

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
April 5, 2022**

The April 5, 2022 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

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

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

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 8:30 am.

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

SCHEDULING: There were no changes needed to the calendar schedule. Commissioner Mason noted he would be out of office for the April 19th meeting, as it will be Spring Break for Crested Butte schools. Commissioner Smith reminded the Board that she would be unable to attend the April 26th work session, due to her attending a Colorado Noxious Weed Advisory Committee meeting in Boulder on the 26th.

MINUTES APPROVAL: Moved by Commissioner Smith, seconded by Commissioner Mason, to approve the minutes for January 18th, February 1st, February 22nd, March 1st, March 8th, and March 22nd, 2022, as presented. Motion carried unanimously.

1. January 18 2022 Regular Meeting – Smith moved to approve all as presented seconded by Mason. Motion carried unanimously.
2. February 1, 2022 Regular Meeting
3. February 22, 2022 Special Meeting
4. March 1, 2022 Regular Meeting
5. March 8, 2022 Special Meeting
6. March 22, 2022 Special Meeting

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

1. Professional Services Agreement; Gunnison County Sheriff's Office; Gunnison Valley Health; for Inmate Health Care at the Gunnison County Detention Center; Eff. Date 3/15/2022 -12/31/2022, yearly thereafter; up to \$10,000 per year
2. Simple Gifts Grant Award; Rocky Mountain Health Foundation; Colorado Division of Veterans Affairs, Gunnison County; one-year grant; \$10,000
3. Lease Agreement; Bishop of Pueblo; on behalf of Gunnison County Clerk and Recorder; for use of Queen of All Saints Parish Hall during 2022 Primary and General Elections; 6/23-6/25, 6/27-6/29, 11/2-11/5, and 11/7-11/09/2022; \$1,200
4. Agreement with Subrecipient of Federal Recovery Funds; Colorado Department of Public Health and Environment (CDPHE); Health and Human Services; for confirmation of adherence to Federal Provisions of the American Rescue Plan Act (ARPA) Local Support and Planning funds (Coronavirus State and Local Fiscal Recovery Funds); 7/01/2021 to 6/20/2022
5. Grant Application Approval; FY 2021-22 County Grant Program Application; Colorado Department of Health Care Policy and Financing (HCPF); Health and Human Services; to Implement new County Administration Procedures and Policies; Funding to be expended no later than June 30, 2022; \$17,782
6. Acknowledgment of County Manager's signature; Simple Gifts Grant Award; Rocky Mountain Health Foundation; Gunnison County Substance Abuse Prevention Project (GCSAPP); one-year grant; \$9,000
7. Acknowledgement of County Manager's Signature; NEOGOV Services Agreement; Human Resources; for Governmentjobs.com Recruitment Services; 3-year contract; Year 1: \$1,715.40, Year 2: \$1,963.18, Year 3: \$2,022.00
8. Department of Local Affairs IHOP Grant and Amendment #1; Community Development; for Land Use Resolution Housing Revisions; 2/25/2022 to 9/30/2023; Initial Grant \$48,750 + Amendment #1 \$101,250 = \$150,000 total grant award
9. Professional Services Agreement; Mark Weidhaas, Inspector Magic; Gunnison-Hinsdale Early Childhood Council; for Performing a Magic Show at the Annual Conference on 4/9/2022; \$1,500
10. Acknowledgement of County Manager's Signature; El Pomar Foundation Regional Merit Grant Award; Health Coalition of the Gunnison Valley; for Behavioral Health Strategic Planning; \$10,000
11. Intergovernmental Contract Amendment #1; CDHS Office of Early Childhood; Early Childhood Council; for accounting encumbrances; 4/07/2021 – 6/30/2022; \$13,127
12. Master Services and Purchasing Agreement; AXON; Gunnison County Sheriff's Office; Body Camera Program; Effective date of signing, 39-month program; \$40,515.84

13. Statement of Work; Colorado Department of Public Health and Environment (CDPHE), Office of Public Health Practice, Planning; Local Partnerships (OPHP), Health and Human Services; to strengthen public health and environment workforce
14. Acknowledgment of County Manager's approval; Town of Crested Butte Grant Application; Gunnison-Hinsdale Early Childhood Council (GHECC); for CB Early Childhood Educator Stipend Program and Tuition Assistance for Families; May 2022 - December 2022; \$22,000
15. Acknowledgment of County Manager's approval; Colorado Department of Human Services Grant Application; Gunnison-Hinsdale Early Childhood Council (GHECC); for Early Childhood Council work; July 1, 2022 – June 30, 2023; \$108,040
16. Gunnison County Deputy County Attorney Employment Agreement; Alex San Filippo-Rosser; beginning April 5, 2022
17. Employee Medical Benefits Plan, Amendment #2; Group Personal Accident (GPA) yearly compliance review/renewal; Effective date 1/01/2022
18. Master Task Order 23 FAA 00023; Health and Human Services; guidelines for how Local Public Health Agencies (LPHA) contract with each other; July 1, 2022 - June 30, 2027
19. Modification of Grant Agreement; White River National Forest; Forest Service Protection Officer, Directions for Funding Allotment
20. Sublease Amendment Agreement: Gunnison Funeral Services, LLC; Extension of Sublease Agreement dated March 23, 2021; April 1, 2022 - April 1, 2023
21. Approval of Bipartisan Infrastructure Law Grant Application AIG-3-08-0300; Federal Aviation Administration; for the Terminal Rehabilitation Construction Project; FY22 allocation; \$1,023,462
22. Acknowledgement of County Manager's Signature; Rental Agreement; Power Screening; for Rental Tree Grinder at the Landfill; Eff Date 4/01/2022, 1 month; \$39,000 + transportation costs
23. Approval for Health Resources and Services Administration (HRSA) Grant Application; Department of Juvenile Services; for Gunnison County Consortium (GCC), Behavioral Health Care Services; \$2,000,000

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

1. Whetstone Project. CM Birnie let the Board know that, currently, they were preparing this project to be ready for the land use process.
2. South 14th Housing Project. CM Birnie reported that they were working with Fading West on putting a deal together, trying to think outside the box in order to address certain efficiency factors.
3. Participated on a Congressionally-directed spending call last week. CM Birnie stated they were not yet ready to turn in what they had that week, for the Apr 8th cycle, but that they would be ready for the next cycle to bring forward Whetstone.
4. Library Project. CM Birnie highlighted that the siding is up and the roof is going on. Chairperson Houck noted that he liked the natural, clean appearance of the finishes.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion and questions from the Board, along with Public Works Operation Manager Sparky Casebolt.

1. Tree grinding starting at the landfill. DCM Crosby stated that it was good to start bringing this section of the landfill into compliance. When asked what the tree mulch would be used for, she informed the Board that they would use it as part of the organic material needed for their topsoil.
2. Road Maintenance Agreement; Bureau of Land Management, Gunnison Field Office; for Maintenance of BLM roads & Collection of Highway User Tax Funds (HUTF); Effective date of signing; 20-year term. DCM Crosby explained that both the BLM road agreement and the agreement for the Forest Service must be in place, in order for the County to claim gas tax funds.
Moved by Commissioner Smith, seconded by Commissioner Mason to approve the Road Maintenance Agreement between the Bureau of Land Management and Gunnison County, and to authorize the chair's signature. Motion carried unanimously.
3. Cooperative Forest Road Agreement; USDA Forest Service – Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forest; for Maintenance of Forest Service roads & Collection of Highway User Tax Funds (HUTF); Effective date of signing; 5-year term. DCM Crosby noted that this is same type of agreement as the BLM agreement, and is one of the agreements necessary for gas tax funds.
Moved by Commissioner Smith, seconded by Commissioner Mason, to approve the Cooperative Forest Road Agreement with the USDA Forest Service. Motion carried unanimously.
4. County Technical Services Inc (CTSI) to visit Public Works on Wednesday April 6th. DCM Crosby explained that Marilyn Wagner from CTSI would be visiting the Gunnison and Crested Butte shops on the next day, to look everything over and make sure they were operating as safely as possible. DCM Crosby further noted that this had been a regular, yearly visit before the pandemic, and they were now starting the annual visits up again.
5. Resolution; Vacating a Certain Portion of Laurel Street Lying Within the Town of Tincup, County of Gunnison, State of Colorado. DCM Crosby outlined the events leading up to this resolution, reminding the Board that Sally Kuisle had requested a street vacation and lot cluster in order to put in a compliant septic system. The lot cluster had been approved, contingent upon the street vacation being signed, and the street vacation was approved, contingent upon approval of the variance by

the Environmental Health Board (EHB). The Environmental Health Board then approved the variance contingent upon a recorded easement from the neighbors. DCM Crosby noted she had included minutes for both the BOCC and EHB meetings, as well as copies of the lot cluster, and then concluded that this resolution would now finish the street vacation and tie everything together. County Attorney Matt Hoyt added that this could have been an automatic procedure, but that presenting it this way created a clean record that traces all the actions that had taken place.

With no questions from the Board, Commissioner Smith **moved** to approve Resolution 2022-17, a Resolution Vacating a Certain Portion of Laurel Street Lying Within the Town of Tincup, County of Gunnison, State of Colorado. Commissioner Mason seconded, and the motion carried unanimously.

138 ELK VALLEY TOWNHOMES PLAT; A RE-SUBDIVISION OF LOT M1-5, BUCKHORN RANCH FILING 2B; LUC-22-00004: Present for discussion was Community Development Administrative Services Manager Beth Baker, along with Attorney Daniel Spivey, representing the applicant. Admin Svcs Manager Beth Baker outlined that this had been reviewed by the Attorney's Office and had been found legally sufficient; the taxes were current, with certificates of occupancy obtained; the HOA had approved it; and the lender had signed it as well.

With no questions from the Board, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the signature of the chair on the 138 Elk Valley Townhomes plat, a re-subdivision of Lot M1-5, Buckhorn Ranch Filing 2B, LUC-22-00004. Motion carried unanimously.

MEMORANDUM OF UNDERSTANDING (MOU); TOWN OF CRESTED BUTTE AND GUNNISON COUNTY; FOR AN ASSESSMENT OF TOWN WATER AND SANITARY SEWER INFRASTRUCTURES CAPABILITIES, WHETSTONE WORKFORCE HOUSING DEVELOPMENT: Chairperson Houck noted that both the Town of CB and the Commissioners had gone over this MOU together, and the version before them was already signed by the Town of Crested Butte.

After a brief discussion confirming part of the wording in the MOU, Commissioner Smith **moved** to approve the signature of the full board on the MOU for an Assessment of Town Water and Sanitary Sewer Infrastructures Capabilities to serve Whetstone, between the Town of Crested Butte and Gunnison County. Commissioner Mason seconded. Motion carried unanimously.

RESOLUTION; AMENDING RESOLUTION NO. 2018-30 GOVERNING THE CONTROL AND LICENSING OF DOGS IN UNINCORPORATED GUNNISON COUNTY, COLORADO TO CLARIFY PENALTIES FOR CERTAIN VIOLATIONS: County Attorney Matthew Hoyt introduced the resolution by explaining briefly that this resolution was a result of statutory change at the state level. It would be the first of several ordinances up for review and possible changes by his staff. He further noted that the penalties concerning dog ordinances must now all be under a petty offense – no longer a misdemeanor – but the fines remained the same. The resolution before them helped to bring County law into line with the statutory changes.

With this explanation, Commissioner Mason **moved** to approve Resolution 2022-18, Amending Resolution No. 2018-30 Governing the Control and Licensing of Dogs in Unincorporated Gunnison County, Colorado, to Clarify Penalties for Certain Violations. Commissioner Smith seconded. Motion carried unanimously.

REVISION APPROVAL; GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE ORGANIZATION GUIDELINES: Commissioner Liz Smith shared that the revised guidelines reflected the Board's discussion at a previous work session, and noted that the amended guidelines now included a Recreation and Education At-Large position. Commissioner Smith also outlined other amendments – administrative revisions and updates which helped bring the guidelines current. Chairperson Houck noted that, with 14 members now on the committee, there would be a potential for a tie vote. He added that this would be very unlikely, but to keep it in mind for consideration on how to deal with the possibility.

Commissioner Mason **moved** to approve the revision of the Gunnison Basin Sage-grouse Strategic Committee Organization Guidelines, as presented. Commissioner Smith seconded. Motion carried unanimously.

CHANGE OF AGENDA: Chairperson Houck elected to start Commissioner Items, as the meeting was a little ahead of schedule for Unscheduled Citizens at 9:20 am.

COMMISSIONER ITEMS:

Commissioner Mason

1. Future of Gunnison Valley Regional Housing Authority (GVRHA) discussion. Commissioner Mason reported that they had hosted a half-day stakeholders meeting to look at the strengths and weaknesses of the Housing Authority, and to discuss how to incorporate identified areas into their search for a new director. He felt it was a good conversation and stated that he would be taking these recommendations to the Housing Authority Board to use as they begin their search. Also, he noted that they would be engaging a recruiter soon, and noted issues surrounding what a competitive salary would look like now, as well as how to address housing for someone hired from outside of the area.

2. Last day to get your elk draw tag. Commissioner Mason reminded everyone present that this was the last day to be able to put in for the draw, stating that he had many years where he missed the deadline, and so wanted to remind everyone there who might be interested in hunting.
3. Two-day work session in Marble coming up. Commissioner Mason explained that this would be the second work session for the stakeholder group, and noted that they would be really working to hash out what the main issues would be for consideration. Commissioner Mason observed that there might also need to be a facilitator meeting to review final recommendations; he stated that he was not sure of the timeline for this, and could not predict yet if they were going to make the resolution deadline which was set for May 3rd. He stated that he would report back to the Board with the timeline as soon as he knew, adding that he felt the Marble area residents were very glad the commissioners were spending the time to work through the issues. The Board then discussed some of the topics of concern, i.e., noise ordinances in the Town of Marble, parking around the lake, and also whether the parking of trailers in town would be allowed. Commissioner Mason also noted that the County had recently lost one of the two Sheriff deputies placed in Marble, and they would need to coordinate with the Sheriff on this enforcement challenge for the next summer.
4. Attended a Region 10 meeting two weeks earlier. Commissioner Mason went over two highlights of the meeting, which were: 1) a new scam targeting seniors – the scam uses a Social Security Cost-of-Living Adjustment (COLA) website page that looks identical to the official administration page, asking for social security numbers and other confidential information, and 2) Gunnison Rural Transportation Authority (RTA) has \$6.2 million available in multi-modal funding. Commissioner Mason noted that he had an idea to approach the RTA Board with a few “out-of-the-box” ideas for funding, such as help in planning a trail system between Crested Butte and CB South, as well as establishing a fleet of electric bikes to encourage people to get out of their cars.

UNSCHEDULED CITIZENS: At 9:20 am, Chairperson Houck noted that there were no Unscheduled Citizens present for discussion. He then asked Commissioner Smith to continue with Commissioner Items.

COMMISSIONER ITEMS (cont’d):

Commissioner Smith

1. Southwest Colorado Opioid Regional Council. Commissioner Smith informed the Board that she had attended the retreat in Montrose during Spring Break, and would be attending a regular meeting this week. Overall, she felt the council was making good progress in working out the details of what their two-year plan would look like for the region.
2. Testified at a Department of Revenue, Division of Taxation public hearing. Commissioner Smith informed the Board that, some time ago, she had testified at a public hearing concerning an upcoming proposal which would reclassify campgrounds in a manner that insulated them from lodging tax or local marketing district taxation. She stated that she believed this was already the case on national forest campgrounds, but the proposal would be for private campgrounds and other types like Airbnb campsites. She then observed that this proposal had not moved forward so far. The Board discussed for several minutes the implications for sustaining resources without the tax funds, and noted issues surrounding fire restrictions, education and outreach which would become a problem with this possible change in classification.
3. Presented at the Sage-grouse Summit Meeting held at Western Colorado University. Commissioner Smith informed the Board that Monday, April 4th, she had presented on the Gunnison Basin Sage-grouse Strategic Committee’s recent cheatgrass mitigation and stakeholder collaboration efforts. She also reported that a sub-group for the technical committee also met a week or so earlier to hash out what a coordinator position for the Cheatgrass mitigation would look like. They had agreed that this would be a contracted position coordinated with the County’s assistance for human resources and financial facilitation; County Attorney Hoyt was presently working on the intergovernmental contract to bring all these resources together.
4. Early Childhood Council holding their annual conference at Western Colorado University on Saturday, April 9th. Commissioner Smith reported that she would be looking forward to attending this conference next Saturday – to gain valuable community input and insight into how to strengthen the childcare infrastructure in the valley.

Commissioner Houck

1. County rep for the Gunnison Basin Roundtable. Commissioner Houck briefly mentioned his role in working with the Roundtable regarding issues concerning the Upper Gunnison Basin water resources, and noted he would be giving a report on this soon.
2. Attended a Saguache County Board of County Commissioners meeting last week, for the Gunnison Public Lands Initiative. Commissioner Houck explained that the Initiative was working on a piece concerning wildlife protection around the Sawtooth area which straddled county lines. He further had realized during the meeting that a group representing Saguache, Gunnison and Chaffee Counties had not met since before the pandemic. He was currently working on putting together a joint meeting of these three counties, who represented three different economic development and CDOT transportation regions.
3. Attended a Wildfire meeting with Community Development, various fire management agencies, and Commissioners Smith and Mason. From the meeting, Commissioner Houck highlighted that there

were several legislative opportunities for funding and resources regarding wildfire management and forest health. He was looking at more funding opportunities and working to make sure that these opportunities were distributed fairly throughout the State.

4. Attended the latest Sustainable Tourism and Outdoor Recreation (STOR) Committee meeting. Commissioner Houck stated that it was a productive meeting – they had appointed new members to the Board, and had looked at continued stewardship opportunities and what trail pieces would be coming on board for the summer season – for both resource protection and habitat restoration.
5. Traveling to Denver for Colorado Counties Inc (CCI) legislative meetings later this week. Commissioner Houck reminded the Board that he would be going to Denver for these meetings on Wednesday.
6. Put in a call to American Whitewater. Commissioner Houck outlined that he had called American Whitewater to touch base with them and to talk over issues such as drought, climate change, municipal and ag water supplies, and also recreational water usage. He mentioned the Wild & Scenic designation possibility in the Upper Crystal River and the importance of engaging with that constituency during the planning process. Commissioner Mason mentioned that the Wild & Scenic Committee he was now on would be meeting again at the end of the month.
7. Met with the Leadership Council. Commissioner Houck noted that they had gone over continued planning for COVID recovery, and had discussed the need to make sure their efforts in planning for childcare, housing, access to healthcare, and outdoor recreation did not lose sight of the insights gained during the pandemic.
8. Viewed film "High Country" as part of the Community Compass outreach in Crested Butte. Commissioner Houck let the Board know that the film was very good, and he highly recommended that they go see it if they had the opportunity.
9. Colorado Counties Inc (CCI), Counties & Commissioner Acting Together (CCAT), and Club 20 legislative season set to be done in about a month. Commissioner Houck reminded the commissioners that the legislative season was about over; they would have to really watch as bills flew through near the end.
10. Contractor Kick-off meeting at 7:00 am Wednesday, April 6th. Commissioner Houck explained that this has been sponsored by Community Development for several years now and was an excellent way to engage with the contractor community, ensuring they were aware of and understood policy and any changes made to it.

CHANGE OF AGENDA: Chairperson Houck elected to not go into executive session regarding House Bill 22-1117, but instead to openly discuss what would legally be needed in order to add items to the ballot.

Chairperson Houck briefly outlined that House Bill 1117 had been signed by the Governor last Thursday and it created the opportunity for new communities – if they did not already have a lodging tax or local marketing district (LMD) – to be able to put the option on the ballot for voters to approve this expansion. For communities that already had an LMD in place, it meant that they would have to go back to the voters with these new expanded areas in order to authorize the use of the LMD in them. Chairperson Houck felt that Gunnison County needed to go back to its voters next November, asking them to approve LMD expansion.

Up to this point, the LMD had been limited to three areas – marketing, advertising, and economic development. The expansion would allow for any uses the community might deem necessary, such as adding amenities like bathrooms and boat ramps to already existing recreational infrastructure. The County would like the ability to do this, as well as to expand into its ability to better support the workforce. Commissioner Smith also reminded everyone present that 10% of funds collected would still need to be applied towards marketing.

The Board then spent several minutes discussing types of marketing already done in Gunnison County, and what opportunities they would like to see expanded upon. Commissioner Smith asked CA Hoyt how specific they needed to be with the expansion areas. CA Hoyt then noted that this could be up to their discretion, keeping in mind the language that needed to follow the guidelines of HB 1117. He added that the voters could also pick and choose which areas they wanted to expand into, as long as at least 10% of funds went toward marketing and advertisement. The Board also discussed the bill's term, "enhancing visitor experience" and how that can be interpreted in identifying which areas to choose for expansion, expressing caution in not spreading funds too far and diminishing effectiveness.

At the end of this discussion, Chairperson Houck summarized that the Board wished to put something on the ballot, and that they would need to talk more about the specifics at a later time. He then requested CA Hoyt to go over the statutory timeline and requirements for the development of ballot language.

CA Hoyt outlined that, under the Colorado Election Code and under this new legislation, the Board would need to pass a resolution authorizing a change of the lodging tax to go before the voters in the next general election. The deadline to pass this resolution and then begin coordination with the County Clerk would be July 29, 2022. The County would then have to enter into a governmental agreement with the County Clerk for running that election in August, with funding by the LMD. Chairperson Houck then noted that in the future meetings, they would need to convene as the Local Marketing District in order to take any action needed.

In conclusion, Chairperson Houck stated that there did not need to be official action at that time, but the discussion's purpose had been to get a general direction. He felt, moreover, that the commissioners had been working hard for this funding expansion. Commissioner Mason remembered that, when he first

came on as a commissioner, there was discussion but no support for the expansion at the State level. He noted that this would now allow counties to work on their housing and workforce support, and added that this last summer was the first time he had seen businesses say, "Stop marketing." Chairperson expressed his hopes that this would create the flexibility to meet changes in far more nimble ways.

CHANGE OF AGENDA: Houck elected to move to the last agenda item, "November 8, 2022 Coordinated Election" at this point, and hold the final executive session after that.

NOVEMBER 8, 2022 COORDINATED ELECTION: After a moment discussing whether the Board needed to convene as the LMD in order to give direction, they heard from CA Hoyt that it was appropriate to remain convened as the Board of County Commissioners. The Board then gave direction for working with the Clerk's Office to develop resolution language for putting this item on the November 8, 2022 coordinated election ballot.

RECESS: Chairperson Houck recessed the regular meeting at 10:17 am, in order to go into the executive session.

POSSIBLE EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(B): CONFERENCE WITH COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY; ATTORNEY-CLIENT PRIVILEGED COMMUNICATION, DISCUSSION AND LEGAL ADVICE REGARDING: (A) EX PARTE COMMUNICATIONS IN QUASI-JUDICIAL PROCEEDINGS; (B) COLORADO OPEN MEETING LAW; AND (C) CONFLICTS OF INTEREST: Chairperson Houck moved to go into Executive Session, pursuant to C.R.S. § 24-6-402 (4) (b), for conferences with the County Attorney or Assistant County Attorney for Attorney-Client privileged communication, discussion and legal advice regarding: (A) Ex Parte communications in quasi-judicial proceedings; (B) Colorado Open Meeting Law; and (C) conflicts of interest. The participants within the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, and County Attorney Matthew Hoyt. Because this was to be Attorney-Client privileged communication, no contemporaneous record of the meeting would be kept. Any decision as a result of this meeting would then be made outside of the meeting and within the public eye. Commissioner Smith seconded the motion, and the motion carried unanimously.

BREAK: Chairperson Houck called for a short break from 10:19 am to 10:23 am, directly before they started the executive session.

The Board went into executive session at 10:23 am. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S, §24-6-402(4). This specific session was conducted as per §24-6-402 (4) (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)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

Matthew Hoyt
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 11:41 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 Smith seconded the motion. Motion carried unanimously.

Chairperson Houck then thanked CA Hoyt for the advice given during the meeting, and let those present know that there would be no direction or decision needed from the Board of County Commissioners at that time.

ADJOURN: Chairperson Houck adjourned the regular meeting of the Gunnison County Board of County Commissioners at 11:42 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2022-17**

A RESOLUTION VACATING A CERTAIN PORTION OF LAUREL STREET LYING
WITHIN THE TOWN OF TINCUP, COUNTY OF GUNNISON, STATE OF COLORADO

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

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

WHEREAS, the Board has received a request to vacate a certain portion of Laurel Street lying within the Town of Tincup, County of Gunnison, State of Colorado described as follows:

That portion of Laurel Street adjacent to Lots 18-24, Block 14 and Lots 1-7, Block 13, Town of Tincup, County of Gunnison County, State of Colorado; and

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

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described portion of Laurel Street lying within the Town of Tincup; and

WHEREAS, the notices required by Colorado law for such vacation have been given and the Board conducted a public hearing on November 2, 2021 on such vacation pursuant to the County's Road and Bridge Standards; and

WHEREAS, the Board approved the vacation of the above-referenced portion of Laurel Street contingent upon its approval of both a Lot Cluster Agreement and Declaration, LUC-21-00049 for Sally S. Kuisle Revocable Trust at Lots 18-24, Block 14, Town of Tincup and approval by the Gunnison County Environmental Health Board from the County's Onsite Wastewater Treatment System (OWTS) standards for an OWTS on a parcel less than one-acre at 132 Laurel Street in Tincup; and

WHEREAS, the Lot Cluster Agreement and Declaration, LUC-21-00049 for Sally S. Kuisle Revocable Trust at Lots 18-24, Block 14, Town of Tincup, was approved by the Board November 2, 2021, contingent upon approval by the Gunnison County Environmental Health Board from the County's OWTS standards for an OWTS on a parcel less than one-acre at 132 Laurel Street in Tincup; and

WHEREAS, on February 3, 2022, the Gunnison County Environmental Health Board approved the application for Sally Kuisle (OWTS-21-00325) for a variance from the County's OWTS standards for an OWTS on a parcel less than one-acre at 132 Laurel Street in Tincup with the condition of a platted easement, with said Easement Agreement having been recorded March 25, 2022, Reception #683771; and

WHEREAS, the contingencies imposed by the Board with regard to both the street vacation and lot cluster referenced above have been satisfied; and

WHEREAS, in order to provide a clean record and to formally acknowledge and find as a matter of fact the satisfaction of these contingencies, the Board has deemed it prudent to adopt this Resolution;

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

That portion of Laurel Street adjacent to Lots 18-24, Block 14 and Lots 1-7, Block 13, Town of Tincup, County of Gunnison County, State of Colorado; and

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

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 5th day of April 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2022-18**

**A RESOLUTION AMENDING RESOLUTION NO. 2018-30 GOVERNING THE
CONTROL AND LICENSING OF DOGS IN UNINCORPORATED GUNNISON COUNTY, COLORADO
TO CLARIFY PENALTIES FOR CERTAIN VIOLATIONS**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") adopted Resolution No. 2018-30, A Resolution Repealing and Rescinding Prior Resolutions and Ordinances Governing the Control and Licensing of Dogs, and Adopting New Rules and Regulations Governing the Control and Licensing of Dogs in Unincorporated Gunnison County, Colorado;

WHEREAS, Colo. Rev. Stat. §30-15-101, et seq. authorizes the Board to adopt a resolution providing for control and licensing of dogs in the unincorporated area of Gunnison County;

WHEREAS, the Board continues to find that the control and licensing of dogs is a community wide concern;

WHEREAS, Colo. Rev. Stat. §30-15-102 identifies penalties for any violation of any provision of a county resolution adopted pursuant to Colo. Rev. Stat. §30-15-101 et seq.;

WHEREAS, during the 2021 legislative session, the Colorado Legislature passed Senate Bill 21-271, which changed penalties associated with violation of county ordinances related to vicious dogs, effective March 1, 2022; and

WHEREAS, because of this change in the law, the Gunnison County Board of County Commissioners has decided to amend Ordinance No. 5 to clarify the penalties for vicious dogs with the changes to C.R.S. § 30-15-102 made as a result of Senate Bill 21- 271;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that Article VII, Section 1(A) shall be amended as follows:

1. Violations, Penalties. In addition to each and all of the enforcement provisions provided for herein, the following penalties shall apply:
 - A. The Board hereby adopts the penalty assessment procedure provided in Colo. Rev. Stat. § 30-15-102(1) as it may be amended for any violation of any provision of this Resolution, not involving bodily injury to any Person with the following graduated fine schedule:
 1. First offense: \$ 100.00;
 2. Second offense: \$ 250.00;
 3. Third offense: \$ 500.00;
 4. Each subsequent offense: \$1,000.00.

These penalties shall be imposed with regard to the violator and not the subject Dog. Any violation of this Resolution not involving bodily injury to any person is a petty offense.

All other provisions of Resolution No. 2018-30 shall remain the same as if fully set forth in this Resolution, unless Resolution No. 2018-30 or this Resolution is further amended or repealed by the Board by subsequent Resolution.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 5th day of April 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes