

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
May 4, 2021**

The May 4, 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 License Authority meeting to order at 8:30 am.

**JOHN FERRO LLC dba FERROS LIQUORS, LIQUOR LICENSE #05-32593-0002**

**IRWIN BACKCOUNTRY GUIDES LLC dba MOVIE CABIN, LIQUOR LICENSE #03-02906**

**IRWIN BACKCOUNTRY GUIDES LLC dba PARKING BARN, LIQUOR LICENSE #03-02907**

**CRESTED BUTTE SOUTH GENERAL STORE LLC dba CB SOUTH COUNTRY STORE, LIQUOR LICENSE #03-06079**

**ELK CREEK MARINA LLC dba PAPPY'S RESTAURANT, LIQUOR LICENSE #03-01378**

**Moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the five alcohol beverage licenses for: John Ferro LLC, dba Ferros Liquors; Irwin Backcountry Guides LLC, dba Movie Cabin; Irwin Backcountry Guides LLC, dba Parking Barn; Crested Butte South General Store LLC, dba CB South Country Store; and Elk Creek Marina LLC, dba Pappy's Restaurant. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Local Liquor Licensing Authority at 8:32 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:**

**CALL TO ORDER:** Chairperson Houck called the Gunnison River Valley Local Marketing District to order at 8:32 am.

**LOCAL MARKETING DISTRICT (LMD) FUNDING REQUEST; MARBLE CRYSTAL RIVER CHAMBER OF COMMERCE: EFFECTIVE DATES 1/1/2021 THROUGH 12/31/2021; \$25,500:** Commissioner Mason noted this was a follow-up from a presentation made earlier in the year by the Marble Crystal River Chamber of Commerce. Chairperson Houck added that, contractually, the award of monies would not exceed the revenue. With no further issues or questions from the Board, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the Local Marketing District funding request from the Marble Crystal River Chamber of Commerce with effective dates from 1/1/2021 through 12/31/2021, for \$25,500. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the Gunnison River Valley Local Marketing District at 8:34 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 8:34 am.

**AGENDA REVIEW:** Chairperson Houck utilized the chair's elective and recommended that, in order to allow more discussion time, they would need to move the agenda item, "Resolution; A Resolution Repealing Resolution No. 18-14 and Authorizing All-Terrain Vehicle, Off-Highway Vehicle, and Utility Terrain Vehicle Use on a Certain Portion of County Road #3," from 9:10 am to 9:45 am – right before the "Unscheduled Citizens" item. With no objections, this item was moved as recommended by Chairperson Houck.

**MINUTES APPROVAL:** **Moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the March 16, 2021 minutes as presented. Motion carried with "yes" votes from Commissioners Smith and Mason; Commissioner Houck abstained from voting, as he had been absent for this meeting and could not ascertain the accuracy of those discussions.

1. March 16, 2021 Regular Meeting

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

1. Acknowledgment of County Manager's Signature; Grant Application; Gunnison Hinsdale Early Childhood Council; Temple Hoyne Buell Foundation; \$30,000 Renewal Grant Funding
2. Contract Amendment; Office of Early Childhood for the Early Childhood Council; Colorado Department of Human Services; Year 2 of a 3-Year Grant; \$63,450
3. Mini Grant Application to Community Foundation of the Gunnison Valley; Gunnison County Substance Abuse Prevention Project; Choice Pass Parent Education; \$3,000
4. Affiliate Airline Operating Agreement; CommutAir, Contracted Commercial Air Service for United Airlines; Gunnison-Crested Butte Regional Airport; Landing Fees at \$5.35 per 1,000 Pounds of Weight
5. Grant Acceptance Letter; Early Milestones Colorado, Early Childhood Workforce Innovation Grant; Gunnison-Hinsdale Early Childhood Council, Elevate the Workforce Project; 6/1/2021 thru 5/31/2022; \$90,000

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. Tuesday, June 8th Work Session was canceled. The items already scheduled there were moved to the Tuesday, June 22nd Work Session, as at least two of the commissioners would be attending the Colorado Counties, Inc. (CCI) conference on June 8th. Chairperson Houck also approved extra afternoon time for the June 22nd Work Session, if it should be needed.
2. Shady Island Project Update. County Manager Matthew Birnie advised the Board that they would not be able to tour Shady Island that day, as magnesium chloride and chip seal treatments were underway. The tour was re-scheduled after the annual inspection of the jail at the following week's work session, instead.

**COUNTY MANAGER'S REPORTS:**

1. Shady Island Project Update. CM Birnie touched the ground surface treatments being performed that day – magnesium chloride application and chip sealing. Also, he added that Community Development Director Cathie Pagano had procured another grant for the project, and they would be building a bathroom, possibly two at Shady Island.
2. Airport Terminal Project. CM Birnie called attention to the very successful groundbreaking held last Friday, April 30th.
3. Library Project underway. CM Birnie asserted that the new project was starting well, getting ground filled in, adding that they had needed to settle the flood plain site there, and that now the foundation was beginning to be "scratched in."
4. County Road #3 Project. CM Birnie informed the Board that the County had fully executed the agreement for Forest Service funding.

**COMMISSIONER ITEMS:** Because the meeting was slightly ahead of schedule for a public hearing to be held at 8:50 am, Chairperson Houck moved to Commissioner items.

**Commissioner Smith**

1. Recently appointed to a Child Fatality Review Board by the State. The Board reviews, tracks and patterns in cases of a child near death or death, in order to identify prevention strategies. Commissioner Smith added that she felt this was a really good fit, due to her interest and skills in early childhood education.

**Commissioner Mason**

1. Attended Counties & Commissioners Acting Together (CCAT) transportation subcommittee meeting yesterday, May 3rd. The Generational Transportation Bill – set to be introduced May 4th – was discussed, with support from the CCAT subcommittee. This transportation bill would levy fees for delivery services and other services like Uber. The bill also sought to add increases in the gas tax over several years, in an effort to supply a dedicated funding source for necessary, ongoing transportation upgrades. Issues ahead for the bill will be in deciding what is a tax vs. what is a fee.

**PUBLIC HEARING; GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS:**

Present to answer any questions were Gunnison County Building and Environmental Health Official, Crystal Lambert, and Assistant Building and Environmental Health Inspector, Charles Dominguez.

1. Chairperson Houck opened the Public Hearing at 8:52 am.
2. Public Notice Confirmation: Public Notice was confirmed by Gunnison County Building and Environmental Health Official, Crystal Lambert.
3. Identify Ex Parte Communications: There were no ex parte communications identified.
4. Staff Presentation: Crystal Lambert explained that, in following up from the work session held in February, they were proposing a resolution to adopt some revisions to the Gunnison County on-site wastewater treatment system regulations. The changes to adopt included two revisions and several corrections of errors – spelling, etc. – to clean up the past regulations. The two revisions were:
  - a) designating the Environment Health Board as the review body for septic contractor licensing, and
  - b) establishment of a \$150 plain review fee for reviews and addendums to issued septic permits.
5. Applicant Presentation: N/A
6. Board Questions: There were no questions from the Board.
7. Public Comments: There were no public comments.
8. Acknowledge Correspondence Received: There was no correspondence received.

9. Applicant Response: N/A
10. Close Public Hearing: Commissioner Houck closed the public hearing at 8:56 am.

**RESOLUTION; A RESOLUTION AMENDING THE GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM:** **Moved** by Commissioner Mason, seconded by Commissioner Smith to adopt Resolution 2021-10, "A Resolution Amending the Gunnison County On-site Wastewater Treatment System Regulations." Motion carried unanimously.

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

1. The magnesium chloride application project. After problems in starting on Monday, summer work was now underway. DCM Marlene Crosby added that they had holding tanks filled with the magnesium chloride to ensure that there would be no shortage and application could proceed with no interruption.
2. Cottonwood Pass was scheduled to open Memorial Day.
3. Kebler Pass would need extensive repair work. DCM Marlene Crosby informed the Board that her plan would be to keep Kebler Pass closed until some particularly bad spots on the west side were repaired. Once Kebler was opened, she worried about how to finish repairs with all the expected traffic, so advised that there might be extended closures, with one- to two-hour delays possible. DCM Crosby assured the Board that variable message boards and website messages would be posted if this happened. Commissioner Mason asked, "When do you plow to the "Y"? DCM Crosby asserted this was done just the day before.
4. Question about chlorine shortage. Commissioner Mason stated that he had heard of chlorine shortages in the news, and asked if it would affect the County in any way. DCM Crosby assured him that it would not.
5. Colorado Department of Transportation (CDOT) sweeping on Hwy 135. Commissioner Houck asked DCM Crosby to add a special request in their annual requests to CDOT – he wanted to make sure CDOT was sweeping to the edge of the road, well past the white lines, in order to keep the cyclists safer and further out on the edge of the road. DCM Crosby asserted she would do so to CDOT, and also added that the County would go ahead and sweep as they mobilize, also addressing local areas particularly in need of sweeping.

**RESOLUTION; AUTHORIZING TEMPORARY WEIGHT AND LENGTH RESTRICTIONS FOR A PORTION OF COUNTY ROAD 12 ALSO KNOWN AS KEBLER PASS ROAD:** DCM Marlene Crosby revealed that the resolution needed to add a new exemption for agriculture. She had found there were private owners who transported stock to summer pastures, and the transportation would exceed the restrictions. DCM Crosby suggested that they work on an additional agricultural provision with the County Attorney's Office. She also requested approval to go ahead and start putting out public information that this resolution would most likely pass at the next May 18<sup>th</sup> meeting, as the public needed to know about the upcoming restrictions as soon as possible. The Board then approved adding an agricultural provision, bringing this for passage to the Board's next meeting on May 18<sup>th</sup>, and proceeding with advertising the resolution's restrictions to the public right away.

As the meeting was again ahead of schedule and members were not present for the next agenda item, Chairperson Houck continued with Commissioner Items.

#### **COMMISSIONER ITEMS:**

##### **Commissioner Mason**

2. Attended the 8:30 Incident Command call on Monday, May 3<sup>rd</sup>. Commissioner Mason highlighted data that revealed 6-8% of positive COVID cases in Colorado are detected in who are fully vaccinated. These people were not hospitalized, and there was cause to believe this statistic could be due to new, hybrid strains of COVID. Continued mask wearing and social distancing was still advised, while waiting for vaccination numbers to rise and the herd immunity to develop more. Commissioner Mason state that the good news was, Gunnison County vaccination numbers had been updated to 10,130 first doses, and it was projected that in three to four weeks, the County would be over 10,000 fully vaccinated, putting the County in the optimal "green" status.

##### **Commissioner Smith**

2. Attended briefly on Monday, May 3<sup>rd</sup>, an online stakeholder meeting with Counties & Commissioners Acting Together (CCAT). Commissioner Smith explained that the meeting was centered on development of the Behavioral Health Administration (BHA) – evaluating pros and cons of where to house it, how it should be structured, etc. CCAT was interested in moving away from a large consolidation and instead was moving toward an integration approach. She advised that she was not able to attend for long, so would gather more information at their next meeting, to be held 7:00 am on Wednesday, May 5<sup>th</sup>.
3. Attended a Gunnison County Metropolitan Recreation District (MetRec) session, in order to see how their annual survey concluded. Commissioner Smith learned that the survey, gathered during the pandemic, was conducted only by website or phone. In spite of heavy marketing for it, there was still less participation than in the year before. She stated that MetRec will have some tough decisions to be made in the future – such as, how to continue to provide services, and where to concentrate a limited number of resources as equipment needs to be replace. She further noted that a strong effort was

being made to consider diversity and equity, making sure that those voices are represented in the decision-making process.

4. Attended a West Elk Byway meeting. Commissioner Smith highlighted updates: a) the group was working on getting back to the "old normal", i.e., being "in person" and hosting more events; and b) they were exploring whether an old route (old Highway 133) outside of Paonia up to Somerset might be utilized as a cycling route. Commissioner Smith further noted updates from the Crystal chapter: a) work progressing on creation of Colorado Creative Corridor – a 331-mile trail linking 5 towns, with Crested Butte being one of the towns; b) report on short-term rentals changing the Redstone community; and c) replacing defunct plaques along the trail systems that were degrading in the sun.

5. Chairperson Houck closed Commissioner Items at 9:25 am, in order to discuss the agenda Road Use Agreement, scheduled for this time.

**ROAD USE AGREEMENT; GUNNISON NORDIC CLUB, INC – GUNNISON NORDIC COTTONWOOD RIDE; TEMPORARY PERMISSION TO USE A PORTION OF COUNTY ROAD 209, aka COTTONWOOD PASS:** Present in the room were DCM Marlene Crosby and Gunnison Nordic Club representative, Joellen Fonken. Chairperson Houck started the discussion by noting for the record that, despite some public rumor, this ride would in no way push back the opening of Cottonwood Pass, as the opening was always timed in cooperation with Chaffee County. Instead, this ride was scheduled to occur just before the Pass' opening. Some concern was raised about the insurance costs for a non-profit fundraiser, but the final decision was to insure the event for \$2 million, as this more than covered the liability minimum needed by the County, and was in this instance only \$56 more than the underinsured \$1 million coverage. With no further questions by the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Smith, to approve the temporary road use agreement with Gunnison Nordic for their special event, and to authorize the chair's signature. Motion carried unanimously.

**LOT CLUSTER AGREEMENT; STEPHEN HOWARD, BASIN REAL ESTATE HOLDINGS LLC; BUCKHORN RANCH SUBDIVISION, LOT M1-13, LOT M1-14, LOT M1-15:** Presented by Administrative Services Manager Beth Baker. For consideration in the lot cluster were three multi-family, adjacent lots. The County Attorney's Office, Community Development Director, and Home Owner's Association had all reviewed and approved the lot cluster; there were no utilities to be approved, and the taxes were current with no liens on the property. **Moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the lot cluster agreement between the Board of County Commissioners and Gunnison County for Lot M1-13, Lot M1-14, and Lot M1-15 in the Buckhorn Ranch Subdivision, as presented. Motion carried unanimously.

**RESOLUTION; REPEALING RESOLUTION NO. 18-14 AND AUTHORIZING ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE, AND UTILITY TERRAIN VEHICLE USE ON A CERTAIN PORTION OF COUNTY ROAD #3:** Present for discussion were Gunnison County Sheriff John Gallowich, Undersheriff Scott Jackson, Deputy County Manager Marlene Crosby, and County Attorney Matthew Hoyt.

Chairperson Houck introduced this agenda item by setting context for the discussion. Citing his presence on the Board in both 2015 and 2018, he pointed out that State law prohibits the use of ATVs, OHVs, and UTVs on county roads, unless the County expressly provides that permission. Up to 2015, Chairperson Houck recalled, ATV-, UTV-use had been minimal and vehicles were smaller. In 2015, and beyond, the County had seen an explosion of larger, more powerful units. People trying to abide by the ban of these vehicles on CR #3, would then try to access the public lands with their large trucks and trailers and found no suitable parking areas. They were parking on or partly parking on the road, blocking driveways and emergency response capabilities. He stressed that the Board of County Commissioners – then and now – are not pro-ATV, pro-UTV, or pro-Razor, but are instead pro-health, safety and welfare of the citizens of Gunnison County, and of the visitors of the County.

Chairperson Houck touched on past Board history, saying that the BOCC and WRNF had together tried to create a parking area where large vehicles and trailers could park, but they were unable to, as the US Forest Service, a federal agency, did not wish to move forward with the project. Therefore, they kept to what was already in place: a) the Town of Marble allowed the use of ATVs, UTVs, and OHVs within town limits, and b) the land above Marble, managed by the WRNF, allowed ATVs, UTVs, and OHVs, because they also allowed licensed jeeps, truck, etc., and they were not able to preclude these other vehicles for use on federal lands. He further clarified that Gunnison County has authority for the County Road #3 in between these two areas.

In 2018, the Board brought the idea of permitting to the table, hoping to keep dialog moving with the WRNF. However, Chairman Houck explained, there were Enforcement issues that prevented this being successfully carried out. For 2021, he noted, there were significant positive changes: Sheriff Gallowich had made a strong commitment to increasing the law enforcement presence in the Marble area; DCM Crosby was working with the Sheriff on development and placement of signage such as "No Parking" and speed limit signs along CR #3; and the Town of Marble was providing \$10,000 to the US Forest Service to provide patrols in the area two days a week – for education, outreach, and enforcement.

Chairperson Houck concluded by noting that a new Resolution would not solve the parking issues. He stated that until the WRNF – who is an agency that Gunnison County has no authority over, and with whom they were partnering – could put a management plan in place, the County could not ban ATV, OHV, and UTV use. If Gunnison County were to ban these vehicles on CR #3, then there would be people creating safety hazards and road blocks in an attempt to access the public lands, and the County would be back to the same issues it had in 2015.

Commissioner Mason then asked to let those on Zoom and in person have the opportunity to voice their opinions and ideas; he also emphasized that, in numerous conversations with the area residents and the partners in the Town of Marble and the WRNF, he had come to feel a public education piece would help relieve some of the misconceptions and tension in the issue. At the same time, the partners of County, Town of Marble, area residents, and the WRNF should continue to move forward to bring real solutions for the area. He added that taking away the resolution at this point would only cause more issues.

Commissioner Smith stated that, after numerous visits to Marble and conversations with area residents, she was deeply moved by the problems being endured by those living in the area. Overall, felt she could not make a decision to reverse the resolution until she understood the topic more, but cautioned that she carried deep reservations about this public access without some affirmation or sense that there was a light at the end of the tunnel. Her suggestion to the Board was that, if they kept the resolution, to put a time limit to it – in order to put impetus to really solving the problem.

Chairperson Houck then acknowledged the presence of several partners online: the WRNF, the Town of Marble and some of the area residents, asking them to only contribute those ideas that were new developments and had not already been expressed to the Board via email, voicemail or other forms of dialog. He also offered advice to the Board, suggesting they could defer a decision on the resolution to their next regular meeting on May 18<sup>th</sup>.

With further discussion involving Zoom chat questions, and with input from County Attorney Matt Hoyt, WRNF District Ranger Kevin Warner, Sheriff Gallowich, and the Board, it was decided to add an expiration date of December 31, 2021 to the proposed resolution, and to defer the resolution decision to the next regular meeting on May 18<sup>th</sup>.

Chairperson Houck then elected to finalize Commissioner Items begun earlier in the meeting.

**COMMISSIONER ITEMS:**

**Commissioner Houck:**

1. Chairperson Houck brought to the Board's attention a current Initiative #16, also called the PAUSE Act. He explained that PAUSE stood for "Protect Animals from Unnecessary Suffering and Exploitation. While on the face it sounded good, yet what it would actually do would be to ban large amounts of very accepted animal husbandry and veterinary practices – procedures taught in the university, such as artificial insemination of cows. It would also require no animal could be harvested for food until they have reached 25% of their life span. For cows, this would be in the 8-year range. Chairperson Houck encourage his fellow commissioners to put their strong opposition on record, to prepare an opposition statement for the next agenda. Commissioner Smith suggested they submit this stance in a "Letter to the Editor" to the local papers, as well. Chairperson also directed County Attorney Matthew Hoyt to work on a draft.

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

Chairperson Houck recessed the regular meeting at 10:59 a.m., 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 enter 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. Those who would be participating in the executive session included the full Board of County Commissioners, County Manager Matthew Birnie and County Attorney Matthew Hoyt. Commissioner Smith seconded. Motion carried unanimously.

The Board went into executive session at 11:01 a.m. The executive session was held in the Conference Room of the Attorney's Office, and no contemporaneous records were kept. *Executive sessions of the Board*

of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4) (E) (I).

Attorney Statement Regarding Executive Session

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

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

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

Chairperson Statement Regarding Executive Session

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

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

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

Upon returning to the meeting room at 11:51 a.m., 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 adjourned the Executive Session at 11:51 a.m.

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

**RECONVENE:** At 11:52 a.m., Chairperson Houck reconvened the Gunnison County Board of County Commissioners Regular Meeting.

Chairperson Houck then directed County Attorney Hoyt to continue negotiations with the partners in issues relating to Mt. Emmons/Red Lady Mine, being mindful of the agreements they had in the Memorandum of Understanding, but also mindful of the County’s legal authority and responsibilities as CA Hoyt moved forward with those negotiations.

**ADJOURN: Moved** by Chairperson Houck, seconded by Commissioner Smith to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of County Commissioners meeting adjourned at 11:54 a.m.

\_\_\_\_\_  
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: 2021 - 10**

**A RESOLUTION AMENDING THE GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS**

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") adopted the "Gunnison County On-site Wastewater Treatment System (OWTS) Regulations" through Resolution No: 14-17; and

WHEREAS, the Gunnison County Environmental Health Board has reviewed and recommended to the Board adoption of the proposed amendments to the Gunnison County OWTS Regulations; and

WHEREAS, the State of Colorado Water Quality Control Division has reviewed the proposed amendments to the Gunnison County OWTS Regulations pursuant to section 43.4(A)(2)(a) of the On-site Wastewater Treatment Systems Regulation 5 CCR 1002-43 (Regulation 43) and found no inconsistencies or conflicts in the proposed amendments with regard to the OWTS Act, Article 10 of Title 25, C.R.S. or Regulation 43; and

WHEREAS, the Board has determined that the proposed amendments to the Gunnison County OWTS Regulations are in the best interest of public health, safety and welfare of the citizens of Gunnison County; and

WHEREAS, a public hearing on this matter was held by the Board on the fourth day of May, 2021; and

WHEREAS, notice of the public hearing was given at least 20 days in advance; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that following amendments to the Gunnison County OWTS Regulations are hereby adopted for the unincorporated area of Gunnison County on or after the effective date below:

1. Amendments to the Gunnison County OWTS Regulations, as set forth in Appendix "A" attached hereto and incorporated herein, consisting of two (2) pages

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 4<sup>th</sup> day of May, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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