

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 20, 2012**

The March 20, 2012 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
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 8:32 am. Deputy County Attorney Art Trezise was present for discussion during the entire meeting, with the exception of 9:00 until 9:45 am because he had a previously scheduled meeting to attend.

AGENDA REVIEW: There were no changes to the agenda.

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

1. Out-of-State Travel Request; Gunnison-Crested Butte Regional Airport Employees; Aircraft Rescue Fire Fighter (ARFF) Recertification School; Helena, MT and San Bernardino, CA; \$14,320
2. Oracle America, Inc. Public Sector Technical Support Services Agreement; \$1,161.48
3. Ratification of Correspondence; Ms. Shannon Borders, Bureau of Land Management; Southwest Resource Advisory Council Nomination Support for Phil Chamberland and Dale Irby
4. Second Amendment to the Gunnison County, Colorado Employee Benefit Plan as Amended and Restated Effective January 1, 2010
5. Acknowledgment of County Manager Signature; Region 10 Area Agency on Aging Funding Application; Information and Assistance Services through the Senior Resources Office; \$33,000
6. Acknowledgment of County Manager Signature; Region 10 Area Agency on Aging Funding Application; Senior Transportation Services through the Senior Resources Office; \$22,000
7. CenturyLink™ Line Volume Plan Acknowledgment Form; Three-Year Telephone Service in County Buildings
8. Resolution; Cancelling Erroneous Tax Sale
9. Draft Regular Meeting Minutes; 2/21/12

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Western State College Foundation Bond Refinancing. County Manager Birnie informed the Board that the WSC Foundation would like to refinance approximately \$6,000,000 in bonds. The County retained Dee Wisser to serve as bond counsel, and the costs will be paid by the Foundation. The Board agreed to proceed with scheduling the necessary Public Hearing for 4/17/12.
2. Gas Well Inspection Agreement Update. County Manager Birnie informed the Board that he and County Attorney David Baumgarten agree on the language within the agreement that was discussed at the Oil and Gas Task Force meeting held the week prior. Conversations are ongoing.
3. Final Ennovate Measurement and Verification Report. County Manager Birnie informed the Board that the report shows significantly greater cost savings and reduction of carbon dioxide (14.9%) than what was originally predicted (13%), which is the equivalent of taking 53 cars off the road each year. All data is tracked through Planet Footprint. The Board recommended that County Manager Birnie issue a press release.
4. Larkspur Essential Housing Lot. County Manager Birnie requested guidance from the Board regarding Mr. Brian Riepe's available lot since Gunnison County Housing Authority Executive Director KT Gazunis recommended that the County not purchase it. He asked if the Board would be interested in revising the deed restriction on the property, and it was thought that Mr. Riepe may need to work this issue out with his homeowners association. County Manager Birnie will continue to investigate the deed restriction options. The Board agreed not to purchase the property, and County Manager Birnie will inform Mr. Riepe of the Board's decision.

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

1. Ohio City Town Hall Update. Facilities and Grounds Supervisor Rich Corbett and County Paralegal Rachel Magruder were present for discussion. Assistant County Manager Crosby informed the Board that a Request for Proposals (RFP) was issued for architectural and engineering services, and that a historic assessment was completed. Five proposals were received last week, two of which were from local firms, ranging in price from \$3,450 to \$25,804. The two local architects were Jody Reeser with a bid of \$9,000 and Ben White with a bid of \$3,450. Assistant County Manager Crosby recommended taking the lowest bid and contracting with Ben White. Since the

project has a total budget of \$7,000, the County will pay for Mr. White's contract and then possibly pursue a grant in the fall for the other costs associated with the project. The structure received a historical building designation from the County, and this designation is recognized by the State. The Board expressed satisfaction with how the project is going.

2. Gold Basin Road Weight Restriction. Similar to last year, Assistant County Manager Crosby requested that a 10-ton weight restriction be imposed on the road from 3/21/12 through 5/15/12. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2012-11, a Resolution Imposing a Temporary Weight Restriction for a Portion of County Road 38, Also Known as Gold Basin Road, and authorize signatures. Motion carried unanimously.
3. Projects Update: South Parlin Flats Bridge and Riverwalk Trail. Assistant County Manager Crosby informed the Board that the County has federal, state and local funding available for these projects, and that both projects are being administered by the Colorado Department of Transportation (CDOT). Following CDOT's procedures, an Intergovernmental Agreement (IGA) must be executed, which could take up to six months, before an RFP can be issued for engineering services. She explained that the County's match money is being considered state money, which is problematic. The bridge project was initially estimated to cost approximately \$478,000, but the cost should be much lower now. The trail project was estimated to cost \$397,000. Also problematic with CDOT's procedures is the fact that the County would not be able to request price quotes during the RFP process, which could take an additional six months to complete, as the selection would be based strictly on qualifications alone. Because of these limitations, she asked the Board for authorization to pay for the engineering and initiate a County RFP while the IGA is being developed. She noted that, while this alternative does carry some risk, she feels that the cost savings will offset any risk while saving up to six months time. The Board agreed to allow her to proceed as requested.
4. Pro Challenge Bike Race Update. Assistant County Manager Crosby informed the Board that she has been regularly attending the planning meetings. She explained that two issues have come up that will require more thought by the planning committee.
 - a) First, the riders will come into town and loop around WSC in an effort to help with exposure to the college, but the road is in bad shape. The Gunnison City Council has approved a section of road work, and the City is willing to work with WSC to find an affordable solution. Assistant County Manager Crosby stated that she may request the use of County funds after the City and WSC have found an affordable option.
 - b) Second, a decision will need to be made about where to locate the band that will be playing music on the pass-through night. Locating the band at Legion Park would take people away from the downtown area with the restaurants. Webster Hall and IOOF Park are also being considered as possible locations, so Assistant County Manager Crosby asked the Board about the possibility of using the courthouse lawn. The Board expressed concern related to cleanup and possible rehabilitation costs to the lawn. Facilities and Grounds Supervisor Corbett has also expressed concern about the electrical power usage if the lawn is used.
5. Inspection of Minor Bridge Structures. Assistant County Manager Crosby stated that other counties have sent their employees to inspection classes at Texas A&M. To save costs, she had an engineering firm perform the class for 15 employees last week. She stated that the class was excellent and a major step toward one of her department's strategic goals.
6. Chainless Bike Race on Kebler Pass. Assistant County Manager Crosby informed the Board that the Crested Butte Chamber of Commerce is working to make this event much more controlled and safe. She asked for approval to proceed with discussions. The Board agreed and asked her to bring the agreement for signature when ready.

COUNTY FACILITY USAGE FEES: Assistant County Manager Crosby, Community Development Department Director Joanne Williams and Facilities and Grounds Supervisor Corbett were present for discussion.

Community Development Department Director Williams reminded the Board that this issue was discussed during a work session in February. The impetus for this request is related to damage to the rooms, wear and tear on furniture, and the use of staff time for assistance. As well, the cleaning crew has witnessed members of the public walking in the buildings during the evening hours at times when no one should be present. Thus, the request was expanded to disallow the public use of all County facilities except the Gunnison County Fairgrounds during evening hours.

Historically, the public has been afforded the use of many County facilities at no charge. Community Development Department Services Manager Beth Baker provided a cost comparison relative to other local facilities and the fees charged to use those facilities. Any fees collected for the use of County facilities would be deposited into the general fund.

Citizen Ramon Reed opined that the suggested fees may be excessive for non-profit entities. The Board argued that offering free meeting space has essentially placed a burden on the County, and that the burden is no longer something that the County can bear. This is especially true since the detention center staff no longer checks the courthouse doors in the evening.

The Board requested that staff create a policy for possible adoption by the Board during a future meeting. That policy will outline fees of \$20 per hour with a maximum of \$100 per day, not allowing evening meetings in the office buildings unless the meeting supports a County board, commission, or program.

WARRANTS AND TRANSFERS: Finance Director Linda Nienhueser presented the Warrant Report dated March 20, 2012 and the Cash Transfer Authorization dated February 2012 for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the warrants for March 20, 2012 in the amount of \$867,792.46. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Cash Transfers for February 2012 in the amount of \$1,505,525.28. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Melody Marks presented the Treasurer's Monthly Report for February 29, 2012 and an Investment Report dated the same for discussion and acceptance. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to accept the Treasurers' monthly report for February 29, 2012 and authorize the Chairperson's signature. Motion carried unanimously.

BREAK: The meeting recessed from 10:12 until 10:18 am for a short break, from 10:18 until 10:30 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes), and then from 10:31 until 11:30 am in order to call to order as the Gunnison County Board of Health (see minutes below).

GUNNISON COUNTY BOARD OF HEALTH MEETING: County Medical Officer Dr. John Tarr, Health and Human Services Director Renee Brown and Public Health Director Carol Worrall were present for discussion.

CALL TO ORDER: Chairperson Channell called the meeting to order at 10:31 am.

ACKNOWLEDGMENT OF OFFICERS, PUBLIC HEALTH DIRECTOR AND COUNTY MEDICAL OFFICER FOR 2012: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland that the Chairperson is the (BOCC) Chairperson, the Vice-chairperson is the (BOCC) Vice-chairperson, the Public Health Director is Carol Worrall, and the County Medical Officer is Dr. John Tarr. Motion carried unanimously.

DESIGNATE 2012 MEETING DATES AND TIMES: **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to designate quarterly meetings on the third Tuesday of the month at 10:30 am. Motion carried unanimously.

DESIGNATE 2012 AGENDA POSTING LOCATIONS: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to make the posting locations the same as they are for the Board of County Commissioners. Motion carried unanimously.

PROCLAMATION; INFANT IMMUNIZATION AWARENESS WEEK IN GUNNISON COUNTY; APRIL 21-28, 2012: Public Health Director Worrall informed the Board of her intention to place this proclamation in the newspapers along with Dr. Tarr's letter of support. Dr. Tarr confirmed that the Gunnison Valley Health Board of Trustees unanimously supported the proclamation. Chairperson Channell asked if the schools had taken a position and Public Health Director Worrall agreed to ask the school board to support it. The draft proclamation was discussed and amendments were agreed upon. The Board agreed to approve it as the Board of County Commissioners when that meeting reconvenes.

CORE PUBLIC HEALTH SERVICES RULE (ADOPTED 11/30/2011): The Colorado Department of Public Health and Environment document, effective 11/30/11, was discussed. Public Health Director Worrall confirmed that the County has plans for compliance, or is already in compliance, of the many requirements outlined within the document.

NATIONAL PUBLIC HEALTH WEEK; APRIL 2-8, 2012; PROFESSIONAL NETWORKING EVENT 4/5/12: Public Health Director Worrall explained that National Public Health Week will broadly cover public health issues. The networking event will take place during the evening of 4/5/12.

GUNNISON COUNTY IMMUNIZATION UPDATES AND EVENTS:

1. 2011 Immunization Rate. Public Health Director Worrall distributed a chart showing 2001 through 2012 immunization rates. Gunnison County is currently at 73%, and the highest rate was 2002 with 95%, which excludes the varicella (Chicken Pox) vaccine. Comparatively, the nation ranged between 73% and 80% from 2001 through 2009. The State of Colorado ranged between 58% and 83% from 2001 through 2009.
2. Billing Private Insurance for Children's Vaccines. Public Health Director Worrall informed the Board that the Centers for Disease Control issued a statement saying that, by 1/1/13,

no federally supplied vaccines should be given to people who have health insurance. The cost of the vaccine to uninsured persons will be \$14. Those that have insurance will not be responsible for copays and the Public Health staff will bill the patients' insurance companies. By June, she will have additional information for the Board.

DISEASE PREVENTION AND CURRENT INFLUENZA ACTIVITY; NEED FOR PUBLIC INFORMATION OFFICER; AFTER-HOURS PHONE LINE: Public Health Director Worrall informed the Board that, although influenza activity has been low, there was an event at the end of January in Crested Butte, and the severity of illness was alarming. She anticipated being overwhelmed with phone calls and inquiries and, for this reason, expressed her desire to designate a Public Information Officer (PIO) to handle these types of crisis and collaborate between the Public Health staff and the hospital. County Manager Birnie stated that, during an ICS event, a PIO would be designated. He agreed that a PIO would be helpful during future years, but that this year's budget does not include this type of expense.

EMERGENCY PLANNING RESILIENCE WORKSHOP; 4/16/12: Public Health Director Worrall explained that this workshop is a deliverable of the emergency preparedness contract. All department directors have been invited, and 17 people have already registered.

MULTICULTURAL RESOURCE OFFICE; 2011 ANNUAL REPORT; SUSTAINABILITY ISSUES: Public Health Director Worrall provided copies of the annual report in the packet, which the Board appreciated. Chairperson Channell asked that the future statistics indicate where within the county the clients live. He also asked that the volunteer of the year notice be specific with regard to which entity made the designation. All commissioners complimented the report.

HEALTH PROFESSIONAL SHORTAGE AREA APPLICATION: Dr. Tarr informed the Board that, since Gunnison County has less than one primary care physician for every 3,650 persons, we can be designated as a shortage area. In calculating the population on the application, he arrived at approximately 25,000, which allows for visitors and transients.

WEST CENTRAL PUBLIC HEALTH PARTNERSHIP UPDATE; IMPROVEMENT PLAN; WINNABLE BATTLES; HEALTH PROVIDER SHORTAGE AREA: Due to a shortage on time during the meeting, Public Health Director Worrall simply informed the Board that the group is currently working on winnable-battle strategies.

EARLY CHILDHOOD GOVERNANCE LEGISLATION UPDATE: Public Health Director Worrall informed the Board that amendments have been added to the proposed legislation. The Public Health Director's Association is pleased with the changes and is monitoring the issue closely.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the Gunnison County Board of Health meeting. Motion carried unanimously. The meeting adjourned at 11:30 am. Chairperson Channell then immediately reconvened the Gunnison County Board of County Commissioners meeting.

PROCLAMATION; INFANT IMMUNIZATION AWARENESS WEEK IN GUNNISON COUNTY; APRIL 21-28, 2012: The draft proclamation was reviewed and a minor punctuation change was agreed upon. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adopt the proclamation designating April 21-28, 2012 as Infant Immunization Awareness Week in Gunnison County, as amended. Motion carried unanimously.

AMENDMENT NO. FIVE (5) TO CONTRACT DATED FEBRUARY 23, 2010 BETWEEN JVIATION, INC. AND GUNNISON COUNTY AND THE GUNNISON CRESTED BUTTE REGIONAL AIRPORT, GUNNISON, CO; PASSENGER FACILITY CHARGES; \$8,000: County Manager Birnie explained that the County contracts with Jviation to perform this work and manage the process. Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Jviation contract, Amendment #5, and authorize signatures. Chairperson Channell stated that he would like to reopen a discussion with Airport Manager John DeVore about the cap and whether or not to consider raising it. Motion carried unanimously.

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

1. Ranchers and Sportsmen Together for the Hungry, Inc.; Allen Moores. Mr. Moores informed the Board that the harvest was down this season. A total of 253 people in 119 households were given free meat from October through January, which does not include figures from the Crested Butte food pantry as those statistics were not yet available. He indicated that the group is in good financial standing for the next season, which is why it did not request 2012 funding from the County. He asked that the Board keep the organization in mind as it may return to request 2013 funding. The Board congratulated Mr. Moores on the program's success.

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. Western State College Official Name Change Update. Commissioner Chamberland informed the Board that the WSC Trustees approved of a name change, but that the final name will have to include the words "Colorado", "Western" and "University". Conversations are ongoing and preliminary indications are that "Western State Colorado University" may prevail.

Commissioner Swenson:

1. Gunnison Conservation District Annual Meeting. Commissioner Swenson informed Chairperson Channell that she and Commissioner Chamberland attended this meeting.
2. Housing Authority Advisory Meeting. Commissioner Swenson informed the Board that she and County Manager Birnie attended this recent meeting during which concerns were expressed by members about the future of the Housing Authority.
3. Young at Heart Luncheon. Commissioner Swenson attended this luncheon on 3/16/12 as she was asked to talk about the new health care center; Michelle Campbell made the presentation. The Boomers & Beyond group has relocated to the recreation center, and this arrangement appears to be working very well as the group is already discussing a possible future expansion.

Chairperson Channell:

1. Gunnison County Substance Abuse Prevention Project (GCSAPP) Sustainability. Chairperson Channell informed the Board that GCSAPP is looking into the possibility of imposing a sin tax on tobacco and alcohol purchases. It appears as though the City of Greeley may be doing this for tobacco products sold within the city limits. County Manager Birnie stated his belief that the City of Greeley may be a home rule community and not held to the same laws.
2. Housing Authority Update. Chairperson Channell requested an update from County Manager Birnie, who explained that the local managers had met but that their councils had not yet made any decisions related to support and funding. The City of Gunnison has expressed initial interest and is scheduled to provide direction next week. The Town of Crested Butte is expected to make a decision soon, and the Town of Mt. Crested Butte is concerned about providing financial support because it has suffered large budget hits and its sales tax collections were down 19% in January. The managers discussed the possibility of a three-year commitment to work through the issues. County Manager Birnie stated that he remains open to a formula that allows Mt. Crested Butte to pay less into this effort because it has a lower population with fewer housing units. As well, he does not want the inability to provide financial support to exclude Mt. Crested Butte's participation. He is reviewing some examples of multijurisdictional housing authorities around the state, and he noted that La Plata County appears to be quite similar to Gunnison County. Gunnison County Housing Authority Executive Director KT Gazunis is putting together a fact sheet outlining the services offered, both previously and currently, by the Housing Authority. County Manager Birnie is considering whether or not to begin the process of hiring an executive director, and he will check with the State Division of Housing to see if any resources may be available.

BREAK: The meeting recessed from 11:52 am until 2:08 pm for lunch and to hold a brief work session regarding Local Marketing District funding. Chairperson Channell then immediately reconvened the Gunnison County Board of County Commissioners meeting.

CORRESPONDENCE:

1. Invitation to Join; Colorado Association of Ski Towns (CAST). **Moved** by Commissioner Swenson, seconded by Chairperson Channell to join the Colorado Association of Ski Towns. Motion carried unanimously. The Board agreed to pay for this out of discretionary funds.
2. State Historic Fund; Support for the Town of Crested Butte's Application for Restoration and Rehabilitation of the Depot. The draft correspondence was discussed and modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the letter as amended. Motion carried unanimously.
3. Request for Funding; Gunnison Sage-grouse Festival Committee; \$500. County Manager Birnie informed the Board that, per Gunnison Wildlife Conservation Coordinator Jim Cochran, the Gunnison Sage-grouse Strategic Committee will be providing \$2,800 in funding that was raised last year for the festival, and that the County is going through a federal Bureau of Land Management grant process as a way for the BLM to contribute additional money. **Moved** by Chairperson Channell, seconded by Commissioner Chamberland to approve the request for funding to be paid out of the Board's discretionary fund and then inform the Festival Committee that it may want to request 2013 funding from former financial partners. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; SECTION 17, T49N, R4E, N.M.P.M., HOT SPRINGS CREEK; CHESHIRE: County Planner Cathie Pagano and applicant Connie Cheshire were present for discussion.

County Planner Pagano explained that, if approved, this adjustment would create two tracts, one being 60 acres in size and the other being 19 acres in size. **Moved** by Commissioner Swenson, seconded by

Commissioner Chamberland to approve the Boundary Line Adjustment for the Cheshire boundary and authorize the Chairperson’s signature. Motion carried unanimously.

CENTRAL ROCKIES LAND EXCHANGE: Assistant County Manager Crosby was present for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the agreement and the letter, contingent upon Bear Ranch signing the agreement. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Chairperson Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:25 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2012-10**

A RESOLUTION CANCELLING ERRONEOUS TAX SALE

WHEREAS, at a tax sale held October 23, 2008 the County Treasurer of Gunnison County, Colorado, sold the following described real estate for the 2007 taxes to David Myrick Jr., who was issued Tax Sale Certificate #2008069 for the following described property in Gunnison County:

IMPROVEMENTS ONLY ON PARK SERVICE LAND 49N3W (aka ELK CREEK & LAKE FORK MARINAS)

AND WHEREAS, David Myrick Jr. paid the subsequent taxes and fees, for said property for the years 2008, 2009, and 2010 and endorsed Tax Sale Certificate #2008069 to reflect the same.

AND WHEREAS, said sale was made by mistake or error, the real estate having been assessed wrongfully.

AND WHEREAS, C.R.S. 39-12-111 provides for reimbursement to the purchaser in the amount paid by him in connection with the purchase of such tax lien together with interest from the date of purchase in the event of mistake or erroneous assessment and sale;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Tax Lien Sale Certificate #2008069 issued October 23, 2008, is hereby cancelled and the purchaser, David Myrick, Jr., be reimbursed for \$7587.00, including purchase amount, subsequent taxes, and fees plus interest, which will be refunded from the various funds to which it was originally distributed; except that interest shall be paid from the county general fund as follows:

Gunnison County	1,508.46
RE1J	3,608.74
Colorado River Water CD	29.97
Cemetery	94.73
Gunnison Fire Prot District	712.27
Gunn Co Metro Rec	49.15
Upper Gunn Water CD	<u>292.55</u>

Subtotal	6,295.87
Treasurer's Fees	23.50
Interest from County @ 8%	1,267.63
Check to investor:	<u>7,587.00</u>

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Swenson, and adopted this 20th day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 12-11**

**A RESOLUTION IMPOSING A TEMPORARY WEIGHT RESTRICTION
FOR A PORTION OF COUNTY ROAD 38, ALSO KNOWN AS GOLD BASIN ROAD**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (hereinafter the "Board") has the legal authority to regulate and control the use of certain highways and roads in Gunnison County, Colorado; and

WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions for roads and county property; and

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 38, also known as Gold Basin Road (hereinafter "County Road 38"), that has deteriorated and has caused resource damage; and

WHEREAS, that certain portion of County Road 38 that has deteriorated is located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 38, imposing a temporary road weight restriction of no more than ten (10) tons per vehicle has been recommended for the season beginning March 21 through May 15, 2012 or sooner if conditions allow; and

WHEREAS, imposing a temporary road weight restriction of no more than ten (10) tons per vehicle will not adversely affect health and safety nor will it cause substantial injury to the owner(s) or occupant(s) of adjacent land(s); and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that a temporary road weight restriction of no more than ten (10) tons per vehicle shall be and hereby is imposed on that certain portion of County Road 38 located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line from March 21, 2012 through May 15, 2012, or sooner if conditions allow.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20th day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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