users, residents and US Forest Service would need to arrive at a consensus. He also felt that the County should ask the US Forest Service to evaluate winter travel management.

Commissioner Channell posed the option of extending the trailhead plowing and installing any appropriate signage, per Assistant County Manager Crosby's recommendations. He also felt that education should be focused on as much as possible. He agreed that a summertime Public Hearing would be appropriate, and he agreed that the County should ask the US Forest Service to evaluate a travel management plan for one drainage or for multiple drainages.

Commissioner Swenson agreed that a summertime Public Hearing would allow for sufficient time with which to evaluate the events of the coming winter. She felt that overnight parking should be removed from any recommendation at this time.

Brian Dale, maintenance provider to the Stroh property, stated his need to park a vehicle in this area and felt that a distinction would need to be made between the general public and the property owners. The Board agreed that this would need to be addressed.

Happy Fowler, Alpine Meadows board member, confirmed that the Alpine Meadows board is united against overnight snowmobile parking. She requested that any summertime Public Hearing be held in Crested Butte with notice in the newspapers for several weeks. Elizabeth Smith, another Alpine Meadows board member, was in attendance but did not provide any comment.

Chairperson Starr suggested that this issue be placed on a future agenda, to further discuss the proposal outlined so that all parties could receive notice of further discussion.

Commissioner Swenson felt that the Board should either accept or not accept Assistant County Manager Crosby's recommendation without delay since there had already been two public meetings on this matter and since signage and other issues would require Board action if they are to be addressed as soon as possible. As well, all interested parties were invited to today's meeting.

Commissioner Channell agreed that the discussion should end so that the County can move forward with plans. Of Assistant County Manager Crosby's 12 written recommendations, he felt that all should move forward except for #6 and #7. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to adopt the recommendations of staff, with the exception of recommendations #6 and #7. Assistant County Manager Crosby asked that the Board clarify whether or not snowmobile parking information should be posted; the Board agreed that overnight parking should not be allowed. Motion carried unanimously.

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

APPEAL OF STOP WORK ORDER; DR. CLAUDIO ALVAREZ; CROSS-BAR RANCH: Building Inspector Rich Wojdakowski, Assistant Community Development Director Starkebaum, County Attorney Baumgarten, Appraiser Analyst George Lickiss, Appraiser II Don Rundell, Gunnison County Stockgrowers Association (GCSA) President Allen Roper, building Bill Barvitski, architect Jennifer Barvitski, and attorney Marcus Locke were present for discussion.

Assistant Community Development Director Starkebaum explained that a 2003 Board resolution identified and defined agricultural operations and agricultural structures. He acknowledged that this current debate is not an isolated incident as his department has been handling requests for agricultural structure building permit exemptions for approximately 15 years. The Cross Bar Ranch issue began approximately one year ago when he received correspondence from Ms. Barvitski regarding the use of a tack shed on the property. Later, when submitting documentation for a septic system, she provided updated plans that identified that, in addition to the tack room, a kitchenette, bathroom, fireplace and seating area were added to the plan. Assistant Community Development Director Starkebaum and Building Inspector Wojdakowski agree that these additions indicate that the structure should no longer be classified as agricultural. Because of this, a building permit would be required and the structure should be built in compliance with building codes. Since construction has already begun, a Stop Work Order was issued.

Building Inspector Wojdakowski stated that the two different areas would need to be given designated occupancy uses and that a 1R separation must exist between the stable area and other areas for fire-safety reasons.

Mr. Locke noted that there would be substantial cost and time involved if the Board were to uphold the Stop Work Order. He provided photographs of the structure, which he felt proved the agricultural nature. He also expressed frustration that the County had not been able to articulate any reasoning for the non-agricultural structure status.

Ms. Barvitski explained that she had been retained as the owner's architect in this matter. She stated that the 4400-acre ranch has approximately 800 cattle now and that the number of cattle will increase by 700 within the near future. The future operational expansion plans will also include the utilization of 15 horses. She stated that the structure was intended to replace an older cabin on the property for use with the ranch's agricultural operations.

Ms. Barvitski stated that she contacted Assistant Community Development Director Starkebaum approximately one year ago to confirm that a building permit would not be needed for this structure. She submitted correspondence, dated 9/23/09, to Assistant Community Development Director Starkebaum outlining the project scope and the purpose of the structure, which was initialed by Assistant Community Development Director Starkebaum and Building Inspector Wojdakowski and then returned to her.

Ms. Barvitski stated that the design has not changed in the last year and that the project is more than 90% complete. She explained that the bathroom and sink areas are for the workers and that the refrigerator will be used to store veterinary vaccinations. The fireplace is intended to be used as a heat source. She noted that neither Assistant Community Development Director Starkebaum nor Building Inspector Wojdakowski had ever inspected the structure and have never seen a complete set of plans. She expressed her feeling that she had gone above and beyond to provide project information to the Community Development Department. She stated her desire to finish the structure before winter.

Mr. Locke cited Resolution #2005-67, which outlines building permit exemptions for agricultural operations and structures, or non-residential structures. He stated his belief that this resolution serves as proof that a building permit will not be needed. He also expressed frustration that the County has not provided any reason for the determination that this structure is not agricultural in nature. While he acknowledged that abuse of the system likely occurs, he stated his opinion that this should not dictate the decision before the Board. He requested that the Board withdraw the Work Stop Order issued.

Building Inspector Wojdakowski felt that the structure could be considered a residential structure, while not necessarily a residence, which differs in that a residential structure would not require a cooking appliance. He felt that life and safety issues became evident upon changes in the floor plan. Initially, the design included a stable and a vacant room; the design became a residential structure because a person could potentially remain in the structure for long periods of time, or even overnight.

Assistant Community Development Director Starkebaum stated that he had never informed Ms. Barvitski that she would not need to submit a whole set of plans.

Commissioner Channell asked if the structure, in its current form, is code compliant. Mr. Barvitski stated that it is, except for the absence of a firewall. Appraiser Analyst Lickiss stated that, based on the current plans, this structure would be classified by the Assessor's Office as an agricultural out-building with no residential use. He also confirmed that other such classified structures have high-end stables with sinks, restrooms, even lounges. Commissioner Channell stated that the basis for assessment can differ from the basis for permitting.

Commissioner Channell asked if the appeal process had been properly managed. County Attorney Baumgarten explained it had and that the Board can review a Stop Work Order and amend it.

Chairperson Starr asked what distance this structure is from other structures. Ms. Barvitski explained that it is approximately 900-to-1,000 feet, equaling approximately 300 yards, from the residence. She also noted that the structure being replaced was approximately 100 yards farther than this.

Chairperson Starr asked for the date when the first set of drawings was completed. Ms. Barvitski stated that they had been completed in September of 2009 and that the tack room was a later addition.

Mr. Roper stated the GCSA's concerns about setting a precedent in this matter. He noted that his property includes an unpermitted structure with a sink, bathroom, shower and microwave. He relayed the concern of the GCSA that, if agricultural buildings will require building permits, only wealthy citizens will be able to comply.

Assistant Community Development Director Starkebaum stated that the decision to classify the structure as non-agricultural was based on safety concerns, not the use of high-end materials.

Chairperson Starr asked if workers will remain in the structure overnight when calving. Mr. Roper explained that a worker may have to remain in the structure for quite some time, but probably not overnight.

Mr. Barvitski stated that other applicants' structures have not required permitting, though they are much larger in size.

Commissioner Channell thanked everyone for their input. He felt that the structure seems to be a hybrid that pushes the definition of an agricultural structure, and that neither Colorado State Statutes nor the Gunnison County Land Use Resolution (LUR) clearly defines the distinction between agricultural and non-agricultural structures. He stated that there have been, and will continue to be, abuse of the system without methods in which to monitor abuse. He felt that the County cannot make determinations based on possible intended uses, only current and designed uses. He felt that the appeal process had been followed and that this issue could serve as a catalyst for clarifying LUR language. He thanked the staff for bringing this issue to the Board's attention. He took a position that the appeal should be upheld and that the Stop Work Order should be rescinded.

Commissioner Swenson agreed that definitions and processes need to be clarified. She concurred with Commissioner Channell.

Chairperson Starr felt that staff should be able to make determinations based on potential future uses and that, for him, the fireplace is the threshold. He felt that Community Development staff is hampered by the lack of a clear standard and that, in the future, Community Development staff may need to examine full drawings before evaluating requests for agricultural exemptions. He agreed with Commissioner Channell and Commissioner Swenson to uphold the appeal and rescind the Stop Work Order.

Moved by Commissioner Channell, seconded by Commissioner Swenson, pursuant to LUR Section 16-105 D, that the subject Stop Work Order is amended by rescinding it, with respect to the staff. Motion carried unanimously.

COMMISSIONER ITEMS:

Commissioner Channell:

1. Tourism Association Meeting. Commissioner Channell attended a meeting on 9/14/2010. The group will continue to work on strategic initiatives.

2. Airport Tabletop Exercise. Commissioner Channell attended the recent exercise, along with Chairperson Starr. He felt that there was a sufficient lack of attention paid to the incident command model.
3. Pitkin County BOCC Meeting. Commissioner Channell stated that the Pitkin County BOCC seems to incorporate a more global evaluation within support letters, while our Board seems to evaluate only local impacts. He asked whether or not future meetings should be held in alternate locations or held with other counties as both he and Commissioner Swenson agreed that this particular annual meeting may have outlived usefulness. Both felt that the Board may benefit from joint meetings with the Hinsdale County BOCC since we have shared issues with Hinsdale County.
4. Colorado Counties, Inc. (CCI) Legislative Committee. Commissioner Channell stated that he would present a typed report to share with the Board at a later date. The Agricultural Classification Task Force has advanced at CCI. There will be a special call of the legislative committee at the winter conference.

Commissioner Swenson:

1. Gunnison County Sage Grouse Strategic Committee. Commissioner Swenson stated that the Gunnison Sage Grouse had been determined to be warranted, but precluded from being listed as an endangered species.
2. County Website Redesign. Commissioner Swenson informed the Board that she is working with Assistant to the County Manager Katherine Haase to make the County's website more community oriented. A work session will be held in November. A group of representatives from large departments may be assembled to ensure that posted information is as beneficial as possible.

Chairperson Starr:

1. Trailhead Meeting. Chairperson Starr stated his concern about attendance at these types of meetings since the most predominantly represented group can sway the decision.
2. SG Interests. Chairperson Starr met with SG Interests to discuss concerns related to the suggested modifications to the County's temporary oil and gas regulations. Chairperson Starr asked that SG Interests provide real-life examples of how the regulations may impact its operations. SG Interests agreed to suggest some language modifications to the Planning Commission.
3. John Lee's Water Rights. Chairperson Starr explained that, pursuant to a received email, John Lee might not have any water rights in the ditch that he has expressed concern about. The Board agreed that Mr. Lee should provide proof of his water rights specifications. Chairperson Starr asked County Attorney Baumgarten to evaluate the situation.
4. Airport Tabletop Exercise. Chairperson Starr restated Commissioner Channell's earlier comment regarding the absence of a clear incident command model. County Manager Birnie will follow up with Emergency Manager Scott Morrill and Airport Manager John DeVore.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:58 pm.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 10 - 43**

A RESOLUTION APPROVING AN AMENDMENT TO THE *GUNNISON COUNTY, COLORADO TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS*

WHEREAS, the *Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations* were adopted by the Gunnison County Board of County Commissioners on May 9, 2003 to provide a framework for the responsible exploration and development of oil and gas resources in Gunnison County; and

WHEREAS, Section 1-112 of those *Regulations* provides for a mechanism whereby said regulations may be amended; and

WHEREAS, pursuant to Section 1-112 C.1., the Board of County Commissioners initiated the amendment; and

WHEREAS, the Gunnison County Planning Commission reviewed the amendment, pursuant to Section 1-112 C. 2., and on September 3, 2010 forwarded a recommendation for approval of the amendment to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted a public hearing on October 5, 2010 regarding the proposed amendment following duly published public notice; and

WHEREAS, the Board of County Commissioners has reviewed and considered the Planning Commission recommendation, public testimony and the following review standards pursuant to Section 1-112 D. of the *Regulations*:

1. CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY. Consistency of the proposed amendment with any comprehensive plan that may be adopted by Gunnison County;
2. CHANGED CONDITIONS. Changed conditions, including the economy of Gunnison County;
3. EFFECT ON THE NATURAL ENVIRONMENT. Effect of the proposed amendment on the natural environment;
4. COMMUNITY NEEDS. Community needs;
5. DEVELOPMENT PATTERN. Development pattern;
6. CHANGES IN OR CLARIFICATION TO APPLICABLE LAW. Changes in or clarification to applicable law;
7. PUBLIC HEALTH, SAFETY AND WELFARE. Public health, safety and welfare;
8. COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY. Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the September 4, 2010 Planning Commission recommendation for approval of the amendment to the *Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations* be adopted in full, and the amendment is adopted, as identified in the attached "Exhibit A".

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson and passed on this 5th day of October, 2010.

BOARD OF COUNTY COMMISSIONERS

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

"EXHIBIT A"

AMENDMENT TO
GUNNISON COUNTY TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS

Addition of the following language to SECTION 1-104: APPLICATION SUBMITTAL REQUIREMENTS FOR OIL AND GAS PERMITS:

- C. FEES. Any application for an Oil and Gas Permit must be accompanied by appropriate fees. A schedule of fees is available through the Planning Department.

1. APPLICATION FEE SET BY BOARD. The application fee will be set by the Board of County Commissioners and shall reflect the estimated cost of reviewing and processing the application package, including but not limited to the costs of copying, mailings, publications, labor and overhead, travel and all hearings and meetings on the application.
2. ADDITIONAL FEES. The applicant shall pay additional fees, in an amount that will, as far as can be determined to cover the costs of review of the application, including but not limited to reasonable administrative fees, travel, additional expertise and overhead expense. The additional fees shall be paid at the initiation of the review and may be adjusted during the review.
 - a. APPLICANT RESPONSIBLE FOR REFERRAL AGENCY REVIEW AND CONSULTANT FEES. The costs of referral agency and consultant review are the responsibility of the applicant.
 - (1) The County may require a deposit for payment of referral agency and consultant fees, based upon estimated review costs, at the time of application or during the review process, in addition to the application fees.
 - (2) Additional fees to cover consultant review, as may be determined necessary during the review process.
 - (3) The County may suspend the application review process pending payment of review fees. Suspension shall toll all deadlines imposed on the County by this Section.