

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 2, 2018**

The October 2, 2018 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner

Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

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

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

MINUTES APPROVAL: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the meeting minutes of 9/4/18 and 9/11/18 as presented. Motion carried unanimously.

1. 9/4/18 Regular Meeting
2. 9/11/18 Special Meeting

CONSENT AGENDA: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Consent Agenda as presented with the exception of Consent Agenda item No. 6. Motion carried unanimously.

1. Resolution; A Resolution Adopting Revised Gunnison County Travel Policy #4.3.6 and Rescinding all Previous Travel-Related Policies
2. Resolution; A Resolution Repealing/Rescinding Previously Adopted Gunnison County Policies
3. Revision; Gunnison County Employee Handbook; October 2, 2018
4. Consulting Agreement; Dr. John Tarr; Medical Consultation for the Public Health Division and Consumer Protection Specialist, and Other Duties of the Gunnison County Medical Officer; 1/1/18 thru 12/31/19; \$1,200
5. Consulting Agreement; Dr. Laura Villaneuva; Medical Consultation for the Gunnison County Public Health Family Planning Program; 1/1/18 thru 12/31/19; \$1,200
6. Grant; Re: Continuation Funding; West Central Public Health Partnership; Colorado Department of Public Health & Environment
7. Ratification of County Manager Signature; Assignment of Ground Lease Agreement
8. Ratification of County Manager Signature; Letter of Consent Initiating Pre-Application Review; Community Development & Gunnison County Electrical Association; Photovoltaic Generation Project
9. Ratification of BOCC Signature; Letter of Support & Funding Match Request Re: Signal Peak/Gunnison Trails

SCHEDULING:

1. There is an RTA meeting scheduled for 10/15/18.
2. The Gunnison County Budget Proposal Presentation will be on 10/15/18 at 1:00 PM.
3. The Marble/Somerset BOCC Work Session is scheduled for Thursday, 10/11/18.
4. The next Mayors and Managers meeting is 10/4/18 at Western State Colorado University.
5. There is a Joint Public Meeting on 10/19/18 with the BOCC and Planning Commission.
6. The next Coal Mine Methane Working Group meeting is 10/31/18.
7. Commissioner Messner will be in Denver 10/19/18 for an informal legislative interim committee meeting.
8. Commissioner Messner will be in Dallas, TX for RTA meetings with American Airlines 11/5/18 – 11/7/18. He will be in Chicago, IL 12/2/18 – 12/4/18 for RTA meetings with United Airlines.
9. The 2018 Colorado Counties, Inc. (CCI) Winter Conference is scheduled for 11/26/18 – 11/28/18.
10. There is a Community Builders Task Force Meeting on 10/18/18.
11. The One Valley Prosperity Project (OVPP) Progress Update is 10/24/18.
12. The meeting to discuss the upcoming work in Little Blue Canyon is scheduled for 10/25/18.

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

1. CM Birnie discussed the International City/County Management Association (ICMA) Conference he attended in Baltimore, MD 9/22/18 – 9/27/18.

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

1. **Resolution; A Resolution Establishing the Schedule of Fees and Rates for Sewer Service within the Dos Rios Division of the Gunnison County Water and Sewer District:**

Moved by Commissioner Messner, seconded by Commissioner Houck to adopt Resolution 2018-

36; A Resolution Establishing the Schedule of Fees and Rates for Sewer Service within the Dos Rios Division of the Gunnison County Water and Sewer District. Motion carried.

2. Grant of Perpetual Easement; North Gunnison Sewer:

Moved by Commissioner Houck, seconded by Commissioner Messner to approve the grant of perpetual easement for the north Gunnison sewer and authorize the Chair signature as presented. Motion carried.

3. DCM Crosby explained that Gunnison County Public Works received a rebate in the amount of \$11,564.91 from Colorado Department of Public Health & Environment (CDPHE) for glass hauling to Miller Coors LLC in Wheat Ridge, CO.

4. DCM Crosby provided an update on parking issues in Marble, CO.

Amended Covenants; Horse Meadows Subdivision:

Neal Starkebaum, Assistant Director of Community & Economic Development was present for the discussion. The request was initiated by Horse Meadows Subdivision Homeowner Association (HOA). The purpose or intent, is to consolidate and make the covenants more concise. Assistant Director Starkebaum indicated that there were no significant changes made to the covenants.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the amended and restated declaration of protective covenants for Horse Meadow Subdivision as presented and authorize Chair signature. Motion carried.

BREAK: The Board took a break at 9:03 am. The meeting resumed at 9:06 am.

Public Hearing; Land Use Resolution Amendments:

Cathie Pagano, Director of Community & Economic Development was present for discussion as well as Assistant Director, Neal Starkebaum.

1. Open Public Hearing. Chairperson Chamberland opened the Public Hearing at 9:06 am.
2. Public Notice Confirmation. Assistant Director Neal Starkebaum 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. Assistant Director Starkebaum explained that this is the annual discussion with the Planning Commission and Staff to identify any proposed changes or amendments to the Land Use Resolution (LUR). Additionally, it is an opportunity to clarify and/or modify existing standards and to eliminate any ambiguities found within the LUR.
5. Applicant Presentation. N/A.
6. Board Questions. Commissioner Messner inquired what the motivation was behind certain LUR changes. Commissioner Messner inquired about the changes pertaining to non-commercial use of a helicopter for access to private property and requested clarification. The Board inquired about the LUR section that pertains to marijuana cultivation, manufacturing or testing. Commissioner Chamberland inquired about the long-term camping permit requirements. Commissioner Messner does not agree with the 180 day long-term camping maximum. In his opinion, property owners should not be limited to 180 days or a 6-month maximum for long-term camping assuming all other health and safety requirements of the County are being met.
7. Public Comments. Chairperson Chamberland opened the Public Hearing to comments at 9:52 am. There were no comments provided.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Chamberland closed the Public Hearing at 9:52 am.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution No. 2018-37; A Resolution Amending the Gunnison County Land Use Resolution. Motion carried, however, Commissioner Messner opposed.

BREAK: The Board took a break at 9:54 am. The meeting resumed at 9:57 am.

Public Hearing; Colorado Retail Liquor License Application; Kebler Corner Liquors LLC:

County Clerk and Recorder Kathy Simillion was present for the discussion.

1. Open Public Hearing. Chairperson Chamberland opened the Public Hearing at 9:57 am.
2. Public Notice Confirmation. Elizabeth Mense, Deputy County Clerk, 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. County Clerk and Recorder Simillion introduced Paul and Emily St. Ruth, the owners of Kebler Corner Liquors, LLC. She explained that site inspection was completed on 9/19/18, and there were no deficiencies at that time. A sign was posted at the time of inspection indicating the time, date and location of the Public Hearing. Since then, no comments have been received via telephone, in-person, through email or the United States Postal Service. Notice of the Public Hearing was placed in both the Gunnison Country Times and Crested Butte News. The license was sent to the State of Colorado and approved.
5. Applicant Presentation. N/A.
6. Board Questions. N/A.
7. Public Comments. Chairperson Chamberland opened the Public Hearing to comments at 10:00 am. There were no comments provided.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Chamberland closed the Public Hearing at 10:00 am.

Moved by Commissioner Houck, seconded by Commissioner Messner to approve the liquor license application for Kebler Corner Liquors LLC as presented. Motion carried unanimously.

Presentation; Shady Island River Park Proposal:

Cathie Pagano, Director of Community and Economic Development was present for the discussion as well Rachel Sabbato, Community and Economic Development Planner II. Margaret Loperfido, Principal Landscape Architect from Sprout Studio and Randy Sacket from SGM Engineering presented the Shady Island River Park Master Plan. Margaret began the presentation by explaining the project background and approach. She explained that the County purchased the 10.5 acres of property in October 2017 with the intent being to provide new river access that will better support growing community needs. Input from the community was greatly encouraged and welcomed throughout the various stages of the design. Margaret outlined some of the many features incorporated within the master plan including, but not limited to: the concrete boat ramp, walk-in tent camping areas, nature-play obstacle courses and playground areas, picnic and pavilion areas and opportunities for fishing access. Randy outlined the utility plan and discussed relevant engineering factors. The preliminary costs of the project were also discussed. Questions and comments from the public were welcomed and addressed. Public comment topics included pedestrian and bike access, recycling, and trash pick-up. Community Development Director Pagano explained that because the parcel was previously plotted as a subdivision, it will require a land use change permit which will be obtained through the Planning Commission Review Process. There will be an opportunity for additional public comment and feedback at that time.

Shady Island Grants:

Cathie Pagano, Director of Community and Economic Development was present for the discussion. She discussed various grants and potential funding approaches for the Shady Island project. She explained that there may be an opportunity for a Local Parks and Outdoor Recreation grant through Great Outdoors Colorado (GOCO) in an amount up to \$350,000. The initial draft for the GOCO grant is due 10/18/18 with the final document being due 12/1/18. Additional conversation ensued regarding other potential funding opportunities for the Shady Island project. Project phasing was also discussed.

Memorandum Re: Community Planning Assistance for Wildfire Program & BOCC Letter of Support:

Community and Economic Development Director Cathie Pagano was present for the discussion. She explained that Community Development is applying for the Community Planning Assistance for Wildfire (CPAW) program and is requesting a letter of support from the BOCC. Community Development has received letters of support from Crested Butte Fire Protection District, Gunnison Fire Protection District and the City of Gunnison.

Moved by Commissioner Houck, seconded by Commissioner Messner to approve the drafted letter of support for the Community Planning Assistance for Wildfire Program and authorize BOCC signatures on the letter. Motion carried.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

BREAK: The Board took a break at 11:03 am. The meeting resumed at 11:08 am.

COMMISSIONER ITEMS:

Jonathan Houck-

- 1. Commissioner Houck discussed the recent Sage Grouse decision made by the Federal courts.
- 2. Commissioner Houck provided an update on the recent CCI meeting in Denver. The main topic was proposed County legislation.

John Messner-

- 1. Commissioner Messner recently met with John Whitney. They discussed the U.S. Forest Service review of current oil and gas review procedures.
- 2. Commissioner Messner attended a Metropolitan Recreation District (Met Rec) meeting. They are requesting a letter of support from the BOCC for Ballot Issue 7D.
- 3. Commissioner Messner met with Jake Houston, Director of Colorado Trails, to discuss STOR committee trail connectivity projects.
- 4. Commissioner Messner discussed the upcoming Planning Commission meeting on 10/19/18.

ADJOURN: Moved by Commissioner Chamberland to adjourn the meeting. The meeting adjourned at 11:42 am.

Phil Chamberland, Chairperson

Jonathan Houck, Vice-Chairperson

John Messner, Commissioner

Minutes Prepared By:

Elizabeth Mense, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2018-39**

**A RESOLUTION ADOPTING REVISED GUNNISON COUNTY TRAVEL POLICY #4.3.6 AND
RESCINDING ALL PREVIOUS TRAVEL-RELATED POLICIES**

WHEREAS, Gunnison County previously adopted Gunnison County Travel Policy #4.3.6 via Resolution #2017-18; and

WHEREAS, the revised Gunnison County Travel Policy (Exhibit A) has been updated to provide further clarification to staff and reflect Gunnison County's current travel-related practices, which conform to Internal Revenue Service regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that: the revised Gunnison County Travel Policy #4.3.6 (Exhibit A) is adopted.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 2nd day of October, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Messner – yes.



Policy Name:	Travel Policy		Policy Number:	4.3.6	
Approval Authority:	Gunnison County Board of County Commissioners		Date of Adoption:	10/2/2018	
Effective Date:	10/2/2018	Adoption Document:	Resolution #2018-39		
Review Date:	10/2/2023	Review Frequency:	Every five (5) years.	Policy Custodian:	Administration Department

PURPOSE

This document outlines Gunnison County's policy related to official business travel. If a department has special circumstances not addressed in these policies, the elected official or department head should submit a request for consideration of unusual circumstances in writing to the County Manager for approval.

SCOPE

This policy applies to all Gunnison County employees.

DEFINITIONS

- IRS – Internal Revenue Service.
- M&IE – Meals and Incidental Expenses. As defined by the IRS, this refers to meals, tips and fees for food and luggage-handling services.

POLICY STATEMENTS

Gunnison County's policy is to utilize County-issued purchasing cards for meal, travel and lodging expenses incurred in the performance of official business. If a department has special circumstances not addressed in these policies, the elected official or department head should submit a request for consideration of unusual circumstances in writing to the County Manager for approval.

Meals

Within Colorado: Pursuant to IRS regulations, travel-related M&IE are allowable County expenses only when overnight travel is included. M&IE incurred during same-day travel, in-County meals at the beginning or end of travel, tips exceeding 20%, alcohol, and personal charges are not allowable County expenses. Receipts are required, and expenses will be allowed up to the average of IRS's daily M&IE allowance rates for Colorado, which will be identified and posted to the staff intranet and updated annually. This rate will apply to all travel within Colorado.

Outside of Colorado: For out-of-state travel, refer to the current IRS per diem rate chart (posted to the staff intranet) to determine the maximum allowed for M&IE relative to the area of travel. If the travel location does not have a specific M&IE rate assigned, travelers should use the standard rate for the state.

Lodging

The actual cost of a hotel or motel room (single occupancy) will be allowed when incurred in the course of official County-related business travel. Employees should indicate lodging is tax exempt (in Colorado), when making reservations and use their purchasing card for payment of hotel rooms, which includes the tax exemption number, in order to avoid paying sales and/or lodging taxes whenever possible. Employees should use standard business accommodations or lodging similar in cost to standard business accommodations.

Transportation

County Fleet and Personal Vehicles

Employees are required to use fleet vehicles from the Public Works Department motor pool for work-related travel, whenever possible. See the Motor Pool Policy for more information.

Public Transportation

Reasonable commercial ground, air and rental transportation costs will be allowed for official travel between airports, hotels, conferences or meeting places. Receipts must be provided.

Vehicle Rental

Rental car costs for County-related business will be allowed only when other options are not available to accommodate the purposes of the travel. When renting a vehicle for official County travel, employees should not purchase the rental agency loss damage because the County's insurance carrier provides liability coverage with a \$500 deductible. In the event of an accident, the employee should contact the County's claim contact.

Airfare

The County will allow airfare costs (airfare and one checked bag) for County-related business. Employees making travel reservations should take care to seek the lowest possible fares by making advance reservations whenever possible. If the employee chooses to travel by car when the employee can fly for less (based on the rate available two weeks prior to the trip), only the lesser-cost figure will be allowed/reimbursed. Lodging and meal costs incurred during travel by car will not be reimbursed unless these costs, along with mileage, are less than airfare (if purchased two weeks prior) plus ground travel at the destination.

Out-of-State Travel Approval

The County Manager must approve all out-of-state travel prior to the traveler incurring any related expenses. The department head should submit into Laserfiche the purpose of the travel, location, total estimated cost, whether or not the costs are included in the department's budget, and the benefit to the County in the request. Elected officials and their staffs are exempted from this requirement as long as adequate travel funds are available as approved during the budget process and the out-of-state travel for staff is approved by the appropriate elected official.

COMPLIANCE

This policy shall be complied with in all respects. Revisions to this policy may occur and every attempt will be made to provide prior notice of any such change. However, when deemed necessary in order to fully protect the County's interests, the interest of the public, and to more fully protect the safety of the public, including employees governed by this policy, this policy may be changed without notice.

Failure to obtain any necessary approvals or inability to document expenditures by acceptable receipts may preclude reimbursement by the County.

APPLICABLE LEGISLATION AND/OR RELATED REGULATIONS, POLICIES AND FORMS

1. Gunnison County Motor Pool Policy (updated as needed by Gunnison County and posted to the County intranet).
2. Gunnison County Mileage Reimbursement, Travel Expense and Transportation, and Out-of-State Travel Expense and Transportation Forms (updated annually by Gunnison County and posted to the County intranet).
3. Gunnison County VISA Purchasing Card Policies and Procedures Manual (updated as needed by Gunnison County and posted to the County intranet).
4. IRS Mileage Reimbursement Rate (updated annually by the IRS and posted to the County intranet).
5. IRS Meals and Incidental Expenses Rate (update annually by the IRS and posted to the County intranet).

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2018-38**

**A RESOLUTION REPEALING/RESCINDING PREVIOUSLY ADOPTED GUNNISON COUNTY
POLICIES**

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, during a review of previously adopted policies, Gunnison County has determined that some of those policies should be rescinded/repealed due to the inclusion of language that is in conflict with other adopted policies, or because of their general obsolete nature; and

WHEREAS, rescission/repeal of these policies, due to their nature, might inadvertently not occur via the adoption of current and related policies in the future; and

WHEREAS, the rescission/repeal of these policies does not create any lapses in guidance for the organization's employees or the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners (BOCC) of Gunnison County, Colorado that rescission/repeal of the following policies is effective with the passage of this resolution:

1. Resolution #1988-18; *A Resolution Concerning the Use of Seat Belts by County Employees* (Exhibit A).
Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
2. Resolution #1988-19; *A Resolution Affirming Employee Safety as a Policy of Gunnison County* (Exhibit B).
Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
3. Resolution #1989-16; *A Resolution Adopting a Drug-Free Workplace Policy for Gunnison County Employees* (Exhibit C).
Reasoning: In 2010, the Department of Labor ended the Drug-Free Workplace Program, which was used as the basis for the original policy. Relevant portions of the policy were updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
4. Resolution #1989-18; *A Resolution Concerning the Operation of Aircraft by County Employees*. (Exhibit D).
Reasoning: This policy has been verified with Gunnison County's insurance carrier and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
5. Resolution #1990-43; *A Resolution Designating Certain Activities as Special Development Projects and Adopting Regulations to Regulate and Govern Such Projects* (Exhibit E).
Reasoning: County Attorney David Baumgarten confirmed that this resolution was rendered moot via the adoption of the 1041 regulations.
6. Resolution #1991-8; *A Resolution Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions* (Exhibit F) and Resolution #1991-24; *A Resolution Amending Resolution No. 91-8* (Exhibit G).
Reasoning: County Treasurer Debbie Dunbar confirmed that this fund no longer exists and there is no need to reestablish it, thus the County Attorney suggested that the resolution be rescinded.
7. Resolution #1991-26; *A Resolution Setting Forth a Procedure for Payment of Refund of Interest* (Exhibit H).
Reasoning: County Treasurer Debbie Dunbar confirmed that this process has changed substantially, and County Attorney David Baumgarten confirmed that the process need not be formalized by resolution, thus he suggested that the resolution be rescinded.
8. Resolution #1994-18; *(No Title on Document)* (Exhibit I) and Resolution #1994-24; *Approving the Amendment of the Gunnison County Special Development Project Regulations to Include Projects of Recreational Development* (Exhibit J).
Reasoning: County Attorney David Baumgarten confirmed that these regulations were rendered moot via the adoption of the 1041 regulations.
9. Resolution #1995-9; *A Resolution Regarding Payment of Share of Costs of Health and Life Insurance Premiums of Elected Officials* (Exhibit K).
Reasoning: In January 2017, concurrent with a legislative increase in pay for elected officials, all newly elected Gunnison County officials began paying the same share as other benefit-eligible employees for their health and life insurance benefits.
10. Policy #1998-1; *Gunnison County Electronic Communications Policy* (Exhibit L).
Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
11. Policy #2004-1; *Computer Policy* (Exhibit M).
Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
12. Resolution #2004-23; *A Resolution Establishing a Policy Regarding Smoking on County Property* (Exhibit N).
Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".
13. Policy; *Recording of Work Sessions* (Exhibit O).

Reasoning: The BOCC discussed this policy on 1/25/2005 and later approved it on 2/1/2005, but an actual policy document has not been located. The County Attorney's Office determined that the policy is not statutorily required. Further, the process outlined in the BOCC meeting minutes does not align with current practices.

14. Policy; *County's Drug Testing Policy for CDL Drivers* (Exhibit P).

Reasoning: The BOCC approved this policy on 1/17/2006, but an actual policy document has not been located. Public Works Director Marlene Crosby confirmed that a separate policy is not necessary because those of her employees who maintain commercial driver licenses already adhere to a federally mandated drug-testing policy and a separate set of procedures.

15. Resolution #2007-13; *A Resolution Adopting a Policy and Procedure for Insurance Coverage of Personal Tools Used for County Business* (Exhibit Q).

Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 2nd day of October, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Messner – yes.

NOTE: A copy of Exhibits A - O can be viewed online at:
<https://www.gunnisoncounty.org/ArchiveCenter/ViewFile/Item/2994>
or at the Gunnison County Clerk & Recorder's Office.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 18-36**

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

THIS RESOLUTION SUPERSEDES RESOLUTION 17-53

WHEREAS, pursuant to Colorado Revised Statute § 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, tap fees, and reasonable delinquency penalties for sewerage facilities; and

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

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

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

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

1. Definitions. For purposes of this resolution:
 - a. "Customer" means the property owner or other party responsible for payment of utility bills for the property whose water or sewer lines are connected to the water or sewer lines of the Gunnison County Water and Sewer District within the Dos Rios Division.
 - b. "Customer's side of meter" means that portion of the water or sewer line starting at the entry to a customer's property up to and including the curb stop into any structure, facility or system located on such property.
 - c. "Operable curb stop" means that owners shall maintain a functional and working curb stop that is accessible.

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

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

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

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

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

7. Excessive Connection Costs. Sewer service will be extended to the property line, unless cost of such extension of service exceeds two thousand five hundred dollars (\$2,500) or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500). Costs exceeding two thousand five hundred for a single user or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500) will be the sole responsibility of the customer(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

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

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

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

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

12. Customer Responsibility for Water and Sewer Lines. The water line from the property line to the structure, including the curb stop, is the responsibility of the customer. In addition, the sewer line from the property line to the structure(s) is the responsibility of the customer. Accordingly, the customer is solely responsible for all repair of, maintenance of, leaks within, or damaged caused to or by all water and sewer lines on the customer's side of the meter. No person shall make any connection of roof downspouts, foundation drains, areaway drains, or other sources of surface water, storm water or ground water to a sewer or water line which in turn is connected directly or indirectly to a water or sewer main.

13. Fee for Sewer Service Infiltration on Customer's Side of Meter. A sewer infiltration fee of twenty-five dollars (\$25) per day will be assessed for any infiltration into the Gunnison County Water and Sewer District's system that originates on a customer's service line. Such fee shall be in addition to any other fees owed pursuant to this Resolution. Before assessing such fee, Gunnison County shall endeavor to notify the customer in writing about the discovery of the infiltration, and provide the customer thirty

(30) days to repair the infiltration to the satisfaction of Gunnison County before charging the fee to the customer. .

14. Fee for Water Service Leak on Customer's Side of Meter. A water leak fee of twenty-five dollars (\$25) per day will be assessed for any leak into the Gunnison County Water and Sewer District's system that originates on a customer's service line from the property line including the curb stop to the water meter. Such fee shall be in addition to any other fees owed pursuant to this Resolution. Before assessing such fee, Gunnison County shall endeavor to notify the customer in writing about the discovery of the leak, and provide the customer thirty (30) days to repair the leak to the satisfaction of Gunnison County before charging the fee to the customer.

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

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

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 2nd day of October, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Messner – yes.

APPENDIX A

**GUNNISON COUNTY, COLORADO
DOS RIOS DIVISION OF THE GUNNISON COUNTY SEWER AND WATER DISTRICT
SCHEDULE OF RATES - SEWER**

RESIDENTIAL	\$	103.35	per quarter			
COMMERCIAL	\$	103.35	per quarter	X	factor	X # of factor units
VACANT LOT	\$	35.49	per quarter			
ADD'L INSPECTION FEE	\$	50.00	per additional inspection			

APPENDIX B

**GUNNISON COUNTY, COLORADO
DOS RIOS DIVISION OF THE GUNNISON COUNTY SEWER AND WATER DISTRICT
SCHEDULE OF RATES - SEWER TAP CONNECTION FEE**

WATER SUPPLY SIZE	FEE
0.75	\$ 5,500.00
1.00	\$ 9,500.00
1.50	\$ 20,500.00
2.00	\$ 35,500.00
3.00	\$ 70,500.00
4.00	\$ 120,500.00
6.00	\$ 240,500.00

NOTE: Water supply size is measured by inches

APPENDIX C

**GUNNISON COUNTY, COLORADO
DOS RIOS DIVISION OF THE GUNNISON COUNTY SEWER AND WATER DISTRICT
SCHEDULE OF FACTORS**

CUSTOMER CLASSIFICATION	FACTOR	FACTOR UNIT
Residence	1.0000	Residence
Integrated Secondary Residence	0.0000	Integrated Secondary Residence
Secondary or Accessory Residence	0.7500	Secondary or Accessory Residence
Multiple-family Residence	1.0000	Residence
Townhouse, Townhome, or Condominium	1.0000	Townhouse, Townhome, or Condominium
Office	1.0000	Office
Veterinary Clinic	2.0000	Veterinary Clinic
Motel Room w/ kitchen	0.7500	Motel Room
Motel Room w/o kitchen	0.2000	Motel Room
Campground w/ full sewer hookup	0.2000	Camp Space
Campground w/ water only	0.0525	Camp Space
Restaurant w/ banquet facilities	0.0525	Seating Capacity
Restaurant	0.0500	Seating Capacity
Golf Club (Dos Rios Country Club)	0.0500	Seating Capacity
Lounge	0.0250	Seating Capacity

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO. 2018-37

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

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

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

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

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments September 7, 2018; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck and adopted on this 2nd day of October 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Messner – no.

NOTE: A copy of Exhibit A can be viewed online at:
<https://www.gunnisoncounty.org/ArchiveCenter/ViewFile/Item/3004>
or at the Gunnison County Clerk & Recorder's Office.