

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
July 6, 2021**

The July 6, 2021 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  
Melanie Bollig, Deputy County Clerk  
Others Present as Listed in Text

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Houck called the Gunnison County Local Liquor Licensing Authority meeting to order at 8:30 am.

- Fermented Malt Beverage Alcohol Beverage License #05-23848-002; Three Rivers Resort Inc dba Three Rivers Resort; Effective Dates 6/21/2021 – 6/21/2022
- Fermented Malt Beverage Alcohol Beverage License #04-00114; Robert Corporation dba Harmel's Ranch Resort; Effective Dates 6/17/2021 – 6/17/2022
- Alcohol Beverage License #07-74205-0002; Crested Butte LLC dba Ice Bar/Rest Twister Warming Hse; Effective Dates 7/15/21 – 7/15/2022
- Alcohol Beverage License #03-04714; Irwin Backcountry Guides LLC dba Taylor River Lodge; Effective Dates 7/06/21 – 7/06/2022
- Special Event Liquor Permit 2021; Adaptive Sports Center of Crested Butte Inc; Effective Day: 8/01/2021 from 5:00 p.m. to 11:30 p.m.

**Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Fermented Malt Beverage License for Three Rivers Resort Inc dba Three Rivers Resort, the Fermented Malt Beverage License for Robert Corporation dba Harmel's Ranch Resort, the Alcohol Beverage License for Crested Butte LLC dba Ice Bar/Rest Twister Warming Hse, the Alcohol Beverage License for Irwin Backcountry Guides LLC dba Taylor River Lodge, and the Special Event Liquor Permit for Adaptive Sports Center of Crested Butte Inc for August 1<sup>st</sup> from 5:00 p.m. to 11:30 pm. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Local Liquor Licensing Authority meeting at 8:33 am.

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

**CALL TO ORDER:** Chairperson Houck called the Gunnison County Board of County Commissioners regular meeting to order at 8:33 am.

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

**MINUTES APPROVAL:** With no changes noted by the Commissioners, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the meeting minutes for April 6, 2021 and April 20, 2021, as presented. Motion carried unanimously.

1. April 6, 2021 Regular Meeting
2. April 20, 2021 Regular Meeting

**SCHEDULING:**

1. Calendar of Events: July 6, 2021 to August 20, 2021. No changes were needed during a review of the upcoming Calendar of Events.
2. 2022 Gunnison County Holiday Schedule. After review of the new holiday schedule containing the addition of Juneteenth, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Gunnison County holiday schedule for 2022 as presented. Motion carried unanimously.

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

1. Grant Award; Early Milestones Colorado, Rose Community Foundation; Gunnison-Hinsdale Early Childhood Council; for early childhood workforce strategies; 6/01/2021 to 5/30/2022; \$90,000
2. Rental Agreement; Four Squared, LLC; Gunnison County Juvenile Services - Crested Butte Office; Lease Term 6/1/2021 thru 5/31/2022; \$1100 per month

3. Acknowledgment of County Manager Signature; Intergovernmental Grant Agreement; Department of Public Safety, Division of Criminal Justice; Gunnison County Juvenile Diversion Program; to prevent further involvement of juveniles in the formal justice system; 7/01/2021 to 6/30/2022; \$35,000
4. Intergovernmental Agreement; Montrose County; Gunnison County; Nurse Home Visitor Program; 7/01/2021 to 6/30/2022; \$85,800
5. Contractor Agreement; National Association of County and City Health Officials (NACCHO); Gunnison County Health and Human Services; 2/05/2021 to 7/31/2021; \$22,573
6. Grant Application Approval; Colorado Health Foundation Application; Gunnison County Health and Human Services; for Multicultural Resource Services - Community Based Solutions; 3-Year Project Budget; \$285,010
7. Acknowledgment of County Manager Signature; Contractor Agreement; APC Southern Construction Co LLC; for the paving of CR #811 (Washing Gulch), from CR #317 to the end of existing asphalt; 6/11/2021 to 7/30/2021; \$538,300
8. Memorandum of Understanding; State of Colorado Department of Local Affairs (DOLA); Gunnison County; for technical assistance services to be provided under the Regional Resiliency and Recovery Roadmaps Project (PROJECT); Term is from date of signature by all parties through completion of the PROJECT
9. Acknowledgement of County Manager Signature; Colorado Natural Heritage Program (CNHP) – Colorado State University (CSU) Land Access Agreement; National Wetland Condition Assessment for 2021; 5/15/2021 to 10/15/2021
10. Contractor Agreement; Bethany Montlary; for janitorial services; July 15, 2021 - July 15, 2023; \$48,788

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie was present for discussion.

1. Library project. CM Birnie let the Board know the concrete wall features of the library were poured last week. He explained that the odd appearance of large concrete pieces sticking up out of the ground will later be tied together with steel and wood, appearing much more like the architect's rendering of the final building. Overall, the front-end needs of this project are going well.
2. Airport project. CM Birnie revealed that they had run into a couple of delays with conditions in the field. These were discovered when they started excavations. He explained that the County does not possess comprehensive plans showing what was built there over the decades and some of the earlier they are just discovering. He noted that they have a good team and they are working through it.
3. Shady Island River Park project. CM Birnie stated that the project is pretty well complete except for the bathrooms which are to be built at a later date. However, they were now waiting on the CDOT permits in order to open.

**DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Deputy County Manager Marlene Crosby was present for discussion. Deputy County Attorney Emilee Gaebler was also present via Zoom for any questions.

1. Access Easement Agreement; Flying Wolf Ranch, LLC; Mystery Lane access through Shady Island Resort. Deputy County Manager Crosby outlined for the Board that long ago the access for Mystery Lane going across the Shady Island parcel was inadvertently dropped when the property changed hands. Shady Island is now county-owned, and the long-time owners of the Flying Wolf Ranch can only access their property on Mystery Lane where it crosses the Shady Island parcel. They were asking the County for access to their property using Mystery Lane. As the Board found no issues with this agreement, it was **moved** by Chairperson Houck, seconded by Commissioner Smith to approve the Access Agreement for Flying Wolf Ranch, LLC, granting Mystery Lane access through Shady Island Resort as presented today, and to authorize the signatures of the Board. Motion carried unanimously.
2. Employee recognitions. DCM Crosby reminded the Commissioners that annual employee recognitions were scheduled for the Board's next work session to be held Tuesday, 7/13 at 9:30 am. Also, she added that later in the month, they had the retirement party for long-time employee, Lee Partch.
3. Kebler Pass road. DCM Crosby informed the Board that because of all the rain in June, sections of the Kebler Pass road now had potholes and washboard areas that would need to be re-bladed.
4. Cottonwood Pass traffic. DCM Crosby stated that they had checked the traffic counter last Thursday, July 1<sup>st</sup>, on Cottonwood Pass. Since the opening on Memorial Day, there had been 30,000 across, which was quite a bit more than in past years where counts were done.
5. Washington Gulch Paving. DCM Crosby let the Board know that paving for Washington Gulch would be either next week or the week after, with significant delays expected from Gothic Road to the second cattle guard at the top of the hill. This area would need traffic control.

**PUBLIC HEARING: STREET VACATION; A PORTION OF 10<sup>TH</sup> STREET ADJACENT TO LOTS 2 AND 3, BLOCK 1, (168.65 FEET IN LENGTH), PART OF SECTION 8 & SECTION 17, TOWNSHIP 13 SOUTH, RANGE 90 WEST, SIXTH PRINCIPAL MERIDIAN; SOMERSET, COLORADO; CLIFFORD BREWER AND JEDEDIAH BROWN.** Deputy County Manager Marlene Crosby was present for discussion.

1. Open of Public Hearing: Chairperson Houck opened the Public Hearing at 8:52 am.

As DCM Crosby informed the Board that more public information had to happen before they could finish the street vacation, it was then **moved** by Chairperson Houck, seconded by Commissioner Smith to continue the public hearing. It would resume on Tuesday, July 20<sup>th</sup>, 2021 at 8:50 am in the Board of County Commissioners meeting room. Motion carried unanimously.

**Colorado State University (CSU) Subdivision of Wilson Parcel into two parcels; Southwest ¼, Section 25, Township 50 North, Range 1 West N.M.P.M., 1141 State Highway 135; LUC-20-0013:** Community Development Senior Planner Rachel Sabbato, and Community and Economic Development Director Cathie Pagano were present for discussion.

Chairperson Houck introduced the item by explaining that Colorado State University (CSU) purchased the Wilson parcel north of town on Highway 135. This is being utilized as the State Forestry Service. They are now wanting a subdivision of the parcel.

Senior Planner Rachel Sabbato introduced those present and on Zoom as: Steve Kellums of CSU in Fort Collins, representing the applicant, via Zoom; Jim Starr of Valley Housing Fund, who was partnering with CSU to potentially buy the southern subdivided lot, in person; and Damon Lange, representing the State Forestry Office in Gunnison, via Zoom. Senior Planner Rachel Sabbato then outlined for the Board that a joint public hearing with the planning commission was held on April 2<sup>nd</sup>; no issues were found and no public comments were received. This 18.6-acre parcel was to be subdivided into two lots. CSU would retain the larger lot to the north with the house, corrals and shop/barn. The southern lot would be purchased for future affordable housing and possible annexation into the City, if a future option. CSU Extension proposed to renovate the existing house into offices. CDOT recommended moving the current road access south to align with Clark Boulevard. CSU accepted staff's recommendations for access easements. Upon reviewing the plat with the Board, Sr. Planner Sabbato noted that the Board would sign the plat that day, but the Development Improvement Agreement (DIA) had yet to be completed, so the plat and all the attachments would not be recorded until the DIA was executed.

With no questions from the Board, it was moved by Commissioner Mason, seconded by Commissioner Smith to approve Resolution 2021-17, A Resolution Approving Colorado State University Wilson Subdivision Southwest ¼, Section 25, Township 50 North, Range 1 West N.M.P.M., 1141 State Highway 135, Gunnison Colorado. Motion carried unanimously.

**BREAK:** As the meeting was ahead of schedule, Chairperson Houck elected to take a break from 9:05 am to 9:14 am.

**Letter of Support; History Colorado; Gunnison Arts Center (GAC) Grant Application; funding for ongoing renovations to interior of GAC:** Commissioner Houck introduced this item by explaining to those listening in the room and via Zoom that this letter of support was for ongoing renovations to the Gunnison Arts Center. He commented that Gunnison County has contributed in the past to this financially as well, in order to preserve and create opportunities in the County. Both Commissioners Smith and Mason added their support to this renovation project. With no further discussion, it was moved by Commissioner Smith, seconded by Commissioner Mason to provide the Board's signatures on the letter of support for the Gunnison Arts Center grant application. Motion carried unanimously.

**Presentation and Approval to Purchase; Gunnison Valley Health; 231 W. Tomichi Avenue, Gunnison, Colorado:** Wade Baker, Vice-President of Administrative Services at Gunnison Valley Health (GVH), was present for the discussion.

Chairperson Houck introduced the item by reminding those in the room and attending via Zoom that one of the principal areas of connectivity between Gunnison Valley Health and Gunnison County's Board of County Commissioners was in purchasing and acquisitions. VP Wade Baker then went on to explain that Gunnison Valley Health's space issues, as well as current costs of construction, had led him to consider the building at 231 W. Tomichi Avenue – an 8,300 square foot "shell of a building" that would translate to minimal renovation costs. GVH was specifically considering it for rehabilitation and urgent care, and their plans could be adjusted to either short- or long-term solutions. Wade stated that he had approached the owners of the building and found that GVH would be able to purchase it for less than its original cost to build. The purchase price would be \$1.45 million, with an estimated \$1.25 million renovations costs, if fitted for urgent care. Changes to the water connections and the addition of sprinklers were included in the estimate. Wade went on to say that this would be a very good solution for space for at least the next three years, and that their largest issues might be parking, as The Dive restaurant next door presently used the building's parking area extensively.

Chairperson Houck noted, from the information GVH provided in their packet, that their financial standing was very strong; both Commissioners Mason and Smith expressed strong support for the location as well as the building renovation opportunity. After consulting with County Attorney Matthew Hoyt regarding the need for motion and delegation of authority, it was **moved** by Commissioner Mason, seconded by Commissioner Smith to approve the purchase by Gunnison Valley Health of 231 W. Tomichi Avenue, Gunnison, Colorado, and to delegate signing authority to Wade Baker, Vice-President of Administrative Services. Motion carried unanimously.

**CHANGE OF AGENDA:** As they were ahead of time on the agenda, Chairperson Houck elected to move to Commissioner Items until the allotted time of 9:35 am for the next agenda item.

**COMMISSIONER ITEMS:**

**Commissioner Smith**

1. Whetstone Process Committee. Commissioner Smith let the Board know that the first meeting kicks off on Thursday, July 8<sup>th</sup>, and that she will be attending, keeping the Board up-to-date with project details as they progress. She expressed her excitement to be moving forward with affordable housing on the Whetstone parcel.
2. Wonderland Nature School. Commissioner Smith announced that the school opened on Monday, July 5<sup>th</sup>, however they were not yet operating to full capacity. Finding workers to support the infrastructure – a valley-wide issue – and delays in licensing the infant room were reasons given. She explained that classes for licensure were only offered once a year, and this would be later in the fall. She also invited everyone to the ribbon-cutting, set for July 23<sup>rd</sup>.
3. Housing. Commissioner Smith noted when listening to a recent Colorado Sun podcast, that they reported 30% of Coloradoans are behind on rentals and mortgage. The national moratorium on evictions ends July 31<sup>st</sup>, and this was believed to be its last extension. She added that this was something they should be aware of as they watch for local ramifications.
4. Mountain Migration Report. Commissioner Smith relayed that this report covered Routt, Grand, Eagle, Summit, Pitkin, and San Miguel counties. Though it did not include Gunnison County specifically, she felt the data was relevant to Gunnison County. Commissioner Smith focused on the short-term rental issues – stating the report showed there hadn't been a mass conversion to short-term rentals, just an increase in use and for longer durations. Also, she saw that new residents to mountain resort communities had younger children – in the 0 years to Pre-K range. She felt this might put more pressure on childcare and education in these communities.
5. Club 20. Commissioner Smith stated she would be attending Club 20's upcoming Summer policy meetings. Topics to be covered included telecom, healthcare, business affairs, transportation, and tourism. She added that she would not be able to attend this week's meetings, but would attend the meetings held in two weeks which would cover agriculture, water, public lands, natural resources, and energy.

**Commissioner Mason**

1. Counties & Commissioners Acting Together (CCAT). Commissioners Smith and Mason both attended this conference. Topics of note were the transportation bill that passed this year and would be coming into effect in 2023. Affordable Housing was a large topic. The Front Range was dealing with how to manage homelessness, while mountain communities were looking at workforce shortages. Commissioner Mason noted that this all led to the need for sustainable housing, access to existing housing, building housing, and the overall supply. He also reported that there would be \$550 million to be released initially for affordable housing in the next year or so. He pointed to Chairperson Houck's idea to work on local leveraging for housing funds; i.e. where the community would put up funding that was to be matched by state funds. Commissioner Mason supported a continued effort to advocate for this approach.
2. Colorado healthcare reform. Commissioner Mason stated Coloradoans should see more choices in the Connect for Colorado marketplace, as well as lower costs and deductibles.
3. Short-term rentals. Commissioner Mason found that counties do have the ability to license short-term rentals. He was supportive of Gunnison County looking into this during their upcoming strategic planning sessions.

**CONSERVATION EASEMENT GRANT AWARD AGREEMENTS:**

1. **Gunnison Ranchland Conservation Legacy; for Antelope Creek Ranch project; \$100,748**
2. **Gunnison Ranchland Conservation Legacy; for Bar IV Ranch project; \$103,300**
3. **Gunnison Ranchland Conservation Legacy; for Flying W Ranch project; \$112,691**
4. **Gunnison Ranchland Conservation Legacy; for Wildcat Gulch Ranch project; \$103,000**

Present for discussion were Gunnison County Geographic Information (GIS) Manager Mike Pelletier, and Gunnison Ranchland Conservation Legacy (GRCL) Executive Director Stacey McPhail.

Chairperson Houck introduced the award agreements by explaining that Mike Pelletier worked on these conservation awards through his department with the County, and Stacey partnered with the GGRCL for typically ag-related opportunities for land preservation. The land preservation funds were monies the County could activate to assist in meeting its conservation goals.

GIS Manager Mike Pelletier then introduced the four land conservation projects that had already been approved at the Land Preservation Board's December 3<sup>rd</sup>, 2020 meeting. He highlighted that conservation easement across the valley covered roughly 20% of private lands. He also noted that all four projects utilized the Natural Resource Conservation Services (NRCS) grassland funds as their primary funding source, and all had Sage-grouse benefits. The grant agreements had been reviewed and approved by the County Attorney's Office.

Stacey McPhail also noted that these four projects represented a wide array of types of owners, with ag-use and Gunnison Sage-grouse habitat in common between all four. She outlined the conservation advantages for all four properties and concluded by noting that Gunnison County had already helped to

conserve over 27,607 acres, and that every one of these landowners was absolutely appreciative of the County's support.

All the Board expressed their thanks for the conservation efforts and noted the value to the community. With no questions from the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Smith to approve the conservation easement grant awards for the following projects: for the Gunnison Ranchland Conservation Legacy Antelope Creek Ranch project, \$100,748; for the Gunnison Ranchland Conservation Legacy Bar IV Ranch project, \$103,300; for the Gunnison Ranchland Conservation Legacy Flying W Ranch project, \$112,691; and for the Gunnison Ranchland Conservation Legacy Wildcat Gulch Ranch project, \$103,000. Motion carried unanimously.

**CHANGE OF AGENDA:** As they were slightly ahead of time on the agenda, Chairperson Houck elected to move to Commissioner Items until the allotted time of 9:55 am for the next agenda item.

**COMMISSIONER ITEMS:**

**Commissioner Mason**

1. Attended the Elected Officials dinner last Wednesday, June 30<sup>th</sup>. Commissioner Mason stated that he and Chairperson Houck attended. The meeting had a long discussion surrounding affordable housing for Gunnison, as well as high priority projects coming out of Gunnison, Crested Butte and other locations. Commissioner Mason stressed the need to communicate well and express where the County's goals are. Chairperson Houck noted also that short-term are having an effect on housing.
2. Attended the Mayors & Managers meeting in Pitkin. Commissioner Mason stated a hot topic there was broadband. That area has inconsistent service, with phone service out at one point for six to seven days and little response from the carrier. Commissioner Mason wants to work with Pitkin through Region 10 to see what can be done, as funding for rural broadband improvements had just been released in Colorado.

**RESOLUTION; A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR THE SHADY ISLAND RIVER PARK:** Facilities and Grounds Director John Cattles, and Community and Economic Development Director (CEDD) Cathy Pagano were present for discussion.

Chairperson Houck summarized that the new River Park was only waiting for CDOT to give the go-ahead for striping to be done and finishing the entrance. The Board would continue the fees discussion and take action on how to implement a fee structure to support the park.

CEDD Cathy Pagano stated that up for consideration was a draft of their resolution with the accompanying exhibit of proposed fees schedule. She explained they had worked through a process of fact finding with the area guides and outfitters on an area to be reserved parking, but had come to questions like how to enforce this reserved area, and what was fair to charge. Since they recognized it was later in the season now, the decision was made to set that issue aside for the year and study other, similar areas and how they charge/enforce these reserved spaces for guides and outfitters. After the fact finding, CEDD Pagano would then like to give recommendations for next year's season, rather than putting restrictions into effect mid-season. She proposed adoption of individual parking fees for now, with overnight camping fees to come as the sites are completed.

Further discussion included topics around: time allowed for drop off/pick up with no fees; closing of vehicle access to the river across the highway by CDOT; how best to enforce fees in the future; what is being done this year for commercial use; and collaboration in gathering data on this. The decision was made to keep fees in line with covering maintenance of the park, not as a money maker but to serve the public well. At this point, they concluded the forecasted costs and expected revenues were fairly close together.

With direction to later add public ethics and funding messaging to park signage for 2022, it was **moved** by Chairperson Houck, seconded by Commissioner Smith to adopt Resolution 2021-18, A Resolution Adopting a Schedule of Fees for the Shady Island River Park. Included in the approval of this resolution was the inclusion of Exhibit A, with the language, "accommodating 16 people and 4 vehicles" under "Group Campsite" to be stricken from the exhibit. Motion carried unanimously.

**DISCUSSION CONCERNING BOARD COMMENTS ON GRAND MESA, UNCOMPAHGRE AND GUNNISON (GMUG) NATIONAL FOREST PLAN REVISION:** Chairperson Houck introduced the discussion by explaining that the entire GMUG forest plan is going through revision. Gunnison County and 11 other counties touch on this forest area and are all involved in this process; Chairperson Houck noted he has been representing the County for years now in this effort. The Forest Service was now asking for feedback from the cooperating agencies on a draft proposal, but their timeline was very quick, so Commissioner Houck suggested that they follow the lead of several other counties in asking for an additional two weeks' time to allow for feedback. He asked for the Board's approval to send a formal request letter to the Forest Supervisor, Chad Stewart, in Delta, asking on behalf of Gunnison County for a two-week extension to review the plan.

Chairperson Houck also gave a quick overview of some of the issues he wanted to see addressed in the revised forest plan, issues such as: specific rules for the use of UTVs, ATVs and different types of mountain bikes; a robust economic analysis expanded beyond timber, oil and gas; and climate change impact on the forest. He stressed that the additional two weeks of time would be needed for a more robust feedback.

After a suggestion by County Manager Birnie to ask for a delegation of authority in order to make timely responses to the cooperating agencies, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to delegate authority to Chairperson Houck to submit comments on the GMUG National Forest Plan Revision. Motion carried unanimously.

An additional note was made that the original deadline date was for July 16<sup>th</sup>, and the County would be asking to have it moved to July 30<sup>th</sup>.

**UNSCHEDULED CITIZENS:**

1. Jim Starr of Valley Housing Fund; present in the room. Jim Starr deferred to Tim Szurgot via Zoom.
2. Tim Szurgot – a resident of Wild Bird subdivision, up Slate River valley. Tim started by introducing himself as one of many citizens leading the charge to help protect the Slate River Valley from overdevelopment. He let the Board know that his petition for marking the area as a special geographic area now had over 1,700 signatures, and the list was still growing. He asked the County to continue to find ways to protect the fragile wildlife habitat. At the end of his statement, Chairperson Houck requested for Tim to be sure to email a copy of his presentation to the Board, as well.
3. Jim Starr of Valley Housing. Jim followed up on Tim’s comments regarding a special geographic area. He cited a section of the Land Use Regulations (LUR), Section 2-1 of 2 and Section 1-110. He noted that the purpose of these sections is to establish a process whereby the County can designate certain areas for specialized land use regulations, and also gives procedures for citizens to request a special designation. Jim asked the Board, Community and Environmental Director, and Planning Commission to consider this process for designating the Slate River Valley as a special geographic area, protecting a high quality, valuable water supply and wildlife habitat. He concluded that a 5,000 plus square foot structure has no place in this fragile floodplain.

**COMMISSIONER ITEMS:**

**Commissioner Mason:**

1. Added note to Counties & Commissioners Acting Together (CCAT). Commissioner Mason wanted to give notice that CCAT was considering a potential increase of dues for counties in order to facilitate more staff for director assistance. Chairperson Houck added that when 2022 dues for various organizations came in, then the Board, along with County Manager Birnie could determine if the value was still there to justify the increases.

**Chairperson Houck:**

1. Volunteer appreciation dinner for the COVID response. CM Matthew Birnie represented the County, and Chairperson Houck expressed his thanks to CM Birnie for this, noting CM Birnie’s participation in the vaccine clinics over a significant amount of time. In all, volunteers had donated over 20,000 hours.
2. Counties & Commissioner Acting Together (CCAT). Chairperson Houck was also able to participate in some of the elements of the CCAT conference.
3. Appointment to a technical working group for the wolf reintroduction. Chairperson Houck added that one of the main reasons he was selected for this group was his active role as a voting member on the Gunnison Basin Sage-grouse Strategic Committee. Unfortunately, the wolf reintroduction meetings would be in conflict with the Sage-grouse Strategic Committee’s meeting times, so he was arranging to have Commissioner Smith take his spot as voting member. Chairperson Houck added that he would work with CM Birnie on the language for this and for other possible agency changes as well.
4. Sustainable Tourism & Outdoor Recreation (STOR) committee meeting last week. Chairperson Houck reported a main portion of the discussion dealt with managing a marketing balance, and working on managing impacts with Gunnison County’s federal partners. He also noted a subcommittee would be meeting the next week to deal with waste management issues for the Crested Butte RV dump station. A final topic discussed at the meeting was the huge increase in volume of visitors, and the advantage of collaboration nationwide with other areas seeing a significant increase in visitors.
5. Upcoming meetings for the week. Chairperson Houck listed meetings he planned to attend that week, including National Association of Counties (NACO), Colorado Caucus, Alpine Steering Committee, and Western Interstate Region. As a reminder for the Board, he added that there would be a Joint Planning Commission meeting coming up on Friday at the Blackstock building, 2<sup>nd</sup> floor.

**RECESS:** Chairperson Houck recessed the regular meeting at 10:49 am, in order to go in to 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 RELATED TO THE MT. EMMONS/RED LADY MINE, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND PURSUANT TO C.R.S. 24-6-402(4)(B) CONFERENCES**

**WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO THE MT. EMMONS/RED LADY MINE:**

Chairperson Houck **moved** to go into 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 related to the Mt. Emmons/Red Lady Mine, developing strategy for negotiations and instructing negotiators, and pursuant to C.R.S. 24-6-402 (4) (b) conferences with the County Attorney or Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to the Mt. Emmons/Red Lady Mine. The participants in the Executive Session would include the full Board of County Commissioners, County Manager Matthew Birnie, County Attorney Matthew Hoyt, Assistant County Attorney Alex San Filippo-Rosser, and Community Development Director Cathie Pagano. Commissioner Smith seconded the motion, and the motion carried unanimously.

The Board went into executive session at 10:51 a.m. 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) 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).

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

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

At 11:35 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on track in the discussion. Commissioner Smith seconded the motion, and the motion carried unanimously.

Chairperson Houck then directed the Gunnison County Attorney’s Office to continue the negotiations that they have been working on.

At 11:36 am, Chairperson Houck opened a second Executive Session.

**Executive Session Pursuant to Colo. Rev. Stat. §24-6-402(4)(b): Conference with the County Attorney, Deputy County Attorney or Assistant County Attorney to receive legal advice in relation to Lake Irwin Coalition, Inc. v. Smith, 1:19-cv-01056 (D. Colo.) and High Lonesome Ranch, LLC v. Bd. of Cty Cmrs of Garfield Cty., 1:17-cv-01260 (D. Colo.):** Chairperson Houck **moved** to go into Executive Session, pursuant to C.R.S. §24-6-402 (4) (b), conference with a county attorney, deputy county attorney, or assistant county attorney, for the purposes of receiving legal advice in relation to the Lake Irwin Coalition, Inc. v. Smith, and High Lonesome Ranch, LLC vs. Bd of Cty Cmrs of Garfield Cty. The participants in the Executive Session would include the full Board of County Commissioners, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Assistant County Attorney Alex San Filippo-Rosser. Commissioner Smith seconded the motion, and the motion carried unanimously.

The Board went into executive session at 11:37 a.m. 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) (b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive

session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) 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).

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

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

At 11:55 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on track in the discussion. Commissioner Smith seconded the motion, and the motion carried unanimously.

Chairperson Houck, on behalf of the Board, then directed Gunnison County Attorney Matthew Hoyt and the Gunnison County Attorney’s Office to enter into a “friend of the court” status with the High Lonesome Ranch, LLC v. Bd. of Cty Cmrs of Garfield Cty. case, as it moves forward.

**ADJOURN: Moved** by Commissioner Mason, seconded by Chairperson Houck, to adjourn the Gunnison County Board of Commissioners Regular Meeting. Motion carried unanimously. The meeting was adjourned at 11:56 am.

\_\_\_\_\_  
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 GUNNISON COUNTY  
RESOLUTION NO. 21 – 17**

A RESOLUTION APPROVING COLORADO STATE UNIVERSITY WILSON SUBDIVISION  
SOUTHWEST ¼, SECTION 25, TOWNSHIP 50 NORTH, RANGE 1 WEST N.M.P.M.,  
1141 STATE HIGHWAY 135, GUNNISON COLORADO  
LUC-20-00013

WHEREAS, Colorado State University (CSU) represented by Fred Haberecht, proposes to subdivide the existing Wilson Subdivision that is approximately 18.6 acres into two new parcels, located at 1141 State Highway 135. These parcels are indicated as Lot 1 (the southern lot) and Lot 2 on the Plat. One main entrance will provide access for both lots and will be located across State Highway 135 from Clark Blvd. Water supply will be by the existing central well and augmentation water from the Upper Gunnison River Water Conservancy District and sewer by connection to the North Gunnison Sewer line. The intent of Colorado State University, the applicant, is to retain Lot 2 (15.13 acres) for the purpose of relocating the Colorado State Forest Service office currently located at Western Colorado University. Current structures will remain and new uses include interior remodel of the existing single-family residence to office spaces. The Colorado State Forest Service is the lead state agency that approves Community Wildfire Protection Plans (CWPP's). CSU supports the development and implementation of CWPP'S with our local field experts and our Colorado Wildfire Risk Assessment data. A previously proposed greenhouse has been removed from the application.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on April 2, 2021. The Gunnison County Planning Commission approved a Recommendation of conditional approval of the *COLORADO STATE UNIVERSITY WILSON SUBDIVISION* on May 21, 2021, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on July 6, 2021, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's May 21, 2021 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A, 2-4 Units*.
2. The land use change complies with all applicable requirements of the *Gunnison County and Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. A Gunnison Sage-grouse Habitat Site Specific Analysis was completed July 1, 2020 by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist. The analysis states that this proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
4. The proposed two-lot subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood. A greenhouse is not part of this project scope.
5. The property is within 400 feet of the North Gunnison Sewer line, and any uses requiring wastewater treatment shall connect to the North Gunnison Sewer line.
6. The applicant provided a copy of Well Permit No. 83157-F. This permit was issued on May 2, 2019 to use an existing well, constructed in 1966. The use of the well is limited to drinking and sanitary purposes in a commercial building and the irrigation of not more than 4,800 square feet of lawn and garden. The permit was approved on the condition that this well is operated in accordance with the Upper Gunnison River Water Conservancy District's Augmentation Plan.
7. A new entrance to access both lots 1 and 2 will be located across from Clark Boulevard on State Highway 135.
8. The applicant has been amenable to recommendations for future connectivity options. The applicant has expressed their support and willingness to allow for a future trail/recreation path on the subject parcel along the State Highway 135 frontage and an east-west access easement along the subdivision lot line.
9. A gap in title has been identified for a narrow strip of land outside the western property line and a quiet title action has been initiated to resolve the issue. No impacts to the current application are anticipated. The resolution of the quiet title action is not contemplated as part of this review to include a third legal, subdivided parcel.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. A public access easement shall be granted along the utility easement that extends from the State Highway 135 entrance along the subdivision boundary line to the west side of the parcel. It is illustrated on the plat and shall be activated once need is demonstrated, funding is in place and engineered plans have been secured. An easement agreement titled, "Dedication of Public Access and Utility Easements" is in place and recorded at the Gunnison County Clerk and Recorder's office, Reception No. \_\_\_\_\_.
1. A private utility easement agreement titled, "Dedication of Private Utility Easement" is in place and recorded at the Gunnison County Clerk and Recorder's office, Reception No. \_\_\_\_\_.
3. A trail easement within the County 40-foot right of way, parallel to State Highway 135 shall be installed at a future time after securing funds and location specifications. This is not shown on the plat. A trail easement shall be overlaid on the existing County 40-foot right of way and shall be amended when the details of the trail are established.
4. A Land Use Change permit application shall be required to absorb the parcel of land that is part of the quiet title action to one or both of the subject parcels. In no case, shall the resolution of the quiet title result in an additional legal lot, as defined in the Gunnison County Land Use Resolution, at any point.
5. A Development Improvement Agreement (DIA) shall be executed prior to construction commencing pursuant to Section 16-118: *Development Improvement Agreement Required* and shall include the following:
  - a) Roads- "Gunnison Hwy 135 Access Permit No 319030 Plan and Profile", dated March 12, 2019 by Kimley Horn.
  - b) Sewer infrastructure- CSU ALTA Survey with sewer taps, dated July 27, 2018.
  - c) Landscaping – Stamped "Drainage and Landscaping Plan" dated September 18, 2020 by CSU Facilities Management.
6. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder. The applicant shall ensure that the plat will contain required language addressing concerns with domestic animals, fencing and ditch maintenance, pursuant to Section 1-105. L.8.e. of the *Land Use Resolution*.
7. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
8. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
12. 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.
13. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2021-00013 COLORADO STATE UNIVERSITY WILSON SUBDIVISION, is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

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

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 6th day of July, 2021.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes.

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

**RESOLUTION NO. 21 – 18**

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR THE SHADY ISLAND RIVER PARK

WHEREAS, the Gunnison County Board of Commissioners owns and operates the Shady Island River Park and is authorized by law, including but not limited to C.R.S. §§ 30-11-102 and 30-11-107, to impose fees on persons who use the Park;

WHEREAS, the Gunnison County Board of County Commissioners has reviewed and discussed in a public meeting the fee schedule and operations at Shady Island River Park;

WHEREAS, the primary purpose of collecting fees for use of the Shady Island River Park is to defray the costs and expenses of administration, operation and maintenance of the Park;

WHEREAS, such fees are imposed only upon persons who use the Shady Island River Park;

WHEREAS, Gunnison County has determined that the fee amounts adopted by this Resolution bear a reasonable relationship to the costs of administration, operation and maintenance of the Park; and WHEREAS, the Gunnison County Board of County Commissioners has determined that the Shady Island River Park affords a public benefit to the residents of and visitors to Gunnison County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the schedule of fees for Shady Island River Park attached as Exhibit A to this Resolution is hereby adopted to support the ongoing administration, maintenance and operation of the Park. Such fees shall be reviewed and amended as needed by subsequent Resolution of the Board.

This Resolution shall remain in effect until amended or superseded by subsequent Resolution.

INTRODUCED by Commissioner Houck, seconded by Commissioner Smith, and adopted this 6th day of July, 2021.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes.

**EXHIBIT A**

**GUNNISON COUNTY SHADY ISLAND RIVER PARK FEE SCHEDULE  
Adopted by the Gunnison County Board of Commissioners**

ACTIVITY	FEE
DAY PASS: Valid for one day of parking to access River Park	\$5
WEEKLY PASS: Valid for seven (7) consecutive days for use as a parking pass to access the River Park	\$15
ANNUAL PASS: Valid for use during one calendar year as a parking pass to access the River Park	\$40 **Only in 2021 the fee shall be \$30
OVERNIGHT CAMPING PASS: Valid for one night of camping; a parking pass is also required for each vehicle	\$20
GROUP CAMPSITE: Valid for one night of camping; a parking pass is also required for each vehicle.	\$40