# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Draft BOCC Minutes; 4/21/2015

**Action Requested:** Motion

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**

Attached are the draft 4/21/2015 BOCC meeting minutes for consideration.

**Fiscal Impact:** None

**Submitted by:** Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/11/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 6/16/2015

*Revised April 2015*

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS**
**REGULAR MEETING MINUTES**
**April 21, 2015**

The April 21, 2015 meeting was held in the Planning Commissioners' boardroom in the Blackstock Government Center located at 221 N. Wisconsin Street, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

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

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

**MINUTES APPROVAL:**

1. 4/7/2015 Regular Meeting. Commissioner Houck requested that, within his reports, the portion about the Community Builders Task Force should reference the first community "conversation", not "conference". **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the April 4, 2015 regular meeting minutes as amended. Motion carried unanimously.

**CONSENT AGENDA:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda as presented. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment, Office of Emergency Preparedness and Response, Budget Request Form; Emergency Preparedness and Response Project; 7/1/15 thru 6/30/16; $20,075
2. Ratification of Out-of-State Travel Approval; National American Planning Association Conference; Seattle, WA; Senior Planner; 4/17/15 thru 4/21/15; $2,800
3. Acknowledgment of County Manager Signature; Recruiting Contract; Prothman; Information Technology (IT) Director; $18,500 plus Expenses
4. Development Improvements Agreement for Tomichi Gravel Pit; Land Use Change Permit No. 2012-10; Gunnison Valley Properties, LLC; $222,877.50

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

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

1. Courthouse Construction Project Update. County Manager Birnie informed the Board that the project is progressing and that the remaining work is mainly related to finishes and electricity. Some of the furniture has been delayed, but he doesn't anticipate any issues with being operational as of June 1st. The Temporary Certificate of Occupancy is expected to be issued on May 15th, and the landscaping will be completed in June. The project is well within the financial resources that were identified for the project.
2. Annual Performance Report. County Manager Birnie informed the Board that the report, which will focus on the County plan and includes elements from the departmental plans that support the County plan, is being finalized.
3. Strategic Plan. County Manager Birnie informed the Board that the draft plan will be discussed during the 4/28 work session.

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

1. Temporary Road Use Agreement; Crested Butte / Mt. Crested Butte Chamber of Commerce; Chainless Bicycle Race; Portion of County Road 12; 6/26/15 from 3:00 pm until 6:00 pm. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the agreement. Motion carried unanimously. DCM Crosby stated that she will have the chamber sign the agreement before bringing it back for County signatures.
2. Fence Line Agreements; Wilder Ranch Properties, LLC; Donald G. Dunbar and Marilyn J. Dunbar, Trustees under the Donald G. Dunbar Revocable Agreement of Trust; Richard C. Allred and Ann Allred Kable; Taylor River Road Project. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Fence Line Agreements for the Taylor River Road Project with Wilder Ranch, Donald Dunbar and Richard Allred as presented here today. Motion carried unanimously.
3. Amendment to Grant of Permanent Maintenance Easements; Taylor River Canyon, LLC; Taylor River Road Project. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland moved to approve the Amendment to Grant of Permanent Maintenance Easements as presented. Motion carried unanimously.
4. Transfer of Ownership of Property. DCM Crosby informed the Board that she received a letter from the Colorado Department of Transportation, and she believes that a request to transfer ownership of the subject property will be forthcoming. The 3.56-acre County-owned property in question is

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on Hwy 50, near the 122.7 mile marker and the Arrowhead turnoff. The County purchased this property in 1915, and again in 1936 for reasons unknown. She requested permission to perform survey work and sign the applicable correspondence, and the Board agreed to allow her to do these things.

5. Marble Update. DCM Crosby informed the Board that the West Elk meeting was rescheduled due to bad weather and travel conditions. She will spend time with Ron Leach to look at potential parking areas, and a special Town Council meeting has been scheduled to take place on 4/22 to discuss the options. A sign shop in Marble is willing to make the special signage less expensively and faster than she can get done otherwise, and the Town is prepared to share the cost of the signage. The 5/7 West Elk meeting is scheduled to begin at 7:00 pm.
6. Beaver Lake Update. DCM Crosby informed the Board that her department may be able to do the chloride in this area before other locations.
7. Calcium Chloride versus Magnesium Chloride. DCM Crosby informed the Board that her department is determining cost and use comparisons. Larimer and Boulder Counties participated in a study through Colorado State University, so she will check with them to see if they have any insight.

**BREAK:** The meeting recessed from 8:59 until 9:05 am for a short break, and then again from 9:05 until 9:08 am in order to hold the below Public Hearing.

**PUBLIC HEARING; RESOLUTION VACATING CERTAIN PORTIONS OF RIGHT OF WAYS ASSOCIATED WITH THE REALIGNMENT OF TAYLOR RIVER ROAD, A/K/A COUNTY ROAD 742, COUNTY OF GUNNISON, STATE OF COLORADO:** DCM Crosby, Special Projects Foreman Jim Kint, County Attorney David Baumgarten and Paralegal Rachel Magruder were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:05 am.

2. Public Notice Confirmation. DCM Crosby confirmed that the Public Hearing had been properly public noticed.

3. Identify Ex Parte Communications. There were no ex parte communications identified.

4. Staff Presentation. DCM Crosby stated that this resolution, if approved, will clean up some fencing arrangements and revert right-of-ways that the County no longer needs. Paralegal Magruder explained that there are three old right-of-ways that need to be cleaned up. The first one goes through County Highway 19 lying within White Water Estates, and it affects six lots. The second one involves the proposed realignment of the Jack's Cabin Cut-off Road that was never constructed within the Wilder on the Taylor Subdivision. The last one involves two rights-of-way through the Harmel's Ranch Resort area. CA Baumgarten and DCM Crosby confirmed that all of these rights-of-way were granted to the County in anticipation of a need, but they were never used.

5. Applicant Presentation. N/A.

6. Board Questions. The Board didn't pose any questions.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:08 am. Special Projects Foreman Kint stated that, with respect to the Harmel's location, initially acquiring the right-of-way one came with the condition that it would be reverted if unused.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:08 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

**RESOLUTION VACATING CERTAIN PORTIONS OF RIGHT OF WAYS ASSOCIATED WITH THE REALIGNMENT OF TAYLOR RIVER ROAD, A/K/A COUNTY ROAD 742, COUNTY OF GUNNISON, STATE OF COLORADO:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2015-09, a Resolution Vacating Certain Portions of Right of Ways Associated with the Realignment of Taylor River Road, a/k/a County Road 742, County of Gunnison, State of Colorado. Commissioner Chamberland acknowledged the staff's extra efforts in this matter. Motion carried unanimously.

**LOT CLUSTER APPLICATION; WILLIAM AND ANNIE TUNKEY; LOTS M2-56 AND M2-57, BUCKHORN SUBDIVISION:** Community Development Department Services Manager Beth Baker was present for discussion, and she confirmed that the application had been approved by all relevant utility companies and the County Attorney's Office. She noted that the owner will not be able to build on these sites without first clustering them. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Lot Cluster Application for the Tunkeys to cluster Lots M2-56 and M2-57 of the Buckhorn Subdivision. Motion carried unanimously.



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**RESOLUTION; AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION INCLUDING AMENDMENTS TO ARTICLE 14: INCENTIVES AND SECTION 13-103: GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS AND RELATED REFERENCES:** Community Development Director Russ Forrest was present for discussion, and he confirmed that this was a follow up from the public hearing that took place on 4/7. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2015-10, a Resolution Amending the Gunnison County Land Use Resolution Including Amendments to Article 14: Incentives and Section 13-103: General Site Plan Standards and Lot Measurements and Related References. Motion carried unanimously.

**CORRESPONDENCE; US DEPARTMENT OF AGRICULTURE FOREST SERVICE; SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) TO REINSTATE THE NORTH FORK COAL MINING AREA EXCEPTION OF THE COLORADO ROADLESS RULE:** CA Baumgarten and High Country Conservation Advocates (HCCA) representative Alli Melton were present for discussion.

CA Baumgarten explained that the exception would allow for temporary road construction from coal exploration and coal-related surface activities in the 19,000+ acre area known as the North Fork Coal Mining Area. The Forest Service will use the draft EIS to address the specific deficiencies that had been identified in the court case between HCCA and the US Forest Service. Scoping comments won't be due until 5/22, which is 45 days after the Federal Register publication date of 4/7. County Manager Birnie noted that the Board and the County have previously supported the exception. CA Baumgarten suggested that the County use the 45-day period to solicit comments from others and then draft the comments that will come from the Board. The Board asked staff to pull up old comments that had been submitted over the years. CA Baumgarten agreed to collect the request documents so that the Board can further discuss this on 5/12 and follow up with approval of comments on 5/19.

Ms. Melton provided copies of correspondence from HCCA for Board consideration, which outlined changes in some related circumstances. This correspondence was later added to the online meeting portfolio.

**TREASURER'S MONTHLY REPORT:** County Treasurer Debbie Dunbar presented the below reports for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the corrected February report and the March 2015 report. Motion carried unanimously.

1. February 2015 Corrected Report. This was corrected to show corrected ending balances in County funds.
2. March 2015 Report
3. March 31, 2015 Investment Report
4. January – March 2015 Quarterly Interest Report
5. July – December 2014 Six-Month Report

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated April 21, 2015 and the cash transfer authorization dated March 2015 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the vouchers for April 21, 2015 in the amount of $1,686,905.90. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Cash Transfers for March 2015 in the amount of $3,018,766.47. Motion carried unanimously. The Board asked about the employee credit card report, and FD Nienhueser agreed to forward it to the Board via email after the meeting.

**UNSCHEDULED CITIZENS:**

1. Rich Corbett; Magnesium Chloride on Allen Lane. Mr. Corbett stated that he lives on Allen Lane and that he and other residents have not been pleased with the amount of magnesium chloride applied to the road. He requested that less product be applied to the road, which is approximately 2.5 miles long. He stated that, at 20 miles per hour, he has no control over his vehicle. He also stated that pot holes and ruts are being created, and that the product is hard to remove from clothing and vehicles.

**COMMISSIONER ITEMS:**

**Commissioner Houck:**

1. One Valley Prosperity Project (OVPP) Update. Commissioner Houck informed the Board that the community discussion held on 4/20 attracted 40-50 people and that the conversation was beneficial.
2. Gunnison Valley Rural Transportation Authority (RTA) Presentations. Commissioner Houck informed the Board that he's been doing some outreach through the RTA and providing some presentations locally.
3. Spruce Beetle Epidemic and Aspen Decline Management Response (SBEADMR) Panel. Commissioner Houck informed the Board that he attended this discussion and that it went well. Once the draft Environmental Impact Statement is released, another meeting will be scheduled. He opined that the Board should submit formal comments at some point. He will participate, on behalf of the Board, in a Nature Conservancy meeting on 4/22 to discuss the spruce beetle.



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4. Gunnison Basin Sage-grouse Strategic Committee Update. Commissioner Houck attended the recent meeting, and he provided the following updates to the Board.
    a. The US Fish and Wildlife Service (USFWS) gave a report at the last sage grouse meeting. The 4D rule should be out soon, and the USFWS will soon be able to release the name of the next director.
    b. The road closures have gone well.
    c. The committee has been dealing with enforcement issues related to the watchable wildlife site. The birds have also moved further from the site, so parking has been an issue. He's working with Gunnison Wildlife Conservation Coordinator Jim Cochran and the committee to determine how the site can be more successful.

**Commissioner Chamberland:**

1. Region 10. Commissioner Chamberland informed the Board that Region 10 requested additional funding from DOLA so that the EDA can be extended into Montrose County.

**Commissioner Swenson:**

1. CCI Legislative Meeting. Chairperson Swenson attended the recent meeting via telephone due to poor driving conditions. She provided the following updates to the Board.
    a. The issue related to raises for elected officials in 2017 still doesn't have a bill number, but CCI voted to approve it. If it passes, the County will need to decide if it will change the tier, not give raises, or give raises at 10%, 20% or the max 30% that is in the bill.
    b. The issue related to the State paying for court time will not go forward.
    c. She will have further conversations with CCI representatives related to severance tax, and County Manager Birnie stated that he would need some guidance soon.
2. Oil and Gas Panel in Rifle. Chairperson Swenson informed the Board that she was invited to sit on the panel, but she declined. She may opt to participate in future years.
3. Gunnison Valley Rural Transportation Authority (RTA). Chairperson Swenson informed the Board that the RTA didn't meet this month. The next meeting is scheduled to take place on 5/1. The RTA will soon decide on a letter of support related to compressed natural gas, and a five-year contract for bus services.

**ADJOURN:** **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:49 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO**
**RESOLUTION NO: 2015-9**

A RESOLUTION VACATING CERTAIN PORTIONS OF RIGHT OF WAYS ASSOCIATED WITH THE REALIGNMENT OF TAYLOR RIVER ROAD, A/K/A COUNTY ROAD 742, COUNTY OF GUNNISON, STATE OF COLORADO

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WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority and is the owner of certain roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads are necessary for public access to privately owned property; and

WHEREAS, the Board has been informed that as a result of the realignment of Taylor River Road a/k/a County Road 742 certain portions of right of ways, as identified in Appendix "A" attached hereto and incorporated herein by reference, are no longer utilized nor will be utilized in the future and therefore are not necessary for public access; and

WHEREAS, the vacation of those portions of right of ways as identified in Appendix "A" will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of those right of ways identified in Appendix "A"; and

WHEREAS, the notices required by Colorado law for such vacation of right of ways have been given and a public hearing on such vacations has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that those portions of right of ways as identified in Appendix "A" shall be and hereby are vacated.

It is the specific intent of the Board that the vacation of those portions of right of ways identified in Appendix "A" shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 21st day of April, 2015.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

APPENDIX "A"

LEGAL DESCRIPTIONS OF CERTAIN PORTIONS OF RIGHT-OF-WAYS
LYING WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO

1. A Certain Portion of Gunnison County Highway No. 19 lying within White Water Estates:
That certain portion of Gunnison County Highway No. 19, a 60 foot right of way, as described in the Quit Claim Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 11, 1961 in Book 352 at page 360 lying across Lots 14, 15, 16, 17, 18 and 19, White Water Estates Subdivision as identified on the plat titled "White Water Estates" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 16, 1968 bearing Reception No: 273535.

Not to effect and with reservation of the Permanent Maintenance Easement across Lot 19 recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 19, 2011, bearing Reception No: 603332.

2. The Proposed Realignment of Jack's Cabin Cut-off Road a/k/a Jack's Cabin Road Right of Way located within Wilder on the Taylor Subdivision, Phase 1.
The proposed realignment of Jack's Cabin Cut-off Road a/k/a Jack's Cabin Road, a 100 foot right of way, located across Lots 2 and 3, Phase 1, Wilder on the Taylor Subdivision, as identified and dedicated on the plat titled "Final Plat Wilder on the Taylor – Phase 1 Situated in the W1/2E1/2, E1/2SE1/4 and the W1/2, Section 28, E1/2NE1/4 and the SE1/4 of Section 29, NE1/4NE1/4, NW1/4NE1/4, W1/2NW1/4 and a portion of the SE1/4NW1/4 of Section 33, all in Township 15 South, Range 84 West of the 6th Principal Meridian, Gunnison County, Colorado" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594948.

Any conveyed Temporary Construction Easement over and across the Temporary Construction Area associated with the proposed realignment of Jack's Cabin Cut- off Road a/k/a Jack's Cabin Road right of way, for its use in the construction and realignment of the Jack's Cabin Cut-Off Road as identified in paragraph 2.3 of the "Agreement Concerning the Taylor River Road and Jack's Cabin Cut Off Road" by and between the Board of County Commissioners of the County of Gunnison, Colorado and Jackson-Shaw/Taylor River Ranch, L.L.C., dated November 3, 2009 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594949.

3. Right of Ways Located in the Vicinity of Harmels' Ranch Resort Area:
   A. That certain portion of right of way located within the E1/2NE1/4, Section 28 and the W1/2NE1/4 of Section 27, T15S, R84W, 6th P.M. and as described in that certain Right-of-Way Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado in Book 274 at page 346 as it crosses the following real property:

1. That real property described in the Special Warranty Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 496917; and
2. That real property identified as the "Meissner Parcel" identified on the plat titled "Plat of Meissner Boundary Line Adjustment Gunnison County, Colorado Located Within The SE1/4NE1/4 Section 28, T15S, R84W of the 6th P.M." recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 627856.

B. That certain portion of Taylor River Road identified on Map 59 dated 1922, in the Road Plat Book located in the Office of the Clerk and Recorder of Gunnison County, Colorado and that certain portion of right of way as described in the Right of Way Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado in Book 274 at page 346 as it crosses the real property described in the Quit Claim Deed recorded in the records of the Office of Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 521258.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO**
**RESOLUTION NO. 2015-10**

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*
INCLUDING AMENDMENTS TO ARTICLE 14: INCENTIVES AND SECTION 13-103: GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS AND RELATED REFERENCES

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 March 6, 2015, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, nothing in this amendment of the LUR to eliminate the LPIP process is or shall be construed to a change in the existing vested property rights for a LPIP previously approved by Gunnison County; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments April 7, 2015; 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

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 Houck, seconded by Commissioner Chamberland and adopted on this 21st day of April, 2015.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

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