

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
January 4, 2022**

The January 4, 2022 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson  
Roland Mason, Vice-Chairperson  
Liz Smith, Commissioner

Matthew Birnie, County Manager [REMOTE]  
Melanie Bollig, Deputy County Clerk  
Others Present as Listed in Text

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 9:17 am.

**ALCOHOL BEVERAGE LICENSE #42-95237-0000; 456 ENTERTAINMENT, LLC, DBA TULLY'S, 282 ELCHO AVENUE, CRESTED BUTTE, CO 81224; EFFECTIVE 10/18/2021-10/18/2022:** With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Alcohol Beverage License for 456 Entertainment LLC, dba as Tully's, as presented. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 9:17 am.

**GUNNISON COUNTY HOUSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 9:18 am.

**ASSIGNMENT OF OPTION BETWEEN THE GUNNISON COUNTY HOUSING AUTHORITY AND THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY:** County Manager Matthew Birnie outlined for the Board that this was an option which would assign a deed restriction to the County itself; cleaning up an older deed restriction under the predecessor Gunnison County Housing Authority. County Attorney Matt Hoyt also clarified that this predecessor to the Gunnison Regional Housing Authority was still a legal entity, but assigning this to the County would simplify future transactions and help eliminate confusion. Commissioner Mason asked if this would be a yearly requirement, to which CA Hoyt answered that it would most likely need to be considered on a case-by-case basis.

**Moved** by Commissioner Mason to approve the Assignment of Option between the Gunnison County Housing Authority and the Board of County Commissioners of Gunnison County, as presented, and to authorize the Board Chair's signature. Seconded by Commissioner Smith. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison County Housing Authority at 9:21 am.

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 9:21 am.

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

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC) BOARD REORGANIZATION AND COMMISSIONER APPOINTMENTS:**

1. **Designate BOCC Chairperson and Vice Chairperson for 2022**
2. **Gunnison Valley Rural Transportation Authority Board (two voting members)**
3. **Region 10 Board (one voting member)**
4. **Gunnison Basin Sage-grouse Strategic Committee (one voting member, one alternate)**
5. **Early Childhood Council (one voting member)**
6. **Club 20 (one voting member)**
7. **Gunnison County Sick Leave Bank Board (one voting member)**

**Possible Addition Suggestion: Southwest Colorado Opioid Regional Council** - County Attorney Matt Hoyt noted that Commissioner Smith had an appointment to the newly formed Southwest Colorado Opioid Regional Council and the Board would need to add this to the list of appointments for the beginning of 2023. Chairperson Houck then asked County Manager Birnie to note this addition and look into adding it to the yearly appointments for the Board.

**Moved** by Chairperson Houck to re-appoint 1) himself as the BOCC Chair and Commissioner Mason as the BOCC Vice-Chair; 2) Commissioner Mason and Commissioner Smith as voting members of the Gunnison Valley Rural Transportation Authority Board; 3) Commissioner Mason as voting member on the Region 10

Board; 4) Commissioner Smith as voting member on the Gunnison Basin Sage-grouse Strategic Committee, with Commissioner Houck being the alternate; 5) Commissioner Smith as voting member on the Early Childhood Council; 6) Commissioner Smith as voting member on Club 20; and 7) Commissioner Mason as voting member on the Gunnison County Sick Leave Bank Board. Seconded by Commissioner Smith. Motion carried unanimously.

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

1. Assignment of Option between the Gunnison County Housing Authority and the Board of County Commissioners of Gunnison County
2. Acceptance of Designations; Bureau of Land Management, Gunnison Field Office for Regular and Alternate Members to Gunnison Basin Sage-grouse Strategic Committee; Regular Member Jon F. Kaminsky, Alternate Member Kathy Brodhead
3. Acceptance of Appointments; National Park Service for Regular and Alternate Members to Gunnison Basin Sage-grouse Strategic Committee; Regular Member Theresa Childers, Alternate Member Jessica Frey
4. Acceptance of Appointments; US Department of Agriculture, Natural Resources Conservation Service for Regular and Alternate Members to Gunnison Basin Sage-grouse Strategic Committee; Regular Member Allison Hearne, Alternate Member Dan Olson
5. Acceptance of Appointments; US Department of the Interior, US Fish and Wildlife Service for Regular and Alternate Members to Gunnison Basin Sage-grouse Strategic Committee; Regular Member Alec Whit Blair, Alternate Member Ann Timberman

**SCHEDULING:**

1. **Approval of 2022 Board of County Commissioners Regular Meeting and Work Session Schedule – Moved** by Chairperson Houck, seconded by Commissioner Mason, to approve the 2022 Regular Meeting and Work Session schedules. Motion carried unanimously.
2. **2022 Board of County Commissioners Meeting Agenda Posting Locations – Moved** by Chairperson Houck, seconded by Commissioner Smith, to make the 2022 Board of County Commissioners meeting agenda official posting location be the bulletin board located just outside the Board of County Commissioners meeting room, second floor of the Gunnison County Courthouse, with the understanding that the County is maintaining all of its true legal obligation by electronic-accessible posting of the meetings. Motion carried unanimously.
3. **Upcoming Meetings Schedule was discussed** – Chairperson Houck noted for the record that there would be a joint meeting with the Planning Commission on Friday, January 7<sup>th</sup>, and he directed this meeting date and time be added to the online calendar.

**COUNTY MANAGER’S REPORTS:** County Manager Matthew Birnie was present via Zoom. He noted that there were no updates to report that morning, but he would be happy to answer any questions the Board might have. However, there were no questions at that time from the Board.

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

1. Large amounts of snow in the North band of the County over the holidays – for Marble, Pitkin, Taylor, Ohio Creek and the Crested Butte areas. DCM Crosby noted that this came over the weekend with lots of overtime, but remarked that it was all handled very well.
2. Dealing with equipment issues. DCM Crosby explained that they were now working on equipment issues and maintenance. The storm had meant the equipment needed to be pushed hard through long hours and there were maintenance issues as a result.
3. Sent an email notice to the Irwin/Kebler area mailing list, regarding needing to clean the trailhead area. DCM Crosby outlined that they needed parked vehicles to be moved for this operation, and they had given five to six days’ notice to vehicle owners for removal before clearing the area. She reported that all vehicles had been moved and the grading was completed successfully.

**UNSCHEDULED CITIZENS:** There were no Unscheduled Citizens present in the room or remotely via Zoom for discussion.

**COMMISSIONER ITEMS:**

**Commissioner Mason**

1. Commissioner Mason explained that he really had nothing to report, due to an extended vacation, where he was snowed in several extra days and returned only last Saturday, January 1<sup>st</sup>, before the meeting.

**Commissioner Smith**

1. Adding a seat for Western Colorado University (WCU) faculty on the Gunnison Basin Sage-grouse Strategic Committee. Commissioner Smith stated that, before the holidays, the committee had discussed the consistent participation of WCU faculty, and the committee had moved to make a

recommendation to the BOCC that they add a seat for Western to the Sage-grouse Strategic Committee. She wanted the Board to know of this and to work with them on how to proceed.

After some discussion regarding topics such as amendment of the bylaws of the strategic committee, who should make the appointment, and what Western's preferences might be in these matters, the Board approved the GVSGSC recommendation. Chairperson Houck then asked CM Birnie and Commissioner Smith to work with Western and Community and Economic Development Director Cathie Pagano on putting together the appointment authority and amendments to accomplish this new seat for Western.

2. Attended ribbon cutting ceremonies for new businesses in Gunnison. Commissioner Smith highlighted the ceremonies for Wheelies and Waves, an outdoor sports store with a new location on South Main Street, and for the Real Balance boot fitting shop, opening a new shop in Gunnison.

**Commissioner Houck**

1. Attended a ribbon cutting ceremony at Paintbrush Apartments. Chairperson Houck stated he was excited to see this type of public / private sector partnership taking off, adding that it helped entertain new ideas for types of housing.
2. Participated in a National Association of Counties (NACo) Public Lands call yesterday, January 3<sup>rd</sup>. Chairperson Houck noted that the main topic centered on the Greater Sage-grouse – not the species found in the Gunnison Basin – but he felt that decisions there might be a guideline to what a new administration might be focused on, when dealing with the future of these species.
3. On a personal note. Chairperson Houck let the Board know that his dad was hospitalized in Maryland with COVID, and that he might need to be going back there. He explained that this meant some juggling of his schedule and possibly help in attending meetings. Chairperson Houck advised that he would let the other commissioners know about this as soon as he knew the next steps for his dad. Both Commissioners Smith and Mason added their support to help in any way they could.
4. Reminder of NACo Public Land Steering Committee term. Chairperson Houck reminded the Board that he was still on this committee, and that he was registered to attend its 2022 legislative conference in Washington, D.C. He informed those present that he intended to go in person, if that option was still going to happen; he would keep them posted.

**RECESS:** Chairperson Houck recessed the meeting from 9:56 am to 10:00 am.

**RESOLUTION; FURTHER EXTENDING RESOLUTION NO. 21-12 AND AUTHORIZING ATV, OHV**

**AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3:** Present for discussion and review with the Board were Gunnison County Sheriff John Gallowich, Deputy County Manager Marlene Crosby, County Manager Matthew Birnie (via Zoom), Marble area residents (via Zoom) Teri Havens, Greg Staple, and Suzy Meredith-Orr with the Crystal River Environmental Protection Association.

Chairperson Houck opened by introducing those present for the meeting and explaining that, at the last regular Board meeting on December 21, 2021, the Board had moved to extend the sunset date of Resolution 2021-12 to January 4, 2022, in order to hold this review and discussion. He further noted that Commissioner Mason had taken the lead for the BOCC in 2021, working with the White River National Forest and the Town of Marble, Marble's conservation community and citizens. He then asked that they start the discussion with Commissioner Mason giving an overview.

Commissioner Mason began by explaining that the Board had decided in May 2021 to put a sunset date of December 31, 2021 on the resolution, in order to "put pressure" on the Commissioners to obtain action and results which address the issues regarding visitors on County Road 3. They had discussed working with the Forest Service; as a result, a package was put together utilizing listening sessions and a facilitator who would work with Western Colorado University and the Center for Public Lands. The first listening session was held December 8, 2021. Two more two-day workshops, based on the data gathered by the facilitator, were also scheduled for the end of January. Commissioner Mason noted that they had hoped to have most of this done within the December 31<sup>st</sup> timeframe; however, changes in the facilitator and the holidays had meant that the deadline needed to be extended. He continued with asking for a report from Sheriff Gallowich that covered two prongs of what the Commissioners had wanted with a "3-prong approach" when they looked at the issue last year. These three prongs consisted of: 1) working with the Forest Service to help provide a protection officer to patrol Forest Service land beyond County Road 3; 2) hiring a new Sheriff's deputy for the Marble area, who took over his own patrol in late August 2021; and 3) working on public outreach.

Sheriff Gallowich then reported that the Marble/Crystal area had been busier this last tourist season 2021 than ever experienced in years prior, and that enforcement had been greater as well, at least in part due to having the second officer. He added that, because the deputy wasn't able to be trained and on his own patrol until mid-August, they wouldn't get a good idea of exactly how much this will help until he has been there for a full year. Sheriff Gallowich also credited signage with allowing them to follow through with more serious enforcement on County Road 3, and added that they were currently working on a new traffic code and new citation tickets which could be left on the vehicles – hopefully ready within the next month – to address some of the current parking issues. He continued with highlighting that enforcement around the lake had been very good by the Fish & Wildlife department for especially the first half of last summer, but also suggested that the Forest Service help with development of a parking area away from Marble so the town will not have to deal as much with the OHV traffic. Sheriff Gallowich concluded by stating that the increased enforcement had made a positive impact; feedback had also included positive comments for the citizen contacts made by the Forest Service officer.

Commissioner Smith noted one question from a Marble citizen on Zoom. Greg Staple asked if there were any specific statistics on enforcement per month; i.e., warnings, tickets issued, violation types, etc. Sheriff Gallowich explained that he been asked to attend the meeting on short notice, so there had not been time to generate these specific types of reports; however, he asserted that he would be able to get this information to Commissioner Mason at a little later date. Sheriff Gallowich then made one more request – that the signage within the Town of Marble be adjusted to proper placements and heights in order to be enforceable. Commissioner Mason assured the Sheriff that the town was aware of this request from late last Fall and they were working to address it – he would check and see how this was coming along.

Deputy County Manager gave her report to the Board. She noted that she could reach out with responses to some of the questions from Marble area residents, and volunteered to send an email to the Forest Service about what kind of data they had put together regarding the types of contacts made by their protection officers. She stated that they had not been able to put students from Western into the field last summer to gather data, but that this would be done for the next summer. They had experienced difficulty in putting together a diverse committee to work with the facilitator, but noted that the Town of Marble representative position and other key positions were now all filled. Other issues with parking were discovered and were being addressed, and additional signage would be added for the summer tourist season.

The Board then went over several topics, including: time frame for the Forest Services regarding limited parking and infrastructure around Daniel’s Hill; the possibility of any other options or policies which could be used; enhancement and also reduction of road maintenance in certain areas; strategy for next summer’s survey and data gathering; reduced parking problems for the next summer; possibilities for Forest Service parking at the base of Daniel’s Hill; and further Resolution extension and timing.

With the Board in agreement that a work session with the Forest Service needed to be scheduled in April, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve Resolution 2022-1, Further Extending Resolution 2021-12 and Authorizing ATV, OHV and UTV Use on a Certain Portion of County Road #3 until May 3<sup>rd</sup>, 2022. Motion carried unanimously

**RECESS:** Chairperson Houck recessed the regular meeting at 11:05 am, in order to go into an executive session.

**EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402 (4)(E)(I), FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS RELATED TO PROPERTY LOCATED IN GUNNISON COUNTY, COLORADO:** Commissioner Houck **moved** to go into Executive Session, pursuant to C.R.S. § 24-6-402 (4) (e) (I), determining positions relative to matters that may be subject to negotiations, developing strategy for negotiation related to property located in Gunnison County, Colorado. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby, County Attorney Matthew Hoyt, and James Charlier as a consultant for the County. No contemporaneous record of the meeting would be kept. Commissioner Smith seconded the motion, and the motion carried unanimously.

The Board went into executive session at 11:07 am. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4) (e) (I).*

Attorney Statement Regarding Executive Session

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Matthew Hoyt  
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Jonathan Houck, Chairperson  
Gunnison County Board of Commissioners

At 11:43 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that no extemporaneous records were kept, the participants in the executive session remained consistent with those read into the record, and that they did stay on topic. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck then let those present know that the Board delegated authority to CM Matthew Birnie to pursue, negotiate and execute any necessary documents related to property located in Gunnison County, Colorado, also including Matthew’s ability to provide direction to staff and to the consultants working with the County, regarding the issue on which they had met in executive session.

**ADJOURN:** Moved by Chairperson Houck, seconded by Commissioner Mason, to adjourned the Gunnison County Board of County Commissioners Regular Meeting at 11:45 am. Motion carried unanimously.

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Jonathan Houck, Chairperson

\_\_\_\_\_  
Roland Mason, Vice-Chairperson

\_\_\_\_\_  
Liz Smith, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Melanie Bollig, 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: 2022-1**

**A RESOLUTION FURTHER EXTENDING RESOLUTION NO. 21-12 AND AUTHORIZING  
ATV, OHV AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3  
UNTIL MAY 3, 2022**

WHEREAS, the Board understands that the public has historically used all-terrain vehicles (“ATVs”), off-highway vehicles (“OHVs”) and utility terrain vehicles (“UTVs”) on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as “Daniel’s Hill”, a distance of approximately one and a half (1.5) miles, and otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, on May 14, 2018, the Board of County Commissioners of the County of Gunnison, Colorado (“Board”) adopted Resolution No. 18-14, *A Resolution Repealing Resolution No. 15-15 and Approving Use of ATVs, OHV’s and UTV’s on a Segment of County Road #3*; and

WHEREAS, Resolution No. 18-14 was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 15, 2018, bearing Reception No.653186; and

WHEREAS, Resolution No. 18-14 authorized use of ATVs, OHVs and UTVs on a certain portion of County Road #3 a/k/a Marble Road; and

WHEREAS, on May 18, 2021, the Board adopted Resolution No. 21-12, authorizing use of ATVs, OHVs and UTVs on a certain portion of County Road #3 a/k/a Marble Road, beginning at the municipal limits of the Town of Marble at Beaver Lake to the top of that area known as “Daniel’s Hill”, otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, by its express terms, Resolution No. 21-12 was set to expire on December 31, 2021; and

WHEREAS, since the adoption of Resolution No. 21-12, the Board and the County have collaborated with the Town of Marble, motorized users, the United States Forest Service, proximate property owners

and other stakeholders to analyze and address issues surrounding the continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3; and

WHEREAS, although progress has been made, the aforementioned collaboration remains incomplete; and

WHEREAS, upon any expiration of Resolution No. 21-12, ATVs, OHVs and UTVs will no longer be allowed on the subject County road; and

WHEREAS, the Board desires for the aforementioned process to continue into this year so that the Board may fully analyze and address that process and the efforts surrounding that process; and

WHEREAS, on December 21, 2021, the Board adopted Resolution No. 21-44, temporarily extending Resolution No. 21-12 until January 4, 2022;

WHEREAS, in light of the foregoing considerations and to afford the full Board an opportunity to consider the issues surrounding OHV use on County Road 3, the Board desires to further extend Resolution No. 21-12;

WHEREAS, Col. Rev. Stat. § 33-14.5-108(1)(f) prohibits the use of ATVs, OHVs and UTVs on County roads unless expressly authorized by the County; and

WHEREAS, pursuant to Col. Rev. Stat. §18-9-117(1)(f), the Board has the authority to adopt rules and regulations for use of ATVs, OHVs and UTVs as to place, time and manner of use; and

WHEREAS, continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3 described in this Resolution remains in the best interests of the public; and

WHEREAS, the Board desires to clarify its longstanding intent to continue to permit use of ATVs, OHVs and UTVs to the top of Daniels Hill; and

WHEREAS, the public is reminded to comply with all applicable Federal, state and local laws regarding the registration, licensing and use of ATVs, OHVs and UTVs in Colorado and particularly in Gunnison County; and

WHEREAS, the public is reminded and encouraged to operate ATVs, OHVs and UTVs in a legal, safe, courteous, and responsible manner; and

WHEREAS, in order to allow for continued, unimpeded access to residences along County Road 3, the public is reminded that the top of Daniels Hill lacks parking for motor vehicles and therefore users should not attempt to park automobiles (including snow-tracked vehicles) at that location;

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

1. Resolution No. 21-12, *A Resolution Repealing Resolution No. 18-14 and Approving Use of ATVs, OHVs and UTVs on a Segment of County Road #3* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 18, 2021, shall be and hereby is amended and further extended to remain in full force and effect until midnight Mountain Time May 3, 2022, as which point both that Resolution and this one shall expire and no longer remain in effect, unless extended by further Resolution of this Board; and
2. Subject to Paragraph 1 above, the use of ATVs, OHVs and UTVs is and continues to be authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as "Daniel's Hill", a distance of approximately 1.5 miles, and otherwise described as the intersection of Forest Service Roads 314 and 315 until midnight Mountain Time May 3, 2022.

INTRODUCED by Commissioner Roland Mason, seconded by Commissioner Elizabeth Smith, and adopted this 4<sup>th</sup> day of January, 2022.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

Houck – yes, Mason – yes, Smith – yes