AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft Meeting Minutes 9/6/2016

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the minutes from the September 6, 2016 Regular Meeting

Fiscal Impact: None

Submitted by: Josh Ost **Submitter's Email Address:** jost@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: 9/15/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 1

Agenda Date: 9/20/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 6, 2016

The September 6, 2016 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson Matthew Birnie, County Manager
Phil Chamberland, Vice-Chairperson (Arrived at 8:37am) Josh Ost, Deputy County Clerk
Jonathan Houck, Commissioner Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 8:30 am.

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

Minutes Approval: 8/23/2016 Special Meeting

1. **Moved** by Commissioner Houck, seconded Chairperson Swenson to approve the minutes of the 8/23/2016 special meeting. Motion carried.

CONSENT AGENDA: **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Consent Agenda. Motion carried.

1. Memorandum of Understanding; State of Colorado, Department of Human Services; Colorado Works Program and Colorado Child Care Assistance Program; 7/1/16 thru 6/30/17
2. Contract; Gunnison Watershed School District RE1J Special Services Unit; High Fidelity Wraparound; 8/23/16 thru 6/30/17; Not to Exceed $25,000
3. Correspondence; US Department of Interior Secretary Sally Jewell and US Bureau of Land Management Director Neil Kornze; Support for Natural Gas Waste Rule
4. Letter of Support; Pitkin County, CO Grant Application; Carbondale to Crested Butte Trail; Great Outdoors Colorado
5. Request for Funding; Public Lands Partnership; $1,000
6. Grant Agreement between State of Colorado Department of Public Safety, Division of Homeland Security and Emergency Management and Gunnison County; $75,000
7. Acknowledgment of County Manager Signature; Statement of Work; Colorado Department of Public Health and Environment; West Central Public Health Partnership; 10/1/16 thru 9/30/17; $25,000
8. Agreement Regarding Assignment of Ground Lease Agreement; Indian Springs Land Corporation and Over & Out Incorporated
9. Correspondence; US Forest Service Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forest Scott Armentrout; Union Park Land Exchange Proposal; US Forest Service

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2017 Holiday and Meeting Schedule; Moved by Commissioner Houck, Seconded by Chairperson Swenson to approve the 2017 Holiday and Meeting scheduled. Motion Carried.

COUNTY MANAGER'S REPORTS: Commissioner Chamberland arrived before this item.

Matthew Birnie:

1. County Manager Birnie reported that Yvette Roberts came to his office to thank employees; Brenden Haase in the assessor's office, Joan Bare in the Clerk's Office, Mike Pelletier in GIS. She wanted to thank them for the great customer service she received.

Deputy County Manager's Reports and Project Updates:

Marlene Crosby:

1. Deputy County Manger Crosby reported on the Snow and Ice Conference 9:30am Thursday 9/8/2016. They are expecting 285 attendees with lunch served at 11:45am. Operations Manager Sparky Casebolt has a slide show he will present.
2. Deputy County Manger Crosby reported that Gunnison County and the Town of Crested Butte were having difficulty getting the word out about the closures on Kebler Pass. She stated there would be a change to the closure times. The Pass will be open at 12:30pm on Friday's through the month of September.
3. Deputy County Manger Crosby reported that, due to low volumes last year for the Household Hazardous Waste event due to local business recycling programs, this year's event would be cancelled and a larger event will be planned for next year. Commissioners stated that they would like a public ad to go out stating this and where items can be recycles in the county.
4. Deputy County Manger Crosby reported that there was an easement issue on the quarry road in Marble that involved private property. The County is working with the property owner to get an easement.

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COMMISSIONER ITEMS:
This discussion began earlier than scheduled due to a gap in the meeting.
Commissioner Chamberland:

1. Met with WAPA, last week. They were willing to work with the county on a case-by-case basis, but need a formal request to proceed.
2. Club 20 meeting this weekend, Commissioner Chamberland will be in attendance.

Commissioner Swenson:

1. Wild and Scenic Designation for the Crystal River: Chairperson Swenson reported that the Town of Marble opposed the designation. They wanted Gunnison County to put on agenda for review. Commissioner Houck wanted to find other avenues possibly not a wild and scenic designation. They directed David Baumgarten to write a letter of response to the Wild and Scenic Committee stating that the commission has heard from their constituents, that they do not want the diversion or damming of the Crystal River, but that the Wild and Scenic designation may not be the avenue that should be pursued.
2. Region 10: Chairperson Swenson reported that funding is available for business and startups. They will be working on more outreach with local banks to provide secondary loans.

Commissioner Houck:

1. Went to Mayors and Managers last week with the RE1J school district, funding issues was the topic of the meeting.

Public Hearing; Vacation of a Portion of Old County Road 3, Lying within Section 20, Township 11 South, Range 88 West, 6th P.M., Gunnison County, State of Colorado:

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 8:55am.

2. Public Notice Confirmation. Deputy County Manager Marlene 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. Deputy County Manger Crosby explained that this should have been done at the end of the first Marble project in1991/1992. She explained the location of the road and the old asphalt between the new road and the bed and breakfast. This will give the county 30 feet from the center of the road right away and vacates that portion of the old road. Half of the land would go to each of the adjacent property owners.

5. Applicant Presentation. N/A

6. Board Questions. N/A

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments. There was no public comment present in the room.

8. Acknowledge Correspondence Received. Deputy County Manager Crosby Reported that one phone call confirming where the property was. Was an unknown caller and had no interest in the property.

9. Applicant Response. N/A

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 8:58am

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution 2016-34; Vacation of a Portion of Old County Road 3, Lying within Section 20, Township 11 South, Range 88 West, 6th P.M., Gunnison County, State of Colorado. Motion carried unanimously.

Request for Variance to Riverland Industrial Park, Filing No. 2; John Murphy, Lot 28: Interim Community Development Director Neal Starkebaum presented with property owner John Murphy. Starkebaum explained the location of the property and the background which stated that the change is more than is allowable by the filing number and the change requested requires Board approval. The requested variance is an interior lot within the building and would not increase the footprint.
Moved by Commissioner Houck, seconded by Commissioner Chamberland to approve the Request for Variance to Riverland Industrial Park, Filing No. 2; John Murphy, Lot 28. Motion carried unanimously.

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Resolution; Approving Relinquishment of a Land Use Change Permit and Releasing and Terminating a Certificate of Minor Impact Approval: Interim Community Development Director Neal Starkebaum presented with Mr. Leinsdorf and explained the circumstances with the property. Davis stated that the owner of lot 33A constructed a one mile mountain bike track on the property without the HOA approval. The HOA sued the land owner for removal of the bike track and was settled before trial with the land owner conveying the lot to the HOA. The HOA would like to remove the bike track and would need to remove the land use change permit from the previous owner.
Moved by Commissioner Chamberland, seconded by Chairperson Houck to approve the Resolution 2016-35; Approving Relinquishment of a Land Use Change Permit and Releasing and Terminating a Certificate of Minor Impact Approval. Motion carried unanimously

CCI 2016 Legislative Committee Member Appointment and RSVP for Legislative Committee Meeting October 14, 2016: The commission elected Chairperson Swenson as the legislative committee member for the October 14, 2016 meeting. Chairperson Swenson will be attending this meeting by telephone.
Moved by Commissioner Houck, seconded by Commissioner Chamberland to approve the selection. Motion carried unanimously.

Resolution; Approving Land Use Change Permit No. 2015-00039, a Land Use Change Permit for Moon Ridge Ranch, LLC, Foxtrot Subdivision, NW1/4SE1/4 Section 35, Township 13 South, Range 86 West, 6th P.M.: Interim Community Development Director Neal Starkebaum and David Leinsdorf presented the land use change permit and stated the staff recommends approval from the Board. The Board stated they all had an understanding of this issue.
Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution 2016-36; Approving Land Use Change Permit No. 2015-00039, a Land Use Change Permit for Moon Ridge Ranch, LLC, Foxtrot Subdivision, SE1/4 Section 35, Township 13 South, Range 86 West, 6th P.M.. Motion carried unanimously

Gunnison-Crested Butte Regional Airport Air Service Incentive Policy: Airport Manager Rick Lamport presented the incentive policy. No questions by the Commissioners.
Moved by Commissioner Houck, seconded by Commissioner Chamberland to approve the Resolution 2016-37 adopting of the Gunnison-Crested Butte Regional Airport Air service Incentive Policy. Motion carried unanimously.

Grant Agreement; US Department of Transportation, Federal Aviation Administration AIP Grant Number 3-08-0030-051-2016; Gunnison-Crested Butte Regional Airport; Rehabilitate Runway 6/24 and Portion of Taxiway A; Drainage Improvements and Safety Area Grading; Relocate Wind Cone and Segmented Circle: Airport Manager Rick Lamport presented the draft without the dollar numbers and he explained that the figures should be in soon. He explained there would be $8,195,344 worth of funding for the project. The bid for the project came in below estimates at $6.6 million. He explained that the DOLA contribution is capped at $250,000. The FAA contribution would be $7,375,809 and the County contribution would be $569,535. The Commission authorized the County Manager to sign the grant once figures are known for return to the FAA by September 19th. Chairperson Swenson asked if there would be opportunity to reuse the reclaimed materials in other areas of the county. He stated he would need to confirm with the contractor if this would be possible.
Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve authorize the County Manager's signature on the Grant Agreement; US Department of Transportation, Federal Aviation Administration AIP Grant Number 3-08-0030-051-2016; Gunnison-Crested Butte Regional Airport; Rehabilitate Runway 6/24 and Portion of Taxiway A; Drainage Improvements and Safety Area Grading; Relocate Wind Cone and Segmented Circle. Motion carried unanimously.

Break: The Board took a break at 9:23am and resumed the meeting at 9:29am.

Colorado Department of Local Affairs Energy and Mineral Impact Assistance Program Grant Application; Gunnison Family Services Facility Remodel; $690,079: Facilities and Grounds Manager John Cattles presented the grant application. He explained the need for the project and stated it was finishing the project that was started when the property was acquired. He explained that there was not going to be much structural modification only the movement of interior walls. He explained that the current HVAC system is not adequate for the building. He stated that included in the proposal would be switching the building to geothermal HVAC systems that could also be later used for the Blackstock building next door.

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Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Program Grant Application; Gunnison Family Services Facility Remodel; $690,079. Motion carried unanimously

Fuel Purchase Agreement; Trillium Transportation Fuels, LLC, a Delaware Limited Liability Company, dba Trillium CNG; Compressed Natural Gas: Facilities and Grounds Manager John Cattles presented the agreement to the Board. The agreement is to purchase fuel for 10 years with three year terms with targets. He stated there would be penalties if the targets are not met. After the initial three years, the county would need commitments from other entities to purchase fuel. He explained the risk of 65% of the $1.43 compression fee if the County fails to purchase the target fuel amounts. The County has agreed to engineer the infrastructure for the fuel station to insure it would fit County needs. He stated that the station would potentially be operational in four months. Gunnison Tire has been identified as a potential site and is working on a lease agreement with Trillium.
Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Fuel Purchase Agreement; Trillium Transportation Fuels, LLC, a Delaware Limited Liability Company, dba Trillium CNG; Compressed Natural Gas. Motion carried unanimously.

Break: At 9:51am the Gunnison County Board of County Commissioners took a recess in order to call to order as the Gunnison County Board of Equalization (see below).

Gunnison County Board of Equalization: Gunnison County Assessor Kristy McFarland, Senior Assessment Analyst William Spicer, and Deputy County Attorney Gretchen Stuhr were present for discussion.

CALL TO ORDER: Chairperson Swenson called the meeting to order at 9:51am

Assessment Roll of Taxable Real and Personal Property: County Assessor Kristy McFarland presented the assessment roll. There are 131 protests for real property and 11 protests for personal property. The approximate assessed value for Gunnison County is $540,500,000 for real property and $53,500,000 for personal property for a total of $594,000,000.

2016 Protest Master Log: County Assessor Kristy McFarland presented the master log which shows everyone who has protested with the decisions.

2016 Failure to Report Personal Property Log: County Assessor Kristy Mcfarland presented the list of businesses who failed to report personal property.

Moved: by Commissioner Chamberland, seconded by Commissioner Houck to accept the reports as presented. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:55 am.

The Gunnison County Board of County Commissioners Meeting was called back to order at 9:55am.

RMD #2 Tax Abatement Hearings: County Assessor Kristy McFarland, Senior Assessment Analyst William Spicer, and Deputy County Attorney Gretchen Stuhr presented the RMD #2 Hearings. DCA Stuhr stated there has been 168 petitions filed for the 2013/2014 tax years. There is an agreement between the Board and RMD #2 that RMD#2 will pay the abatements along with interest. She presented a notice the Chair that would be presented to RMD #2 to notify where and how much to be paid. SAA Spicer explained a small number of discrepancies. Account number R043230 petitioned for the 2013/2014 tax years. The Board has already heard the petition for 2013 and denied it. For account number R043559, petitions for the 2013/2014 tax years has been received from two different property owners. SAA Spicer suggested that the Board approve the 2013 petition and deny the 2014 petition for Ewing Family Investments, and to deny the 2013 petition and approve the 2014 petition for Kevin Sanderford. SAA Spicer stated the following accounts failed to timely protest for 2013; R070949, R043241, R043686. County Attorney David Baumgarten suggested that the Board revisit account R043230 and reconsider.
Moved: by Commissioner Chamberland, seconded by Commissioner Houck to authorize the Chairperson's signature on the notices once available. Motion carried unanimously.

Litigation Update; Possible Executive Session: The Board entered executive session pursuant to C.R.S. 24-6-402(4)(b) Conference with County Attorney; Attorney client privilege. **Moved** by Commissioner Chamberland, Seconded by Commissioner Houck to enter the Executive Session at 10:04am. Motion carried unanimously.

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The board went into executive session at 10:04 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____ _____

Paula Swenson, Chairperson
Gunnison County Board of Commissioners

The Board returned from executive session at 10:35am and stated no decisions were made and directed the County Attorney to continue with negotiations.

Potential Sheriff Contracts; possible executive session pursuant to C.R.S. 24-6-402(4)(e)(I) for the purposes of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations pursuant to C.R.S. 24-6-402(4)(e)(I); and instructing negotiators; C.R.S. 24-6-402(4)(b) Conference with County Attorney: Moved by Commissioner Chamberland, seconded by Commissioner Houck to enter the executive session at 10:37am. Motion carried unanimously.

The board went into executive session at 10:37 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b) and (e)(I).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and (e)(I) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____ _____

Paula Swenson, Chairperson
Gunnison County Board of Commissioners

The Board returned from executive session at 11:13am and stated no decisions were made and direction had been given to staff.

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

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ADJOURN: Moved by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:13 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Josh Ost, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

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GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO RESOLUTION NO: 2016-34
A RESOLUTION VACATING A PORTION OF OLD COUNTY ROAD 3,
LYING WITHIN SECTION 20, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 5TH P.M., GUNNISON COUNTY, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("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 received a request to vacate a portion of Old County Road 3 lying within Section 20, Township 11 South, Range 88 West, 5th p.m., Gunnison County, State of Colorado described as follows:

> A 15 FOOT WIDE GUNNISON COUNTY ROAD RIGHT-OF-WAY SITUATED IN SECTION 20, TOWNSIP 11 SOUTH, RANGE 88 WEST OF THE 5th PRINCIPAL MERIDIAN, AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
>
> > BEGINNING AT A POINT WHENCE A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR THE EAST 1/4 CORNER OF SAID SECTION 20 BEARS S 70°06'05"E 1042.27 FEET; THENCE S 69°51 '40"E 90.25 FEET; THENCE S 69°21'47"E 287.37 FEET; THENCE S 53°51'39"E 8.49 FEET WHENCE SAID EAST 1/4 CORNER BEARS S 70°39'53"E 655.56 FEET; and

WHEREAS, the vacation of the above described portion of Old County Road 3 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 the above described portion of Old County Road 3; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following described portion of Old County Road 3 shall be and hereby is vacated:

That portion of Old County Road 3 lying within Section 20, Township 11 South, Range 88 West, 5th p.m., Gunnison County, State of Colorado described as follows:

> A 15 FOOT WIDE GUNNISON COUNTY ROAD RIGHT-OF-WAY SITUATED IN SECTION 20, TOWNSIP 11 SOUTH, RANGE 88 WEST OF THE 5th PRINCIPAL MERIDIAN, AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
>
> > BEGINNING AT A POINT WHENCE A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR THE EAST 1/4 CORNER OF SAID SECTION 20 BEARS S 70°06'05"E 1042.27 FEET; THENCE S 69°51'40"E 90.25 FEET; THENCE S 69°21'47"E 287.37 FEET; THENCE S 53°51'39"E 8.49 FEET WHENCE SAID EAST 1/4 CORNER BEARS S 70°39'53"E 656.56 FEET.

It is the specific intent of the Board that the vacation of the above described portion of Old County Road 3 shall accrue to and vest in the record owners of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until it is recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 6th day of September, 2016.

Swenson—Yes Chamberland—Yes Houck--Yes

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY

RESOLUTION NO. 2016-35

A RESOLUTION APPROVING RELINQUISHMENT OF A LAND USE CHANGE PERMIT AND RELEASING AND TERMINATING
A CERTIFICATE OF MINOR IMPACT APPROVAL

WHEREAS, Trappers Crossing at Crested Butte Association, a Colorado non-profit corporation ("Association"), owns Lot 33A, TRAPPERS CROSSING AT WILDCAT, according to the Amended Plat recorded October 30, 1992 at Reception No. 438144 and the Boundary Line Adjustment Map recorded August 17, 2001 at Reception No. 513452, County of Gunnison, State of Colorado ("Lot 33A"); and

WHEREAS, Association acquired Lot 33A from Pillow Rock financial, LLC, an Indiana limited liability company, by Bargain and Sale Deed recorded June 21, 2016 at Reception No. 640070 in the office of the Gunnison County Clerk and Recorder; and

WHEREAS, on March 18, 2016, at Reception No. 638478 in the office of the Gunnison County Clerk and Recorder, Gunnison County recorded a Certificate of Minor Impact Approval granting Pillow Rock financial, LLC, a Land Use Change Permit for a mountain biking trail on Lot 33A; and

WHEREAS, as a document recorded before the Association acquired Lot 33A, the Certificate of Minor Impact Approval encumbers and is appurtenant to the Association's interest in Lot 33A; and

WHEREAS, the Association has relinquished the Land Use Change Permit represented by the foregoing Certificate of Minor Impact Approval;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Resolution of Trapper's Crossing at Crested Butte Association attached hereto is hereby approved and the Certificate of Minor Impact Approval recorded March 18, 2016 at Reception No. 638478 in the office of the Gunnison County Clerk and Recorder is hereby released, terminated and rendered null and void.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck and adopted on this 6th day of September, 2016.

Swenson—Yes Chamberland—Yes Houck--Yes

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BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2016-36

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2015-00039
A LAND USE CHANGE PERMIT FOR MOON RIDGE RANCH, LLC
FOXTROT SUBDIVISION
SE1/4 SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M.

WHEREAS, Moon Ridge Ranch, LLC, represented by Jenny Knox and David Leinsdorf, submitted a land use change application for the subdivision of 13.23-acres into four single-family residential lots, ranging between 2.54 and 3.75-acres each. Water for each residence will be provided by connection to the Saddle Ridge Ranch Estates Water Company and wastewater will be treated by "state-of-the-art" "AdvanTex" design on-site wastewater treatment systems (OWTS). Access to the lots will be via Moon Ridge Lane and a new road, "Foxtrot Trail"; and

WHEREAS, after a review of the information, documentation and substantial public testimony related to it, the Gunnison County Planning Commission did, after joint public hearings, on July 15, 2016 unanimously approve a Recommendation with certain Findings and Conditions:

FINDINGS:

1. The Commission has classified the application as a Minor Impact Project, based upon the impact classification found in Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units.

2. The Commission finds that requirements for future sewer line connection of the development to an existing, available central sewer line have been addressed in the Conditions of Approval and as a requirement for inclusion in the Declaration of Protective Covenants Foxtrot Subdivision. The conditions were crafted to provide protection of water quality in the upper East River Valley, with respect to the 201 Study, the IGA, the Land Use Resolution, and State law.

3. The Commission finds that the implementing the recommendations from the Colorado Parks and Wildlife are appropriate to minimize and mitigate human-wildlife conflicts.

4. The applicant has represented that each lot will be served by a higher technology on-site wastewater treatment system, referenced as an Orenco Systems "AdvanTex" system, providing a higher level of domestic wastewater treatment. It is appropriate that installation of an Orenco Systems "AdvanTex" system or a comparable treatment level system for on-site wastewater treatment system is a condition of this approval.

5. The land use change complies with all applicable requirements of the Gunnison County Land Use Resolution and Section 6-10: Standards of Approval for Minor Impact Projects.

6. This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

CONDITIONS:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.

2. The following shall be required for future central sewer line connection as a condition of this approval and that such language shall be incorporated into the Declaration of Protective Covenants of Foxtrot Subdivision.

   (1) At such time as the rules, regulations or requirements of Gunnison County require that the lots within Foxtrot Subdivision be connected to the Town of Crested Butte wastewater treatment system or a sanitation district central sewer system capable of providing sewer service to Foxtrot Subdivision, the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, subject to all of the following conditions:

   a. The Town of Crested Butte or other central sewer system operator has sufficient capacity, is ready, willing and able to provide sewer service to Foxtrot Subdivision and an existing, available central sewer line is located within 400 feet of Foxtrot Subdivision; and

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b. (1) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and one or more On-site Wastewater Treatment Systems (OWTS) exist within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost, compared to the then existing On-site Wastewater Treatment Systems. This determination shall include but not be limited to consideration of:

(1)the remaining expected life span of the existing OWTS systems;
(2)cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;
(3)permits (e.g. 404) required for connection;
(4)availability of physical and legal access between the subdivision and the sewer line;
(5)modification of water right decrees associated with the existing discharges; and
(6)technical feasibility of a connection.
(7)cost of a required pump station compared to gravity flow
(8)in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

OR

b. (2) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and no On-site Wastewater Treatment System exists within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost. This determination shall include but not be limited to consideration of:

(1)cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;
(2)permits (e.g. 404) required for connection;
(3)availability of physical and legal access between the subdivision and the sewer line;
(4)modification of water right decrees associated with the existing discharges; and
(5)technical feasibility of a connection.
(6)cost of a required pump station compared to gravity flow
(7)in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

3. The applicant shall submit a final copy of the Declaration of Protective Covenants Foxtrot Subdivision prior to Board approval.

4. Lot owners shall install an Orenco Systems “AdvanTex” Treatment Unit (OWTS) or a comparable on-site wastewater treatment system (OWTS) that provides a level of wastewater treatment equal to TL3N, pursuant to the Gunnison County On-site Wastewater Treatment System Regulations.

5. Residents shall not chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The use of bear proof trash containers shall be required to avoid human - bear conflicts. Residents shall use “wildlife friendly” fencing within the development, as identified by the Colorado Parks and Wildlife.

6. The applicant shall provide engineered construction plans and cost estimates for the new access road improvements, certified by a Colorado licensed professional engineer, prior to approval by the Board. The plans and costs shall be reviewed and approved by the Gunnison County Public Works Department.

7. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board, addressing the construction plans for the new access road. The Board Resolution shall not be recorded until this condition is fulfilled.

8. A performance bond, letter of credit or other means of surety, acceptable to the Board shall be required to cover the cost of the improvements, as identified on the construction plans, plus 25 percent; such cost estimate as provided by the applicant’s engineer, and that said surety is retained by Gunnison County. The Board Resolution shall not be recorded until this condition is fulfilled.

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9. A mylar subdivision plat, in compliance with Section 6-105, Gunnison County Land Use Resolution, shall be provided to the Community Development Department, for signature by the Board. Approval shall not be effective until the Board Resolution and Subdivision Plat is recorded with the Office of the Gunnison County Clerk and Recorder.

10. The applicant shall record the Declaration of Protective Covenants Foxtrot Subdivision contemporaneously with the Plat of Foxtrot Subdivision.

11. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

12. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

13. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

14. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2015-00039, Moon Ridge Ranch, LLC, Foxtrot Subdivision, is approved as a Minor Impact Project, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and passed on this 6th day of September, 2016.

Swenson—Yes Chamberland—Yes Houck--Yes

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2016-37

A RESOLUTION ADOPTING THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT AIR SERVICE INCENTIVE POLICY

WHEREAS, it is the desire and will of the Board of County Commissioners of the County of Gunnison, Colorado and the Gunnison-Crested Butte Regional Airport to offer an air carrier incentive program to enhance air carrier service at the Gunnison County Airport and to further create an opportunity to increase air and passenger traffic to support long-term growth at the Gunnison County Airport; and

WHEREAS, it is purpose of the instant Air Service Incentive Policy to establish and implement a responsible, and non-discriminatory air carrier incentive program that complies with the Federal Aviation Administration rules, regulations, and policies pertaining thereto; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado has reviewed the Air Service Incentive Policy and in support of the plan's success, commit to the measurable goals, objectives, strategies, implementation and assessing of results identified in the Air Service Incentive Policy; and

WHEREAS, it would be in the best interest of the residents of Gunnison County to pursue and adopt an Air Service Incentive Policy to support and sustain air and passenger traffic to further support long-term growth at the Gunnison County Airport.

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NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the Board shall and hereby does support and adopt the Gunnison-Crested Butte Regional Airport Air Service Incentive Policy identified in Appendix "A" attached hereto and incorporated herein.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 6th day of September, 2016.

Swenson—Yes Chamberland—Yes Houck--Yes

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