

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
December 21, 2021**

The December 21, 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 [ABSENT]

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 meeting to order at 8:30 am.

**PUBLIC HEARING; LIQUOR LICENSE TRANSFER; COLORADO LIQUOR RETAIL LICENSE APPLICATION; THE WOODEN SPOON LLC DBA THE WOODEN SPOON:** Gunnison County Clerk and Recorder Kathy Simillion was present to answer any questions.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 8:31.
2. Public Notice Confirmation. County Clerk Kathy Simillion confirmed that the Public Hearing had been properly public noticed, and she had reached out to the parties involved with the transfer.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Chairperson Houck noted that the proper state and county officials had all reviewed and signed off on the transfer; County Clerk Kathy Simillion added that this license transfer only lacked the opportunity for public input or objection before being approved, and that all proper notices and contact with the parties concerned had been made.
5. Applicant Presentation. The applicant was not present for the public hearing.
6. Board Questions. There were no questions from the Board members.
7. Public Comments. Chairperson Houck opened the Public Hearing to comments at 8:32 am. There were no public comments made, either in the room or via Zoom.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. The applicant was not present for the public hearing.
10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 8:31 am.

**Moved** by Commissioner Mason, seconded by Chairperson Houck to approve the liquor license transfer for the Wooden Spoon LLC dba The Wooden Spoon. Motion carried.

**Fermented Malt Beverage, Alcohol Beverage License; Harmels Operation LLC dba Harmels Ranch Resort; License #04-01630:** Gunnison County Clerk and Recorder Kathy Simillion was present to answer any questions. Chairperson Houck introduced the item by noting that a public hearing had already been done for this license. With no questions from the Board, Commissioner Mason **moved** to approve the Fermented Malt Beverage, Alcohol Beverage License for Harmels Operation LLC dba Harmels Ranch Resort, License #04-01630, as presented. Chairperson Houck seconded, and the motion carried.

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

**GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Houck called the special meeting to order at 8:33 am.

**BUDGET ACTION:**

1. **Resolution; Amending the Gunnison County Housing Authority Budget for Fiscal Year 2021 and Amending the Appropriation Resolution: Moved** by Commissioner Mason, seconded by Chairperson Houck, to adopt Resolution 2021-004, a Resolution Amending the Gunnison County Housing Authority Budget for Fiscal Year 2021 and Amending the Appropriation Resolution. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Housing Authority Special Meeting at 8:35 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Houck called the special meeting to order at 8:35 am.

**BUDGET ACTION:**

- 1. **Resolution; Amending the Gunnison River Valley Local Marketing District Budget for Fiscal Year 2021 and Amending the Appropriation Resolution: Moved** by Commissioner Mason, seconded by Chairperson Houck to adopt Resolution 2021-3, a Resolution Amending the Gunnison River Valley Local Marketing District Budget for Fiscal Year 2021 and Amending the Appropriation Resolution. Motion Carried.

**PULLED/MOVED:** Consent Item #2 was pulled from the GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING [below] in order to make an appropriate decision on this item involving the Gunnison River Valley Local Marketing District (LMD) and the Tourism and Prosperity Partnership (TAPP), while convened as the Gunnison River Valley Local Marketing District.

**MEMORANDUM OF AGREEMENT; GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT (LMD), TOURISM AND PROSPERITY PARTNERSHIP (TAPP), AND GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION (GUNNISON-CRESTED BUTTE TA); LMD TO PROVIDE MARKETING FUNDS TO GUNNISON-CRESTED BUTTE TA; JANUARY 1, 2022 THROUGH DECEMBER 31, 2022; \$3,200,000: Moved** by Chairperson Houck, seconded by Commissioner Mason, to approve the Memorandum of Agreement with the Gunnison River Valley Local Marketing District (LMD), Tourism and Prosperity Partnership (TAPP), and Gunnison-Crested Butte Tourism Association (Gunnison-Crested Butte TA), wherein the LMD is to provide marketing funds to the Gunnison-Crested Butte TA from January 1, 2022 through December 31, 2022 in the amount of \$3.2 million. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the Gunnison River Valley Local Marketing District Special Meeting at 8:38 am.

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

**CALL TO ORDER:** Chairperson Houck called the special meeting to order at 8:38 am.

**AGENDA REVIEW:** Chairperson Houck removed Item #2 from the Consent Agenda, as the Gunnison River Valley Local Marketing District Board had earlier taken appropriate action on this item.

**SCHEDULING:** Chairperson Houck noted that the next Tuesday, December 28<sup>th</sup> Work Session had been canceled, making the current meeting the last meeting of the Calendar Year 2021. There were no additions or changes to the schedule.

**MINUTES APPROVAL:** Since both Commissioners present had attended the four meetings, it was decided by Chairperson Houck to approve all the minutes together. **Moved** by Commissioner Mason, seconded by Chairperson Houck, to approve the October 5<sup>th</sup>, 2021 Regular Meeting, the November 9<sup>th</sup>, 2021 Special Meeting, the November 23<sup>rd</sup>, 2021 Special Meeting, and the December 7<sup>th</sup>, 2021 Regular Meeting, as presented. Motion carried.

- 1. October 5, 2021 Regular Meeting
- 2. November 9, 2021 Special Meeting
- 3. November 23, 2021 Special Meeting
- 4. December 7, 2021 Regular Meeting

**CONSENT AGENDA: Moved** by Chairperson Houck, seconded by Commissioner Mason, to approve the Consent Agenda, noting the removal of Item #2, which was dealt with earlier in the meeting. Motion carried.

- 1. Road Maintenance Agreement Amendment; Colorado Stone Quarries; Maintenance of Marble Quarry Road; Extension of termination date from December 31, 2021 to January 31, 2022
- 2. PULLED and MOVED: ~~Memorandum of Agreement; Gunnison River Valley Local Marketing District (LMD), Tourism and Prosperity Partnership (TAPP), and Gunnison-Crested Butte Tourism Association (Gunnison-Crested Butte TA); LMD to provide marketing funds to Gunnison-Crested Butte TA; January 1, 2022 through December 31, 2022; \$3,200,000~~ Moved to the earlier Gunnison River Valley Local Marketing District Special Meeting, in order to make a decision for the LMD.

3. Contractor Agreement; Gunnison Valley Driver's Education; for Substance Abuse Prevention Strategy; December 10, 2021 through September 30, 2022; \$50,000
4. Dedication of Public Access and Utility Easements; Wilson Subdivision, Filing No. 1
5. Development Improvements Agreement for Colorado State University - Wilson Subdivision
6. Grant Application and Resolution; Great Outdoors Colorado Trust Fund; Planning and Capacity Grant; \$98,750
7. Memorandum of Understanding between Gunnison County and Prowers County; Hot Line Calls for Child and Adult Protection
8. Grant Application; Western Regional Emergency Medical & Trauma Advisory Council (WRETAC); Crested Butte Fire Protection District; for paging equipment; \$7,500
9. Release of Development Improvements Agreement for Skyland Filing III, Phase II

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie was present for discussion. He noted that he had been back to work only one day, so there would not be much to report.

1. Airport Project. CM Birnie reported that the switch over for the Winter season had, for the most part, been made; the baggage screening area would soon be changed over as well.
2. Paintbrush Ribbon Cutting. CM Birnie expressed excitement for the ribbon cutting taking place later that day, and noted this was another important project nearing completion.
3. Library Project. CM Birnie confirmed that the library site was now all covered with plastic to keep the site dry. Chairperson Houck requested that CM Birnie set up a time for the Commissioners to do a walk through on-site, adding that they needed to make it a time when Commissioner Smith would be back.

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

1. Camera resolution in the BOCC Boardroom. DCM Crosby requested that they look into having a higher resolution camera or work with Zooming in on the camera for the board meetings, noting that their faces were not high resolution at all, and it made it hard to see who was talking up front.
2. Application made to the State Bridge Fund for engineering for Slate River Bridge. DCM Crosby reported that they did not receive this funding request. She added that the County would probably have to have the engineering done up front in order to have a "shovel-ready" project; there had been \$3 million available in funding from the State, with \$13 million worth of applications.
3. Parking permits all sold for parking on Kebler. DCM Crosby informed that Board that one long-term resident had not applied in time. She also reported that towing had started for the lower parking lot under Forest Service jurisdiction, with four vehicles being towed, of which two were Irwin residents. DCM Crosby added that the Forest Service had made it clear to residents during last summer's meetings that, if they parked overnight in the Forest Service parking lot, there was a good chance they could be towed.
4. Brush Creek Trailhead. Commissioner Mason let DCM Crosby know that he had received a call from someone concerned about this area, wherein people might have to park and ski on the roads in order to access the trails. DCM Crosby explained that the County did plow to the point that allowed access to a private home and barn, but that this was a road under Forest Services jurisdiction. The problem earlier had been that skiers were parking and blocking the landowner's private access. She confirmed that skiers must now park at the Trailhead lot and ski up the road a short distance, and noted as well, that if people would report those blocking the road further up, she would start towing those vehicles.

**CHANGE TO AGENDA:** Chairperson Houck then elected to change the agenda, moving to Commissioner Items, as the meeting was ahead of schedule.

#### **COMMISSIONER ITEMS:**

##### **Commissioner Mason:**

1. Attended a Housing Authority meeting. Commissioner Mason reported that the Board was looking at developing strategic planning, and they would be working on this into 2022. Questions the group was concerned with included, "What kind of responsibilities should the Housing Authority take on?"; "What's their role?"; and "Where should housing go in the current future?"
2. Attended a Rural Transportation Authority (RTA) meeting. Commissioner Mason stated that RTA had made a lot more seats available this year and that they were being filled. He reported on the status of several factors which contributed to this: good recent snow; the Elevation Hotel was packed, with bookings at 100% up through at least President's Day; and the airlines currently had three flights per day, increasing to four flights per day starting January 1<sup>st</sup>, 2022. Commissioner Mason informed the Board that RTA and the Airport increased their shared mechanic's salary to better cover his insurance needs. Also, RTA had approved \$3-4 million in funding for affordable housing – at the Lazy K and for land and garage by the Senior Care Center, which could potentially provide apartments and parking for senior resource vans, as well.
3. Testified to the Transportation Committee on December 16<sup>th</sup>. Commissioner Mason let the Board know that he had presented notes from a report which Facilities Director John Cattles had prepared,

regarding rural Colorado reducing greenhouse emissions. He had highlighted how Gunnison County had increased from nine public transportation buses running locally per day to 36 buses per day currently, helping to keep single car users off the roads. He pointed out as well to the Committee that Gunnison County is in favor of multi-modal transportation that puts people close to where they work. Commissioner Mason noted that the Committee had received pushback from some rural counties, so were very interested in how Gunnison County was working with this.

**Commission Houck:**

1. Attended a Stockgrowers Annual Meeting. Commissioner Houck reported that he had given the group an overview of progress made on the Wolf Reintroduction Committee and the Gunnison Basin Sage-grouse Strategic Committee, highlighting the County's plans regarding drought, and recent work on cheat grass and other invasive species' mitigation. He had also touched on Forest Service help issues directly related to the ranching industry, noting that Gunnison District Ranger, Matt McCombs, would be moving shortly into a State position.
2. Spent two days in Denver for the Wolf Reintroduction Management Meeting, serving on the committee's Technical Working Group. Commissioner Houck explained that with the deadline stipulated as December 2023 for reintroduction, they were still working on the "bigger picture" issues, trying to get people from different counties with vastly different viewpoints to find points of commonality.
3. Talked to the leadership at the Division of Natural Resources in Denver. Commissioner Houck stated that his time in Denver also allowed him to talk to the leadership branch of the Division of Natural Resources at the Colorado Parks & Wildlife headquarters, regarding the Grand Mesa-Uncompahgre-Gunnison (GMUG) Forest Revision plan and the State's comments.
4. Met with the Sustainable Tourism & Outdoor Recreation (STOR) Committee December 16<sup>th</sup>. Commissioner Houck introduced a recent email that Community and Economic Development (CED) Director Cathie Pagano had shared with him that morning – Gunnison County would receive an additional \$150,000 through the Great Outdoor Colorado (GOCO) grant they had recently applied for. This would allow them to hire a GOCO fellow to support the stewardship program the County shares with Western Colorado University. He highlighted further what CED Dir. Pagano had related – since the inception of STOR approximately three years ago, the County had received over \$950,000 in grant funding. This funding has supported STOR Corp, trailhead designs, stewardship programs, and the Shady Island project, and the Land Trust, to name a few.
5. Attending the Paintbrush Apartments Ribbon Cutting at 1 pm. Commissioner Houck observed that he was excited to see the people moving in, and noted that among these are County employees.
6. Attended the Mayors & Managers Meeting held two weeks ago. Commissioner Houck and Commissioner Mason had both been able to attend. Commissioner Houck noted that he was glad to meet and chat with the new Mayor of Gunnison, Diego Plata. Commissioner Mason also noted the attendance of the new Mayor from Crested Butte, Ian Billick, as well as the new CEO for Gunnison Valley Hospital, Jason Amrich. Both commissioners remarked how good it was to get to meet all the new people and have the opportunity to collaborate with them at these meetings.
7. Received a "Thank You" Note from a local business. Commissioner Houck related that he had received a thank you for the dining dollars distributed to County employees. The business owner had noted that it was a great aid in supporting local restaurants during this time of year.

**BREAK:** Commissioner Houck elected to take a recess from 9:10 am to 9:15 am.

**BUDGET ACTION:** Chief Financial Officer Juan Guerra was present to explain the budget amendments. He stated that the amendments to the General Fund included the following departments: Library, Road and Bridge, Human Services and Public Health, and Conservation Trust Fund. The amendments were all related to compliance required for a clean audit.

1. **Resolution; Amending the Gunnison County Budget for Fiscal Year 2021 and Amending the Appropriation Resolution:** With no questions from the Board, Commissioner Mason moved to approve Resolution 2021-43, Amending the Gunnison County Budget for Fiscal Year 2021 and Amending the Appropriation Resolution. Chairperson Houck seconded. Motion carried.

**VOUCHERS AND TRANSFERS:** Chief Financial Officer Juan Guerra was present to answer any questions.

1. December 2021 Accounts Payable Report – **Moved** by Commissioner Mason, seconded by Chairperson Houck, to approve the Vouchers in the amount of \$3,009,832.99. Motion carried.
2. October 2021 Purchase Card Report
3. November 2021 Cash Transfer Report – **Moved** by Commissioner Mason, seconded by Chairperson Houck, to approve the cash transfer for \$5,669,624.41. Motion carried.
4. Sales Tax - LMD Reports

**TREASURER'S REPORT:** County Treasurer Debbi Dunbar was present to answer any question from the Board. With no questions from the Board, Chairperson Houck **moved** to accept the Treasurer's Report and authorize the Chair's signature. Commissioner Mason seconded. Motion carried.

**CERTIFICATION OF LEVIES AND REVENUE FOR TAX YEAR 2021 / BUDGET YEAR 2022:**

Assessor's Office Senior Appraiser William Spicer was present to go over the report with the Board. He explained that the purpose of signing the report was for legal authorization to the Assessor to extend the levies to all properties within the County, so that taxes may then be generated. As he briefly went over the report, he noted a \$52.2 million increase for tax levies in 2022, adding that most of this increase was residential, and that next year might see a small decrease in assessed valuations.

**Moved** by Chairperson Houck, seconded by Commissioner Mason, to approve the Certification of Levies and Revenue for Tax Year 2021/Budget Year 2022 and to authorize the Chair's signature. Motion carried.

**CTSI - COLORADO COUNTIES CASUALTY AND PROPERTY POOL AGREEMENT AND INVOICE; FOR PARTIALLY SELF-FUNDED PROGRAM; GUNNISON COUNTY; JANUARY 1, 2022 THROUGH DECEMBER 31, 2022; \$341,793:**

Chief Financial Officer Juan Guerra was present to answer any questions. After some discussion on the meaning of "equity credit", it was **moved** by Commissioner Mason, seconded by Chairperson Houck, to approve the CTSI – Colorado Counties Casualty and Property Pool Agreement and Invoice for \$341,793, and to authorize the Chair's signature. Motion carried.

**APPROVAL OF ATV, OHV AND UTV USE ON CR #3:**

- 1. Resolution; Temporarily Extending Resolution No. 21-12 and Authorizing ATV, OHV and UTV Use on a Certain Portion of County Road #3 Until January 4, 2022** – Deputy County Manager Marlene Crosby was present to for discussion. Chairperson Houck introduced that it was time to re-evaluate the resolution that had been put in place earlier in 2021 in order to assist the Town of Marble and citizen groups in Marble to deal with the Summer season's motorized vehicle traffic. The Board had put a sunset date on that resolution for the end of the year to re-evaluate.

DCM Crosby asked the Board for an extension of four days into 2022, as the next regular meeting for the Board of County Commissioners would be held on 1/4/2022; she noted that Commissioner Smith would also be able to participate in the evaluation.

**Moved** by Commission Mason, seconded by Chairperson Houck, to approve Resolution 2021-44, a Resolution Temporarily Extending Resolution No. 21-12 and Authorizing ATV, OHV and UTV Use on a Certain Portion of County Road #3 Until January 4, 2022. Motion carried.

**AGREEMENT FOR SERVICES; SITA INFORMATION NETWORKING COMPUTING USA INC; TO PROVIDE "COMMON USE TERMINAL" HARDWARE AND SERVICE TO THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT; BEGINNING DECEMBER 15, 2021; \$173,641.84 + \$4,414.20 MONTHLY:**

County Manager Matthew Birnie and County Attorney Matt Hoyt were in the room to present this program to the Board. CM Birnie introduced the contract by explaining this was an operational software platform which would allow any of the airlines to use the terminals at all the gates. CA Hoyt affirmed that he had worked through negotiations with the vendor to arrive at a satisfactory agreement for all the parties.

With Commissioner Mason stating he had asked CM Birnie about the particulars of this complex agreement earlier, and Chairperson Houck having no questions, it was **moved** by Commissioner Mason, seconded by Chairperson Houck, to approve the Agreement for Services with SITA Information Networking Computing USA Inc., to provide "Common Use Terminal" hardware and service to the Gunnison-Crested Butte Regional Airport beginning December 15, 2021, for \$173,641.84 plus \$4,414.20 monthly. Motion carried.

**CHANGE OF AGENDA:** As the meeting was again ahead of schedule, Chairperson Houck elected to move to the 10:35 am item – Resolution Numbering Revisions.

**RESOLUTION NUMBERING REVISIONS FOR:**

- a) Gunnison County Housing Authority Resolutions (2);**
- b) Gunnison River Valley Local Marketing District Resolutions (2); and**
- c) Gunnison County Board of County Commissioners Resolutions (4)**

Chairperson Houck introduced the resolution numbering revisions by consulting County Attorney Hoyt on the best way to execute the motions. CA Hoyt then recommended that the cleanest record would be to convene under each Board to correct the resolution numbering.

**Gunnison County Board of County Commissioners Resolutions (4):**

**Moved** by Chairperson Houck, seconded by Commissioner Mason, to revise Resolution #2021-42 to #2021-38; to revise Resolution #2021-43 to #2021-39; to revise Resolution #2021-44 to #2021-40; to revise Resolution #2021-45 to #2021-41; and to authorize the Deputy Clerk to make those revisions as noted to the resolutions' records. Motion carried.

**RECESS:** Chairperson Houck paused the Gunnison County Board of County Commissioners Regular Meeting at 9:43 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Houck called the special meeting to order at 9:43 am.

**Gunnison River Valley Local Marketing District Resolutions (2):**

**Moved** by Chairperson Houck, seconded by Commissioner Mason, to revise Resolution #2021-40 to #2021-1; to revise Resolution #2021-41 to #2021-2; and to authorize the Deputy Clerk to make those revisions as noted to the resolutions' records. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the Gunnison River Valley Local Marketing District Special Meeting at 9:44 am.

**GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Houck called the special meeting to order at 9:44 am.

**Gunnison County Housing Authority Resolutions (2):**

**Moved** by Chairperson Houck, seconded by Commissioner Mason, to revise Resolution #2021-38 to #2021-002; to revise Resolution #2021-39 to #2021-003; and to authorize the Deputy Clerk to make those revisions as noted to the resolutions' records. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Housing Authority Special Meeting at 9:45 am.

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

**RECONVENE:** Chairperson Houck reconvened the Board of County Commissioner Regular Meeting at 9:45 am.

**BREAK:** The meeting took a break from 9:45 am to 10:00 am.

**REQUEST FOR SUBDIVISION EXEMPTION FOR CB FIRE PROTECTION DISTRICT AND SPANN RANCHES:** Community and Economic Development Director Cathie Pagano was present for discussion. **Also present were Kenn Spann of Spann Ranches, CEO Sean Caffrey of CB Fire Protection District, and Jack Dietrich, Chairman of the Board for the CB Fire Protection District.**

CED Director Pagano introduced that the parcel was adjacent to the Town of Crested Butte and to the Slate River Annexation completed in 2021. She outlined further that the CB Fire Protection District had received Lot TP-1 in the Slate River Annexation; and the County's Land Use Regulation (LUR) Section 5-114 allows for the Board to contemplate a subdivision exemption as well – given the nature of the parcel; given that it would be annexed into the Town of Crested Butte, and used for a public purpose.

After some discussion between the Board, County staff, and the applicants, involving the potential placement for utility corridors, it was **moved** by Chairperson Houck, seconded by Commissioner Mason, to approve the Subdivision Exemption for Crested Butte Fire Protection District and Spann Ranches, and to authorize the Chair's signature. Motion carried.

**RESOLUTION; APPROVING THE APPLICATION AMENDING THE PROTECTIVE COVENANTS OF FOXTROT SUBDIVISION, LUC-21-00063, FOXTROT ABL, LLC:** Community and Economic Development Director Cathie Pagano was present for discussion, along with applicant Fred Brazelton and Attorney Marcus Lock, with Law of the Rockies.

Attorney Marcus Lock outlined the history of this application, noting that all four owners in Foxtrot were in agreement to allow a 6,000 square foot house. Also noted was the recognition that any future dwelling in the subdivision would have to go through the Land Use Process or remain with a structure no larger than 5,000 square feet, as outlined by the recent amendments to the LUR. CED Director Pagano also confirmed that this was a unique situation and she did not anticipate it happening again in the future; it was a compromise due to this application being well into the process when the LUR square footage restrictions were amended. She added that she believed this would be the only one, but they could look at any future cases on an individual basis. When asked by the Board if he had anything to add, applicant Fred Brazelton stated that their plan was to build a house with the new regulations in mind.

With no further questions from the Board, it was **moved** by Commissioner Mason, seconded by Chairperson Houck, to approve Resolution 2021-45, a Resolution Approving the Application Amending the Protective Covenants of Foxtrot subdivision, LUC-21-00063, Foxtrot ABL, LLC. Motion carried.

**GUNNISON VALLEY HEALTH; APPROVAL FOR PURCHASE OF LOTS; WADE BAKER:** Gunnison Valley Health VP of Administrative Services, Wade Baker, was present for discussion and Board questions. GVH VP Baker began by explaining that Gunnison Valley Health was seeking the Board's approval to purchase Lots 9 and 10, identifying them as 4.2 acres on the East side of Hwy 135, just past the Auto Corral, on the corner of Colorado. He also asked the Board for delegation of signing authority, in order to represent the County upon closing.

GVH VP Baker also outlined for the Board that land had previously been purchased West of Hwy 135, but as their plans developed, it became apparent the area was too small for a large facility and the parking requirements they needed, and land around this site was unavailable. The East 4.2 acres would provide area for the building and its parking needs. When asked about the parcels owned by GVH, VP Baker stated that he and the new CEO, Jason Amrich, would be taking a look at the list of properties they had acquired; he did not envision a long-term future for the property to the West of 135, and predicted they would be entertaining offers to sell in the future.

With no further questions from the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Mason, to approve Gunnison Valley Health's request for the purchase of Lots 9 and 10, as described in the discussion, and that the Board appoint Wade Baker as an agent of the Board of County Commissioners, enabling him to be able to execute contracts and requirements for the closing of this property. Motion carried.

**2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION:** The Board waited for Emergency Management Manager, Scott Morrill, to join the meeting for this item; however, CM Matthew Birnie also noted that this was an annual approval and his attendance was not necessarily required.

With no questions from the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Mason, to authorize the 2022 Emergency Management Performance Grant Application, and the signatures of Matthew as CEO, Chairperson Houck as Chair of the Board of County Commissioners and Senior Elected Official, and Scott Morrill as Emergency Management Manager. Motion carried unanimously.

**RECESS:** Chairperson Houck recessed the Gunnison County Board of County Commissioners Regular Meeting at 10:39 am.

**GUNNISON/HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING:** This separate meeting was held from 10:40 am to 11:10 am. Please refer to separate meeting minutes on record for the Gunnison/Hinsdale Board of Human Services.

**ADJOURN:** Chairperson Houck adjourned the Board of Human Services meeting at 10:30 am.

**GUNNISON COUNTY BOARD OF EQUALIZATION SPECIAL MEETING:**

**CALL TO ORDER:** Chairperson Houck called the Gunnison County Board of Equalization Special Meeting to order at 11:11 am.

**Minutes Approval:**

1. October 26, 2021 CBOE – **Moved** by Commissioner Mason, seconded by Chairperson Houck, to approve the CBOE Meeting Minutes for October 26, 2021. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Board of Equalization Special Meeting at 11:12 am.

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

**RESUMED:** Chairperson Houck resumed the Gunnison County Board of County Commissioners Regular Meeting at 11:12 am.

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

**COMMISSIONER ITEMS:** There were further Commissioner Items at this point, as all had been covered earlier in the meeting.

**RECESS:** Chairperson Houck recessed the regular meeting at 11:13 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 PROPERTY INTEREST(S) LOCATED IN GUNNISON COUNTY, COLORADO, 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 PROPERTY INTEREST(S) LOCATED IN GUNNISON COUNTY, COLORADO::** Commissioner Houck then **moved** to go into Executive Session, pursuant to C.R.S. §24-6-402 (4) (e) (I), for determining positions relative to matters that may be subject to negotiations related to property

interest(s) located in Gunnison County, Colorado, 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 property interest(s) located in Gunnison County, Colorado. The participants in the Executive Session were Commissioner Houck, Commissioner Mason, County Manager Matthew Birnie, County Attorney Matthew Hoyt, Sustainability Director John Cattles, and Community and Economic Development Director Cathie Pagano. No contemporaneous record of the meeting would be kept. Commissioner Mason seconded the motion, and the motion carried.

The Board went into executive session at 11:15 a.m. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4) (E) (I) 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) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

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

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

Chairperson Statement Regarding Executive Session

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

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

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

At 12:12 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. Commissioner Mason seconded the motion. Motion carried.

Chairperson Houck then let those present know that no direction would be given at that time.

**ADJOURN:** With a reminder to those present, of the 1:00 pm Paintbrush Apartments Ribbon Cutting ceremony, and a "Merry Christmas," Chairperson Houck adjourned the Gunnison County Board of County Commissioners Regular Meeting at 12:12 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**

**GUNNISON COUNTY HOUSING AUTHORITY  
RESOLUTION 2021-004**

**A RESOLUTION AMENDING THE GUNNISON COUNTY HOUSING AUTHORITY BUDGET  
FOR FISCAL YEAR 2021 AND AMENDING THE APPROPRIATION RESOLUTION**

WHEREAS, at the time of the adoption of the budget for the Gunnison County Housing Authority for fiscal year 2021 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, revenues can now be identified for such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority, that a supplemental budget and appropriation resolution be adopted in the following respects:

- Gunnison County Housing Fund. The revenues are increased in the amount of \$84,240 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$73,820 as detailed by account number on Appendix A attached

may be deemed necessary to defray the expenses and liabilities of the Gunnison County Housing Authority, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2020-001 and 2020-002 respectively - for the Gunnison County Housing Authority for the fiscal year beginning January 1, 2021 and ending December 31, 2021; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted this 21st day of December, 2021.

GUNNISON COUNTY HOUSING AUTHORITY

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

**Gunnison County Regional Housing Authority  
2021 Budget Amendment Details  
New, not previously reviewed by County Manager  
To Be Approved 12/21/2021**

| Org                           | Org        | Object | Project | Description               | 2021<br>Original<br>Budget | 2021<br>Revised<br>Budget | 2021<br>Projected<br>Ending | Amendment<br>Needed | (Revenue)/<br>Expense |                    |
|-------------------------------|------------|--------|---------|---------------------------|----------------------------|---------------------------|-----------------------------|---------------------|-----------------------|--------------------|
| <b>Housing Authority Fund</b> |            |        |         |                           |                            |                           |                             |                     |                       |                    |
| Elk Valley                    | € 70741061 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (13,000)                 | \$ (13,000)         |                       |                    |
| Elk Valley                    | € 70741062 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (15,300)                 | \$ (15,300)         |                       |                    |
| Elk Valley                    | € 70741063 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (15,600)                 | \$ (15,600)         |                       |                    |
| Elk Valley                    | € 70741064 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (15,600)                 | \$ (15,600)         |                       |                    |
| Elk Valley                    | € 70741071 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (15,600)                 | \$ (15,600)         |                       |                    |
| Elk Valley                    | € 70741072 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (15,600)                 | \$ (15,600)         |                       |                    |
| Elk Valley                    | € 70741073 | 44913  |         | Rent                      | \$ -                       | \$ -                      | \$ (15,600)                 | \$ (15,600)         |                       |                    |
| Elk Valley                    | € 70741062 | 44918  |         | Rent-Waiver               | \$ -                       | \$ -                      | \$ 15,600                   | \$ 22,060           | \$ (84,240)           |                    |
| Developm€                     | 70741030   | 56120  |         | Operating Supplies        | \$ -                       | \$ -                      | \$ 610                      | \$ 910              |                       |                    |
| Developm€                     | 70741020   | 57210  |         | Repair & Maint - Building | \$ -                       | \$ -                      | \$ 4,000                    | \$ 4,000            |                       |                    |
| Elk Valley                    | € 70741061 | 57324  |         | Contracted Services       | \$ -                       | \$ -                      | \$ 1,040                    | \$ 4,600            |                       |                    |
| Elk Valley                    | € 70741063 | 57324  |         | Contracted Services       | \$ -                       | \$ -                      | \$ 3,120                    | \$ 6,670            |                       |                    |
| Elk Valley                    | € 70741064 | 57324  |         | Contracted Services       | \$ -                       | \$ -                      | \$ 3,120                    | \$ 6,670            |                       |                    |
| Elk Valley                    | € 70741071 | 57324  |         | Contracted Services       | \$ -                       | \$ -                      | \$ 3,120                    | \$ 6,670            |                       |                    |
| Elk Valley                    | € 70741072 | 57324  |         | Contracted Services       | \$ -                       | \$ -                      | \$ 3,120                    | \$ 6,670            |                       |                    |
| Elk Valley                    | € 70741073 | 57324  |         | Contracted Services       | \$ -                       | \$ -                      | \$ 3,120                    | \$ 6,670            |                       |                    |
| Operation€                    | 70737000   | 57353  |         | Treasurer's Fees          | \$ 150                     | \$ 150                    | \$ 9,000                    | \$ 4,000            |                       |                    |
| Developm€                     | 70741050   | 57430  |         | Dues & Memberships        | \$ 700                     | \$ 700                    | \$ 2,740                    | \$ 2,040            | \$ 48,900             |                    |
|                               |            |        |         |                           |                            |                           |                             |                     | <b>NET</b>            | <b>\$ (35,340)</b> |
| <b>Mountain View Fund</b>     |            |        |         |                           |                            |                           |                             |                     |                       |                    |
| Mountain                      | ' 71740010 | 57245  |         | Maintenance Contracts     | \$ 2,400                   | \$ 2,400                  | \$ 18,000                   | \$ 19,220           |                       |                    |
| Mountain                      | ' 71740010 | 59024  |         | Surplus Cash to Owner     | \$ 10,000                  | \$ 10,000                 | \$ 15,700                   | \$ 5,700            | \$ 24,920             |                    |
|                               |            |        |         |                           |                            |                           |                             |                     | <b>NET</b>            | <b>\$ 24,920</b>   |

|                  |    |          |
|------------------|----|----------|
| Net Revenues     | \$ | (84,240) |
| Net Expenditures | \$ | 73,820   |
| Total            | \$ | (10,420) |

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT  
RESOLUTION 2021-3**

A RESOLUTION AMENDING THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT BUDGET FOR FISCAL YEAR 2021 AND AMENDING THE APPROPRIATION RESOLUTION

WHEREAS, at the time of the adoption of the budget for the Gunnison River Valley Local Marketing District for fiscal year 2021 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, revenues can now be identified for such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison River Valley Local Marketing District, that a supplemental budget and appropriation resolution be adopted in the following respects:

1. Local Marketing District Fund. The expenditures are increased in the amount of \$350,000 as detailed by account number on Appendix A attached.

may be deemed necessary to defray the expenses and liabilities of the Gunnison River Valley Local Marketing District, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2020-001 and 2020-002 respectively - for the Gunnison County Local Marketing District for the fiscal year beginning January 1, 2021 and ending December 31, 2021; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted this 21st day of December, 2021.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT

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

**Gunnison County  
2021 Budget Amendment Details  
Previously reviewed by County Manager  
To Be Approved 12/21/2021**

| ORG      | OBJECT | PROJECT | COMMENT   | REF2    | DEBIT             | CREDIT   | TOTAL             |
|----------|--------|---------|---|---------|-------------------|----------|-------------------|
| 91810000 | 57329  |         | Inc TAPP strat marketing prog                     | BJE 383 | 350,000.00        |          |                   |
|          |        |         | <b>LOCAL MARKETING DISTRICT FUND EXPENDITURES</b> |         | <b>350,000.00</b> | <b>-</b> | <b>350,000.00</b> |
|          |        |         | <b>GRAND TOTAL</b>                                |         | <b>350,000.00</b> | <b>-</b> | <b>350,000.00</b> |

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 2021-42**

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A PLANNING AND CAPACITY GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

WHEREAS, the Gunnison County Board of Commissioners supports the Great Outdoors Colorado grant application for the Gunnison County planning and capacity application on behalf of the Gunnison County Sustainable Tourism and Outdoor Recreation Committee. Gunnison County supports the completion of the project.

WHEREAS, Gunnison County has requested \$98,750 from Great Outdoors Colorado to plan a multimodal access path from Crested Butte South to the Town of Crested Butte.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE GUNNISON COUNTY BOARD OF COMMISSIONERS THAT:

1. The Gunnison County Board of Commissioners strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
2. The Gunnison County Board of Commissioners strongly supports the completion of the project.
3. The Gunnison County Board of Commissioners authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
4. The Gunnison County Board of Commissioners recognizes that as the recipient of a Great Outdoors Colorado Local Government grant the project site(s) must provide reasonable public access.
5. If the grant is awarded, the Gunnison County Board of Commissioners hereby authorizes the designated Official to sign the grant agreement with Great Outdoors Colorado.

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 Houck, seconded by Commissioner Mason, and adopted this 21st day of December, 2021.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

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

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 2021-43**

A RESOLUTION AMENDING THE GUNNISON COUNTY BUDGET FOR FISCAL YEAR 2021  
AND AMENDING THE APPROPRIATION RESOLUTION

WHEREAS, at the time of the adoption of the budget for Gunnison County for fiscal year 2021 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, revenues can now be identified for such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that a supplemental budget and appropriation resolution be adopted in the following respects:

1. General Fund. The revenues are increased in the amount of \$2,327,920 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$1,253,521 as detailed by account number on Appendix A attached.
2. Road and Bridge Fund. The expenditures are increased in the amount of \$636,530 as detailed by account number on Appendix A attached.
3. Human Services Fund. The revenues are increased in the amount of \$2,485,063 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$2,496,707 as detailed by account number on Appendix A attached.
4. Public Health Fund. The revenues are increased in the amount of \$1,439,600 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$1,397,136 as detailed by account number on Appendix A attached.
5. Conservation Trust Fund. The expenditures are increased in the amount of \$13,960 as detailed by account number on Appendix A attached.
6. Debt Service Fund. The revenues are increased in the amount of \$422,267 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$1,820,156 as detailed by account number on Appendix A attached.
7. Airport Operations Fund. The revenues are increased in the amount of \$3,000,844 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$3,722,006 as detailed by account number on Appendix A attached.
8. Sales Tax Fund. The revenues are increased in the amount of \$773,208 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$431,299 as detailed by account number on Appendix A attached.
9. Sage Grouse Fund. The expenditures are increased in the amount of \$10,510 as detailed by account number on Appendix A attached.
10. Airport Construction Fund. The revenues are increased in the amount of \$3,153,207 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$6,088,297 as detailed by account number on Appendix A attached.
11. Capital Expenditures Fund. The revenues are increased in the amount of \$3,387,372 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$3,189,652 as detailed by account number on Appendix A attached.
12. Sewer Fund. The expenditures are increased in the amount of \$58,935 as detailed by account number on Appendix A attached.
13. Water Fund. The revenues are increased in the amount of \$236,126 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$229,200 as detailed by account number on Appendix A attached.
14. Internal Service Fund I. The expenditures are increased in the amount of \$63,000 as detailed by account number on Appendix A attached.
15. Internal Service Fund II. The expenditures are increased in the amount of \$30,644 as detailed by account number on Appendix A attached.
16. Internal Service Fund III. The revenues are increased in the amount of \$127,340 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$60,774 as detailed by account number on Appendix A attached.
17. RTA Fund. The revenues are increased in the amount of \$2,747,950 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$2,327,580 as detailed by account number on Appendix A attached.
18. GVH Fund. The revenues are increased in the amount of \$1,089,376 as detailed by account number on Appendix A attached. The expenditures are increased in the amount of \$231,049 as detailed by account number on Appendix A attached.

The above sums of money, or as much thereof as may be authorized by law and as may be deemed necessary to defray the expenses and liabilities of the County, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption

and appropriation resolutions - Resolution Nos. 2020-39 and 2020-40 respectively - for Gunnison County for the fiscal year beginning January 1, 2021 and ending December 31, 2021; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted this 21st day of December, 2021.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

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

“Appendix A” noted in Resolution 2021-43 is the  
Gunnison County, Colorado  
2021 Budget Amendment Details

Please see Resolution 2021-43 and its accompanying Appendix A on record at the  
Gunnison County Clerk and Records Office

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 2021-44**

A RESOLUTION TEMPORARILY EXTENDING RESOLUTION NO. 21-12 AND  
AUTHORIZING ATV, OHV AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3  
UNTIL JANUARY 4, 2022

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

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

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

WHEREAS, Resolution No. 18-14 provided that use of ATVs, OHVs and UTVs shall be and hereby is authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the bottom of that area known as “Daniel’s Hill”, otherwise described as the intersection of Forest Service Roads 314 and 315; and

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

WHEREAS, by its express terms, Resolution No. 21-12 sunsets and expires on December 31, 2021; and

WHEREAS, since the adoption of Resolution No. 21-12, the Board and the County have collaborated with the Town of Marble, motorized users, the United States Forest Service, proximate property owners and other stakeholders to analyze and address issues surrounding the continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3; and

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

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

WHEREAS, the Board desires for the aforementioned process to continue until at least early next year so that the Board may fully analyze and address that process and the efforts surrounding that process; and

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

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

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

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

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

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

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

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

1. Resolution No. 21-12, A Resolution Repealing Resolution No. 18-14 and Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3 recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 18, 2021, shall be and hereby is amended and extended to remain in full force and effect until midnight Mountain Time January 4, 2022, as which point both that Resolution and this one shall expire and no longer remain in effect, unless extended by further Resolution of this Board; and
2. Subject to Paragraph 1 above, the use of ATVs, OHVs and UTVs is and continues to be authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as "Daniel's Hill", a distance of approximately 1.5 miles, and otherwise described as the intersection of Forest Service Roads 314 and 315 until midnight Mountain Time January 4, 2022.

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted this 21st day of December, 2021.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

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

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 2021-45**

A RESOLUTION APPROVING THE APPLICATION AMENDING THE  
PROTECTIVE COVENANTS OF FOXTROT SUBDIVISION  
LUC-21-00063  
FOXTROT ABL, LLC

WHEREAS, Foxtrot ABL, LLC, proposes to amend the protective covenants of the Foxtrot Subdivision, as described in the attached in Exhibit A and amend the building envelope of Lot 1 as shown in the attached Exhibit B. Foxtrot Subdivision was approved by Gunnison County and the plat is recorded at Reception No. 641741 in the office of the Gunnison County Clerk and Recorder.

WHEREAS, the proposed covenant amendment allows for the development of one single-family residence up to 6,000 square feet in size on Lot 1 only.

WHEREAS, Section 13-105: D.2. Maximum Building Size and Maximum Aggregate of All Structures of the Gunnison County Land Use Resolution (LUR) was amended in 2021 and allows a maximum building size of 5,000 square feet and a maximum aggregate size of all structures of 7,000 square feet.

WHEREAS, although the proposed amendment does not comport with the specific requirements of the current LUR, the applicant has represented to Gunnison County's attorney that the property owners in Foxtrot Subdivision initiated the amendment within the subdivision in 2020, prior to any County consideration of an amendment to the LUR.

WHEREAS, the applicant has represented to Gunnison County that it has expended time and resources working to get all parties to agree and approve the amendment.

WHEREAS, the Applicant proposes that the Board approve the amendment but recognize that the amendment does not exempt the property owners of Lot 1 from compliance with the LUR.

NOW, THEREFORE, the Board hereby approves the covenant amendment and building envelope adjustment, with these findings and conditions:

1. The proposed amendment exceeds the maximum building size allowed in Section 13-105: D.2. Maximum Building Size and Maximum Aggregate of All Structures and Section 13-105: G. Impact Classification and Required Findings For Coverage Exceeding Standard of the Gunnison County Land Use Resolution.
2. The proposed building envelope adjustment complies with all setback requirements.
3. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado approves the Foxtrot Subdivision application, LUC-21-00063 with the following conditions:

1. All structures on Lot 1, Foxtrot Subdivision shall comply with the standards of Section 13-105: D.2. Maximum Building Size and Maximum Aggregate of All Structures and Section 13-105: G. Impact Classification and Required Findings For Coverage Exceeding Standard of the Gunnison County Land Use Resolution.
2. Approval of the subject covenant amendment shall not constitute approval of a structure(s) exceeding the sizes allowed in Section 13-105: D.2 or 13-105: G. of the LUR. Any structure exceeding the maximum size allowances shall be subject to the standards and process described in Section 13-105: Residential Building Sizes and Lot Coverages.

3. 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.
4. Amendment or termination of the protective covenants is subject to approval by Gunnison County.
5. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
6. 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.
7. 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.
8. 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.

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

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted this 21st day of December, 2021.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

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

"Exhibit A" noted in Resolution 2021-45 is the  
 "Agreement to Amend Protective Covenants for  
 Foxtrot Subdivision and for Replat of Building Site on Lot 1," signed November 30, 2020; plus  
 "Unanimous Resolution of Foxtrot Subdivision  
 Electing Board Members and Officers," signed December 29, 2020; plus  
 "First Amendment to Declaration of Protective Covenants of  
 Foxtrot Subdivision," signed December 29, 2020

"Exhibit B" is the accompanying Map showing the building envelope with Lot 1

Please see Resolution 2021-45 and the accompanying Exhibits A & B on record at the  
Gunnison County Clerk and Records Office