AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft BOCC Minutes; 3/17/2015

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Attached are the draft 3/17/2015 meeting minutes for consideration

Fiscal Impact: None

Submitted by: Bre Shelton **Submitter's Email Address:** bshelton@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 3/25/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 4/7/2015 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 17, 2015

The March 17, 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
Breanna Shelton, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:29 am.

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

MINUTES APPROVAL:

1. 2/17/15 Regular Meeting; Chairperson Swenson was not in attendance for the 2/17 meeting so she will not vote on this set. Commissioner Chamberland had the following corrections:
    - Minutes approval section; RTA Transportation Authority Board should reflect that Chairperson Swenson and Commissioner Houck are equal appointments, not Commissioner Chamberland. **Moved** by Commissioner Chamberland to approve the Board Minutes of 2/17 as amended. Motion carried.
1. 2/24/15 Special Meeting; **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve meeting minutes from 2/24/15 as presented. Motion carried unanimously.
2. 3/3/15 Regular Meeting; Commissioner Chamberland had the following changes:
    - Remove one of the "this summer" references on the third page, bullet #3 of the 3/3 minutes.
    - Page 5: change the amount of gallons to 200,000/year or 2,000/month. **Moved** by Commissioner Chamberland to approve the Board Minutes of 3/3 as amended, seconded by Commissioner Houck. Motion carried unanimously.

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

1. Governmental Equipment Lease-Purchase Agreement; Caterpillar Financial Services Corporation; Resolution to Lease, Purchase and/or Finance Equipment – Model 324EL Caterpillar Hydraulic Excavator; $231,315
2. Acknowledgment of County Manager Signature; First Amendment to the Gunnison County, Colorado Employee Medical Benefit Plan as Amended and Restated, Effective January 1, 2014
3. Grant Acceptance Letter; Temple Hoyne Buell Foundation; Kids in Care Program; $2,500
4. Acknowledgment of County Manager Signature; GE Johnson Construction Company Contract Change #008; Gunnison County Courthouse Project; $21,107
5. Colorado Justice Assistant Grant 2015 Application; Gunnison County Juvenile Services Department; Restorative Justice Project; 10/1/15 thru 9/30/16; $29,804
6. Out-of-State Travel Request; 2015 National Association of Government Web Professionals Conference; Albuquerque, NM; Assistant to the County Manager; 9/20/15 thru 9/25/15; $2,162.25
7. Professional Services Agreement; Hilltop Community Resources; Services to the Office of Juvenile Services Regarding High Fidelity Wraparound Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services; 3/17/15 thru 10/1/15; $2,952
8. Ratification of Correspondence; Great Outdoors Colorado; Cranor Ranch Conservation Easement Support
9. Addendum; Trinity Services Group, Inc.; Pay My Jailer Program
10. Search and Rescue Fund End-of-Year Application FY2015; Colorado Department of Local Affairs; $17,421.65
11. Grant Application; State Historical Fund; Phase II – Interior and Exterior Rehabilitation of the Ohio City Town Hall; Projected Project Cost $119,734.37
12. Additional Services Fee Request for Construction Administration Services for the Ohio City Town Hall Foundation Stabilization & Rehabilitation, Phase 1; Ben White Architecture; $510
13. Letter of Support; Bureau of Land Management; Oh Be Joyful Campground Fee Proposal
14. Affiliate Airline Operating Agreement; Gunnison-Crested Butte Regional Airport; Trans States Airlines; 4/1/15 thru 10/31/15
15. Proposal and Construction Contract; Marine Diving Solutions; Dos Rios Clearwell Renovation Project; $18,485
16. Region 10 Area Agency on Aging Funding Application; Gunnison County Senior Resources Office; Senior Transportation; 7/1/15 thru 6/30/17; $20,000
17. Region 10 Area Agency on Aging Funding Application; Gunnison County Senior Resources Office; Senior Resources Office Operating Costs; 7/1/15 thru 6/30/17; $55,211

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SCHEDULING:

1. 2015 County Board of Equalization Hearing Dates. Commissioner Chamberland would like to avoid scheduling on 7/31, if possible, and we're skipping 7/23 and 7/30 unless we need those dates. Commissioner Chamberland will be gone April 17th. Commissioner Houck will be gone July 13th-17th. The Board agreed to set aside 10 days for potential hearings. Dates are as follows:

    - July 20: 8:00am – 5:00pm in the BOCC Boardroom
    - July 21: 1:00pm – 5:00pm in the BOCC Boardroom
    - July 22: 8:00am – 5:00pm in the BOCC Boardroom
    - July 24: 8:00am – 5:00pm in the BOCC Boardroom
    - July 27: 8:00am – 5:00pm in the BOCC Boardroom
    - July 28: 8:00am – 12:00pm in the BOCC Boardroom
    - July 29: 8:00am – 5:00pm in the BOCC Boardroom
    - July 31: 8:00am – 5:00pm in the BOCC Boardroom
    - August 3: 8:00am – 5:00pm in the BOCC Boardroom
    - August 4: 1:00pm – 5:00pm in the BOCC Boardroom
    - August 5: 8:00am – 5:00pm in the BOCC Boardroom
2. The Upcoming BOCC Meetings Schedule was discussed and updated.

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

1. Open House for Courthouse; Since the County is scheduled to receive the Temporary Certificate of Occupancy on May 15th, the same date that was tentatively set for the open house celebration, the open house was rescheduled to 5/29 from 5:00pm – 7:00pm in order to allow sufficient time for preparation.
2. Update on Budget for Courthouse; there will be an additional $20,000 (approximately) expenditure on an upcoming agenda item for the GE Johnson change order. The stain issue was resolved and the stain color was accepted.
3. Support Letters for Congressman Tipton; once the letters are done, we will use signature stamps and distribute. The BOCC will then ratify the letters on a future agenda.

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

1. Design Review Committee Approval of Building Plans; Gunnison Basin Industrial Park; Leasehold 6; B.A.M.P., LLC; Deputy County Manager Crosby suggests that they not use the black trim, but rather use a color to match the buildings around it (Copper Color). **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the design for the Frito Lay Building as amended. Motion carried unanimously.
2. Design Review Committee Appointments; Gold Basin Industrial Park; The county will be one member of the three-member panel. Deputy County Manager Crosby recommends the others will be BAMP who will have representatives Dan McKenna and Lou Costello. **Moved** by Commissioner Houck to appoint the new Design (Review) Committee for the Gold Basin Industrial Park for the Design Review Committee requirements to be a representative from BAMP, a representative from CCCenter Seven, and Deputy County Manager Crosby be the Public Works Director be the designee for Gunnison County. Seconded by Commissioner Chamberland. Motion carried unanimously.
3. Standard Agreement for Professional Services; DOWL; Construction Materials Testing for Gunnison Whitewater Park; this is for testing services at the Whitewater Park. Deputy County Manager Crosby stated the contractor has to have the materials tested before placing the rock, and all liability will be waived. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the contract with DOWL. Motion carried unanimously.
4. Release of Development Improvements Agreement Security; West Elk Properties, LLC; Fairway Lane Bicycle Trail; $73,656.32; Deputy County Manager Crosby proposed to Mark Lucas Construction that they allow the County to keep $5,000 of their Development Improvement Agreement funds to use to buy materials and provide the labor and equipment to shoulder a portion of Fairway Lane. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to release $68,656.32 of the DIA and retain $5,000 for gravel building of shoulders from the intersection from the West Elk Properties, LLC for the bike path construction on Fairway Lane. Motion carried unanimously.
5. Somerset Sewer Update; A meeting is scheduled for Thursday, March 19th at 2:00pm regarding the increased sewer fees. Chairperson Swenson suggests that if the meeting does not come to a resolution, that the issue should be scheduled for a BOCC Meeting.

CORRECTIVE PLAT - BOUNDARY LINE ADJUSTMENT; LOTS 1 AND 4, REPLAT OF MOUNTAIN MEADOWS SUBDIVISION AND PARCEL B, FISHER SUBDIVISION: Assistant Community Development Director Neal Starkebaum was present for the discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck for approval of the corrective plat – boundary line adjustment; lots 1 and 4, re-plat of Mountain Meadows Subdivision and Parcel B, Fisher Subdivision to remove the water portion. Motion carried unanimously.

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AGREEMENT FOR COOPERATIVE WILDFIRE PROTECTION; STATE OF COLORADO DEPARTMENT OF PUBLIC SAFETY: Emergency Manager Scott Morrill was not present for the discussion. County Manager Matthew Birnie stated there is a risk involved with this agreement, but that it would give the County access to emergency help. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck for approval of the Agreement for Cooperative Wildfire Protection; State of Colorado Department of Public Safety and Gunnison County. Motion carried unanimously.

PLANNING COMMISSION RECOMMENDATION; TOMICHI PIT SAND AND GRAVEL OPERATION; TOMICHI MATERIALS, LLC / GUNNISON VALLEY PARTNERS, LLC; AMENDMENT TO LUC #2012-10; RESOLUTION APPROVING AN AMENDMENT TO LAND USE CHANGE PERMIT NO. 2012-10, TOMICHI PIT SAND AND GRAVEL OPERATION, GUNNISON VALLEY PROPERTIES, LLC: Assistant Community Development Director Starkebaum and Clay Varra were present for the discussion. The Planning Commission took action during their meeting last Friday. **Moved** by Commissioner Houck for approval of Resolution #2015-07 approving an amendment to Land Use Change permit No. #2012-10, Tomichi Pit Sand and Gravel Operation, Gunnison Valley Properties, LLC, seconded by Commissioner Chamberland. Motion carried unanimously.

PETITION FOR ABATEMENT OR REFUND OF TAXES; WILLIAM E. PISKE, JR.; 4 APPALOOSA RD OR LOT 45, WILDHORSE AT PROSPECT; TAX YEAR 2013: William E. Piske was not present for discussion, he was called for a phone conference at 9:30am. Senior Assessment Analyst William Spicer was present for the phone conference, and stated that the Assessor's Office is bound by statute and has no opinion on the additional 50 mills levied. County Manager Birnie also informed Mr. Piske that there was a court decision and the mill levy was upheld. County Attorney Baumgarten stated that the matter was currently being briefed in the Colorado Court of Appeals. Commissioner Swenson stated that the County is bound by the District Court's opinion. Senior Assessment Analyst Spicer and County Attorney Baumgarten suggested that Mr. Piske formally follow the appeal process to the Board of Assessments and Appeals. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck Commissioner Houck to deny Mr. Piske's appeal for abatement or refund of taxes. Motion carried unanimously.

PETITION FOR ABATEMENT OR REFUND OF TAXES; JAMES D. SMESSAERT; 112 BEAR SCRATCH ROAD, MT. CRESTED BUTTE, CO 81225; TAX YEAR 2013: James Smessaert was not present for discussion. Senior Assessment Analyst Spicer was present and stated that Mr. Smessaert acquired the property through foreclosure and he had to right to file for abatement. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck for denial of Mr. Smessaert's appeal due to court rulings. Motion carried unanimously.

PETITION FOR ABATEMENT OR REFUND OF TAXES; JAMES C. WHITE, ETAL; LOT 16, OVERLOOK AT MT. CRESTED BUTTE; TAX YEAR 2013: James White was not present for discussion. Senior Assessment Analyst Spicer was present and stated that he acquired through foreclosure. Mr. White is appealing the valuation of the property. Senior Assessment Analyst Spicer said according to statute the valued the property was valued appropriately based on relevant sales for 2013. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to deny Mr. White's petition. Motion carried unanimously.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

CALL TO ORDER: Chairperson Swenson recessed the Board of County Commissioners and called the Gunnison River Valley Local Marketing District meeting to order at 10:09 am.

MEMORANDUM OF AGREEMENT; GUNNISON COUNTRY CHAMBER; GUNNISON COUNTRY VISITOR CENTER; 1/1/15 THRU 12/31/15; $25,000: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the MOU between the Gunnison Country Chamber, the Gunnison Country Visitor Center, and the LMD as presented. Motion carried unanimously.

MEMORANDUM OF AGREEMENT; CRESTED BUTTE/MT. CRESTED BUTTE CHAMBER OF COMMERCE / VISITOR'S CENTER; GUNNISON COUNTRY VISITOR CENTER AND GENERAL EVENTS; 1/1/15 THRU 12/31/15; $25,000: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the MOU between Crested Butte and Mt. Crested Butte Chamber of Commerce / Visitor's Center, the Gunnison Country Visitor Center and General Events as presented in cooperation with the LMD. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn as the LMD at 10:13 am. Motion carried unanimously.

BREAK: The Gunnison County Board of County Commissioners meeting recessed from 10:13 am until 10:18 am for a short break.

GUNNISON COUNTY BOARD OF HEALTH: Public Health Director Carol Worrall and Health and Human Services Director Renee Brown were present for discussion.

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CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of Health meeting to order at 10:18 am.

PERTUSSIS OUTBREAK AND RESPONSE: Public Health Director Worrall informed the Board that her office has investigated six cases. With the vaccine, you get a good coverage immediately but it doesn't last more than a year. Public Health Director Worrall stated that as we get older, our immune response to this is sub-par and the shots do not last as long. Adults can spread this to infants which be fatal. In response, her office has sent out notifications to health care providers, informative newspaper articles, and have done special immunization clinics. Because of the activity of Pertussis in CB they have offered a Health Fair. There will be a Health Fair in May in Gunnison.

MEASLES UPDATE AND VACCINATION ACTIVITIES: There have been no cases of Measles in Colorado this year. One case is considered an outbreak. Persons born before 1957 are considered immune to the disease. It costs $54 to get the lab test for Measles and you will need a Dr.'s order. The immunization rate for two year olds is 62.5% in Gunnison County, and the State of Colorado is at 69.2%. One in every thousand cases will be fatal. Along with the Pertussis vaccinations, there have also been special immunization clinics held for the Measles. Western State Colorado University looked into it and told all employees that if they have had a case they must show proof of protection.

DECLARING PUBLIC HEALTH EMERGENCY PROTOCOL: Public Health Director Worrall met with Dr. Tarr and Deputy County Attorney Art Trezise to declare a public health emergency at the local level with an individual who is sick. Public Health can close schools and eliminate large gatherings locally if there is an outbreak. Her office received funding from RAC for almost $32,000 to do more with immunization. An Ebola Supplemental Funding Grant has been made available for $15,000 which can be used towards Emergency Planning Response work and training.

LEGISLATIVE UPDATES:

1. Long-Acting Contraception; Public Health Director Worrall stated that this issue will remain in the house of appropriations until the end of March. The request is for $5,000,000 dollars to be transferred from the general fund to purchase the Long-Acting Contraception.
2. Environment Health Bill; The state legislators are going to have a hearing on Tuesday March 24th and there is a proposal for the Environmental Health Bill to move out of state statute and have the State Board of Health make decisions. Commissioner Swenson said the fees will gives us more local control.

PROGRAM UPDATES:

1. Third Session of Cooking Matters; (partnership with Mountain Roots). They do these events at the Fairgrounds. They are going to reach out to the food bank.
2. Nurturing Parent Classes; these classes are in session and the department is planning to do combination groups as well as home visits. Starting this fall, they are going to re-vamp the program. All of these models will be a span of eight weeks.
3. Hospital; they have started a program called Community Crisis Coalition. There was a Grant offered through the Center for Mental Health for training ER nurses in suicide prevention. They are looking towards training nurses in sexual abuse (SANE).

ADJOURN: The Gunnison County Board of Health meeting adjourned at 10:55 am, and the Gunnison County Board of County Commissioners meeting was immediately called back to order.

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

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

Commissioner Houck:

1. Public Outreach with SPEADMER (Spruce Beetle Epidemic and Aspen Decline Management Emergency Response); There is going to be outreach in the communities to better inform the public. Suggests that WSCU, the County, and HCCA should participate and sponsor a program.
2. Sage-Grouse; Fish and Wildlife Service released a statement about grazing to make sure we don't lose track of grazing opportunities.
3. Colorado Water Plan; The Masters of Environmental Management Program held a meeting with representatives from the City on March 16, 2015 and gave their perspective on water.

Commissioner Chamberland:

1. Pitkin Trails Issue; there was a discussion about the trails they are looking to re-open, in order to make access easier. Commissioner Chamberland is looking to have a meeting and start the process on April 6th or 7th. Commissioner Chamberland will make sure Elaina Hockaday is aware.
2. Resource Advisory Council; Commissioner Chamberland has re-applied for the RAC.
3. EDA Grant; the County received a draft analysis from Better Cities.

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4. Compressed Natural Gas Meeting; process is going to start getting traction fairly quickly. Looking at a $500,000 grant with a private enterprise. Perish Oil is a prospect. Commissioner Chamberland stated that the grant submission deadline is August 17th.
5. Broadband Region 10; there will be a meeting on Friday, March 20th, but Commissioner Chamberland will not be attending.

Commissioner Swenson:

1. Gunnison Valley Rural Transportation Authority (RTA); There will be a vote this fall to switch the busses over to compressed natural gas. The RTA made money on air service in January; summer flights are looking good and the Gunnison-Crested Butte Tourism Association (TA) may promote this. Next year they will be looking to expand the market into the West Coast. There will be an Airport Master Plan discussion at next work session.
2. TA Board; Made a presentation about filling seats and tracked who booked. The chambers are working on a report for a joint proposal and program with Weidner, Inc. about training for businesses and updates around Gunnison Valley.
3. Colorado Workforce Development Council; Commissioner Swenson will attend the meeting this week; working on an education piece. Commissioner Swenson put in a bid to host a meeting.
4. Colorado Counties, Inc. (CCI); Commissioner Houck is going to CCI this week.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the Gunnison County Board of County Commissioners meeting. Motion carried unanimously. The meeting adjourned at 10:55 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Breanna Shelton, 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. 2015-7

A RESOLUTION APPROVING AN AMENDMENT TO LAND USE CHANGE PERMIT NO. 2012-10
TOMICHI PIT SAND AND GRAVEL OPERATION GUNNISON VALLEY PROPERTIES, LLC

WHEREAS, Gunnison Valley Properties, LLC, represented by Ben Langenfeld, Project Engineer, Greg Lewicki and Associates, requested an amendment to the land use change permit approved by the Board of County Commissioners, Board Resolution No. 2014-3, January 7, 2014, recorded with the Gunnison County Clerk and Recorder, Reception No. 625105, January 9, 2014, for the Tomichi Pit Sand and Gravel Operation, to be used for the production of construction materials such as sand, gravel, concrete, and asphalt. This includes the mining pit, internal roads, berms, sediment ponds, processing area, office area, fuel storage, stockpiles, and all other operation related development.

As part of the County approval, berms to provide visual screening of the processing plant area were incorporated into the overall berming/landscaping visual mitigation plan for the project.

This amendment includes the alteration of the berm for the processing plant. In the approved permit, the processing plant berm is 30 feet tall and vegetated with shrubs and a dryland seed mix. The applicant requests to change the details of the berm as follows: reduce the height of the earthen berm to 10 feet tall, and add pine or other conifer trees, of at least 15 feet in height and add aspen trees, of at least 10 feet in height, to

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the berm. The new berm/landscaping plan will provide a functional equivalent to the previously approved berm/landscaping. Additionally, the trees incorporated into the Signal Peak berm will be moved to the top of the berm to increase the berm's effectiveness. Maps showing the proposed changes were submitted by the applicant.

In addition, the applicant proposes to relocate Air/Noise Monitor #1 from the north side of Highway 50 to the south side of the highway, and relocate Air/Noise Monitor #3 from the current location, onto the applicant's property. This will eliminate any issues with access to the monitoring sites. Maps showing the proposed change of locations were submitted by the applicant; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on March 6, 2015 forward a Recommendation of unanimous approval of the requested amendment to the Board of County Commissioners with certain Findings and Conditions:

FINDINGS:

1. The proposed changes to the berm/landscaping for the processing plant area provides a functional equivalent from the original approved berm/landscaping, in providing visual screening/buffering of the processing plant area, as submitted by the applicant, February 27, 2015.
2. Relocation of Air/Noise Monitors #1 and #3 will appropriately place the monitors on the applicant's property, as shown on Map 4.1 – Initial Mining Tomichi Pit, submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates.
3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
4. 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 this application, and as depicted on the site plans 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. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the change in berming and landscaping, identified on the modified berm/landscaping plans: *Map 5.2 - Berm Designs, Landscape Plan – Tomichi Pit, and Landscape Plan 2 – Tomichi Pit,* submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates.
3. A performance bond, letter of credit or other means of surety, acceptable to the Board of County Commissioners, shall be required to cover the cost of the berming/landscaping, as identified on the modified berm/landscaping plans: *Map 5.2 - Berm Designs, Landscape Plan – Tomichi Pit, and Landscape Plan 2 – Tomichi Pit,* submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates; such costs as detailed by the applicant's engineer, and that said surety is retained by Gunnison County.
4. The applicant shall maintain all landscaping at the Tomichi Pit over the life of the operation, including, but not limited to: replanting of dead vegetation (consistent with existing species - height/dbh at time of replacement) and irrigation system maintenance and repairs. And, any other regular maintenance required to ensure the viability of the landscaping, including noxious weed control.
5. No construction of the berms/landscaping shall be permitted until the Development Improvements Agreement is executed.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. These permits 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.
8. 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.
9. Approval of this Plan 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.

AND WHEREAS, the Board of County Commissioners did receive and review the information within the Planning Commission's Recommendation, and considered it in evaluating this application;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the amendment to Land Use Change Permit No. 2012-10, Tomichi Pit Sand and Gravel Operation, is hereby approved, subject to the conditions, as imposed by the Planning Commission;

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 file relative to this application.

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.

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INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and passed on this 17th day of March, 2015.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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