

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
October 26, 2010**

The October 26, 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 1:05 pm.

AGENDA REVIEW: There were no changes to the agenda.

BREAK: The meeting recessed from 1:05 until 1:32 pm in order to hold the below Public Hearing.

PUBLIC HEARING; PROPOSED AMENDMENTS TO THE GUNNISON COUNTY SPECIAL DEVELOPMENT PROJECTS RESOLUTION: Community Development Department Director Joanne Williams, County Attorney David Baumgarten and Planning Commission Chairperson Ramon Reed were present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 1:05 pm.
2. Public Notice Confirmation. Community Development Department Director Williams 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. Community Development Department Director Williams confirmed that the proposed document modifications properly addressed cumulative impacts.
5. Applicant Presentation. N/A.
6. Board Questions. Commissioner Channell requested confirmation that all proposed amendments were included within the presented document. Community Development Department Director Williams confirmed this and stated that some of the outlined additional language had been previously omitted from the document due to administrative error.

Commissioner Channell also expressed concern related to cumulative environmental, social and economic impacts as he questioned whether or not the document should be more specific. Mr. Reed explained that the Planning Commission did not feel that it needed further specification. Commissioner Swenson agreed that the document, as a whole, addressed the impacts well.

7. Public Comments. Chairperson Starr opened the Public Hearing to comments at 1:13 pm.

Citizen Butch Clark stated his opinion that the modifications are warranted. He referenced a document entitled, "Model Mining Development Agreement" (MMDA). He explained that this document addresses cumulative impacts worldwide, with emphasis on involving the community to outline impacts in lieu of a paid consultant.

Mr. Clark felt that funding options should be evaluated and noted that the MMDA detailed methods of receiving funding from project proponents.

Mr. Clark felt that the community could be made an integral part of any project because employment for the project could originate from within the community.

Mr. Clark felt that distances from the project should be defined when considering cumulative impacts on services such as schools, medical services and water treatment.

Mr. Clark felt that there should be an emphasis placed on monitoring since many entities that perform monitoring services are underfunded. The MMDA covers issues such as training local citizens to become monitors.

Mr. Clark felt that careful planning should go into the methods of closing an operation.

The Board thanked Mr. Clark for his input and agreed that the Planning Commission could evaluate the MMDA for elements that may be useful to Gunnison County.

Mr. Clark noted that the MMDA included a few references to Gunnison County mines with regard to methane capture.

Mr. Clark stated his opinion that the Planning Commission, and ultimately the County, could benefit from assembling a group of professionals to gather the type of information outlined in the MMDA before applications are presented to the Board for consideration.

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 1:32 pm and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; PROPOSED AMENDMENTS TO THE GUNNISON COUNTY SPECIAL DEVELOPMENT PROJECT RESOLUTION: Community Development Department Director Williams and County Attorney Baumgarten were present for discussion.

The draft resolution was discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to adopt Resolution #2010-46, a Resolution Amending the Gunnison County Land Special Development Project Resolution Concerning the Inclusion of Cumulative Impacts Requirements for Special Development Projects, and authorize signatures. Motion carried unanimously.

OUT-OF-STATE TRAVEL REQUEST; COUNTY ATTORNEY DAVID BAUMGARTEN; DEVELOPMENT ISSUES IN THE MAJOR SHALE PLAYS PRESENTATION BY THE ROCKY MOUNTAIN MINERAL LAW FOUNDATION; PITTSBURGH, PA; 12/6/10 – 12/7/10: County Attorney Baumgarten was present for discussion.

Moved by Commissioner Channell, seconded by Commissioner Swenson to approve up to \$1,600 for the County Attorney to attend the Rocky Mountain Mineral Law Foundation seminar in Pittsburgh on December 6th and 7th, 2010. Motion carried unanimously. It was acknowledged by County Attorney Baumgarten that these funds are available within his budget.

BREAK: The meeting recessed from 1:44 until 1:49 pm.

RESOLUTION; AMENDING CERTAIN CHARGES AND FEES FOR INTEGRATED SOLID WASTE SERVICES EFFECTIVE OCTOBER 26, 2010; THIS RESOLUTION SUPERSEDES RESOLUTION 10-06: Assistant County Manager Crosby was present for discussion.

The draft resolution was discussed and amendments were agreed upon. It was noted that the adjusted fee is an incentive for shredding building material waste. During additional discussion, not specific to the resolution, Assistant County Manager Crosby stated that her 2011 proposed budget includes a request to purchase large scales which would be capable of assessing large loads by weight instead of by volume. She noted that this practice is recommended by the Environmental Protection Agency as a method of reaping benefits such as extending the life of a landfill. Grants will not be available for this type of capital investment. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-47, a Resolution Amending Certain Charges and Fees for Integrated Solid Waste Services Effective October 26, 2010, This Resolution Supersedes Resolution 10-06, and authorize signatures. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:03 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. 2010-46**

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND SPECIAL DEVELOPMENT PROJECT RESOLUTION* CONCERNING THE INCLUSION OF CUMULATIVE IMPACTS REQUIREMENTS FOR SPECIAL DEVELOPMENT PROJECTS

WHEREAS, the *Gunnison County Land Special Development Project Resolution* ("the *Resolution*"), Section 1-115, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to the *Resolution*, Section 1-115, the Gunnison County Planning Commission has initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, the Planning Commission on July 30, 2010 forwarded to the Board the Commission's written recommendations and background information relative to consideration of "cumulative impacts" in the review and permitting of Special Development Projects amendments; and

WHEREAS, the Board of County Commissioners has reviewed and evaluated those recommendations and background information and conducted a duly-noticed public hearing on these proposed amendments October 26, 2010; and pursuant to Section 1-115 of the *Resolution* considered the following in evaluating the proposed amendments:

- Compliance of the proposed amendments with the guidelines of the *Resolution* pursuant to Section 1-103: *Guidelines*;
- Changes in applicable law;
- Public health, safety and welfare; and
- 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 Board hereby adopts the following amendments of the *Gunnison County Special Development Projects Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 26th day of October, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2010-47**

A RESOLUTION AMENDING CERTAIN CHARGES AND FEES FOR INTEGRATED SOLID WASTE SERVICES EFFECTIVE OCTOBER 26, 2010
THIS RESOLUTION SUPERSEDES RESOLUTION 10-06

WHEREAS, the Gunnison County Landfill, also known as the Six Mile Lane Landfill ("Landfill") was established pursuant to Resolution No. 18, Series 1985; and

WHEREAS, the Solid Waste Fund is operated and funded through charges and fees for services at the Landfill site and sales of materials at the Gunnison County Recycling Center located at Tenth Street and Rio Grande Avenue; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, wants to adjust the charges and fees for the Landfill to better fund that operation and make it self-supporting; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting any and all costs of a County administered recycling program; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting any and all costs of future closure and post-closure of the Landfill site; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting any and all costs of future Landfill expansion construction costs of the Landfill site; and

WHEREAS, a portion of the charges and fees shall be dedicated to offsetting costs associated with sage grouse mitigation; and

WHEREAS, a solid waste user fee shall be imposed in addition to all charges and fees specified herewith pursuant to Colorado Revised Statutes § 25-16-104.5;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the following charges and fees are hereby established, to be effective February 16, 2010:

CHARGE	Landfill	Recycling	Closure	Const.	Sage Grouse	State Fees	TOTAL
Administration Fee	105.00	0.00	0.00	0.00	0.00	0.00	105.00
Appliance Disposal	10.00	0.00	0.00	0.00	0.00	0.00	10.00
Baled Trash 4x6x2.5	17.46	0.00	0.00	0.00	0.00	0.54	18.00
Ground Construction Debris	4.02	1.52	.45	1.74	0.00	.27	8.00
Biosolid Yardage	14.27	2.27	0.45	1.74	1.00	0.27	20.00
Car	3.62	1.31	0.26	1.00	0.57	0.09	6.85
Car Wash Sludge	4.79	2.27	0.45	1.74	1.00	0.00	10.25
Clean Wood Yardage	4.54	2.27	0.45	1.74	1.00	0.00	10.00
Concrete >12" Diameter	15.04	2.27	0.45	1.74	1.00	0.00	20.50
Concrete <12" Diameter	1.04	2.27	0.45	1.74	1.00	0.00	6.50
Dead Animals	11.96	0.00	0.00	0.00	0.00	0.54	12.50
Friable Asbestos Yards	24.27	2.27	0.45	1.74	1.00	0.27	30.00
Loose Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Mini Pickup	7.95	2.86	0.57	2.19	1.26	0.17	15.00
Minimum Charge	3.73	0.00	0.00	0.00	0.00	0.27	4.00
Organic Material Yards	5.25	0.00	0.00	0.00	0.00	0.00	5.25
Packed Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Refrigerator/Freezer	15.00	0.00	0.00	0.00	0.00	0.00	15.00
Special Waste Yardage	6.27	2.27	0.45	1.74	1.00	0.27	12.00
Standard Pickup	12.91	4.54	0.90	3.48	2.00	0.17	24.00
Tire Rims	1.25	0.00	0.00	0.00	0.00	0.00	1.25
Tires-Loader	10.36	0.00	0.02	0.08	0.04	0.00	10.50
Tires-Passenger	4.11	0.00	0.02	0.08	0.04	0.00	4.25
Tires-Truck	5.11	0.00	0.02	0.08	0.04	0.00	5.25

Uncovered, blowable loads shall be charged double the above charges.

The Finance Department may, at its discretion, charge a \$5.00 service charge for copies of landfill invoices.

BE IT FURTHER RESOLVED that the above fees amend and supersede any previous conflicting fees and shall remain in full force and effect until changed by resolution of the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 26th day of October, 2010.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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