

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
December 20, 2011**

The December 20, 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

Matthew Birnie, County Manager  
Bobbie Lucero, Deputy 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.

**CONSENT AGENDA:** Moved: by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda excluding Items #18 and #25. Motion passed unanimously.

1. Acknowledgment of County Manager Signature; Agreement; Board of Trustees of Gunnison Valley Hospital on behalf of the Gunnison Valley Health Senior Care Center; Professional Services Regarding Transportation of Seniors; 1/1/12 thru 12/31/12; \$18,386
2. Acknowledgment of County Manager Signature; Corporate Membership Agreement; Main Street Gym; 1/1/12
3. Colorado Counties Casualty and Property Pool Agreement for Partially Self-Funded Program, Gunnison County, January 1, 2012 through December 31, 2012
4. Acknowledgment of County Manager Signature; Amendment to Agreement; Board of Trustees of Gunnison Valley Hospital on behalf of the Gunnison Valley Health Senior Care Center; Professional Services Regarding Transportation of Seniors; 1/1/11 thru 12/31/11; \$15,909
5. Acknowledgment of County Manager Signature; Change Order No: Nineteen (19); Blythe Group + Co. and GE Johnson Construction Co., Inc.; Gunnison County Law Enforcement Center and Gunnison County Public Works Facility; Decrease \$554
6. Acknowledgment of County Manager Signature; Addendum to the Inmate Commissary Contract Dated the 21<sup>st</sup> of November, 2011; Swanson Services Corporation
7. Acknowledgment of County Manager Signature; Lease Agreement; CASA of the Seventh Judicial District; 168 Square Feet in the O'Leary Building at 225 N. Pine Street, Gunnison, CO 81230; 1/1/11 thru 11/30/12; \$2,844
8. Memorandum of Understanding; Gunnison Valley Family Physicians; Medical Care Provided to Inmates Incarcerated in County Jail; 1/1/12 thru 4/30/12; \$100/New Patient and \$70/Current Patient
9. Resolution; Amending Certain Charges and Fees for Integrated Solid Waste Services Effective January 1, 2012, This Resolution Supersedes Resolution 11-18
10. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Dos Rios Division of the Gunnison County Water and Sewer District, This Resolution Superseded Resolution 10-60
11. Resolution; Establishing the Schedule of Fees and Rates for Water Service Within the Dos Rios Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 10-59
12. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the North Gunnison Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 10-63
13. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Somerset Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 10-62
14. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service Within the Antelope Hills Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 10-61
15. Affiliate Airline Operating Agreement, Gunnison-Crested Butte Regional Airport; Express Jet Airlines; 11/1/11 thru 10/31/12
16. Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; CB Specialty Services; 12/1/11 thru 11/30/12
17. Agreement between the State of Colorado Department of Local Affairs and Gunnison County; Emergency Management Performance Grant Program; Gunnison County Multi-Jurisdictional Natural Hazard Mitigation Plan, Contract Encumbrance #12EM71EH27; Thru 9/30/12; \$45,875
18. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Colorado Division of Emergency Management Annual Program Paper; EMPG/LEMS (Emergency Management Performance Grant / Local Emergency Management Support) Work Plan
19. Acknowledgment of County Manager Signature; Application for Stop Loss Insurance; HM Life Insurance Company; 1/1/12 thru 12/31/12

20. Colorado Discretionary Aviation Grant Application; Colorado Department of Transportation, Colorado Aeronautics Division; Reconstruction of Commercial Ramp, Purchase of Fog Seal, Repaint Airside Asphalt Services, and Purchase Loader, Ramp Blade and Ancillary Equipment; \$1,422,894
21. Ground Transportation Agreement; San Miguel Mountain Ventures, LLC; Gunnison-Crested Butte Regional Airport; 12/1/11 thru 11/30/12
22. Consulting Agreement; Cochran Fish and Wildlife Consulting, LLC; 1/1/12 thru 12/31/12; \$80,000
23. Out-of-State Travel Request; San Diego International Conference on Child and Family Maltreatment; Case Worker Marilyn Cheever; San Diego, CA; 1/22/12 thru 1/27/12; \$2,500
24. Out-of-State Travel Request; National Community Anti-Drug Coalitions of America (CADCA) Annual Conference; Gunnison County Substance Abuse Prevention Project Director Brooke Harless and Project Coordinator Jonathan Houck; Washington, DC; 2/5/12 thru 2/10/12; \$5,605
25. **Pulled for Discussion and Separate Action:** Rapid Response ARFF Vehicle

**CONSENT AGENDA ITEM #18:** Chairperson Channell commented that there is a signature discrepancy because there is no signature from the Finance department for approval. County Manager Birnie commented it should have been reviewed because it is a grant application. **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to approved Consent Agenda Item #18. Motion passed unanimously.

**CONSENT AGENDA ITEM #25:** Airport Manager John DeVore was present and commented that, once the paperwork is done in January, the revised SIB will come in. DeVore commented that the State would like to close out this loan with the grant first and then open a new line of credit for the new truck. **Moved** by Chairperson Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #25. Motion passed unanimously.

DeVore informed the Board that there will be planes coming into Gunnison with passengers who will be transported to Telluride via shuttle. The airport in Montrose is not capable of accommodating the high traffic because it has cut its number of flights in half.

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

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

1. **Leadership Academy:** County Manager Birnie informed the Board there was follow-up training for Leadership Academy graduates. Staff informed him that the classes were very good.
2. **Capital Projects Update:** County Manager Birnie informed the Board that they are finishing up facilities at the Public Works and Public Safety Center. Ventilation is being added to the Public Works' wash bay, and the tile in the Public Safety Center is being replaced because it was installed incorrectly. GE Johnson will be here in January to correct the tile at no cost to the County. January 16<sup>th</sup> is the target date for transferring inmates to the new facility, and bunks from the current facility will be used in the new facility. Currently the staff is all going through training. Commissioner Chamberland commented that there were less than 2% of change orders on this project and that, for a project of this size, this is very good.

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

1. **Dos Rios Water:** Assistant County Manager Crosby informed the Board that she is considering extending Dos Rios Water to address a private well. She is looking at opinions and it appears as though the County will eventually need to amend the control boundaries for the Dos Rios water line. This will be discussed further during the 1/10/12 meeting. She will ask the affected property owners to attend the meeting.
2. **Budget Projections:** Assistant County Manager Crosby commented to the Board that she spoke with Finance about her department's projections. She will not need amendments to her budget, but her projections may not be accurate as there hasn't been any snow.
3. **Dos Rios Sewer District Sewer and Manhole:** State law requires that manholes be every 450-500 feet apart. Last year 3 manholes were installed on the Moncrieff property. Gunnison County took over the subdivision from the Dos Rios HOA, which has thousands of feet of line without manholes. The goal is to install between one and three manholes each year to work toward compliance. She will hire local contractors to install the manholes.
4. **North Gunnison Project:** Assistant County Manager Crosby informed the Board that she has suspended the project. Digging is possible, though the utility lines cross the road and crisscross from one house to another. Her department will have to wait until the ground frost is gone to dig, which will hopefully happen in the spring before high-water becomes a concern. All necessary testing has been performed. The other two phases of the project will have to wait.
5. **Antelope Hills Water Project:** Assistant County Manager Crosby informed the Board that the loan had been released; however, the engineering drawings have not been released. She stated her opinion that homeowners may need to step up and get political to get the notice to proceed prior to March 15<sup>th</sup>. The goal is to ground blast before March 15<sup>th</sup>, to avoid having to rent a large excavator. The compliance deadline was extended to 10/15/12 because this is a public health issue.

**BREAK:** The meeting recessed from 9:20 am until 10:30 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes) and for a short break before Chairperson Channell called the Gunnison County Board of Health meeting to order (see minutes below).

**GUNNISON COUNTY BOARD OF HEALTH:** Chairperson Channell called the Gunnison County Board of Health meeting to order at 10:30 am.

Public Health Director Carol Worrall and County Medical Officer Dr. John Tarr were present for the discussion. Worrall gave the Board an update of upcoming classes and programs. She also mentioned that January is National Radon Awareness month, and she would like the Board to approve a proclamation in January. Worrall brought signs regarding Suicide Prevention Efforts to show the Board.

1. Early Childhood and Youth Development Governance: There are some concerns with the Nurse Home Visitor program. The department was at risk of not keeping the program a few years ago. Chairperson Channell commented that, if an amendment or opposition to a bill is necessary, Worrall will need to recommend such action to the Board.
2. West Central Public Health Partnership Regional Assessment and Priorities for Improvement Plan: Worrall provided copies of the West Central Public Health Partnership Regional Assessment. This Assessment is available on the Gunnison County and Hinsdale County websites. Worrall informed the Board that the coordinator position has been continued. Worrall provided a chart at the meeting that the Board reviewed.
3. Obesity Live Well Colorado Grant: Worrall informed the Board that she turned in a letter of interest late Friday. They are coordinating with Mountain Roots for food, and looking at the Van Tuyl Village area for community gardens. This program incorporates local farm grown foods in the school cafeterias to encourage kids to eat healthier. Schools that have practiced this have decreased their costs for food. Local farms are participating in this as well. A school in the Denver area participated in this program and it was demonstrated that kids will tend to eat healthier overall if they are eating healthier in school. Worrall informed the Board she has received a letter of intent and will know by the end of January if Gunnison County is in the running for an invitation to apply. Worrall explained that chosen applicants will be notified of their status once all applications have been reviewed. Planning can begin August 1<sup>st</sup>.
4. Health Provider Shortage Area: Dr. Tarr provided this presentation. He discussed the number of full time doctors needed to accommodate the County's population of roughly 14,000. He explained that at least one doctor is needed for every 3,500 people. He distributed forms to the medical staff this morning to record their actual time that they spend working on patients. Due to the seasonal tourism, it is difficult to determine a specific population. He explained that he will set a baseline for collecting numbers during November through April, and then peak months for tourism to try to achieve an accurate assessment. He informed the Board that the Health Provider Shortage Area designation last for three years at a time. He knows of a few physicians that have finished their residencies and may possibly be willing to relocate.
5. Public Health Core Services: The board decided, due to lack of time, to continue this discussion at the next meeting in March 2012.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion passed unanimously. The Gunnison County Board of Health meeting adjourned at 11:28 am. Chairperson Channell immediately reconvened the Gunnison County Board of County Commissioners meeting.

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

## COMMISSIONERS MEETING REPORTS

### Commissioner Chamberland:

1. RTA Update - Subcommittee Airline Service: The subcommittee is in the process of outlining its purpose and setting goals. During the next meeting on 1/13/12, City of Gunnison Mayor Jonathan Houck will ask for preliminary feedback from the subcommittee.

### Commissioner Swenson:

1. Sage-Grouse Festival: Commissioner Swenson informed the Board that she met with County Manager Birnie and Wildlife Conservation Coordinator Jim Cochran to discuss the 2012 Sage-grouse Festival. They will present details in January.
2. Dos Rios Bridge: There is an issue with the golf course shutting down access to the bridge that accesses Hartman Rocks from Dos Rios. There is a group working on a new access. A request for bridge materials will be presented to the Board during the 1/10/12 meeting. Commissioner Swenson commented that she has been working with Assistant County Manager Marlene Crosby and the group to work out the details. This will be a public process because the Bureau of Land Management (BLM) owns the property on the other side of the bridge. Commissioner Swenson informed the Board that Tomichi Condos is now

involved in these conversations, and that this is very preliminary because this has yet to go through BLM processes.

**Chairperson Channell:**

1. Western State College Internships: Chairperson Channell informed the Board that, sometime after the start of the new year, he would like to discuss the contributions to the Visiting Counselor program at Western State College (WSC) and possible internships at Gunnison County.
2. Office of Resource Efficiency: The Local Farmer's First Program is being taken on by the Office of Resource Efficiency. This program will be available online and the public can order local farm food for delivery.
3. Gunnison County Substance Abuse Prevention Project Meeting: Chairperson Channell gave an update on the program. He noted that the WRAP team at WSC used five interns to provide substance abuse awareness information at the schools.
4. Tenderfoot Pre-School Birthday Party: Chairperson Channell informed the Board that he attended the Tenderfoot pre-school birthday party and had a great time.
5. Curecanti Legislation: Chairperson Channell informed the Board that he received a call from Gerry Otero from Senator Udall's office to receive an update on the issues surrounding the Curecanti Legislation.
6. Crested Butte Mayor: Chairperson Channell informed the Board he met with Aaron Huckstep, the new Mayor of the Town of Crested Butte.
7. Gunnison Valley Health Holiday Party: Chairperson Channell informed the Board that he attended the Gunnison Valley Health Holiday Party at the college.

**BREAK:** The meeting recessed from 11:45 am until 1:00 pm in order to interview Bill Trampe for possible appointment to the Colorado River Water Conservancy District. Chairperson Channell reconvened the Board of County Commissioners meeting at 1:00 pm.

**2012 COLORADO COUNTIES, INC. (CCI) STEERING COMMITTEE PROXY DESIGNATIONS:**

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to designate Renee Brown as proxy for the CCI Health and Human Services Proxy Committee. Motion passed unanimously.

**TREASURER'S REPORT:** Finance Senior Accountant Maureen Eden was present for discussion. The July through November 2011 Treasurer's Monthly Reports were available for discussion and acceptance.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to accept the Treasurers' monthly reports for July through November and authorize the Chairperson's signature. Motion carried unanimously

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented the Warrant Report dated December 20, 2011 and the Cash Transfer Authorization dated November 2011 for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Warrants for December 20, 2011 in the amount of \$805,450.48. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Cash Transfers for November 2011 in the amount of \$1,820,607.81. Motion carried unanimously.

**2011 COMMISSIONER DISCRETIONARY FUNDING BALANCE AND DISCUSSION:** The Board reviewed and discussed the draft letter provided in the packet materials. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the draft letter Chairperson Channell wrote, and change the amount to donate to the Community Foundation to \$24,000, and allocate the other \$3,000 previously talked about to the Gunnison Rotary for fireworks to come out of the remaining discretionary funds for this year. Motion passed unanimously.

**GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION AND CRESTED BUTTE MOUNTAIN RESORT JOINT 2012 MARKETING PROPOSAL; REQUEST FOR FUNDING:** Gunnison-Crested Butte Tourism Association (TA) Executive Director Jane Chaney, TA Webmaster Candy Taylor, Crested Butte Vacations Director Jeff Moffat and Crested Butte Mountain Resort Vice President of Marketing and Sales Scott Clarkson were present for discussion.

The Paradise Package promotion was handed out to the Board at the meeting. The packages were discussed. Clarkson explained that the promotion incorporates all the prices into one total package, instead of being priced separately. There was a discussion on rates and percentage discounts. Chaney commented that she thinks this is a fair discount and that the incremental break down is not given to the guest as they get just one flat rate. The promotion will be marketed on the TA's website, and the TA will spend \$15,000 to promote this package. There was also a discussion related to why guests cannot get frequent flier miles when booking through the TA. It was explained that there isn't a way to upload the points to the website, and the only way to utilize points would be to book with the airline directly.

Pamela Williams, owner of Island Acres Motel, commented that she has been collecting the LMD tax for five years and that 25% of that money has not been spent. Williams asked about the guidelines to spend this money and what would constitute a crisis. Williams commented that her customers are not Mt.

Crested Butte customers, and she would not like to market to them. Williams stated her opinion that the TA is not very effective, and that she gets a lot more advertising from the Colorado Directory. Williams commented that maybe this money needs to be divided up differently so that Gunnison properties can decide how best to spend Gunnison marketing dollars. Williams stated that the TA is expensive and does not provide sufficient advertising.

The Board commented that they are attempting to push money out there for marketing the community. Chaney informed Williams that she can receive the financial information that outlines TA expenses.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the proposal provided by CBMR for 2012, in the amount of \$200,000. Chairperson Channell commented that he is reluctant in a few areas and would like to guarantee that the funds will be pushed countywide. He will support this even though he is reluctant. Motion passed unanimously.

**RESOLUTION; AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION (LUR):** Community Development Director Joanne Williams, Gunnison County Attorney David Baumgarten and Planning Commission Chairperson Ramon Reed were present for the discussion. The draft resolution was discussed and modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve Resolution 2011-49, a Resolution Amending the Gunnison County Land Use Resolution, as amended. Motion passed unanimously.

**PROCLAMATIONS; HONORING EMPLOYEES OF GUNNISON COUNTY, COLORADO FOR YEARS OF SERVICE; JANET C. REINMAN (30 YEARS); DONALD L. PERKINS (20 YEARS); EDWARD L. CASEBOLT, III, JOHN P. DEVORE, KELLY A. MEDINA AND RICHARD L. STENSON (15 YEARS); BENJAMIN M. COWAN, ANTHONY R. DURAN, DEBORAH A. FERCHAU, CATHERINE A. PAGANO, SCOTT E. SPITZMILLER, KENNETH D. WEBB, BRENDA N. WISEMAN AND GARY M. WREN (10 YEARS).** **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to ratify signatures on the proclamation awarded at the Gunnison County Holiday Party. Motion passed unanimously.

**BOARD OF COUNTY COMMISSIONERS V. MILE 200, LLC LITIGATION; UPDATE; AUTHORIZATION OF PRIVATE ENFORCEMENT OF LAND USE RESOLUTION; POSSIBLE EXECUTIVE SESSION:** Public Works Assistant Director Allen Moores, Gunnison County Attorney David Baumgarten and Attorney Rufus Wilderson were present for discussion. Baumgarten explained that this involves a lawsuit in which Gunnison County has sued a corporation which has not complied with the LUR. Wilderson's client is also suing this company. Baumgarten informed the Board that this company is moving forward with not complying with the LUR, and alleging there is no private right of enforcement of the LUR. Baumgarten commented that the LUR states that the Board can grant the authority to a private party to enforce the LUR, and he suggested that the Board do this. Baumgarten asked the Board to grant the authority to Wuanita Hot Springs to privately enforce the LUR within the context of the litigation, pursuant to LUR Section 16-102. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize Wuanita Hot Springs to enforce privately the Land Use Resolution within the context of the litigation, pursuant to Land Use Resolution Section 16-102. Motion carried unanimously.

**CORRESPONDENCE:** Planning Commission Chairperson Ramon Reed, GIS Manager Mike Pelletier, High Country Citizens' Alliance Board Member Rich Karas and High Country Citizens' Alliance Public Lands Director Matt Reed were present for the discussion.

1. **US POSTAL SERVICE MORATORIUM ON POST OFFICE CLOSURES:** The Board discussed the two draft letters to Senator Bennet and Senator Udall thanking them for their work toward the moratorium on post office closures. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the thank you letters, as amended. Motion passed unanimously.
2. **ELK CREEK MINE; TECHNICAL REVISION APPLICATION NO. 73 (TR-73):** **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the thank you letters, as amended. Motion passed unanimously.
3. **REQUEST FOR LETTER OF SUPPORT; OXBOW MINING, LLC; COLORADO ROADLESS RULE 7:28:** There Special Geographic Area designation and the Colorado Roadless Rule were discussed. GIS Manager Pelletier will map the area, and the Board gave direction to County Manager Birnie to draft the letter.
4. **REQUEST FOR LETTER OF SUPPORT; EXTENSION OF JANUARY 9, 2012 DEADLINE FOR PUBLIC COMMENT ON UNCOMPAHGRE FIELD OFFICE OF THE BUREAU OF LAND MANAGEMENT'S PROPOSAL TO LEASE 30,000 ACRES OF PUBLIC LAND FOR OIL AND GAS OPERATIONS; CITIZENS FOR A HEALTHY COMMUNITY.** GIS Manager Pelletier provided maps to the Board for illustration. Baumgarten informed the Board that Delta County voted yesterday to ask for an extension. The Board discussed elements to potentially include within their written response. Some of the Board's concerns are related to the watershed, unstable and steep terrain, pipelines, road access and potential damage to the watershed. Gunnison and Delta Counties will need to communicate and coordinate regarding the horizontal

drilling areas that are on the county line. Baumgarten believed that an extension is appropriate because so many leases have been grouped together in such a small period of time. Chairperson Channell would like to review the draft letter via email. Baumgarten will take the lead on this, and he asked the Board not to communicate with each other about this and to give him their comments individually and directly. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to direct Attorney Baumgarten to write and sign the letter. Motion passed unanimously.

**ADJOURN: Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:13 pm.

---

Hap Channell, Chairperson

---

Paula Swenson, Vice-Chairperson

---

Phil Chamberland, Commissioner

Minutes Prepared By:

---

Bobbie Lucero, 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. 2011-49**

#### **A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION***

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution*"), Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, the Planning Commission on September 2, 2011 forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments October 2, 2007; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

- Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
- Changed conditions, including the economy of Gunnison County;
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Changes in applicable law;
- Public health, safety and welfare; and
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

WHEREAS, the Board of Commissioners conducted a public hearing on the proposed amendments December 6, 2011;

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 Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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

**"EXHIBIT A"**

Except for the proposed changes to Section 16-101, language that is underlined is the proposed new wording; ~~struck-through~~ language would be deleted. Section 16-101 would be replaced in its entirety.

**Changes to Section 9-603: C.6.: regarding exemptions for income-qualified households from Essential Workforce Housing Linkage Fee**

- C. **EXEMPTIONS.** The following shall be exempt from the Workforce Housing Fee:
  1. **SAME-SIZE RECONSTRUCTION OF PRE-EXISTING STRUCTURE.** The reconstruction of any pre-existing structure pursuant to Section 1-108: *Non-conforming Uses* if the reconstruction does not increase the size more than 500 square feet, or as applicable, the number of residences within it, except when the structure was not a legally habitable residence before the reconstruction; or
  2. **ADDITION OF 500 SQ. FT. OR LESS TO PRE-EXISTING STRUCTURE.** The addition of 500 square feet or less to a structure, whether it is a residential, commercial or industrial use; or
  3. **INTEGRATED SECONDARY RESIDENCE.** An integrated secondary residence as allowed pursuant to Section 9-102: F.: *Standards for Integrated Secondary Residence*, provided that it is deed-restricted for occupancy by Qualified Households with incomes as defined in Section 9-601: C. 6.: Exemption for Income-Qualified Households. ~~not exceeding 120 percent of the Area Median Income.~~
  4. **MOBILE HOMES.** Individual mobile homes and mobile home communities as defined by this *Resolution*, provided that the homes are deed-restricted for occupancy by Qualified Households with incomes as defined in Section 9-601: C. 6.: Exemption for Income-Qualified Households. ~~earning less than 120 percent of the Area Median Income.~~
  5. **ESSENTIAL RESIDENCES.** Residences that are constructed and deed-restricted as Essential Housing.
  6. **EXEMPTION FOR INCOME-QUALIFIED HOUSEHOLDS.** Households earning less than 120 percent of AMI, as qualified by the Gunnison County Housing Authority Executive Director, ~~that~~ are building homes for their own occupancy and which are a household's primary residence. Primary residency shall be determined by the Gunnison County Housing Authority Executive Director, who may consider the following factors:
    - a. Employment address.
    - b. Utilities bills.
    - c. Driver's license and car registration address.
    - d. Address on federal and state tax returns.
    - e. Family members' main residence location.
    - f. The address of a financial institution used by the household.
    - g. Voter registration card addresses.

\*\*\*\*\*

**Proposed language regarding requirements of consent from and notice to a property owner whose neighbor is requesting a variance from a shared property line.**

Delete Section 13-104: E. 1.:

- E. **VARIANCE FROM THIS SECTION.** A variance from the requirements of this Section may be requested. An applicant for variance from property line setback requirements shall submit:
  1. ~~AGREEMENT FROM ADJACENT LAND OWNER. Notarized letters of consent from the landowners whose properties are immediately adjacent to the property line from which a affected by the reduced setback is proposed.~~

[Paragraphs that follow would be appropriately renumbered.]

Change in Article 2 (Definitions):

**ADJACENT PROPERTY OWNER** means an owner of record (as recorded in the most current records on file in the Gunnison County Assessor's Office) of any estate, right, or interest in real property that immediately abuts ~~or (for purposes of ensuring adequate due process and public notice) is located immediately across a road or highway, waterway or other body of water from another parcel.~~ property on which a land use change is proposed.

[NOTE: *The Land Use Resolution* defines "adjacent" as "Abutting or contiguous to or sharing a common border."]

\*\*\*\*\*

Enforcement: **The following replaces the current LUR Article 16: *Enforcement* in its entirety:**

#### **SECTION 16-101: GENERAL**

- A. ENFORCEMENT SHALL COMPLY WITH ALL APPLICABLE LAW.** This *Resolution* shall be enforced in accordance with the requirements of Colorado law and as provided in this Article. Each enforcement remedy can be invoked by Gunnison County independently or in conjunction with any or all of the other enforcement remedies.
- B. OWNER HAS BURDEN OF PROOF OF COMPLIANCE.** The burden of proof that a project is in compliance with this *Resolution* lies with the owner of the land on which the project is occurring.
- C. ENFORCEMENT COSTS ARE OWNER/PERMITEE RESPONSIBILITY.** The costs of any County investigation of the violation and the costs of the hearing and Board action, including incidental expenses of abating the violation, shall be the responsibility of the landowner and permittee, jointly and severally. The term "incidental expenses" shall include personnel costs, both direct and indirect; costs incurred in documenting the violation; the actual expenses and costs to the County in the preparation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing, and attorney's fees required. The County shall provide written notice of those costs to the permittee and landowner by first class mail at the last known address. If the landowner or permittee fails to pay those costs within 30 days of the County mailing, the costs shall become a lien against the subject land or any improvement on the subject land.
- D. IMPLEMENTATION OF MITIGATION DOES NOT RELIEVE PERMITEE OF RESPONSIBILITY FOR COMPLIANCE WITH STANDARDS.** Implementation of mitigation does not relieve permittee's responsibility to comply with all County standards and criteria. Failure to conduct the project in compliance with standards and criteria at any time shall be deemed a permit violation and may result in enforcement and/or require a permit amendment to address whether standards and criteria can be satisfied with different mitigation or change in project operations.

#### **SECTION 16-102: AUTHORIZATION TO ENFORCE**

The Board, County Manager, County Community Development Director, the Community Development Director's designees, County Attorney, County Building Inspector, County Environmental Health Official, County Public Works Director and such other persons as the Board may designate are charged with and authorized to enforce all the requirements of this *Resolution*.

#### **SECTION 16-103: RIGHT OF ENTRY AND INSPECTION**

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on a tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, any person charged with enforcement of this *Resolution* may enter and inspect or cause to be entered and inspected, the tract, building or other structure at reasonable times to determine compliance with this *Resolution* or that permit, provided that if that tract, building or other structure is occupied, credentials shall be presented to the occupant and entry requested. If the tract of land, building or other structure is unoccupied, such person shall first make a reasonable effort to locate the owner or other person having charge or control of the tract, building or other structure and request entry. If entry is refused, or the owner or person having charge or control cannot be located after reasonable effort, the Board or its designee shall apply to the District Court, Gunnison County, for an order to permit entry. Nothing in this Section precludes or constrains any entry upon or into, or inspection of, any land or into a building otherwise permitted by law.

#### **SECTION 16-104: NOTIFICATION TO CORRECTION VIOLATION**

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* the County Attorney shall give written notice to the land owner or other person having charge or control of such tract, building or other structure, by certified mail, return receipt requested at the last known address. The notification shall state which requirements of this *Resolution* or of a permit are being violated, shall state the conditions that are to be satisfied for compliance, and shall state that the violator shall immediately initiate correction of the violation to be substantially complete within 30 days of receipt of the notification. Such written notification is cumulative to, and not a prerequisite to, any other enforcement remedies available to Gunnison County. The Community Development Director shall issue a written compliance letter only if the project or condition that is the basis of the notice has been remedied.

#### **SECTION 16-105: STOP ORDER; IMMEDIATE COMPLIANCE**

- A. COMMUNITY DEVELOPMENT DIRECTOR MAY ISSUE ORDER.** When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution* the Community Development Director

may, by written notice ("stop order"), order the activity or use stopped immediately or by a time certain. The stop order shall state the conditions that shall be satisfied for compliance. The stop order shall be served by delivering it to any person engaged in that activity or use, or to any person owning, leasing, or controlling the land, building or other structure, or by posting the order in a conspicuous location on the land, building or other structure.

- B. IMMEDIATE COMPLIANCE REQUIRED.** All persons shall comply immediately with the stop order upon its service or posting, as set forth above.
- C. STOP ORDER LIFTED ONLY BY COMPLIANCE ORDER.** The stop order shall remain in effect until the Community Development Director determines that the activity or condition that is the basis for the stop order has been remedied, and the Community Development Director issues a written compliance order that is served by Gunnison County.
- D. DISCRETIONARY BOARD REVIEW.** The Board may review and amend the stop order if the permittee or landowner demonstrates that such amendment is warranted and will not result in an amendment to the subject permit. Any proposed amendment to the subject permit shall comply with all other applicable requirements of this *Resolution*.
- E. STOP ORDER NOT A PREREQUISITE TO OTHER REMEDIES.** The issuance of a stop order is cumulative to, and not a prerequisite to any other enforcement remedies available to Gunnison County.

#### **SECTION 16-106: TEMPORARY SUSPENSION OR PERMANENT REVOCATION OF PERMIT**

- A. TEMPORARY SUSPENSION OR PERMANENT REVOCATION OF PERMIT UPON VIOLATION.**
  - 1. BOARD ACTION AFTER WRITTEN NOTICE TO PERMITTEE.** The Board may temporarily suspend or permanently revoke an approved Permit if the provisions of any permit or the terms of any related Development Improvement Agreement have been violated. Before making such a temporary suspension or permanent revocation, the Board shall give the permittee written notice of the violation, by certified mail. The Board shall allow the permittee to correct the violation within 30 calendar days from the date of receipt of the notice.
  - 2. PERMITTEE OPPORTUNITY TO PROVIDE EVIDENCE IN RESPONSE.** If the permittee believes that the notice of violation has been issued in error, the permittee shall, within 15 calendar days from the date of receipt of the notice, provide evidence satisfactory to the County to show that the determination is in error.
- B. PUBLIC HEARING.** The Board shall conduct a hearing to determine if the permit shall be temporarily suspended, permanently revoked or that there is no demonstrated violation.
  - 1. NOTICE AND CONDUCT OF HEARING.** The Board shall give written notice of the hearing to the permittee by mailing notice, certified, return receipt requested at the last known address, postmarked at least 14 days before the hearing. The notice shall contain a summary of the grounds for the potential suspension or revocation.
  - 2. HEARING DATE MAY BE ADVANCED.** The County Manager shall make reasonable efforts to schedule an expedited hearing if requested by the permittee, and/or if irreparable harm may occur if the hearing process is not completed in an expedited manner.
  - 3. CREDIBLE EVIDENCE REQUIRED TO SUSPEND OR REVOKE.** At the hearing, the County shall have the burden to demonstrate, by credible evidence presented at the hearing, that the permit should be temporarily suspended or permanently revoked.
- C. GENERAL STANDARDS.** The permit shall be suspended or revoked if, after the close of the hearing, and based on credible evidence, either of the following findings is made by the Board:
  - 1. PERMIT ISSUANCE WAS BASED ON MISLEADING INFORMATION OR MISREPRESENTATION.** The permit was issued in reliance on materially erroneous or misleading information from the permittee or his/her representative; or
  - 2. VIOLATION OF CONDITIONS OF PERMIT OR APPLICABLE REGULATION.** Activity is being conducted or a condition exists on the tract of land or in the building or other structure that is a violation of the subject permit, or any applicable regulation.
- D. DECISION OF BOARD.** Within five working days after the close of the hearing, the Board shall render a decision based upon its findings that there is no violation of the permit, or that there is a violation and the permit is temporarily suspended or permanently revoked, and the effective date of such suspension or revocation.
- E. NOTIFICATION.** Notification of the Board's decision shall be provided by the Community Development Director to the permittee, by certified mail postmarked within five working days of the Board's decision.
- F. SUSPENSION LIFTED ONLY BY COMPLIANCE FINDING.** A suspension order shall remain in effect until, at a regular meeting of the Board, the Board finds that the activity or condition that is the basis for the suspension order has been remedied, and the Board issues a written compliance finding.
- G. CUMULATIVE REMEDY.** The Board's right to suspend or revoke a permit as provided in this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedies available to the Board.

#### **SECTION 16-107: ABATEMENT OF VIOLATION**

Any violation of this *Resolution* or of a permit issued pursuant to this *Resolution* may be abated under the process and standards of this Section.

- A. PROCESS FOR ABATEMENT.**
  - 1. NOTIFICATION OF VIOLATION.** If, after investigation by any person charged with enforcement of this *Resolution*, or the Board determines that reasonable cause exists to believe that any activity is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, the Board shall serve the permittee, by certified mail, return receipt requested, with a Notice to Abate,

stating the grounds of the violation, and setting forth a reasonable time for the permittee to abate and correct the violation.

2. **HEARING TO CORRECT VIOLATION.** If the permittee fails to comply with the Notice to Abate, the Board shall conduct a hearing on abatement to ascertain whether abatement should be conducted.
3. **NOTICE OF HEARING.** The Board shall provide notice of the Hearing on Abatement to the permittee or landowner and any complainant by certified mail, return receipt requested at the last known address, a minimum of 14 days before the date established for the hearing. Notice shall be substantially in this format:

*Notice of Hearing on Abatement of Violation of  
Gunnison County Land Use Resolution*

This is a notice of hearing before the Board of County Commissioners of Gunnison County, Colorado, to ascertain whether certain activity being conducted on, or condition existing on, a tract of land, in any building or other structure situated in unincorporated Gunnison County, Colorado, known and designated as \_\_\_\_\_(address)\_\_\_\_\_, in said County, and more particularly described as \_\_\_\_\_(legal description)\_\_\_\_\_ with Tax Parcel No. \_\_\_\_\_, constitutes a violation of the Gunnison County Land Use Resolution and is subject to abatement pursuant to this *Resolution*. If the violation is not promptly abated by the permittee or landowner, such violation may be abated by Gunnison County, in which case the cost of that abatement will be assessed on such land, and the costs, together with interest thereon, shall constitute a lien on such until paid.

Said alleged violation does not comply with Section \_\_\_\_\_ of the *Gunnison County Special Development Project Resolution*, and consists of the following: \_\_\_\_\_.

The method(s) of abatement are: \_\_\_\_\_.

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Time and Date of Hearing: \_\_\_\_\_.

**4. DECISION BY BOARD.**

a. **GENERAL.** At the time stated in the notice of the hearing on abatement, the Board shall conduct a hearing pursuant to the requirements of this Section, and shall hear and consider all relevant evidence, objections or protests, and shall hear testimony of the alleged violator, if desiring to testify, and all other persons having an interest in the hearing.

5. **CONTINUANCE.** The Board may continue the hearing to a specific date and time for good cause.

6. **RECOMMENDED ORDER.** If, after the conclusion of the hearing, the Board finds that a violation of the this *Resolution* does exist and there is sufficient cause to abate the violation, within five days after the close of the hearing the County Attorney shall prepare a recommended Order to Abate with findings of fact specifying the nature of the violation, the method of abatement and the time within which the abatement shall be commenced and completed. The recommended Order to Abate shall then be forwarded to the Board for adoption.

7. **BOARD DECISION.** At its next regularly scheduled meeting, the Board shall take action on the recommended Order to Abate.

8. **NOTIFICATION OF RECOMMENDED ORDER.** The County Attorney shall provide the permittee a copy of the recommended Order to Abate by certified mail, return receipt requested at the last known address, postmarked the day the recommended Order to Abate is forwarded to the Board for adoption.

9. **BOARD DECISION.** At the next regularly scheduled meeting of the Board after receipt of the recommended Order to Abate, the Board shall approve the Order to Abate or a modified version of it, if there is competent evidence in the record that a violation of this *Resolution* does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure.

10. **NOTICE OF ORDER.** The Board shall provide a copy of the decision to the landowner by certified mail, return receipt requested.

**B. EFFECT OF ORDER TO ABATE.** If an Order to Abate is issued it shall mean that the land, building or structure is in violation of this Resolution, and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate, including but not limited to the abatement being performed by Gunnison County.

**C. ABATEMENT BY COUNTY.** If the violation is not abated pursuant to the Order to Abate within the prescribed abatement period, the County Manager shall cause the violation to be abated by County employees or by private contract, or by any other means provided by Colorado law. The County Manager is authorized to enter upon land for those purposes. In addition to the costs regarding the Order to Abate, the landowner shall be responsible to pay all costs, including incidental expenses, of the abatement by the County. The County shall provide written notice of those costs to the landowner by first class mail at the last known address. If the landowner fails to pay those costs within 30 days of the County mailing, the costs shall become a lien against the subject land or any improvement on the subject land.

**D. CUMULATIVE REMEDY.** The Board's right to abate a violation of this *Resolution* or of any permit issued pursuant to this *Resolution*, as provided in this Section, shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

**SECTION 16-108: NO PROCESSING OR APPROVAL FOR LAND OR PERMITTEE SUBJECT TO ENFORCEMENT ORDERS**

No permit application shall be processed or approved pursuant to this *Resolution*, and no other Gunnison County permit shall be issued by Gunnison County, for property or permittee that is the subject of an existing

Stop Order, Suspension Order, or *Order of Abatement*. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

---

**SECTION 16-109: NO ACTION FOR PERSONS SUBJECT TO ENFORCEMENT ORDERS**

---

No application shall be processed or approved pursuant to this *Resolution*, and no other Gunnison County permit shall be issued by Gunnison County, for or to any person who is responsible for a violation that is the subject of an existing Stop Order, Suspension Order or *Order of Abatement*. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

**SECTION 16-110: REVIEW OF POTENTIAL VIOLATION AND NECESSARY REMEDIATION BEFORE PERMIT APPLICATION ACCEPTED**

---

- A. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** When any activity has begun or any condition exists on a tract of land or in any building or other structure without the necessary permit having been obtained pursuant to this *Resolution* the Community Development Director shall conduct a review to determine what remediation must occur before a permit application will be accepted to consider that activity or condition.
- B. **REVIEW FEE.** A review fee, in addition to the application fee, shall be collected whether or not a permit is issued based on the application. The review fee shall be equal to three times the amount of the application fee and payable at the time of the application.
- C. **FEE PAYMENT OR FILING OF APPLICATION DOES NOT PROVIDE EXEMPTION FROM OTHER REQUIREMENTS.** Neither the payment of the review fee nor the filing of an application shall exempt any person from compliance with all other requirements of this *Resolution* and all other applicable regulations or relieve any person from any other enforcement remedies available to Gunnison County.
- D. **CUMULATIVE REMEDY.** The requirement of a review pursuant to this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

**SECTION 16-111: REQUIREMENTS REGARDING SUBDIVISION OF LAND**

---

In addition to the enforcement remedies provided in this *Resolution*, but not as a prerequisite to any of them:

- A. **FINE FOR TRANSFERRING TITLE BEFORE FINAL PLAN APPROVAL AND FILING OF WARRANTS.** Pursuant to C.R.S. 30-28-110(4)(a) as it may be amended, any subdivider or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a Final Plat for subdivided land has been approved by the Board and recorded or filed in the Office of the County Clerk and Recorder, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 nor less than \$500 for each parcel of, or interest in, subdivided land which is sold. All fines collected under this Section shall be credited to the General Fund of Gunnison County.
- B. **LOTS MAY NOT BE SOLD BEFORE FINAL APPROVAL.** Pursuant to C.R.S. 30-28-110(4)(b) as it may be amended, the Board has the power to bring an action to enjoin any subdivider from selling subdivided land before a Final Plat for such subdivided land has been approved by the Board and properly recorded.
- C. **TAXES TO BE PAID.** An application for any land use change, any subdivision of land or the subsequent phasing of an approved subdivision of land or issuance of any related County permits shall be placed on inactive status pursuant to Section 3-105: B.: *Withdrawn and Inactive Applications* if the real property taxes for the subject parcel are determined by the Gunnison County Treasurer's Office to be delinquent in whole or in part. No plat for subdivided land shall be approved by the Board unless at the time of the approval of platting the applicant provides the certification of the County Treasurer's office that all real property taxes applicable to that subdivided land, up to the year in which approval is granted, have been paid.

**SECTION 16-112: OTHER REMEDIES**

---

- A. **CIVIL REMEDIES.** Any person violating any provision of this *Resolution* shall be subject to all civil sanctions and penalties authorized by law, including Sections 30-28-124 C.R.S. and 124.5 C.R.S. as they may be amended. For purposes of civil sanctions the County may seek, this *Resolution* shall be considered to be a zoning resolution. A civil sanction and penalty may be assessed for each day the violation exists.
- B. **CRIMINAL REMEDIES.** Any person violating any provision of this *Resolution* shall be subject to all criminal sanctions and penalties authorized by law, including but not limited to Sections 30-28-124, 124.5, and 16-13-301 C.R.S., *et seq.* as they may be amended. For purposes of criminal sanctions the County may seek, this *Resolution* shall be considered to be a zoning resolution. A sanction and penalty may be assessed for each day the violation exists.
- C. **CUMULATIVE REMEDY.** The Board's right to seek civil and/or criminal remedies shall be exercised only by the Board and shall be cumulative to, and not a prerequisite to, any other enforcement remedies provided by this *Resolution*.
- D. **FEES.** The Board shall be entitled to recover from any person violating any provision of this *Resolution* all reasonable attorneys' fees as well as all reasonable costs including staff time incurred in enforcing requirements of this *Resolution*.

**SECTION 16-113: NO PERSONAL LIABILITY**

---

Any County official, employee or agent charged with the enforcement of this *Resolution* who acts in good faith in the discharge of the duties required by this *Resolution* or other pertinent law, ordinance, regulation or *Resolution* shall not thereby be rendered personally liable for any damages that may accrue to any person or property as a result of an act or omission to act in the discharge of those duties.

**SECTION 16-114: NO COUNTY LIABILITY**

---

This *Resolution* does not make, and shall not be construed to make, Gunnison County, or any of its officials, employees or agents responsible or liable for any injury to persons or property resulting from any action taken pursuant to this *Resolution*.

**SECTION 16-115: RESPONSIBILITY NOT LESSENE**

This *Resolution* does not and shall not be construed to relieve from or lessen the responsibility of any person owning or controlling any land for any damages to persons or property caused by use of such land for which a permit was issued pursuant to this *Resolution*.

**SECTION 16-116: NO WAIVER BY GUNNISON COUNTY OF STATUTORY AUTHORITY**

Nothing in this Article 8 is, or shall be construed to be, a waiver by Gunnison County of any statutory authority including the authority identified in Section 24-32-2109, C.R.S., *Local Disaster Emergencies*, as it may be amended.

**SECTION 16-117: NO WAIVER BY GUNNISON COUNTY OF GOVERNMENTAL IMMUNITY**

Nothing in this *Resolution*, and no act performed pursuant to this *Resolution*, is or shall be construed to be a waiver by Gunnison County, its officials, employees or agents of governmental immunity.

\*\*\*\*\*

Wetlands-related sections:**Change in Article 2:**

**WETLAND.** means an area ~~as defined by the U.S. Environmental Protection Agency Regulations listed at 40 CFR 230.3(t), as amended. Generally such~~ inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and ~~that~~ under usual circumstances ~~does~~, supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

- Wetland areas generally include marshes, bogs, seeps, riparian and similar areas ~~but~~.
- Wetland areas do not include artificial wetlands intentionally created from non-wetland areas, including: flood-irrigated agricultural and ranch lands and ranch ponds; irrigation and drainage ditches; grass-lined swales; canals; detention facilities; ~~ranch ponds and~~ landscape amenities; ~~Exempt from the definition are~~ and areas in which there are wastewater treatment systems, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. Sec. 1341), treated water distribution and storage facilities or treated water that otherwise meet the criteria in this definition ~~and areas created by irrigation-related activities from agriculture and ranching~~. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created for the purpose of mitigating ~~conversion~~ loss of wetlands, if permitted by the County.

**WETLANDS FUNCTIONS.** The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and storm waters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; ~~production of waterfowl, game and non-game birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species;~~ food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 11-50**

A RESOLUTION AMENDING CERTAIN CHARGES AND FEES FOR INTEGRATED SOLID WASTE SERVICES  
EFFECTIVE JANUARY 1, 2012

THIS RESOLUTION SUPERSEDES RESOLUTION 11-18

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 January 1, 2012:

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
Bales: 4'x6'x2.5'	17.22	0.00	0.00	0.00	0.00	0.78	18.00
Beneficial Use Yardage	5.25	0.00	0.00	0.00	0.00	0.00	5.25
Biosolid Yardage	14.15	2.27	0.45	1.74	1.00	0.39	20.00
Car	3.58	1.31	0.26	1.00	0.57	0.13	6.85
Car Wash Sludge	4.40	2.27	0.45	1.74	1.00	0.39	10.25
Clean Wood Yardage	4.54	2.27	0.45	1.74	1.00	0.00	10.00
Concrete<12" Diameter	1.04	2.27	0.45	1.74	1.00	0.00	6.50
Concrete>12" Diameter	15.04	2.27	0.45	1.74	1.00	0.00	20.50
Dead Animals	11.72	0.00	0.00	0.00	0.00	0.78	12.50
Friable Asbestos Yards	24.15	2.27	0.45	1.74	1.00	0.39	30.00
Grnd Const Debris Yds	4.02	1.52	0.45	1.74	0.00	0.39	8.12
Loose Yardage	6.15	2.27	0.45	1.74	1.00	0.39	12.00
Mini Pickup	7.86	2.86	0.57	2.19	1.26	0.26	15.00
Minimum Charge	3.61	0.00	0.00	0.00	0.00	0.39	4.00
Organic Material Yards	5.25	0.00	0.00	0.00	0.00	0.00	5.25
Packed Yardage	6.15	2.27	0.45	1.74	1.00	0.39	12.00
Refrigerator/Freezer	15.00	0.00	0.00	0.00	0.00	0.00	15.00
Special Waste Yardage	6.15	2.27	0.45	1.74	1.00	0.39	12.00
Standard Pickup	12.82	4.54	0.90	3.48	2.00	0.26	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 Chamberland, and adopted this 20<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 11-51**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 10-60

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, 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 sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Dos Rios Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Dos Rios Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for sewer service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 11-52**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 10-59

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, 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 facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or

condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Commercial Water User Fees. User fees for each commercial connection will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears. The base user fee will equal the product of the Equivalent Residential Units (ERUs), seventy-five percent (75%), and the current residential base rate according to Appendix A attached hereto. The ERUs will equal the product of the factor according to Appendix C and the number of factor units according to Appendix C.

The base gallons for each commercial connection will equal the product of the ERUs and the residential base gallons according to Appendix A attached hereto.

4. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Dos Rios Division which has water service available to that parcel but which parcel is not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Tap Connection Fee. There is a fee for water service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to meter size.

6. Meter Fee. There is a one-time fee for the use of a Gunnison County owned water meter. This fee will be "at cost" for the meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.

7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the tap fee for that parcel has been paid in full as set forth above.

8. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.

9. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

10. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, the additional inspection fee will be charged.

11. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.

12. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

13. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 11-53**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 10-63

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, 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 sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the North Gunnison Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the North Gunnison Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.
3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate (partial tap) according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.
4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the North Gunnison Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
5. Tap Connection Fee. There is a fee for sewer service tap connection within the North Gunnison Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
- 5a. Non-payment of Tap Connection Fee. Each residential property in Parcel 2 as of July 1, 2010 that did not pay the required tap connection fee prior to installation of the service line shall pay an additional \$332.32 per quarter until the quarter ending June 30, 2015. This additional fee shall constitute financing of the tap connection fee according to the following amortization schedule.

Date Billed	Payment	Principal	Interest	Total
07/01/10	1	(\$229.19)	(\$103.13)	(\$332.32)
10/01/10	2	(\$233.49)	(\$98.83)	(\$332.32)
01/01/11	3	(\$237.87)	(\$94.45)	(\$332.32)
04/01/11	4	(\$242.33)	(\$89.99)	(\$332.32)
07/01/11	5	(\$246.87)	(\$85.45)	(\$332.32)

10/01/11	6	(\$251.50)	(\$80.82)	(\$332.32)
01/01/12	7	(\$256.22)	(\$76.10)	(\$332.32)
04/01/12	8	(\$261.02)	(\$71.30)	(\$332.32)
07/01/12	9	(\$265.91)	(\$66.40)	(\$332.32)
10/01/12	10	(\$270.90)	(\$61.42)	(\$332.32)
01/01/13	11	(\$275.98)	(\$56.34)	(\$332.32)
04/01/13	12	(\$281.15)	(\$51.16)	(\$332.32)
07/01/13	13	(\$286.43)	(\$45.89)	(\$332.32)
10/01/13	14	(\$291.80)	(\$40.52)	(\$332.32)
01/01/14	15	(\$297.27)	(\$35.05)	(\$332.32)
04/01/14	16	(\$302.84)	(\$29.48)	(\$332.32)
07/01/14	17	(\$308.52)	(\$23.80)	(\$332.32)
10/01/14	18	(\$314.30)	(\$18.01)	(\$332.32)
01/01/15	19	(\$320.20)	(\$12.12)	(\$332.32)
04/01/15	20	(\$326.20)	(\$6.12)	(\$332.32)
		<u>(\$5,500.00)</u>	<u>(\$1,146.36)</u>	<u>(\$6,646.36)</u>

Upon default, unpaid principal and interest shall constitute a lien on and against the real property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law. Default shall not cause acceleration of the entire unpaid principal, accrued interest, and penalties.

Upon sale or transfer of the real property served, the entire unpaid principal, accrued interest, and penalties shall accelerate and become due and payable immediately.

Prepayments may be made at any time, provided all unpaid principal is paid in one lump-sum. There is no fee or penalty for prepayment.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the North Gunnison Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20<sup>th</sup> day of December, 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-\_54**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE SOMERSET DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 10-62

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, 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 sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the operation of the sewage treatment system providing service to the Somerset Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Somerset Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. User fees will be billed in advance.
3. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Somerset Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
4. Tap Connection Fee. There is a fee for sewer service tap connection within the Somerset Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
5. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.
6. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Somerset Division unless the tap fee for that parcel has been paid in full as set forth above.
8. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.
9. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 11-55**

A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT

THIS RESOLUTION SUPERSEDES RESOLUTION 10-61

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, 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 sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Antelope Hills Division; and

WHEREAS, Gunnison County must upgrade and maintain the connection lines within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.
3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.
4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Antelope Hills Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.
5. Tap Connection Fee. There is a fee for sewer service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.
7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the tap fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the tap connection fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

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