

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
August 2, 2022**

The August 2, 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	Matthew Birnie, County Manager
Roland Mason, Vice-Chairperson	Melanie Bollig, Deputy County Clerk
Liz Smith, Commissioner	Others Present as Listed in Text

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:30 am.

**FERMENTED MALT BEVERAGE; ALCOHOL BEVERAGE LICENSE #05-23848-0002; THREE RIVERS RESORT INC DBA THREE RIVERS RESORT; EFFECTIVE DATE 6/21/2022 – 6/21/2023**

With no questions or concerns from the Board, it was **moved** by Commissioner Smith to approve the liquor renewal license for Three Rivers Resort Inc dba Three Rivers Resort. Commissioner Mason seconded, and the motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Local Liquor Licensing Authority at 8:31 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:31 am.

**INTERGOVERNMENTAL AGREEMENT BETWEEN GUNNISON COUNTY CLERK AND RECORDER AND GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT; REGARDING CONDUCT AND ADMINISTRATION OF THE NOVEMBER 8, 2022 GENERAL ELECTION:** Chairperson Houck noted that the Board had gone over this agreement in an earlier public meeting.

With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the Intergovernmental Agreement between Gunnison County Clerk and Recorder and the Gunnison River Valley Local Marketing District, regarding conduct and administration of the November 8th, 2022 General Election. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison River Valley Local Marketing District at 8:32 am.

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

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:32 am.

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

**SCHEDULING:** There were no changes needed to the schedule.

Commissioner Mason noted that he would be out for the August 16<sup>th</sup> meeting, but would make sure to attend remotely as Commissioner Smith would be not be able to attend, due to a statewide opioid abatement conference.

County Manager Matthew Birnie informed the Board of requests from Arrowhead HOA to come and visit. The Board discussed with CM Birnie the various dates and times of day that would be best for them to meet, even possibly after Labor Day. CM Birnie stated that he would work on coordinating an acceptable time for all.

Chairperson Houck reminded everyone of the Mayors & Managers meeting for that week. Commissioner Smith advised that she would be going, but would need to be late, because of a meeting overlap. CM Birnie confirmed he would be attending.

Commissioner Smith asked about timing of a trip to Marble, Colorado later in the fall, with Chairperson Houck adding that this would probably be their typical overnight stay in September or October. CM Birnie confirmed that he would work with staff to get a meeting time arranged. Commissioner Mason added that it would be good to reach out to the Sheriff's Office for representation from them at the meeting as well.

**MINUTES APPROVAL:**

1. May 17, 2022 Regular Meeting – There were no changes needed.
2. July 26, 2022 Special Meeting – There were no changes needed.
3. July 19, 2022 Regular Meeting – Commissioner Smith asked for two changes: a) on page 2, add to the narrative on the Amendment to Consulting and Litigation Support Agreement with Cochran Fish

and Wildlife Consulting LLC – add that there would be enough planned funding for both the amendment costs and the Cheatgrass Habitat Coordinator position; and b) also on page 2, under the Opioid Settlement Intergovernmental Agreement – Commissioner Smith wished to emphasize that there will be a net benefit to the region, and not just to Gunnison County alone, as this will be a net benefit to the region with information resourcing and sharing.

Commissioner Mason **moved** to approve the May 17th, 2022 Regular Meeting minutes, the July 26th, 2022 Special Meeting minutes, and the July 19th, 2022 Regular Meeting minutes with noted additions included. Commissioner Smith seconded. Motion carried unanimously.

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

1. Colorado Department of Public Health and Environment (CDPHE) Contract Amendment #1; to reduce unintended pregnancy by insuring access to quality reproductive health services, as specified in the Statement of Work; 7/29/2022 – 6/20/2023; no cost change
2. Acknowledgement of County Manager’s signature; Colorado Department of Human Services, Diaper Distribution Program Grant Application; Gunnison County Health and Human Services; for diapering essentials and tracking distribution of supplies to eligible individuals; \$11,750
3. Trout Unlimited Letter of Support Request; Colorado River District Community Funding Partnership Program application; for diversion structures and headgates at two sites in the Upper Gunnison Basin
4. Acknowledgment of County Manager’s signature; Contractor Agreement; SGM, Inc; for South 14th Street Project engineering and design as outlined in the Scope of Work; 7/29/2022 – 12/31/2022; up to \$24,500
5. Contractor Agreement; Gunnison Valley Health; Gunnison County Sheriff’s Department; for medical services in the jail; July 1, 2022 – 12/31/2022; up to \$13,700
6. Opioid Settlement Intergovernmental Agreement; between Gunnison County and the Town of Pitkin; Establishing the manner in which funds from settlements between the State of Colorado and opioid manufacturers shall be divided and distributed locally
7. Ratification of HHS Deputy Director’s Signature; Colorado Department of Health Care Policy and Financing Contract; Gunnison County Department of Health and Human Services; for Colorado Dental Health Care Program for Low-income Seniors; 7/1/2022 – 6/30/2023; \$42,800
8. Early Milestones Colorado, Circle Grant Program Beneficiary Contract; Gunnison-Hinsdale Early Childhood Council; to improve early childhood workforce retention under the Coronavirus Response and Relief Supplemental Act (CRRSA); July 1, 2022 - June 30, 2023; \$125,000

**COUNTY MANAGER’S REPORT AND PROJECT UPDATES:** County Manager Matthew Birnie was present for discussion and questions from the Board.

1. Library opening celebration needs to be pushed back. CM Birnie informed the Board that the Library opening would probably need to be for a later date, due to a delay in receiving some of the shelving.
2. Sawtooth Project getting close to a final agreement with Fading West. CM Birnie stated that they should start to deliver units next spring. The methods for financing of Phases 1 and 2 were also discussed with the Board. CM Birnie noted that Fading West had been very receptive to efficiency changes requested by the County for their units, and were great to work with.
3. Airport Project update. CM Birnie noted that the airport was really starting to take shape, with pavement and solar panels now added. He further stated that the ICELab had ideas about displaying local products in the new facilities, and he and Airport Manager Rick Lampert would be touring the new facilities with a few from ICELab to see what might be possible. The types of artwork being added to the building were also discussed with the Board, noting artists from the Denver area as well as from Crested Butte. CM Birnie stated that he would be happy to share the artwork conceptals with the Board.

**DEPUTY COUNTY MANAGER’S REPORT AND PROJECT UPDATES:** Deputy County Manager Marlene Crosby was present in the room for discussion and questions from the Board, along with the new Assistant County Manager for Public Works, Martin Schmidt.

1. **Name Change Proposal for Gunnison Watershed Weed Commission (aka Gunnison Basin Weed Commission).** DCM Crosby noted that they had been proposing a name change for quite a while, and that this change would also bring opportunities for additional grant funding. Due to all the Intergovernmental Agreements already in place for 2022, DCM Crosby asked the Board’s permission to make the legal name change for 2023, and noted that she would be working with County Attorney Matt Hoyt to get the wording and description of the Gunnison Watershed Weed Commission correct. CA Hoyt explained that they would need to work to make sure there was no confusion as to what weeds they would be controlling. Some possible options for designations were discussed with the Board and CA Hoyt.

Chairperson Houck, with support of the other commissioners, then asked the County Attorney’s Office and the Deputy County Manager to work together on finding the best name, effective for January 1, 2023, and then have it scheduled for approval on the Board of County Commissioners’ consent agenda at their next regular meeting.

2. **Grant Opportunity; Safe Streets and Roads for All; for planning funds to improve intersections.** ACM Martin Schmidt explained this grant opportunity was for infrastructure; the

grant would fund planning only. He stated that they would be focusing on safety in intersections along the Hwy 135 corridor, part of a planning effort started over a decade earlier, and that so far they had not yet heard back from engineers with cost estimates. ACM Schmidt also noted that there was the possibility for future coordination with the City of Gunnison; combining efforts could bring the opportunity for much larger future grants.

The Board gave its support to pursue this grant; Commissioner Houck then **moved** to support the application and develop that for the Safe Streets and Roads for All, through the presentation they had that morning. Commissioner Smith seconded. Motion carried unanimously.

Commissioner Mason also stated that Region 10 was working on adding a grant writing infrastructure position to help the region work on federal grants; he informed ACM Schmidt that this might be a possible resource for the intersection project.

3. Wildlife corridor presentation follow-up. DCM Crosby wanted to clarify – as a follow-to an earlier work session presentation – that County Road 42 was not a road that the County plowed in the winter months. CM Birnie added that this topic was brought up in response to one incident involving illegal plowing. DCM Crosby stated that Public Works had closed the activity down as soon as they had found out about it.
4. Significant rockslides. DCM Crosby informed the Board that significant rockslides had occurred on the road between Crystal and Marble (below the Crystal Mill). She explained that Operations Manager Sparky Casebolt was currently over there to see if he could make an impact on the slide, and she would be getting a report from Sparky later that day.
5. Public Works is working with the Town of Crested Butte to dispose of aged solid waste materials from an old dump site there. ACM Martin Schmidt informed the Board of this collaboration and noted that they would be assessing how best to accept the material at the landfill, with DCM Crosby adding that it should be good for the landfill as a great portion should be dirt or ash.

**RECESS:** Chairperson Houck recessed the meeting from 9:09 am until 9:15 am, in order to hold the below Public Hearing.

**PUBLIC HEARING; ALLEY VACATION REQUEST IN THE TOWNSITE OF IRWIN; ELI PARDINI**

1. **Resolution: Vacating a Certain Portion of an Alley Lying Within the Townsite of Irwin, County of Gunnison, State of Colorado:**

Deputy County Manager Marlene Crosby and Assistant County Manager for Public Works Martin Schmidt were present for discussion and questions from the Board.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 9:09 am.
2. Public Notice Confirmation. Marlene confirmed that the Public Hearing had public notices properly posted. Also, certified mail letters were sent, with one needing to be hand delivered – all within the correct timeframe.
3. Identify Ex Parte Communications. There were no ex parte communications identified by the Board.
4. Staff Presentation. DCM Crosby explained that the two street vacations are linked by a boundary line adjustment and by lot clusters. She presented to the Board for illustration of the area, an older map depicting the Irwin townsite. DCM Crosby then showed the Board and others present the historic areas of use and access, explaining that the applicant Eli Pardini proposed to vacate an alley.
5. Applicant Presentation. Eli Pardini was not present for discussion.
6. Board Questions. There were no questions from the Board. Commissioners Mason and Smith noted that it did seem to clean up and consolidate the proposed area.
7. Public Comments. Chairperson Houck opened the Public Hearing to public comment at 9:14 am. No member of the public was present for comment.
8. Acknowledge Correspondence Received. DCM Crosby and Administration Office staff confirmed that no additional correspondence had been received.
9. Applicant Response. Eli Pardini was not present for response.
10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 9:15 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Marlene Crosby asked the Board to then make a motion regarding the corresponding resolution for vacation. Commissioner Mason **moved** to approve Resolution 2022-28, a Resolution Vacating a Certain Portion of an Alley Lying Within the Townsite of Irwin, County of Gunnison, State of Colorado, and to authorize the full Board’s signatures. Commissioner Smith seconded. Motion carried unanimously.

**BREAK:** Chairperson Houck elected to take a break from 9:17 am to 9:20 am, in order to begin the next public hearing at its noticed time.

**RECESS:** Chairperson Houck recessed the meeting from 9:20 am until 9:36 am, in order to hold the below Public Hearing.

**PUBLIC HEARING; STREET AND ALLEY VACATION REQUEST IN BLOCKS 4 & 5 OF THE TOWNSITE OF IRWIN; SYDNEY SCHIEREN AND ERIN OLIVER**

1. **Resolution; Vacating Certain Portions of Streets and Alleys Lying Within the Townsite of Irwin, County of Gunnison, State of Colorado:**

Deputy County Manager Marlene Crosby, Assistant County Manager for Public Works Martin Schmidt, and applicant Sydney Schieren were present in the room for discussion and questions from the Board.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 9:20 am.
2. Public Notice Confirmation. DCM Crosby confirmed that the Public Hearing had public notices properly posted.
3. Identify Ex Parte Communications. There were no ex parte communications identified by the Board.
4. Staff Presentation. DCM Crosby again showed the Board the older map of the Townsite of Irwin, and pointed out for them 9<sup>th</sup> and 10<sup>th</sup> street, and the portions of these streets and alleys which would be included in the vacations. She also stated that she had notified all the people in that area, and noted that adjacent owners were not co-applicants, which was why half of 9<sup>th</sup> street would still be open.
5. Applicant Presentation. Applicant Sydney Schieren began by stating that DCM Marlene Crosby had done a great job of summarizing the application. He went on to explain that two years ago, he had bought load claims and they had come with the lots. Now he wished to consolidate and adjust the lots to reduce confusion and have contiguous lots. He also noted that he had purchased another single lot last year which was in between the two; his goal was to clean up driveways, consolidate lots, and make one contiguous parcel.
6. Board Questions. Commissioner Mason stated that it did solve the separation of the lots. Commissioner Smith asked about the rationale of including the street into the parcel cluster. DCM Crosby answered that 9<sup>th</sup> Street is currently not built; half would still be retained for future access if needed. Chairperson Houck also noted that this did not raise any concerns for him.
7. Public Comments. Chairperson Houck opened the Public Hearing to comments at 9:31 am. No one, online or in the room, was present to make public comment.
8. Acknowledge Correspondence Received. DCM Crosby confirmed that there had been no additional written correspondence. She did note that, in hand delivering a notice, she had talked with an adjacent landowner regarding access, but in research and looking at deeds, had found there was no change in that landowner's access on 9<sup>th</sup> street because the deed was prior to the portion or 9<sup>th</sup> Street proposed to be vacated.
9. Applicant Response. Applicant Sydney Schieren had no further comments in response.
10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 9:36 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

The Board then discussed for several minutes some of Commissioner Smith's concerns about the half of 9<sup>th</sup> Street being vacated, and whether it met a public good. Commissioner Houck stated that the only time he had opposed a street vacation to half was when the other piece would go to public land. He then added that, if a future owner needs access to a parcel, this would go through another application for access at that point in the future. Commissioner Mason also stated that he did not have concerns about adding this portion of 9<sup>th</sup> Street, since the owner had the lots where 9<sup>th</sup> Street dead ends; instead, he felt this would aid in cleaning up the area, and he did not see it as a detriment to the public. CA Hoyt advised the Board that whatever decision they made could be used as precedence in later application arguments brought to the Board; however, the Board was not bound to have to follow a current decision in later applications.

After the Board had discussed several usage possibilities for the future, they decided to go ahead with approval of the vacation. Commissioner Mason **moved** to approve Resolution 2022-29, a Resolution Vacating Certain Portions of Streets and Alleys Lying Within the Townsite of Irwin, County of Gunnison, State of Colorado, and to authorize the full Board's signatures. Commissioner Houck seconded. Motion carried unanimously.

Commissioner Houck then signed the plat.

**BOUNDARY LINE ADJUSTMENT; LOCATED WITHIN LOTS 13-16, BLOCK 5, TOWNSITE OF IRWIN & LAST CHANCE LODGE M.S. 4955, GUNNISON COUNTY; SYDNEY SCHIEREN AND ELI PARDINI; LUC-22-00017:** Community Development Administrative Services Manager Beth Baker and applicant Sydney Schieren, were present for discussion.

ASM Beth Baker stated that the two applicants were adjacent owners and the adjustment was primarily to accommodate Mr. Pardini's driveway. She added that tax certificates indicated taxes were current, there were no liens or lenders, and the County Attorney's Office had also reviewed and approved the adjustment.

With no questions from the Board, Commissioner Smith **moved** to approve the boundary line adjustment, and to authorize the chair's signature on the plat. Commissioner Mason seconded, and the motion carried unanimously.

**LOT CLUSTER; LOTS 3, 4, 5, AND 6, BLOCK 5, AND LOTS 13R AND 16R, BLOCK 5, TOWNSITE OF IRWIN; KAREN AND ELI PARDINI; LUC-22-00018:** Community Development Administrative Services Manager Beth Baker was present for discussion.

ASM Beth Baker stated that now they had the street and alley vacation, the applicants needed to cluster for their septic system. She noted that all had been gone through and approved.

With no questions from the Board, Commissioner Mason **moved** to approve the lot cluster for Lots 3, 4, 5, and 6, Block 5, and Lots 13E and 16R, Block 5, Townsite of Irwin, LUC-22-00018, and to authorize the full Board's signatures. Commissioner Smith seconded. Motion carried unanimously.

**LOT CLUSTER; LOTS 4-7 & LOTS 12-13, BLOCK 4, AND LOTS 14R & 15R, BLOCK 5, TOWNSITE OF IRWIN; SYDNEY SCHIEREN AND ERIN OLIVER; LUC-22-00019:** Community Development Administrative Services Manager Beth Baker was present for discussion.

ASM Beth Baker stated that the lots were adjacent, and the lot cluster had been reviewed and approved by the County Attorney's Office, the taxes were current, and there were no liens or lenders.

With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the lot cluster for Lots 4-7 & Lots 12-13, Block 4, and Lots 14R & 15R, Block 5, Townsite of Irwin, LUC-22-00019, and to authorize the full Board's signatures. Motion carried unanimously.

**TOWNHOME PLAT; RE-SUBDIVISION OF LOTS M1-13, M1-14 AND M1-15, BUCKHORN RANCH FILING NO. 2B, BASIN MOUNTAIN VILLAGE; LUC-22-00040:** Community Development Administrative Services Manager Beth Baker was present for discussion. She noted that Attorney Daniel Spivey, representing the applicants, had been present earlier online, but was no longer there for the presentation.

ASM Beth Baker stated that everything was in order for the townhome plat; the County Attorney's Office had found it sufficient for the Board's review, taxes were current, the lien holders had reviewed it and signed the plat, and the HOA had also given approval.

With no questions from the Board, Commissioner Smith **moved** to approve the Townhome Plat Re-subdivision of Lots M1-13, M1-14 and M1-15 of Buckhorn Ranch Filing No. 2B, LUC-22-00040, and to authorize the chair's signature. Commissioner Mason seconded. Motion carried unanimously.

**RE-SUBDIVISION OF LOTS 1 AND 2; WOLF CANYON SUBDIVISION; JOHNSON COLORADO TRUST; LUC-21-00067**

1. **Resolution; Approving the Application for [Correction] Unclustering the Subdivision of Two Lots in Wolf Canyon Subdivision LUC-21-00067 Johnson Colorado Trust**

Community Development Senior Planner Rachel Sabato presented the details of this re-sudivision to the Board. The Board then noted that they had seen Assistant County Attorney Alex San Filippo-Rosser's comments on this item, and asked that representative for the applicant, Attorney Jacob With – who was present in the room – also come forward.

ACA San Filippo-Rosser began by stating that his understanding was that the goal of the re-sudivision was to go back to the way it was before. Attny With confirmed this. ACM San Filippo-Rosser then noted that he saw this plat as a subdivision, according to the LUR, and he had identified three components on the plat that he saw as missing. He stated that these components were noted in the packet for the Board, but added that Community Development had decided they would like to present this to the Board as is. ACM San Filippo-Rosser briefly went over his three concerns, and noted that the accompanying resolution could be referenced on the plat so that anyone could know it was available.

The Board then discussed with Community Development's Rachel Sabato, ACM Cathie Pagano, and both Attorneys San Filippo-Rosser and With, just what would be needed for adequate approval of the re-subdivision, and what would be best for future reference.

Commissioner Smith **moved** to approve the Re-Subdivision of Lots 1 and 2, Wolf Canyon Subdivision, Johnson Colorado Trust, LUC-21-00067 and authorize the chair's signature, contingent upon the addition of the three missing items that ACA Alex San Filippo-Rosser brought up, and as identified in the meeting portfolio, including: hazard warnings / disclaimers, compliance with Board resolution, and specific Board approval language regarding road maintenance and snow removal. Seconded by Commissioner Mason. Motion carried unanimously.

Commissioner Smith **moved** to approve Resolution 2022-30, a Resolution Approving the Application for the Subdivision of Two Lots in Wolf Canyon Subdivision LUC-21-00067, contingent upon the plat being amended in satisfactory condition. Seconded by Commissioner Mason. Motion carried unanimously.

Commissioner Houck then noted that once the amendments were made, because this was decided in public record and in a public place, he could then sign at a later date the amended plat and the resolution without it needing to come back for consideration again before the Board.

**DEVELOPMENT IMPROVEMENT AGREEMENT (DIA) TWO-YEAR EXTENSION REQUEST; SIMCO VENTURES, LLC, RE: LUC-20-00015 DOS RIOS TOWNHOMES (THE "PROJECT"):** Assistant County Manager for Community and Economic Development Cathie Pagano, and representative for the applicant, Attorney Jacob With were present for discussion.

Attorney With briefly explained that construction costs and delays on the BLM building project, also being built by the client, have made them want to hold off until they are really ready to begin this project. ACM Pagano added that the LUR allowed applicants to apply for one 2-year extension; she had reviewed the application and approved their request for the extension.

With no questions from the Board, Commissioner Smith **moved** to approve the Development Improvement Agreement two-year extension request for Simco Ventures, LLC, regarding LUC-20-00015, Dos Rios Townhomes. Seconded by Commissioner Mason. Motion carried unanimously.

**APPROVAL FOR FAIRGROUND USE FEES AND POLICY UPDATES; AND**

**1. Resolution Update to BOCC Resolution 2022-4; A Resolution Adopting Gunnison County Policy Concerning Authority and Use of the Fred R. Field Western Heritage Center**

Assistant County Manager for Operations and Sustainability John Cattles was present for discussion.

Chairperson Houck began by stating that the Board had spent time on this before in a previous work session. ACM Cattles added that this was a cleaning up process regarding serving of alcohol at events. The change would now require two approvals for this: one would be Fieldhouse Manager Melody Roper, and the other – which used to be DCM Marlene Crosby – would now be John Cattles or his designee. He also noted that they were starting a process now to begin the application process with an online form.

Commissioner Smith **moved** to approve Resolution 2022-31, an update to the BOCC Resolution 2022-4; A Resolution Adopting Gunnison County Policy Concerning Authority and Use of the Fred R. Field Western Heritage Center, and to authorize the Board's signatures. Commissioner Mason seconded. Motion carried unanimously.

**CHANGE OF AGENDA:** Chairperson Houck overlooked the break noted on the agenda at this point.

**MEMORANDUM OF UNDERSTANDING; U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, COLORADO STATE OFFICE, AND GUNNISON COUNTY, COLORADO; FOR COOPERATIVE DEVELOPMENT OF THE BIG GAME HABITAT, MOVEMENT ROUTE AND MIGRATION CORRIDOR RESOURCE MANAGEMENT PLAN AMENDMENT:** County Attorney Matt Hoyt was present in the room for discussion and any questions the Board might have. He stated that this MOU was a standard to become a cooperating agency; one request for use of Gunnison County's LUR had already be accepted by BLM. With that request accepted, CA Hoyt recommended to the Board the approval of the MOU.

After a brief discussion regarding procedures for accepting the role of a cooperating agency, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the Memorandum of Understanding between the U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, and Gunnison County, Colorado, for Cooperative Development of the Big Game Habitat, Movement Route and Migration Corridor Resource Management Plan Amendment, authorizing the chair's signature and designating the chair as the point of contact. Motion carried unanimously.

**CHANGE OF AGENDA:** Chairperson Houck elected to take a break in the meeting, which lasted from 10:13 am to 10:21.

**REQUEST TO QUITCLAIM COUNTY WATER RIGHTS AND ABANDONMENT OF SUBDIVISION PLAT IN RELATION TO SNOWBOUND SUBDIVISION:** Assistant County Manager for Community and Economic Development Cathie Pagano and County Attorney Matt Hoyt were present in the room for discussion and questions by the Board. Also present in the room was Attorney Kendall Burgemeister, representative for Jeffe Hall, the current owner of the entire Snowbound subdivision.

CA Hoyt gave a brief introduction of the issue and then asked Attorney Burgemeister to present an overview of the history of and options for Snowbound's Water Rights. Attny Burgemeister gave an overall history and made a request to Gunnison County to: 1) vacate Snowbound Subdivision, noting the owners were entitled to an exempt well permit of in-house use in one dwelling; 2) transfer to Jeffe Hall ownership of Snowbound water system – well, pump, water lines, etc., and 3) transfer to Jeffe Hall ownership of water rights conveyed by Richard Phillips to Marble Metro District in 1985 (referencing a reverter clause in the Water Services Agreement). In exchange, Jeffe Hall would release Gunnison County from any obligation to provide water service to Snowbound.

After a Board discussion with CA Hoyt regarding the legal perspectives of liability, and the request to quitclaim in light of land use objectives of Gunnison County, it was decided by the Board to approve the quitclaim transaction.

Commissioner Smith **moved** to authorize the County Attorney's Office to release the water rights and provide direction to staff to work with Attorney Kendall Burgemeister to develop a quitclaim deed and any other documents necessary to effectuate the transaction. Commissioner Mason seconded. Motion carried unanimously.

Chairperson Houck then stated that this would be approved to sign on an upcoming Board agenda.

**REQUEST BY BOULDER COUNTY TO JOIN BRIEF of *Amici Curiae* IN THE MATTER OF *Knipp v. Try-County Health Dept., 2022CA302*:** County Attorney Matt Hoyt briefly explained that this matter was on appeal, and that it addressed the authority of the County's Health and Human Services Director Joni Reynolds – as our public health officer - to order the closure of schools, and to mandate the wearing of masks. He asked the Board to join other counties by becoming a friend of the court – in doing so, to support the Try-County Health Department's defense of their public health officer's authority, and of our own public health officer's ability to address future public issues. ACM Joni Reynolds, present online via Zoom, also added her full support for joining.

After a brief discussion by the Board with CA Hoyt, regarding what a friend of the court entails and also expressing their support, Commissioner Smith **moved** to support Gunnison County joining as a friend of the court to the Brief of *Amici Curiae* IN THE MATTER OF *Knipp v. Try-County Health Dept., 2022CA302*. Commissioner Mason seconded. Motion carried unanimously.

**BOARDS AND COMMISSIONS; OUT-OF-CYCLE VACANCIES FOR CONSIDERATION:** Chairperson Houck noted staff was seeking guidance on vacancies and possible appointment for three Boards or Commissions. After a brief discussion, the Board gave the following direction:

1. 7<sup>th</sup> Judicial Community Corrections Board vacancy: Interview at the August 9<sup>th</sup> work session, and then appoint at the BOCC's regular meeting on August 16<sup>th</sup>.
2. Cemetery District Board vacancy: Give notice in the papers for two weeks, as well as online for an out-of-cycle appointment.
3. Weed Commission vacancy: Follow the same process for an out-of-cycle vacancy by advertising for two weeks, after which the Board will revisit the need for further advertisement.

The Board also requested to be informed of any applications and possible interview dates.

**UNSCHEDULED CITIZENS:**

1. Mark Schumacher, Three Rivers Resort, Almont Colorado. Mr. Schumacher, present in the room, requested a change to the minutes from July 19, 2022, regarding his portion of Unscheduled Citizens on that date. He also stated that he noticed the work session agenda for July 12<sup>th</sup> said there was no portfolio, but there was one. He stated that he had requested to meet with the County Commissioners at the May 3<sup>rd</sup> meeting to talk about House Bill 1287 and had been informed that there were no meetings after that date that fit in – but there was a work session on May 10<sup>th</sup> and the bill wasn't signed until May 26<sup>th</sup>. If there was a report given by Commissioner Smith about that bill, he stated that it was not on meeting records.

Mr. Schumacher went on to clarify his statements from the minutes for July 19<sup>th</sup>, asking for the minutes to be changed in the part that stated he had mis-spoke, as he had not. Further, he expressed several concerns regarding mobile home residents and owners of mobile home parks. Topics discussed with the Board included: State laws regarding the moving of mobile homes, Delta County Ordinance 2006-10, House Bill 1287, County Land Use Regulations, and rent control. CM Birnie stated also that staff would review the minutes record and make appropriate changes.

2. Brett Henderson, Executive Director of High Country Conservation Advocates. Mr. Henderson let the Board know that he was there to support the Draft Conservation Easement language and extinguishment document for Red Lady mining and development. He wanted to bring to the Board's attention the issue of the Forest Service not offering a public comment opportunity, as required by statute, and then encouraged the Board to send a letter to the Forest Service requesting the official comment period as part of the process.

**COMMISSIONER ITEMS:**

**Commissioner Mason**

1. Region 10 update. Commissioner Mason let the Board know that he was no longer the chair for the Region 10 board. He then listed several other updates for Region 10, including: Region 10 was looking at hiring someone who would write grants for the region; the Gunnison satellite office small business development center, located at 109 E Georgia in Gunnison, would be opening on September 13<sup>th</sup>, and; Region 10's 50-year anniversary was coming up on September 29<sup>th</sup>, with a celebration to be held in Montrose.
2. Gunnison Valley Regional Housing Authority update. Commissioner Mason informed the Board that they had received four applicants for the Executive Director position at GVRHA, and the Board would be meeting next Friday to go over those applications. He noted August 24-25 as tentative dates for the finalists to come to Gunnison for panel reviews with the County Manager, Community Development, and possibly with other housing authority partners as well.

**Commissioner Smith**

1. Fly-over of the Crystal River headwaters area. Commissioner Smith reported that she and Commissioner Mason had the opportunity to see where the upper Crystal River flows into Carbondale, during part of the Wild & Scenic designation process. She added that it had been very instructive to see it from the air.
2. Attended a Colorado State University – 4H extension meeting. Commissioner Smith reported that they took a look during the meeting at what works for the local area, so that CSU extension can better meet its needs. Also, she noted that they were interested in looking at the cheatgrass coordinator position and the results of hiring a coordinator, with the option of seeing if this might be a future possibility for partnerships in other state locales.
3. Attended a Colorado Counties Inc (CCI) Bylaws Committee meeting. Commissioner Smith informed the Board that discussions were centered on current contentious legislation. Suggestions also were made regarding changing terms of the steering committee leadership appointments from two years to one instead.
4. Attended an intake session with Housing Leadership Lab, offered through the non-profit organization Local Progress. Commissioner Smith stated that this the group would be providing technical support and legal policy analysis for local housing issues and mobile home park policy. She let the other commissioners know that she would be following up with City of Gunnison Mayor Diego Plata to see how the city and county can work together to strengthen protections locally. She further noted that another topic to explore would be short-term rental policies.

- 5. Hiring committee for the cheatgrass and habitat coordinator position is getting close to extending an offer. Commissioner Smith stated that they had many well-qualified applicants for this position, and should hopefully have more to report at the next regular meeting.

**Commissioner Houck**

- 1. Attended a BLM open house last week regarding the Gunnison Sage-grouse RMP revisions. Commissioner Houck informed the Board that Jim Cochran and CA Matt Hoyt would be working with him on initial comments from the County for scoping. He also planned to meet with BOCC chairperson for Dolores County, Julie Kibel, to develop input for the RMP from the County Coalition.
- 2. Grand Mesa – Uncompahgre – Gunnison (GMUG) Forest Plan revision. Commissioner Houck reported that the revision plan was currently "in the shop." He noted that he would be meeting shortly with Chad Stewart, the FS supervisor for the GMUG revisions, and Commissioner Houck was very interested in seeing how much of the input from the counties who participated as cooperating agencies would now be incorporated into the latest draft.
- 3. CORE Act update. Commissioner Act stated that the CORE Act had gone to the Senate, and after a natural resources hearing, had fallen to a 10-10 party line vote. He outlined the possibilities for it going through the Senate in order for the President to sign, but noted that Senator Bennet’s office did not see any of these possibilities happening. Individual commissioners from the area counties sent a letter to Senator Bennet’s office offering further suggestions for those elements of the CORE Act that could be enacted even if the CORE Act is not voted on. They were now waiting for a response back from Senator Bennet’s office.
- 4. Future updates to come. Commissioner Houck listed the GORP Act, work on the RMP’s for Gunnison Sage-grouse and the wildlife corridor as being ongoing projects he would continue to bring updates to the Board on, as things develop.

**RECESS:** Chairperson Houck recessed the regular meeting at 11:26 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 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 Colorado Revised Statute § 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 be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, Assistant County Manager for Community and Economic Development Cathie Pagano, and County Attorney Matthew Hoyt. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Mason seconded the motion, and the motion carried unanimously.

The Board went into executive session at 11:27 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 (e)(I) and §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)(e)(I) and C.R.S. § 24-6-402(4)(b) 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) and C.R.S. § 24-6-402(4)(b).

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

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

At 12:22 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 topic, receiving input from the County Attorney on the issue. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck then asked Commissioner Mason to give a statement on behalf of the Board, which expressed the Board’s position on the process and where they were at today.

Commissioner Mason then stated that this was a very positive step in the process to advance what our community has asked for in the last 40-45 years. He then read into the record, “The BOCC finds that the draft conservation easement and extinguishing agreement furthers the objectives of the County and the Town under the 2016 and 2021 MOU’s, to the extent that they prevent mining and development and grant the Town and County the rights to enforce such restrictions, and recognizes the Town’s and County’s regulatory authority over the following properties.”

Commissioner Mason added that those were the main objectives that they had set out with, and he felt that this furthered them down the road - there were definitely steps that they would need to take in the future to get there, but he felt that this was a really good start. He further noted that this would work well with the land exchange that will moving forward, recognizing that the exchange would also be a big part of this process.

Commissioner Houck concluded by saying that what they heard today was making good progress in coming to a conclusion agreeable to all the parties involved. On behalf or the Board, he thanked everyone involved in the process. Commissioner Smith reiterated the thanks as well.

**ADJOURN:** Chairperson Houck the Gunnison County Board of County Commissioners Regular Meeting at 12:27 pm.

\_\_\_\_\_  
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: 2022-28**

A RESOLUTION VACATING A CERTAIN PORTION OF AN ALLEY LYING WITHIN  
THE TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), by virtue of Colorado law, has authority and is the owner of certain roads and alleys lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads and alleys are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain portion of an alley lying within the Townsite of Irwin, County of Gunnison, State of Colorado described as follows:

A portion of the alley in Block 5 of the Townsite of Irwin, Gunnison County, Colorado, being more particularly described as follows: The alley between Lots 3, 4, 5 & 6 AND Lots 13-R and 16-R, Block 4 of the Pardini/Schieren Oliver Boundary Line Adjustment, Townsite of Irwin, County of Gunnison, State of Colorado; and

WHEREAS, the vacation of the above described portion of a certain alley lying within the Townsite of Irwin, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described portion of a certain alley lying within the Townsite of Irwin; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

WHEREAS, the Pardini/Schieren Oliver Boundary Line Adjustment Agreement; LUC 22-00017 and Lot Cluster Agreement and Declaration; LUC-22-00018 for Eli Pardini at Lots 3, 4, 5 & 6 AND Lots 13-R and 16-R, Block 4, Townsite of Irwin was approved by the Board August 2nd, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the certain portion of and alley lying within the Townsite of Irwin, County of Gunnison, State of Colorado described as follows shall be and hereby is vacated:

A portion of the alley in Block 5 of the Townsite of Irwin, Gunnison County, Colorado, being more particularly described as follows: The alley between Lots 3, 4, 5 & 6 AND Lots 13-R and 16-R, Block 4 of the Pardini/Schieren Oliver Boundary Line Adjustment, Townsite of Irwin, County of Gunnison, State of Colorado; and

It is the specific intent of the Board that the vacation of the above described portion of an alley lying within the Townsite of Irwin shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. Boundary Line Adjustment;
2. Lot Cluster;
3. This Resolution.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 2nd day of August, 2022.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2022-29**

**A RESOLUTION VACATING CERTAIN PORTIONS OF STREETS AND ALLEYS LYING WITHIN  
THE TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), by virtue of Colorado law, has authority and is the owner of certain roads and alleys lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads and alleys are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate certain portions of streets and alleys lying within the Townsite of Irwin, County of Gunnison, State of Colorado described as follows:

Portions of 9th Street, 10th Street and the alley in Block 4 of the Townsite of Irwin, County of Gunnison, State of Colorado, being more particularly described as follows:

The northeasterly half of 9th Street, adjacent to Lots 12 and 13, Block 4; The alley between Lots 6, 7, 12 and 13, Block 4; The northeasterly half of the alley adjacent to Lots 4 and 5, Block 4; The southwesterly half of 10th Street adjacent to Lots 4, 5, 6, and 7, Block 4; The northeasterly half of 10<sup>th</sup> Street adjacent to Lots 14-R and 15-R of the Pardini/Schieren-Oliver Boundary Line Adjustment; and

WHEREAS, the vacation of the above described portions of certain streets and alleys lying within the Townsite of Irwin, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described portion of a certain alley lying within the Townsite of Irwin; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

WHEREAS, the Pardini/Schieren Oliver Boundary Line Adjustment Agreement; LUC 22-00017 and Lot Cluster Agreement and Declaration; LUC-22-00019 for Sydney Schieren & Erin Oliver at Lots 4, 5, 6, 7, 12, 13 AND Lots 14-R and 15-R, Block 4, Townsite of Irwin was approved by the Board August 2<sup>nd</sup>, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the certain portion of and alley lying within the Townsite of Irwin, County of Gunnison, State of Colorado described as follows shall be and hereby is vacated:

It is the specific intent of the Board that the vacation of the above described portions of streets and alleys lying within the Townsite of Irwin shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. Boundary Line Adjustment;
2. Lot Cluster;
3. This Resolution.

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted this 2nd day of August, 2022.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

[TO BE RECORDED WHEN THE APPLICATION IS COMPLETED]

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2022-30**

A RESOLUTION APPROVING THE APPLICATION FOR THE SUBDIVISION OF TWO LOTS IN WOLF CANYON SUBDIVISION  
LUC-21-00067  
JOHNSON COLORADO TRUST

WHEREAS, the Johnson Colorado Trust, proposes to subdivide a parcel that was originally approved as two separate lots in Wolf Canyon Subdivision. A lot cluster was approved in 2019. The applicant has applied to subdivide the clustered parcel.

The subject parcel is legally described as Lots 1 and 2, Wolf Canyon Subdivision, 588 Wolf Canyon Drive, Tincup Area; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and the Board of County Commissioners on June 16, 2022; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on June 16, 2022 forward to the Board of County Commissioners a recommendation of approval of the application with the following Findings and Conditions:

FINDINGS

1. This project is classified as a Minor Impact.
2. This application is consistent with the standards and requirements of this Resolution.
3. This proposal will return lots 1 & 2 to the originally approved Wolf Canyon subdivision plat.
4. A residence is currently under construction on lot 1, BP-20-00216, and complies with Gunnison County setback requirements.
5. 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

1. 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.
2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
3. 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.
4. The wildlife recommendations per the letter from Philip Gurule, Colorado Parks and Wildlife District Wildlife Manager, dated March 20, 2022 shall be met.
5. 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.
6. 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. LUC-21-00067, is approved as a Minor Impact Project, subject to each and all Findings and Conditions 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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2022-31**

**A RESOLUTION ADOPTING GUNNISON COUNTY POLICY CONCERNING  
AUTHORITY AND USE OF THE FRED R. FIELD WESTERN HERITAGE CENTER**

WHEREAS, in 2022, Gunnison County adopted Policy No. 5.2.4, a Policy Concerning Authority and Use of the Fred R. Field Western Heritage Center, to reflect Gunnison County’s current practices and fees;

WHEREAS, staff and organizational changes necessitate changes to the approval processes and designated staff reviewers for events which will serve and/or sell alcohol at the site.

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado has determined that no other changes to Policy No. 5.2.4 are necessary or warranted at this time;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the attached *Policy Concerning Authority and Use of the Fred R. Field Western Heritage Center* (Policy No. 5.2.4) (Exhibit A) is hereby adopted. Such policy shall remain in effect until modified or rescinded by future resolution of this Board.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 2nd day of August, 2022.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes



<b>Policy Name:</b>	Authority and Use of the Fred R. Field Western Heritage Center		<b>Policy Number:</b>	5.2.4
<b>Approval Authority:</b>	Gunnison County Board of County Commissioners		<b>Adoption Document</b>	Resolution #
<b>Date of Initial Adoption:</b>	11/5/2019	<b>Effective Date:</b>	8/1/22	<b>Policy Custodian:</b> Fairgrounds Manager
<b>Last Review / Revision Date:</b>	N/A	<b>Review Frequency:</b>	Every one (1) year.	<b>Next Review Due:</b> 8/1/2023

**PURPOSE**

The Board of County Commissioners of Gunnison County (the “Board”) owns and oversees the buildings, improvements, maintenance and use of the Fred R. Field Western Heritage Center (the “Center”). Pursuant to Colorado Revised Statutes, 18-9-117(b), the Board also has the power to control, manage and supervise the buildings and property, and to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such buildings and property.

The Center has several indoor and outdoor areas that can be made available by the Board for public use. Such use incurs costs related to maintenance, improvements, security and management. Usage fees are charged to offset a portion of those costs.

**SCOPE**

This policy applies to all users of the Fred R. Field Western Heritage Center.

**DEFINITIONS**

- Fred R. Field Western Heritage Center: Any and all structures and grounds located at 275 S. Spruce Street, Gunnison, CO 81230.
- Smoking: The act of releasing particles into the air from the use of pipes, cigars, cigarettes and/or electronic smoking devices.

**POLICY STATEMENTS**

Gunnison County reserves the right to control and manage the present and future usage of the facility and to enforce all necessary and proper rules and for its authorized representatives and employees to enforce rules and regulations, maintenance, inspection and repair of the facility. Gunnison County reserves the right, but not the duty, through its duly appointed representative to eject any person(s) from the Center's premises for violation of these rules or of any law or ordinance.

Scheduling.

Indoor and outdoor areas and meeting rooms at the Center may be scheduled for use by contacting Center staff directly at (970) 641-8561. Scheduling will be done on a first-come, first-served basis.

Use:

1. All users will be required to sign a user's contract (see attached) prior to Center use.
2. The Center will be used in a safe and careful manner. Users will comply with all applicable municipal, County, State and Federal laws, rules and regulations as may be in force and effect during their scheduled event.
3. Users must obtain all required permits and licenses, including those required by the City of Gunnison, Gunnison County, State and/or Federal government for the scheduled usage. All taxes must be paid promptly according to the nature of the usage.
4. Users are responsible for clean-up of utilized spaces and parking areas. The person signing the contract will be individually responsible for any damages to the building or for any fees charged for clean-up.
5. Unless otherwise arranged in advance, users will be responsible for setting up and taking down chairs and tables.
6. Any special equipment requirements must be stated on the contract.
7. Gunnison County will not be responsible for losses due to theft, fire or vandalism during contracted use of the Center. Any special equipment furnished by the user will be the responsibility of the user.
8. Nails or other objects will not be placed in any of the Center's walls. Masking tape or painter's tape may be used on walls.
9. Smoking (see definition) is not allowed within 30 feet of any Center building.
10. All animals, domestic or otherwise, are restricted to the outdoor arena and pavilion, stalls, pens and trailers when not physically being moved from one location to another by a qualified animal handler. No animals will be allowed in Center facilities or on Center grounds, unless specifically allowed by Gunnison County Policy #5.2.3.
11. Only designated Center staff and other staff-trained persons may operate the PA systems.
12. Parking shall be in designated areas only. Users are responsible for parking control and ensuring that fire lanes and access lanes are kept clear of obstruction.
13. General Center hours are from 7:00 am to 11:00 pm. Exceptions may be granted with prior approval from the Fairgrounds Manager. Use lasting later than 11:00 pm will result in an additional charge of \$25 per night.
14. If any event will require extra costs (such as increased staffing, insurance, etc.), the Fairgrounds Manager will charge the user for the anticipated costs related to the event in advance.
15. Gunnison County is not responsible for providing AV equipment unless agreed to in the use contract. Gunnison County is not responsible for providing technical assistance.
16. It is the responsibility of the user to make arrangements to pick up and return any and all building/room keys. Lost keys will result in a fine of \$100, per key, and possible loss of the privilege to use the Center.
17. Users must be respectful of users in other rooms at the Center, including maintaining appropriate noise levels and not allowing children/youth to roam around the Center.

Equine Activity Sponsor and/or Equine Professional and/or Other Non-Commercial Activity Sponsors:

Equine activity sponsors and/or equine professionals, as defined by C.R.S. 13-21-119 and may be amended, are not obligated to obtain insurance covering injury to spectators at equine activities as a condition of Center use.

A sponsor of an activity at the Center that does not charge an admission to such activity is not obligated to obtain insurance covering injury to spectators at such non-commercial activity as a condition of Center use.

This policy shall not be construed to be a waiver of limits of or exemptions from liability by the Board of County Commissioners, including its elected or appointed officers, employees or agents, under C.R.S. 13-21-119 and/or C.R.S. 24-10-101 et seq.

This policy is not and shall not be construed to be an acceptance, either partially or wholly, by the Board of County Commissioners, and/or its elected or appointed officers, employees and agents, of any

risk or liability of any equine activity sponsor, equine professional, sponsor of non-commercial activity or spectator at the Center.

This policy is not and shall not be construed to be advice or counsel, legal or otherwise, to equine activity sponsors or equine professionals or sponsors of non-commercial activity who may use the Center whether to obtain insurance for spectators of equine activities or non-commercial activities.

The Center will post and maintain signage containing the warning language specifically required by and in the manner outlined by C.R.S. 13-21-119, as it may be amended.

Fees:

The fees below will be charged and collected by Center staff for use of the Center, and fees must be paid in advance of the scheduled use. Stated fees are for daily use unless otherwise stated, and fees will not be prorated for portions of a day. No fee listed below may be reduced or waived without pre-approval from the Board. However, if time constraints are an issue, such pre-approval may be provided by the County Manager so long as that decision is acknowledged by the Board during the next available regular meeting. Use of the Center for official County and 4H activities will not incur fees.

Area/Room	Description	Daily Fee (unless noted)	Additional Information
<b>McDonough Room</b>	Small conference room downstairs, 24' x 24', seats 35.	\$33	Reservations may be made no more than 30 days prior to use. Users are responsible for arranging the room for use and leaving the room as they found it.
<b>Hartman Room</b>	Upstairs conference room, 34' x 57', seats 50.	\$70	Food and drink are not allowed in this carpeted area.
<b>Van Tuyl Room</b>	Concrete-floored multipurpose room, 50' x 80', seats 220.	\$85 for up to 150 people. \$116 for up 151-220 people.	
<b>Esty Room</b>	Rubber-floored multipurpose room, 125' x 80', seats 400.	\$74 for up to 40 people. \$158 for 51-150 people. \$200 for 151-400 people.	
<b>Kitchen</b>	Refrigerator, sinks, sanitizer, ice-maker, two ovens, four-burner stove, commercial microwave oven, and food preparation surfaces.	\$40	
<b>Outside Arena and Pavilion</b>		\$110 (arena will be watered before event and worked with drag each morning), plus \$50 for midday working and \$46/hour if tractor and driver are requested to be available for dragging between barrel racers.	Use for clinics, horse shows, circuses, lessons, and motor sports.
		\$1,000	Mud races
		\$1,200 per Season	Use by local team-roping and barrel-racing clubs that use the Center for weekly events from May through September annually.
<b>Arena Only</b>		\$25 annually	Use by individuals.
<b>Pavilion Only</b>	50' x 80'	\$50	
<b>Vehicle Parking Only</b>	Approximately 10 acres.	\$25 per vehicle if camping with access to electric; \$30 per vehicle if camping with access to water and electric; there is no charge for dry camping if meeting space, pavilion and/or arena are rented concurrently.	RV conventions and Jeep Jamborees. Groups must provide additional dumpsters and portable toilets.

<b>Covered Stalls &amp; Outside Pens</b>	Stalls hold one animal, pens hold more than one animal.	\$20 per stall or pen	Stalls are to be left clean. Locations are identified in each barn for manure and shavings.
<b>Alcohol</b>	Serving and/or selling alcohol anywhere on Center property.	\$90	Users provide their own alcohol. Serving and/or selling alcohol at the Center requires prior approval. See below for more information.
<b>Dance Floor</b>	Up to 450 square feet.	\$100	
<b>Portable Stage</b>	Up to six sections (each are 4' x 8') are available for various configurations.	\$10	
<b>LCD Projector</b>		\$10	
<b>Sound Equipment</b>	Amplifier, speakers, corded/wireless mics.	\$10	
<b>Podium</b>	Standing and table-top options.	\$4	

Serving Alcohol:

Alcoholic beverages may be served, but NOT SOLD, at the Center, with prior approval by the Fairgrounds Manager and the Assistant County Manager for Operations and Sustainability or their delegate, when the Center is rented for a private function and the event is by invitation only. If there is any doubt as to whether your function is considered private, please call the City Clerk’s Office at 970-641-8080. A request for approval may be placed through an online form at [gunnisoncounty.org/FairgroundsPermit](http://gunnisoncounty.org/FairgroundsPermit) or by mailing to 275 S. Spruce Street, Gunnison, CO 81230. Gunnison County reserves the right to approve, deny or place conditions on any request to serve alcoholic beverages at the facility. The request must include the following information or it will not be processed:

- Name of Person/Organization renting the facility
- Address of contact person responsible for ensuring compliance with the conditions imposed
- Phone number (if available) of contact person
- Date of the Event
- Time of the Event
- Type of Event (wedding reception, birthday party, etc.)

Selling Alcohol:

Alcoholic beverages MAY BE SOLD, at the Center when the Center is rented for a public or private function but only after the following steps have been completed and the event is approved by the Fairgrounds Manager and the Assistant County Manager for Operations and Sustainability or their delegate:

1. A written request describing the event must be submitted for approval prior to applying for a liquor license or special events permit. The written request may be placed through an online form at [gunnisoncounty.org/FairgroundsPermit](http://gunnisoncounty.org/FairgroundsPermit) or by mailing to 275 S. Spruce Street, Gunnison, CO 81230. Gunnison County reserves the right to approve, deny or place conditions on any request to sell alcoholic beverages at the facility. The request must include the following information or it will not be processed:
  - Name of Person/Organization renting the facility
  - Address of contact person responsible for ensuring compliance with the conditions imposed
  - Phone number (if available) of contact person
  - Date of the Event
  - Time of the Event
  - Type of Event (wedding reception, birthday party, etc.)
2. Obtain a permit from the City of Gunnison in compliance with the Special Events Liquor Permit application that must be submitted to the City of Gunnison no later than 30 (thirty) days prior to the event.
3. Obtain a permit from the State of Colorado for a Special Events Liquor License.
4. Submit Liquor License and City Special Events Liquor Permits to the Fairgrounds Manager.

**COMPLIANCE**

This policy shall be complied with in all respects. Revisions to this policy may occur. 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.

**APPLICABLE LEGISLATION AND/OR RELATED REGULATIONS, POLICIES AND FORMS**

1. C.R.S. 13-21-119. Equine activities – llama activities – legislative declaration – exemption from civil liability.
2. C.R.S. 18-9-117. Unlawful conduct on public property.

3. C.R.S. 24-10-101, et seq. Governmental immunity.
4. Gunnison County Policy #5.2.3. Allowances, Restrictions and Responsibilities Regarding Animals in County Facilities and on County Grounds.

---

All policies are subject to amendment. Refer to the Gunnison County website ([www.GunnisonCounty.org/Policies](http://www.GunnisonCounty.org/Policies)) for the official, most recent version of any policy adopted by the Gunnison County Board of County Commissioners.