

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
February 15, 2011**

The February 15, 2011 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:

Hap Channell, Chairperson  
Paula Swenson, Vice-Chairperson  
Phil Chamberland, Commissioner

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

**CALL TO ORDER:** Chairperson Channell called the meeting to order at 8:30 am.

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

**MINUTES APPROVAL:** Moved by Commissioner Swenson, seconded by Chairperson Channell to approve the 12/21/2010 meeting minutes and authorize signatures. Motion carried. Commissioner Chamberland could not vote to approve these minutes as he was not yet a commissioner on 12/21/10. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Regular Meeting minutes for 1/18/11 and authorize signatures. Motion carried unanimously.

**CONSENT AGENDA:** Commissioner Chamberland requested that Consent Agenda Item #17 be pulled for discussion. Chairperson Channell requested that Consent Agenda Item #20 be pulled for discussion. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #17 and #20. Motion carried unanimously.

1. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Literacy Action, a Program of the Gunnison County Library District; \$3,000
2. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Adaptive Sports Center of Crested Butte, Inc.; \$1,000
3. 2011 Memorandum of Agreement; Community Based Organization Grant Program; The Trailhead Children's Discovery Museum; \$500
4. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Gunnison Valley Observatory, Inc.; \$1,000
5. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Ranchers and Sportsmen Together for the Hungry, Inc.; \$2,000
6. Drug Free Communities Grant Application; \$125,000
7. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Gunnison Country Chamber of Commerce; \$10,000
8. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Gunnison County Pioneer & Historical Society; \$2,500
9. Resolution; Requesting Assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the Form of an Aviation System Grant
10. State of Colorado, Colorado Department of Transportation, Colorado Aeronautical Board Grant Agreement with Gunnison County; Discretionary Aviation Grant Agreement 11-GUC-01; \$400,000
11. Out-of-State Travel Request; Park City, UT; Weather Modification Association Annual Conference; Senior Accountant Jane Wyman; \$1,380
12. Acknowledgment of County Manager Signature; Modification of Grant or Agreement; US Forest Service Grant/Agreement Number 07-RO-11021500-047, Modification #4; Extension Through 1/30/12; Allow Use of Remaining \$21,125.30 to Improve the Road to the Bridges
13. Acknowledgment of County Manager Signature; El Pomar Foundation General Grant Terms and Conditions; Gunnison-Hinsdale Early Childhood Council Implementation of the Pyramid Model; \$20,000
14. Funding Request; Sage Grouse Mitigation Fund; 3rd Gunnison Sage-Grouse Summit and Festival; Up to \$5,000
15. Certification of Compliance; Article 29 of Title 29 C.R.S., Immigration Status – Cooperation with Federal Officials
16. Law Enforcement Agreement Among Gunnison County Board of County Commissioners, Gunnison County Sheriff, Town of Mt. Crested Butte; 1/1/11 thru 12/31/11; \$126,000
17. Pulled for Discussion and Separate Action: Amendment to Agreement; Pioneer Mechanical, Inc.; Additional Freeze Damage Repairs to 1416 Rock Creek; \$1,016.74
18. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Gunnison Valley Animal Welfare League; \$2,000
19. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Paradise Food Project; \$1,800
20. Pulled for Discussion and Separate Action: Acknowledgment of County Manager Signature; Provider Agreement; Voices for Children; Professional Services Regarding Supervised Visitation to

Individuals and Families Referred from the Gunnison County Department of Health and Human Services; 2/20/11 thru 2/19/12

21. Baggage Delivery Service Agreement, Gunnison-Crested Butte Regional Airport; High Mountain Drifters; Baggage Delivery Service for Airlines; 2/3/11 thru 6/30/11
22. Acknowledgment of County Manager Signature; Memorandum of Understanding Between Hinsdale County Public Health Agency (HCPHA) and Gunnison Health and Human Services (GHHS)
23. Memorandum of Understanding Regarding Provisions of Legal Services; Board of County Commissioners of Gunnison County and the Gunnison-Hinsdale Board of Human Services; 7/1/10 thru 6/30/11
24. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Jubilee House of Gunnison County, Inc.; \$10,000
25. 2011 Memorandum of Agreement; Community Based Organization Grant Program; Crested Butte, Mt. Crested Butte Bartenders and Servers Association; \$2,500

**CONSENT AGENDA ITEM #17:** Commissioner Chamberland requested discussion of this item to ensure that the contractor had been asked to recharge the system with glycol and, if not, why. After further review of the provided documents, it was determined that this had been completed. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the amendment to the agreement with Pioneer Mechanical, as presented. Motion carried unanimously.

**CONSENT AGENDA ITEM #20:** Chairperson Channell requested discussion of this item and expressed his concern that the County should not provide annual grant funding through the County's Community Based Organization (CBO) program to entities that the County also contracts for services. It was thought during the meeting that this organization currently receives annual CBO grant funding along with payment for services. **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to approve Consent Agenda Item #20 and authorize signatures. Motion carried unanimously.

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

**COUNTY MANAGER'S REPORT AND CORRESPONDENCE:** County Manager Birnie was not present for discussion, so Assistant County Manager Marlene Crosby presented the following information.

1. Pitkin County Meeting Invitation. Assistant County Manager Crosby asked the Board for direction on whether or not to schedule the requested meeting since the Board had previously decided not to schedule any meetings with neighboring counties if there are no current joint issues to discuss. Chairperson Channell agreed to discuss this with the Pitkin County commissioners during an upcoming Colorado Counties, Inc. meeting in Denver. This may be scheduled in August adjacent to scheduled trip to the Marble and Somerset areas.
2. Senate Bill 35; Request for Support. This bill has been postponed indefinitely, so no action was taken during the meeting.
3. West All Hazards Region Emergency Manager of the Year Award; Emergency Manager Scott Morrill. Emergency Manager Morrill was present for discussion. The formal award will be presented at the Annual Emergency Managers Conference in March. The Board expressed their pride in Emergency Manager Morrill's achievement.
4. Capital Projects Construction Schedule Update. Assistant County Manager Crosby informed the Board that both projects had slowed a bit due to weather, but that both projects were still on schedule. The Board may schedule to tour both buildings on 3/11/11.
5. Request for Letter of Support; Great Outdoors Colorado Grant Application; Trust for Public Lands. A draft letter of support was discussed and agreed upon. It was noted that attorney Jim Starr, former Gunnison County Commissioner, is working as an agent for the County on the land exchange, while also representing the Veltri family on the conservation easement portion of this project. The letter was signed during the meeting and will be ratified on 3/1/11.

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

1. Request for Letter of Support; Arrowhead Homeowners Association Grant Application. Assistant County Manager Crosby informed the Board that the HOA requested a letter of support for a grant application, yet the application will have to be submitted by the County. The application is due by 2/28/11 and Assistant County Manager Crosby is working on the documentation.
2. Purchase of Rear Load Trash Compactor Truck for the Gunnison County Recycling Center; \$15,000. Assistant County Manager Crosby informed the Board that her crew inspected the vehicle for which she recommended purchase approval. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the purchase of the trash compactor from the City of Gunnison for \$15,000. Motion carried unanimously.
3. Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for the White Water Park Enhancement Project. Assistant County Manager Crosby informed the Board that the deadline for submittal to Great Outdoors Colorado is 3/4/11. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-8, a Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the

- Great Outdoors Colorado Trust Fund for the White Water Park Enhancement Project. Motion carried unanimously.
4. Highway Easement Deed Conveying Forest Service Taylor River Road Easement to County. Assistant County Manager Crosby requested authorization for the Chairperson's signature when the final documentation is available. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the Chairperson's signature on the highway easement deed when we have it. Motion carried unanimously.
  5. Sales Contract; Diesel and Unleaded Fuel Suction Pumps; Eaton Sales & Service, LLC; \$14,054. Assistant County Manager Crosby informed the Board that regulations regarding underground tanks are strict and that the Crested Butte shop is the only County shop that has underground tanks. The pumps at the Crested Butte shop were installed in 1984 and, since parts are unavailable, replacement is imperative. County Attorney David Baumgarten stated that it has been difficult to find a contractor to perform this work. He also noted that the contractor wanted to eliminate all warranties but that he was able to dissuade the contractor from insisting on it. He confirmed that the County would be open to environmental liability if any problems arose with the pumps. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the contract with Eaton Sales & Service for the installation of fuel suction pumps and authorize signatures. Motion carried unanimously.
  6. Resolution: Concerning Use of Available Fund Resources in the Gunnison County Sewer Fund and the Gunnison County Water Fund. Assistant County Manager Crosby informed the Board that there are underwriting issues, but that the State needs a written policy statement from the Board. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-9, a Resolution Concerning Use of Available Fund Resources in the Gunnison County Sewer Fund and the Gunnison County Water Fund, and authorize signatures. Motion carried unanimously.

**HARMEL'S SUBDIVISION, LOT 1:** Assistant Community Development Director Neal Starkebaum, County Planner Cathie Pagano and attorneys Marcus Locke and Dave Barton were present for discussion.

1. Amended Plat. Assistant County Manager Crosby stated that she and Special Projects Foreman Jim Kint had been working on this for a year. Assistant Community Development Director Starkebaum explained that, if approved, this would modify the building envelope on a 30% slope. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the amended plat for Lot 1, Harmel's Subdivision building envelope modification and authorize the Chairperson's signature on the plat. Motion carried unanimously.
2. Donation Agreement and Construction Easements. Mr. Locke stated his appreciation for the work performed by Assistant County Manager Crosby, County Attorney Baumgarten and Special Projects Foreman Kint. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Temporary Construction Easement on Lot 1 between Gunnison County and the Brothers Estate, LLC. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Harmel's Ranch property easements and donation agreement between Gunnison County and the Brothers Estate, LLC. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Temporary Construction Easement between Gunnison County and the Roberts Revocable Trusts. Motion carried unanimously. Assistant County Manager Crosby thanked the Community Development staff for their work on the plat.

**TOWNHOME PLAT APPLICATION; LOT 34, CRESTED BUTTE SOUTH, FILING 1; JASON STUBBE:** County Planner Cathie Pagano and attorney Aaron Huckstep were present for discussion.

County Planner Pagano confirmed that the Crested Butte South Property Owners' Association was in agreement with this application. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the plat for the Stubbe Property Townhomes, Lot 34, Crested Butte South, Filing 1, Gunnison County, Colorado and authorize the Chairperson's signature. Motion carried unanimously.

**RESOLUTION; GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND" FOR A 1.9 ACRE TRACT OF LAND WITHIN THE NW1/4SE1/4 SECTION 3, TOWNSHIP 49 NORTH, RANGE 1 EAST, N.M.P.M. FUNK SUBDIVISION EXEMPTION AND GRANTING A VACATION OF TRACT B, VADER SUBDIVISION LOCATED WITHIN THE N1/2SE1/4 SECTION 3, TOWNSHIP 49 NORTH, RANGE 1 EAST, N.M.P.M.:** Assistant Community Development Director Starkebaum was present for discussion.

Assistant Community Development Director Starkebaum explained that the 1.9 acre parcel was created by quitclaim deed in 1982 and conveyed illegally. Adoption of the draft resolution would grant the subdivision exemption so that the owners could apply for a well permit from the State of Colorado. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt resolution #2011-10, a Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for a 1.9 Acre Tract of Land within the NW1/4SE1/4 Section 3, Township 49 North, Range 1 East, N.M.P.M. Funk Subdivision Exemption and Granting a Vacation of Tract B, Vader Subdivision Located within the N1/2SE1/4 Section 3, Township 49 North, Range 1 East, N.M.P.M. and authorize signatures. Motion carried unanimously.

**LETTER OF APPRECIATION; GUNNISON COUNTY SUBSTANCE ABUSE PREVENTION PROGRAM DIRECTOR MOLLY MUGGLESTONE:** A draft letter was discussed. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter to Molly Mugglestone and authorize all signatures. Motion carried unanimously.

**LETTER OF SUPPORT; US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ECONOMIC DEVELOPMENT GRANT APPLICATION; OFFICE FOR RESOURCE EFFICIENCY (ORE):** ORE Executive Director Andris Zobs and Community Energy Coordinator Maya Silver were present for discussion, along with Bill Ronai as an informal representative of local economic development efforts.

Mr. Zobs provided a draft letter of support for consideration. He explained that receipt of this grant would support small businesses. He also noted that the ORE offices would likely relocate to a larger office in the near future if the grant application is successful. Commissioner Chamberland stated his belief that Gunnison Valley Health may also be applying for these grant funds. However, Mr. Zobs stated that Gunnison County Housing Authority Executive Director KT Gazunis had previously confirmed that this was not the case. Edits to the draft correspondence were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter of support, as amended, to the US Department of Housing and Urban Development for the grant application from ORE.

**RESOLUTION; PROHIBITING THE ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING IN UNINCORPORATED GUNNISON COUNTY; AND RESERVING AUTHORITY TO AMEND THIS RESOLUTION OR SUBMIT ISSUES REGARDING MEDICAL MARIJUANA TO ELIGIBLE ELECTORS:** County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten presented the draft resolution for discussion and approval. He confirmed that adoption of the resolution would reserve the potential for amendment or future vote. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-11, a Resolution Prohibiting the Establishment or Operation of Medical Marijuana Centers, Medical Marijuana Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturing in Unincorporated Gunnison County; and Reserving Authority to Amend this Resolution or Submit Issues Regarding Medical Marijuana to Eligible Electors and authorize signatures. Motion carried unanimously.

**SECRETARY KEN SALAZAR'S WILD LANDS POLICY:** Bureau of Land Management (BLM) Gunnison Field Manager Brian St. George and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

Secretary Salazar's Order No. 3310 was discussed. Per Mr. St. George, this policy was created to try to fill a gap and that it reflects what the BLM already does regarding land planning processes.

Chairperson Channell suggested that he craft a letter of support and that the Board gathers more information from Mr. St. George during the 2/22/10 work session. He confirmed that the National Association of Counties (NACO) opposes this policy and that Colorado Counties, Inc. (CCI) may not take a formal position. The Board agreed that a letter should be drafted for possible approval on 3/1/11.

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

#### **COMMISSIONER ITEMS:**

##### **Commissioner Chamberland:**

1. None.

##### **Commissioner Swenson:**

1. Air Transportation. Commissioner Swenson attended a conference call on 2/3/11 regarding spring and summer air service into the valley. She instructed Kent Myers to talk to United Airlines about extending the service. United Airlines considered load factors and may extend two flights through September. Conversations will continue.
2. Western State College Chamber Council Meeting. Commissioner Swenson attended this recent meeting. She informed the Board that the downtown flag program will begin on 3/25/11, which is a high school student visitation day for the college. The group will continue to work on product licensing issues with the college, which may take many months to resolve. The group will begin working with downtown merchants to promote the college through merchandise placement.
3. Sage Grouse Strategic Committee. Commissioner Swenson attended the recent meeting. She noted that the meeting yielded a lot of discussion and that an editorial about the program, penned by Committee Chairperson Ken Stahlnecker, would appear in upcoming editions of the local newspapers.

4. Gunnison Valley Rural Transportation Authority (RTA). Commissioner Swenson attended a recent meeting where air travel was discussed. The RTA members will continue to work on finding balance.
5. Economic Development Summit. Commissioner Swenson is preparing for the summit by creating a draft plan. The Board will be asked to comment on the draft plan in the near future.

**Chairperson Channell:**

1. Veltri Land Exchange. Chairperson Channell informed the Board that he made a phone call to US Forest Service Public Service Staff Officer Cory Wong in Delta to discuss the County's role in the exchange. He explained that former County Commissioner Jim Starr had worked on the land exchange while he was a commissioner and that he continues to work on it as an agent representing the County.
2. House Bill 11-1123. Chairperson Channell explained that this is a House version of SB-35 and that CCI has taken a position of support.
3. Agricultural Classification Bill. Chairperson Channell informed the Board that the recent CCI meeting generated a considerable amount of negative input. Discussions are continuing and compromise may be necessary.
4. Water Issues. Chairperson Channell noted that, since local water issues are heating up, the 1177 Roundtable process is becoming more critical to the County. He questioned whether or not the Board should consider new appointment to the roundtable since the current appointee has not been able to provide updates to the Board. County Attorney Baumgarten stated his willingness to represent the County on the roundtable. He will determine when the previous appointee was appointed and whether or not it would be possible to designate alternates. He will find out how frequently the Upper Gunnison River Water Conservancy District has received updates as the same person is currently designated to represent both the UGRWCD and the County.
5. Tourism Association. Chairperson Channell noted that the last meeting was not very well attended because of bad weather, but that there was a quorum present for discussion.
6. Water on the Land Workshop. Chairperson Channell attended this recent workshop where mostly law and water issues were discussed. He was impressed with the exchange of information.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:01 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:** Gunnison-Crested Butte Tourism Association Director Jane Chaney, Gunnison-Crested Butte Tourism Association Marketing Coordinator/Webmaster Erica Kelleher and Gunnison-Crested Butte Tourism Association Board member Stephen Pierotti were present for discussion. Administrative Assistant III Ruth Dukeman was also present for this meeting and provided the below minutes.

**CALL TO ORDER:** Chairperson Channell called the February 15, 2011 meeting of the Gunnison River Valley Local Marketing District to order at 11:16 am.

**2010 ANNUAL GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION REPORT:** This item was combined with the 4<sup>th</sup> Quarter 2010 Gunnison-Crested Butte Tourism Association Report agenda item. Director Chaney explained inclusion of the 3rd Quarter information in the reports provided. Chairperson Channell requested that the Gunnison Lodging Tax portion be labeled "City of Gunnison" to be easily identified. Instate campaigns were thought to have influenced an increased number of Colorado visits in August. The ability to show web traffic and marketing results to marketing efforts was explained. Specific email lists were being purchased for segments of the population to highlight local resources. Culinary lists, recreation lists, fishing and hunting lists and others had been used to target specific audiences. An ice fishing demographic list was recently targeted and included photographs supplied by the Gunnison Country Times. Ryan Johnson will be a new concession vendor at the Curecanti National Recreation Area for the Blue Mesa marinas and outreach efforts were underway to help keep fishing reports updated, providing tours and other tourism related activities.

Director Chaney explained that guests were using splash pages to contact vendors directly. An example of 2,600 people going to featured lodging facilities websites was cited. Chairperson Channell shared a recent experience when a special word was given during a news show on television to receive a discount for tickets allowing marketing efforts to be tracked. Director Chaney explained how 800 numbers can be used to help track marketing efforts, as well as the use of specific website addresses and other efforts. Comparative Marketing District Tax Figures were presented and reviewed. The cycle of payments and receipt of revenue was reviewed. Specific trends were highlighted.

The reorganization of the Tourism Board was discussed with potential nominations, and the organizations they represent were reviewed.

Commissioner Channell noted that the relationship between Crested Butte Mountain Resort (CBMR) and the Tourism Association (TA) seemed to be going well. Director Chaney felt the

cooperative efforts between the organizations were exceptional and appreciated the working relationships between staff members.

Director Chaney explained that future marketing efforts would be focused on areas that were known to be successful. Cost effective invitations to out-of-town press agencies were noted with the hope that it would result in increased press about the area.

Marble Chamber of Commerce activities were briefly mentioned to assure Director Chaney was aware of activities that took place at the last meeting. Increased costs for postage for the increased size of the Travel Planner were presented. It was recommended to carefully track these expenses for presentation during the budget process.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the February 15, 2011 meeting of the Gunnison River Valley Local Marketing District. Motion carried unanimously. The meeting adjourned at 11:49 am.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

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Phil Chamberland, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

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Ruth Dukeman, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk

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

### **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO RESOLUTION NO. 2011-07**

A Resolution Requesting Assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the Form of an Aviation System Grant

*(This resolution text was not available as the document was not created by Gunnison County.)*

### **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO RESOLUTION NO. 2011-08**

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE WHITE WATER PARK ENHANCEMENT PROJECT

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado supports the Great Outdoors Colorado grant application (copy attached hereto) for the White Water Park Enhancement Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE GUNNISON COUNTY COMMISSIONERS OF GUNNISON COUNTY THAT:

1. The Board of County Commissioners of Gunnison County, Colorado strongly supports the grant application and has appropriated matching funds for the grant.
  2. The Board of County Commissioners of Gunnison County, Colorado authorized the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
  3. The project site is owned by Gunnison County and will be owned by Gunnison County for the next 25 years.
  4. The Board of County Commissioners of Gunnison County, Colorado will continue to maintain White Water Park Enhancements in a high quality condition and will appropriate funds for maintenance in its annual budget.
  5. Gunnison County has the ability to complete this project and has demonstrated this ability in the Gunnison County Fairgrounds Grandstand Reconstruction project completed in 2007.
  6. This resolution to be in full force and effect from and after its passage and approval.
- INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 15<sup>th</sup> day of February, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 11-09**

A RESOLUTION CONCERNING USE OF AVAILABLE FUND RESOURCES IN THE GUNNISON COUNTY  
SEWER FUND AND THE GUNNISON COUNTY WATER FUND

WHEREAS, Gunnison County is a statutory county with an elected Board of Commissioners that is responsible for setting policy, appointing administrative personnel and adopting an annual budget in accordance with state statutes; and

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of the County of Gunnison, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for water and sewerage facilities; and

WHEREAS, Gunnison County upgrades and maintains the water lines and treatment facilities within the Dos Rios Division of the Gunnison County Sewer and Water District; and

WHEREAS, Gunnison County upgrades and maintains the connection lines within the Dos Rios, North Gunnison, Antelope Hills and Somerset Divisions of the Gunnison County Sewer and Water District; and

WHEREAS, Article X, Section 20 to the Colorado State Constitution, commonly referred to as the Taxpayer's Bill of Rights (TABOR), requires prior voter approval for any debt issuance, unless the debt is to be serviced by an "enterprise"; and

WHEREAS, The Gunnison County Water Fund and the Gunnison County Sewer Fund are both separate and distinct enterprise funds, which allow the County to issue debt on behalf of sewer and water users to be paid back by those users; and

WHEREAS, National Council on Governmental Accounting Statement No. 1 defines the purpose of enterprise funds as: "...to account for operations (a) that are financed and operated in a manner similar to private business enterprises — where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through users charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes."; and

WHEREAS, Governmental Accounting Standards Board Statement 34 makes clear that enterprise fund reporting must be used for any activity whose principal revenue sources meet any of the following criteria:

(1) Debt backed solely by fees and charges. Debt that is secured by a pledge of net revenues from fees and charges and the full faith and credit of the related primary government or component unit – even if that government is not expected to make any payments – is not payable solely from fees and charges of the activity.

(2) Legal requirement to recover cost. Laws or regulations require that the activity's costs of providing services, including capital costs (such as depreciation or debt service), be recovered with fees and charges, rather than with taxes or similar revenues.

(3) Policy decision to recover cost. The pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs (such as depreciation or debt service); and

WHEREAS, Gunnison County has received professional water and wastewater engineering counsel from Rothberg, Tamburini, and Winsor, Inc. and is under advisement that user fees include a reserve for capital replacement, recovering twenty-five percent (25%) of the annual depreciation expense on sewer collection systems and ten percent (10%) of the annual depreciation expense on water distribution systems; and

WHEREAS, together with the reserve for capital replacement heretofore mentioned, tap connection fees, revenues over(under) expenditures as well as probable grant revenue/loans available in the future should be sufficient to meet the funding requirements for capital repairs and replacement of the system; and

WHEREAS, all communication during budget public hearings and otherwise has assured users of each Division that the funds generated within their respective Division will only be used for costs associated with the operation and capital costs associated with infrastructure within the boundaries of their Division; and

WHEREAS, The Board of County Commissioners of the County of Gunnison, Colorado desires to preserve the Sewer Fund's and Water Fund's enterprise status; and

WHEREAS, The Board of County Commissioners of the County of Gunnison, Colorado desires to protect the resources generated by customers of specific sewer and water divisions for use within the boundaries of their respective division in order to meet the financial needs that occur within their division;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the available resources within the Gunnison County Sewer Fund and Gunnison County Water Fund are to be segregated between the Dos Rios, North Gunnison, Antelope Hills and Somerset Divisions, memorializing current practice, effective immediately.

BE IT FURTHER RESOLVED that the intention of the Board of County Commissioners of the County of Gunnison, Colorado is to prevent the use of various unrestricted funding sources such as property taxes, sales taxes and sewer and water available resources for the extension of services or construction of facilities and improvements outside the boundaries of each Division.

BE IT FURTHER RESOLVED that the rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties shall be collected from those benefitting from the service within the boundaries of each Division.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 15<sup>th</sup> day of February, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 11-10**

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND  
FROM THE DEFINITION OF THE TERMS "SUBDIVISION"  
AND "SUBDIVIDED LAND" FOR  
A 1.9 ACRE TRACT OF LAND WITHIN THE  
NW1/4SE1/4 SECTION 3, TOWNSHIP 49 NORTH, RANGE 1 EAST, N.M. P.M.  
FUNK SUBDIVISION EXEMPTION  
AND  
GRANTING A VACATION OF TRACT B, VADER SUBDIVISION  
LOCATED WITHIN THE N1/2SE1/4 SECTION 3,  
TOWNSHIP 49 NORTH, RANGE 1 EAST, N.M.P.M.

WHEREAS, Vallerie Funk and Leitha Vader ("Petitioners") have petitioned the Board of County Commissioners of Gunnison County, Colorado to exempt a 1.9 acre parcel, legally described as a tract of land within the NW1/4SE1/4 Section 3, Township 49 North, Range 1 East, N.M. P.M., more fully described in Exhibit A, attached hereto and incorporated herein, (the "Funk Parcel") from the statutory definitions of the terms "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101 (10)(d); and to vacate Tract B Vader Subdivision, more fully described in Exhibit B, attached hereto and incorporated herein. The purpose of the request is to facilitate a change to an existing well permit and to allow the issuance of a new well permit to serve three existing single-family residences; one on the Vader Consolidation Tract (see paragraph No. 4 for more specific identification) and two on the Funk Parcel; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. The 1.9-acre Funk Parcel was created by quitclaim deed on December 28, 1982, conveyed from R.I. Vader and Sons to Vallerie & Melvin Funk. The deed is recorded in the Office of the Gunnison County Clerk and Recorder at Reception No. 371726, January 4, 1983. The conveyance of the property did not comply with Gunnison County subdivision regulations.
2. The Funk Parcel contains an existing well. The well permit was issued by the Colorado Division of Water Resources Permit No. 71104, on August 30, 1973, as the only well on 37-acres, and is permitted for livestock watering use only. The Funk well currently serves three single family residences; two on the Funk Parcel and one on the adjacent Vader Consolidation Tract.
3. The Gunnison County Board of County Commissioners approved the Vader Subdivision on December 22, 1998, creating Tract A – 6.17 acres and Tract B - 35.95 acres. The Vader Subdivision plat is recorded with the Office of the Gunnison County Clerk and Recorder at Reception No. 489744, December 22, 1998.
4. The Board of County Commissioners approved a Lot Cluster Agreement and Declaration on January 22, 2008, recorded with the Office of the Gunnison County Clerk and Recorder at Reception No.,

- 581811, January 25, 2008. The Lot Cluster combined Tract B, Vader Subdivision, with two adjacent metes and bounds parcels, which created the Vader Consolidation Tract, comprising 40.77 acres.
5. The Funk Parcel and Vader Consolidation Tract are located in the Tomichi Creek drainage, which is over-appropriated and for which groundwater is subject to priority administration.
  6. Scott King, Well Commissioner, Colorado Division of Water Resources, in a letter to Leitha Vader, dated March 3, 2009, indicates that ..."according to our records the current well permit No. 71104 has been issued that is tied to at least a portion of the parcel on the current application (Vader Consolidation Tract). In order to proceed with the current application the current permit No. 71104 would need to be abandoned or modified. We require proof that .... the parcels were created prior to June 1, 1972, were created by exemption from subdivision regulations or that the parcels are recognized by the county as one current parcel and are not a part of a subdivision. Any parcel to be tied to this type of well must not have any other exempt well on it. We require that any property description of a parcel to be tied to such a permit show that the portion of land served by this well not be located on that parcel. In other words the property description must exclude that portion of the parcel."
  7. The Petitioners desire to modify Colorado Division of Water Resources Well Permit No. 71104 to allow the existing well to legally serve one of the two existing residences on the Funk Parcel.
  8. The Petitioners desire to obtain a new well permit and drill a new well on the Vader Consolidation Tract to legally serve the second of the existing residences on the Funk Parcel and the existing residence on the Vader Consolidation Tract.
  9. The Colorado Division of Water Resources has indicated that Well Permit No. 71104 is "tied" to the adjacent Tract B Vader Subdivision, as part of the only well on 37-acres.
  10. The granting of a subdivision exemption for the Funk Parcel will allow the Petitioners to request that the Colorado Division of Water Resources modify Well Permit No. 71104 to allow the well to legally serve one of the two existing residences on the Funk Parcel.
  11. The vacation of the adjacent Tract B Vader Subdivision will allow the owner of the Vader Consolidation Tract, consisting of 40.77-acres, to obtain a new exempt well permit. The Petitioners desire to drill a new well on the Vader Consolidation Tract, which will serve two of the existing residences, one on the Funk Parcel and one on the Vader Consolidation Tract.
  12. An existing 20' access easement to Tract A, Vader Subdivision is shown on the plat of Vader Subdivision.
  13. Leitha Vader has provided a set of Restrictive Covenants, setting forth covenants for the Vader Consolidation Tract.
  14. The applicants have prepared a well-sharing agreement and easement for provision of the operation and maintenance of the new exempt well, located on the Vader Consolidation Tract, which will provide a legal water supply for the existing second residence on the Funk Parcel.
  15. Pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt a division of land from the statutory definitions of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*

WHEREAS, the Board of County Commissioners desires that the Petitioners should not be impaired in their general ability to obtain a legal supply of water for the existing residences on the Funk Parcel and Vader Consolidation Tract; and

WHEREAS, the Board of County Commissioners desires to exempt the Funk Parcel from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the purpose of modifying the well permit for the existing well to legally serve one of the existing residences on the Funk Parcel; and

WHEREAS, the Board of County Commissioners desires to vacate Tract B, Vader Subdivision to allow the owner to obtain a well permit to legally serve two existing residences, one on the Funk Parcel and one on the Vader Consolidation Tract;

NOW, THEREFORE, BASED ON THE FINDINGS SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d), from the definition of "subdivision" and "subdivided land" for the Funk Parcel described in Exhibit A, and that a vacation of Tract B, Vader Subdivision, identified in Exhibit B is granted on the following conditions:

1. This approval shall not vacate or affect the existing 20' access easement to Tract A, Vader Subdivision.
2. The Petitioners shall record the executed well sharing and maintenance agreement and the Restrictive Covenants with the Office of the Gunnison County Clerk and Recorder, upon issuance of the new well permits by the Colorado Division of Water Resources.

Any further request for subdivision of the subject real property shall be in full conformance with the Gunnison County *Land Use Resolution*.

3. Nothing contained herein shall be considered as exempting the subject real property from the provisions of the International Residential Code, the Gunnison County Individual Sewage Disposal Regulations, or any other rules, regulations or resolutions of Gunnison County.
4. Nothing contained herein shall be construed to be a precedent for any future request for a subdivision exemption.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 15<sup>th</sup> day of February, 2011.

BOARD OF COUNTY COMMISSIONERS

## OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 2011-11**

A RESOLUTION PROHIBITING THE ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MAUFACTURING IN UNINCORPORATED GUNNISON COUNTY; AND RESERVING AUTHORITY TO AMEND THIS REOLUTION OR SUBMIT ISSUES REGARDING MEDICAL MARIJUANA TO ELIGIBLE ELECTORS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado previously adopted Resolution 2009-63, "A Resolution Placing A Temporary Prohibition On The Construction, Alteration, Or Use Of Any Building, Structure Or Property For Medical Marijuana Dispensaries And/Or Growing Operations In Unincorporated Gunnison County For A Period Not To Exceed Six (6) Months And Further Instructing County Staff To Establish Regulations For Medical Marijuana Dispensary And/Or Growing Operations"; and

WHEREAS, the Board previously adopted Resolution 2010-18, "A Resolution Extending A Temporary Prohibition On The Construction, Alteration, Or Use Of Any Building, Structure, Or Property For Medical Marijuana Dispensaries, Medicinal Marijuana Centers, Optional Premises Cultivation Operations, Medicinal Marijuana Production Cultivation Operations, Medicinal Marijuana-Infused Production And/Or Growing Operations In Unincorporated Gunnison County"; and

WHEREAS, during the pendency of the Gunnison County moratorium, the Colorado Legislature during the 2010 legislative session considered and adopted legislation which in pertinent part added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code partially clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution ("Article XVIII, Section 14"), and at the same time authorizes a mechanism for the retail sale, distribution, cultivation, and dispensing of medical marijuana known as a "Medical Marijuana Center" and further authorizes licensing mechanisms known as an "Optional Premises Cultivation Operation License; and a "Medical Marijuana – Infused Products Manufacturers' License"; and

WHEREAS, C.R.S. §12-43.3-106 of the Colorado Medical Marijuana Code specifically authorizes in part that the governing body of a county may "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses"; and

WHEREAS, C.R.S. §12-43.3-310 of the Colorado Medical Marijuana Code further specifically authorizes a county in part "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana that are more restrictive than this article"; and

WHEREAS, C.R.S. §12-43.3-308(1)(c) of the Colorado Medical Marijuana Code also provides that the state and local licensing authorities shall not receive or act upon a new application pursuant to the Colorado Medical Marijuana Code "for a location in an area where the cultivation, manufacture, and sale of medical marijuana as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county"; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado intends to prohibit the establishment or operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing within unincorporated Gunnison County; and

WHEREAS, the Board of County Commissioners recognizes the protections afforded by Article XVIII, Section 14 of the Colorado Constitution, and desires to affirm the ability of patients and primary caretakers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and C.R.S. §25-1.5-106; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado intends to reserve to itself the authority, but not the obligation, to amend this Resolution and/or to submit the question of whether to allow medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing within unincorporated Gunnison County to the eligible electors in a future regular election of Gunnison County, Colorado.

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

Section 1. Findings and Legislative Intent. The Board of County Commissioners of Gunnison County, Colorado makes the following legislative findings:

- A. The Board of County Commissioners finds and determines that the Colorado Medical Marijuana Code, C.R.S. §12-43.3-101, et seq., partially clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution, but other clarifications remain necessary.
- B. The Board of County Commissioners finds and determines that the Colorado Medical Marijuana Code specifically authorizes in part that the governing body of a county

may "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses."

- C. The Board of County Commissioners finds and determines that the Colorado Medical Marijuana Code further specifically authorizes a county in part "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana."

Section 2. Authority. The Board of County Commissioners of Gunnison County, Colorado hereby finds, determines, and declares that it has the power and authority to adopt this Resolution pursuant to:

- A. The Colorado Medical Marijuana Code, C.R.S. §12-43.3-101, et seq.;
- B. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.
- C. The County Planning And Building Codes, Article 28 of Title 30, C.R.S.

Section 3. Activities And Uses Prohibited. The Board of County Commissioners of Gunnison County, Colorado prohibits the establishment or operation of medical marijuana centers, medical marijuana optional premises cultivation operations, and medical marijuana-infused products manufacturing in unincorporated Gunnison County, Colorado. The Board of County Commissioners intends that this prohibition applies to any and all other land uses not specifically mentioned above which are associated with the growing or dispensing of medical marijuana, EXCEPT that this prohibition shall not apply to possession and use of medical marijuana by patients who are registered and licensed by the State of Colorado to be medical marijuana patients, and shall not apply to provision of medical marijuana by persons who are registered with the State of Colorado to be primary caregivers, if the possession and use by such persons is in accordance with Colorado law.

Section 4. Reservation Of Authority. The Board of County Commissioners of Gunnison County, Colorado reserves to itself the authority, but not the obligation, to amend this Resolution and/or to submit the question of whether to allow medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing within unincorporated Gunnison County, Colorado to the eligible electors in a future election of Gunnison County, Colorado.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 15<sup>th</sup> day of February, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.