

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
April 19, 2011**

The April 19, 2011 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

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

Marlene Crosby, Assistant County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:36 am.

AGENDA REVIEW: There were no changes to the agenda.

CONSENT AGENDA: Chairperson Channell requested that Consent Agenda Items #3 and #10 be pulled for further discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #3 and #10. Motion carried unanimously.

1. Release of Agreement Regarding Repayment of Region 10 Loan; Brian Schoonveld; \$4,300
2. Provider Agreement; Wee Care Child Care Facility; Professional Child Care Services to Children Residing in Hinsdale County; 3/1/11 thru 2/28/12; \$20,000
3. **Pulled for Discussion and Separate Action:** Payment Agreement; Gunnison Valley Disposal, LLC; Delinquent Landfill Fees; \$14,917.97
4. Acknowledgment of County Manager Signature; State Historical Fund Competitive Grant Application; Ohio City Town Hall, Phase 1, Preservation and Phase 2, Planning and Design
5. Acknowledgment of Assistant County Manager Approval to Submit; Grant Application; Colorado Health Foundation; Health Navigation Services to Support the Multicultural Resource Office and the Senior Resource Office Existing Staff Positions; \$388,366
6. 2011 Memorandum of Agreement Between Board of County Commissioners of Gunnison County, Colorado and Rotary Club of Gunnison; \$5,000
7. El Pomar Foundation General Grant Terms and Conditions; Light and Low-Income Energy Assistance Programs; \$12,000
8. Agreement for Services, Independent Contractor; Anita White; 2010 Cost Allocation Plan Preparation; \$3,500
9. Registrant Agreement and Delegated Manager Template; .US Locality Registry; Domain Name Registration for co.gunnison.co.us
10. **Pulled for Discussion and Separate Action:** Affiliation Agreement Between Mesa State College and the Board of County Commissioners of Gunnison County, Colorado; Clinical Rotation for Student Nurses
11. Sewer, Utilities and Trails Easement Agreement; Steve Reynolds, Stephen Trippe, Board of County Commissioners of the County of Gunnison, Colorado, and City of Gunnison, Colorado
12. Cost Sharing Agreement for Road Construction and Maintenance for Crystalline Drive; Timothy W. Holbrook and Tisha L. Holbrook
13. Agreement for Contractor Services; Advanced Mechanical Contracting, Inc.; Professional Services Regarding Solar Thermal and Space Heating Systems; \$53,600
14. Natural Gas Distribution Main Extension Agreement; Extension of Natural Gas Main Line from the SW Corner of the Fairgrounds Building to the New Restroom/Shower Facility; \$4,073

CONSENT AGENDA ITEM #10: Chairperson Channell requested discussion of this item because County Attorney David Baumgarten had noted a modification on the first page, but not on the last page with regard to the legal name of the entity. County Attorney Baumgarten explained that the contract language is correct. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve Consent Agenda Item #10. Motion carried unanimously.

CONSENT AGENDA ITEM #3: Chairperson Channell requested discussion of this item because the PDF scan in the packet wasn't readable. Copies were provided during the meeting. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve Consent Agenda Item #3. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2011 County Board of Equalization Hearing Dates. Hearings were tentatively scheduled to occur all day on 7/21, 7/22, 7/29, and 8/1; from 9:30 am until noon and from 1:00 until 5:00 pm on 7/27; from 9:30 until noon and from 2:00 until 6:00 pm on 8/3; and from 8:00 until 11:30 am and from 2:00 until 6:00 pm on 8/4.

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

1. Federal Highway Administration Budget. Assistant County Manager Crosby informed the Board that, due to FHA budget issues, Gunnison County will not add a new project this year. FHA

representatives will be in Gunnison during 5/23 thru 5/27 to perform final walk through inspections of current projects with representatives from the Forest Service and Gunnison County. Assistant County Manager Crosby anticipates that work on the current projects will go out to bid in August.

2. Taylor River Road Controlled Burns. Assistant County Manager Crosby informed the Board that the Forest Service will be performing controlled burns in this area for the next 30 days. Gunnison County may assist with removal of approximately 12 trees between Almont and the Harmel's resort as the trees are dead and need to be prevented from falling into the river or across the road. These trees will be cut low, leaving stumps that will not be visible from the road.
3. Summer 2011 Road Work Priorities. Assistant County Manager Crosby informed the Board that the asphalt roads within the County received a lot of wear during the past year and that budgetary issues may prevent her department from being able to perform all necessary repair and maintenance work this summer. In reviewing annual budgets back to the 1990's, she determined that the County use to be able to chip seal more roads each year. Since the 1990's the cost of magnesium chloride and the chips used in chip sealing have doubled, while the cost of oil has tripled. She will keep the Board informed as the summer approaches.
4. Metropolitan Recreation District Request. Chairperson Channell asked Assistant County Manager Crosby if the District had contacted her regarding the possibility of utilizing the soon-to-be vacated Public Works Department building for storage. She indicated that she had received a telephone call from the District; however, the building must be dismantled within 365 days of being vacated, per Federal Aviation Administration regulations. As well, the building will be used for storage of Public Works Department items this winter. She informed the District that the space would not be available.

REQUEST TO PURCHASE AN A300 BOBCAT ALL WHEEL LOADER FOR THE RECYCLING CENTER: Assistant County Manager Crosby informed the Board that the municipal discount wasn't included in the 2006 pricing, which explained the difference in pricing between 2006 and 2011. She explained that the County's current loader has worked 7,000 hours, has incurred high repair costs, and needs to be replaced. The cost of purchasing the new loader will be paid via the solid waste budget. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the request to purchase the Bobcat A300 at the quoted amount provided (\$28,848). Motion carried unanimously.

CORRESPONDENCE:

1. Property Access Issues; Larry and Dana Darien. Assistant County Manager Crosby explained to the Board that the road was constructed in the wrong location, but that it had to be built to meet the bridge. A firm from Grand Junction will be working on this issue and she agreed to communicate the information to the Dariens. The project should be complete by late May.

REQUEST FOR ROAD CLOSURES; LEADVILLE 100 QUALIFYING RACE; 7/31/2011: This discussion was held later than originally scheduled in order to allow sufficient time for the attendees to arrive. Race organizers David Ochs and Dave Wiens were present for discussion.

Assistant County Manager Crosby explained that holding this discussion on this date would allow time for the public to provide comment before the Board makes a decision on 5/3/11.

Mr. Ochs explained that the race will begin at 6:00 am on 7/31/11 in Mt. Crested Butte with approximately 1,000 riders participating. He requested that Gothic Road be closed from Gothic to the Mt. Crested Butte boundary from approximately 10:00 am until 4:00 pm and that Kebler Pass be closed from approximately 6:00 until 8:00 am when the riders reach Elk Avenue. The race will continue up onto the Mt. Emmons mine road and Mt. Emmons representative Perry Anderson has given preliminary approval for use of the road. The race will proceed to Slate River Road, and Mr. Ochs requested that the road be closed to the top of Schofield Pass from approximately 9:00 am until 1:00 pm through the Townsite of Pittsburgh. He confirmed that the road closures would not affect emergency vehicles.

Mr. Ochs informed the Board that a Forest Service permit is pending as the Forest Service intends to suspend its decision until the County and pertinent jurisdictions have provided support. Rocky Mountain Biological Laboratory (RMBL) Executive Director Ian Billick is supportive of the road closure and Mt. Crested Butte has agreed to provide \$1,800 that will be used to provide shuttle service to RMBL on 10 Sundays this summer.

Mr. Ochs agreed to provide notice to the area property owners regarding the road closure. Assistant County Manager Crosby felt that it may be difficult to create a list of all property owners. She warned that, because the list may be very extensive, it may be more cost effective to place a large paid advertisement in the newspapers.

Commissioner Swenson asked that the gentlemen specifically contact local rancher Bill Trampe to notify him of this event and the proposed road closures because the closures could negatively impact his business. Chairperson Channell requested that the gentlemen also ask Mt. Trampe for the names of other similar business owners in the area that should be notified, and then notify those persons.

This issue is scheduled for a Board decision on 5/3/11. Assistant County Manager Crosby will, at that time, provide signage options. Mr. Wiens noted that the roads can open systematically once the last rider is through each area. The Board requested that the gentlemen also be able to provide the names of all persons contacted and information relevant to any support that has been received. Commissioner Chamberland asked that the gentlemen build a comprehensive contact list for future races or events in the area.

CORRESPONDENCE (continued):

1. Letter of Support; Bureau of Land Management; Recommendation of Kathleen G. Welt for Reappointment to the Southwest Resource Advisory Council (RAC). Chairperson Channell noted that Gunnison Wildlife Conservation Coordinator Jim Cochran was supportive of this letter of support. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Letter of Support recommendation for Kathy Welt to the Bureau of Land Management Southwest Resource Advisory Council as edited. Motion carried unanimously.
2. Letter of Support; Rocky Mountain Biological Laboratory Application to the Environmental Protection Agency. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the Letter of Support for Rocky Mountain Biological Laboratory's Watershed Assessment and Stewardship through Science. Motion carried unanimously.

BREAK: The meeting recessed from 9:53 until 10:00 am.

YOUNG AT HEART INSURANCE PREMIUMS: Human Resources Director Debbie Moore was present for discussion.

Commissioner Swenson explained to the Board that the County had tried to finalize a contract with Young at Heart, a 501(c)3 organization, approximately two years ago. Currently, the County pays the cooks' salaries and Young at Heart pays all costs associated with the donated food, volunteers and food delivery. Traditionally, funding is funneled through Region 10 to support these types of programs, but the County is handled differently because of the existence of the Young at Heart program. Region 10 pays for portions of Senior Resources Coordinator Karin Stewart's salary and the transportation program. The City of Gunnison provides the kitchen space necessary for the program as the County previously contributed \$400,000 toward the Community Center for construction of the kitchen. The City also pays for the utilities and overhead for the kitchen.

Commissioner Swenson explained that issues arose because the County is essentially paying for employees without any oversight of those employees. As well, Young at Heart did not have any liability insurance. While the Retired Senior Volunteer Program covers the drivers' insurance, liability at the kitchen site is still an issue with regard to situations such as kitchen accidents and food poisoning. Last year, the County paid the liability insurance premiums for Young at Heart, with the intent of finalizing a contract before the premium would be due this year. The cost of these premiums is not within the County's 2011 budget.

Commissioner Swenson and Deputy County Attorney Tom Dill will work on finalizing a contract that would define the cooks as employees of Young at Heart instead of the County. Through the County's payroll system, the County would pay for part of the cooks' salary and provide benefits. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to pay the liability insurance in the amount of \$1,838.55 for the Young at Heart program from discretionary funds, a one-time expenditure expected to be resolved in contract negotiation. Motion carried unanimously.

BREAK: The meeting recessed from 10:14 until 10:30 am.

BREAK: The meeting recessed from 10:30 until 11:34 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

RECONVENE: Chairperson Channell reconvened the Board of County Commissioners meeting at 11:34 am.

UNSCHEDULED CITIZENS:

1. Ed Marston, President of the Paonia Chamber of Commerce; Central Colorado Land Exchange. Mr. Marston informed the Board that there is currently no signage in the Paonia area to illustrate where the public and federal lands are. He provided a written statement. He stated his opinion that access to the Deep Creek trail should be maintained (auto, horse, bike, etc.).

COMMISSIONER ITEMS:

Chairperson Channell:

1. Gunnison County Substance Abuse Prevention Project. Chairperson Channell attended this recent meeting. He noted that the meeting was well attended and that Western State College is very involved with the Project. Brooke Harless is the new Executive Director,

- replacing Molly Mugglestone after her resignation. Jonathon Houck has replaced Brooke Harless in her old position as Project Coordinator.
2. Mayors and Managers Meeting. Chairperson Channell provided these updates that he received during the recent meeting.
 - a. Town of Crested Butte. Public Works projects will begin as soon as weather allows.
 - b. Library District. The circulation has increased from 66,000 pieces of information in 2005 to 158,000 in 2010. The District intends to place an issue on the ballot this fall.
 - c. Community Foundation of the Gunnison Valley. The Foundation's grant cycle deadline is 5/13/11. Awards will be announced in July.
 - d. Crested Butte Mountain Resort. A new master development plan is being created and should be complete in approximately a year. The number of employees has decreased from 1100 to 950.
 - e. City of Gunnison. There were 22 indictments from the Grand Jury for the recent insurance issue. The City will cover the outstanding claims.
 - f. Upper Gunnison River Water Conservancy District. The District is expecting more inflow into Taylor Reservoir than desired, so a plan will be devised to dump some water.
 - g. Western State College (WSC). Lobbyists are advising that, if "Western" appears within Mesa State College's proposed name change, the proposal will not be successful. Construction fencing has been erected on the west side of the campus. WSC President Jay Helman would like for the County to reconsider membership in Club 20. Chairperson Channell explained to him that bylaws issues remain.
 - h. Mt. Crested Butte. The Performing Arts Center is moving forward and Dave Clayton (Mayor pro-tem) is serving as chairperson for the capital campaign. February's sales tax was up 5.9%, compared to last year.
 3. Sage Grouse Summit and Festival. Chairperson Channell stated that these events were well attended and that the presentations were interesting.
 4. Colorado Counties, Inc. The final sessions were held last Friday. Chairperson Channell attended the Agricultural Classification hearing, which passed the Senate Committee by a vote of 5-2.

Commissioner Swenson:

1. Access to Hartman's Rocks from Dos Rios Subdivision. Commissioner Swenson met with a group of Dos Rios residents to discuss this issue. Discussions will continue and she will update the Board at a later date.
2. WSC Merchandise. The plan to place merchandise in downtown retail locations has not been successful thus far due to issues with businesses handling the merchandise on a consignment basis. Placement may begin at the Chamber of Commerce as a pilot program.
3. Gunnison Valley Rural Transportation Authority (RTA). The RTA is currently evaluating regional air service, which includes the possibility of partnering with the Montrose airport.
4. Gunnison Valley Animal Welfare League (GVAWL). GVAWL will begin the first phase of building this summer. A groundbreaking in September will necessitate raising between \$100,000 and \$120,000 in additional funding.
5. Gunnison-Crested Butte Regional Airport: Food Service Issues. Commissioner Swenson met with Airport Manager John DeVore, Assistant County Manager Crosby and the owner of the Gunnisack restaurant to begin conversations.

BREAK: The meeting recessed from 11:45 until 1:07 pm.

PETITION FOR JUDICIAL SUBDIVISION OF ESTATE PROPERTY; GUNNISON DISTRICT COURT ACTION 10 PR 46; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and attorney David Barton were present for discussion.

County Attorney Baumgarten presented a draft resolution for review and consideration. The draft resolution was based on Resolution #2008-18 and a current request for action by Helen K. Klingsmith and Kirk D. Klingsmith, representatives of the P.C. Klingsmith estate. The Klingsmith family petitioned the District Court for judicial subdivision of estate property on 3/30/11. Mr. Barton stated his agreement with the draft resolution. County Attorney Baumgarten stated his opinion that this would more appropriately be resolved by the Board before the Court because the County has acquired a form of ownership of the issue via the previous Board decision rendered by Resolution #2008-18. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-15, a Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land"; Estate of P.C. Klingsmith; Gunnison County Resolution No: 2008-18 and authorize signatures. Motion carried unanimously.

WARRANTS AND TRANSFERS: Assistant Finance Director Ben Cowan presented the Warrant Report dated 4/19/11 and the Cash Transfer Authorization dated March 2011 for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Warrants for April 19, 2011 in the amount of \$1,042,002.78. Motion carried unanimously. **Moved** by Commissioner

Swenson, seconded by Commissioner Chamberland to approve the Cash Transfer for March 2011 in the amount of \$1,989,109.60. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the January 2011 Treasurer's Monthly Report for discussion and acceptance. She stated that the data-entry and computer-related issues that have caused disruption in the completion of monthly reports are improving. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to accept the Treasurer's report for January 2011 and authorize the Chairperson's signature. Motion carried unanimously.

BOARDS & COMMISSIONS APPOINTMENT; REGULAR PLANNING COMMISSION MEMBER: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Chris Behan into the regular position of the Planning Commission to fill the remainder of John Messner's seat. Motion carried unanimously.

2011 ANNUAL WILDFIRE OPERATING PLAN FOR GUNNISON AND HINSDALE COUNTIES: Emergency Manager Scott Morrill, Undersheriff Randy Barnes and State Forest Service representative Tim Cudmore were present for discussion.

Mr. Cudmore presented the draft plan and stated that it did not contain any major changes from the 2010 Plan. He presented two original documents for signature.

Undersheriff Barnes informed the Board that County Attorney Baumgarten had reviewed and approved the document with some minor modifications to one or more appendix. Approval was asked for the plan itself, as the appendices are still being compiled. Chairperson Channell expressed his concern about approving a document that is not yet in its final form, but the group agreed that this should be acceptable since this type of approval process is followed for other documents such as the Emergency Operations Plan. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the 2011 Annual Wildfire Operating Plan and authorize the Chairperson's signature. Motion carried unanimously. Chairperson Channell signed the documents and Mr. Cudmore took them. After all signatures have been obtained, Mr. Cudmore will distribute copies to all signing entities.

RESOLUTION; ADOPTION OF THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL FUEL GAS CODE, AND THE INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS: Building Inspector Rich Wojdakowski was present for discussion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2011-16, a Resolution Adopting the 2009 Editions of the International Building Code, the International Residential Code for One and Two Family Dwellings, the International Energy Conservation Code, the International Fuel Gas Code, and the International Mechanical Code, with Amendments and authorize signatures. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; PARCELS LOCATED WITHIN SECTIONS 17 AND 18, TOWNSHIP 50 NORTH, RANGE 1 EAST, NMPM; JOHN MALENSEK AND ESTY RANCH, INC., REPRESENTED BY JACOB WITH: County Planner Cathie Pagano and Mr. With were present for discussion.

Mr. With illustrated the request on the proposed plat. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Boundary Line Adjustment between the John Malensek and Esty Ranch properties and authorize signature on the plat. Motion carried unanimously.

COLD SPRING RANCH; STATUS REPORT ON LAND EXCHANGE; DISCUSSION ON A REVOCABLE LICENSE AGREEMENT IN CONNECTION WITH OPENING STRAND HILL ROAD: County Attorney Baumgarten and attorney Jim Starr, representing the Veltri family, were present for discussion.

Mr. Starr informed the Board that the discussions had been moving ahead slowly. There have been meetings and phone conferences with the Forest Service, and negotiations between the Forest Service and the Veltri family are ongoing. Another meeting scheduled to occur on 5/2/11 in Delta. The Veltri family would like to enter into an interim agreement to open Strand Hill Road by this summer. The conservation easement adjacent to this land is moving forward. The conserved land won't affect the land being exchanged as it is a separate issue.

The Board asked County Attorney Baumgarten to draft the revocable license agreement.

RESOLUTION; ADOPTING A SCHEDULE OF FEES FOR OIL AND GAS OPERATIONS APPLICATIONS: Community Development Department Director Joanne Williams, County Attorney Baumgarten and SG Interests I, Ltd. representative Eric Sanford were present for discussion.

Mr. Sanford did not object to the fees outlined in the draft resolution. However, he expressed concern related to the Community Development Department having sole discretion over categorizing permits,

which would affect the associated fees. He also felt that the impact classification definitions are being reevaluated and that the timing is not optimal. He asked for suspension of a decision until classification definitions are agreed upon.

Chairperson Channell noted that Gunnison Energy Corporation President Brad Robinson had submitted correspondence with similar concerns. Chairperson Channell stated his desire to move forward with this portion and then take Mr. Sanford's and Mr. Robinson's comments under advisement with future decisions. Commissioners Swenson and Chamberland agreed. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-17, a Resolution Adopting a Schedule of Fees for Oil and Gas Operations Applications and authorize signatures. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:38 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, 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 THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 11-15**

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND"; ESTATE OF P.C. KLINGSMITH; GUNNISON COUNTY RESOLUTION NO: 2008-18

WHEREAS, on May 9, 2008 the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") granted an exemption for a division of land from the definition of the terms "subdivision" and "subdivided land" for the Klingsmith Parcel through Resolution No: 2008-18 which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 13, 2008, bearing Reception No: 583874 (herein the "Exemption"); and

WHEREAS, the Exemption conditionally divided from the real property identified in Appendix "A" attached hereto and incorporated herein (the "Entire Parcel") a parcel identified in Appendix "B" attached hereto and incorporated herein (the "Klingsmith Residence Tract"); and

WHEREAS, the Board, placed in Resolution No: 2008-18 the following conditions for granting the Exemption; and

"1. The division of the parcel identified in Appendix A into two separate parcels identified in Appendix B, attached hereto and incorporated herein, is exempt from the terms "subdivision" and "subdivided land" ONLY for the purpose of making available the resultant parcels for security for financing for immediate health care and elderly care for a member of the ownership family (i.e. a financing situation could foreclose on a resultant parcel).

2. No portion of the parcel identified on Appendix A shall be separately conveyed (except as identified in paragraph 1 above) unless and until the formal subdivision process is completed and approved. If this paragraph 2 is violated, this Resolution shall be null and void and of no effect", (herein the "Resolution No: 2008-18 Conditions"); and

WHEREAS, the Board has been informed that, despite the Resolution No: 2008-18 Conditions, the Klingsmith Residence Tract has been used as security for financing several personal loans and not specifically for financing immediate health care and elderly care of a member of the ownership family; and

WHEREAS, the Board has also been informed that, despite the Resolution No: 2008-18 Conditions, the formal subdivision process has not been initiated nor are there any funds currently available to initiate the subdivision process; and

WHEREAS, for reasons including the non-performance of the Resolution No: 2008-18 Conditions, the Co-Personal Representatives of the estate of Pete Klingsmith have initiated a Petition For Judicial Subdivision Of Estate Property in Gunnison District Court Action 10PR46, a copy of which Petition is attached hereto and incorporated herein as Appendix "C" (the "Probate Litigation"); and

WHEREAS, the Board of County Commissioners intends to assist in the resolution of the Probate Litigation;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, pursuant to C.R.S. 30-28-101(10)(d) the Board of County Commissioners of Gunnison County, Colorado grants an exemption from the definition of the terms "subdivision" and "subdivided land" of the full and unconditioned division from the Entire Parcel of the Klingsmith Residence Tract. In the event of any conflict between this instant Resolution and Resolution No: 2008-18, this instant Resolution controls.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 19th day of April, 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: 11-16**

A RESOLUTION ADOPTING THE 2009 EDITIONS OF THE "INTERNATIONAL BUILDING CODE", THE "INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS", THE "INTERNATIONAL ENERGY CONSERVATION CODE", THE "FUEL GAS CODE" AND THE "INTERNATIONAL MECHANICAL CODE", WITH AMENDMENTS

WHEREAS, pursuant to C.R.S. §38-28-201, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") previously adopted the "Uniform Building Code" 1994 Edition and the "Uniform Mechanical Code" 1994 Edition; and

WHEREAS, the Board subsequently adopted the "International Building Code" 2003 Edition, the "International Residential Code for One and Two Family Dwellings", 2003 Edition, the "International Fuel Gas Code", 2003 Edition, the "International Mechanical Code", 2003 Edition, and the "International Energy Conservation Code" 2003 Edition; and

WHEREAS, the Board has reviewed and desires to adopt the "International Building Code"; 2009 Edition, the "International Residential Code for One and Two Family Dwellings", 2009 Edition, the "International Fuel Gas Code", 2009 Edition, the "International Mechanical Code"; 2009 Edition, and the "International Energy Conservation Code" 2009 Edition (herein collectively the "International Building Codes"); and

WHEREAS, the Board has determined that adoption of the International Building Codes with certain changes, amendments and substitutions, are in the best interests of the citizens of Gunnison County; and

WHEREAS, the Gunnison County Planning Commission has reviewed and certified to the Board the International Building Codes with recommended changes, amendments and substitutions;

WHEREAS, The Board has taken into consideration the Planning Commission recommendations; and

WHEREAS, a public hearing on this matter was held by the Board on the 5th day of April, 2011; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the following are hereby adopted for the incorporated area of Gunnison County, for each building which receives a Gunnison County permit on or after the effective date below:

1. the "International Building Code", 2009 Edition, with the amendments as set forth in Appendix "A" attached hereto and incorporated herein, consisting of three (3) pages;
2. the "International Residential Code for One and Two Family Dwellings", 2009 Edition, with the amendments as set forth in Appendix "B", a revised "Permit Fee Table", (identified as Exhibit L within the "International Residential Code for One and Two Family Dwellings") attached hereto and incorporated herein, consisting of six (6) pages;
3. the "International Fuel Gas Code", 2009 Edition, with the amendments as set forth in Appendix "C" attached hereto and incorporated herein, consisting of two (2) pages; and
4. the "International Mechanical Code", 2009 Edition, with the amendments as set forth in Appendix "D" consisting of two (2) pages; and
5. the "International Energy Conservation Code", 2009 Edition, without amendment, is hereby adopted.

The previously adopted "International Building Code", the "International Residential Code for One and Two Family Dwellings", the "International Fuel Gas Code", the "International Mechanical Code" and the "International Energy Conservation Code" 2003 Editions are superseded, effective this date, by this

action, except for each building for which Gunnison County has received a complete application for a building permit, or for which Gunnison County has issued a building permit before the effective date below.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 19th day of April, 2011.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 11-17**

A RESOLUTION ADOPTING A SCHEDULE OF FEES
FOR OIL AND GAS OPERATIONS APPLICATIONS

WHEREAS, the Board of County Commissioners adopted the *Gunnison County Temporary Regulations for Oil and Gas Operations* on May 9, 2003; and

WHEREAS, *Section 1-103: E. Classification of Impact Review for Oil and Gas Permit* of the *Gunnison County Temporary Regulations for Oil and Gas Operations* identifies the level of review for Oil and Gas Operations; and

WHEREAS, the Gunnison County Community Development Department charges fees to defray the cost of processing and reviewing applications by the County; and

WHEREAS, the Board of County Commissioners is informed of the costs associated with the review of Oil and Gas Operations applications; and

WHEREAS, the Board of County Commissioners has not previously set fees for the review of Oil and Gas applications;

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

1. The Gunnison County Community Development Department Schedule of Fees for Oil and Gas Operations applications is hereby adopted as identified in Exhibit A (attached).
2. The Gunnison County Community Development Department Schedule of Fees for Oil and Gas Operations becomes effective upon the recordation of this Resolution with the Office of the Gunnison County Clerk and Recorder.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 19th day of April, 2011.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

EXHIBIT A

GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
SCHEDULE OF FEES FOR OIL AND GAS OPERATIONS APPLICATIONS

<u>Classification of Impact Review</u>	<u>Application Fee</u>
Oil and Gas Permit for No Significant Impact Oil and Gas Operation	\$ 1,200.00
Oil and Gas Permit for a Minor Impact Oil and Gas Operation	\$ 3,000.00
Oil and Gas Permit for a Major Impact Oil and Gas Operation	\$ 5,000.00