

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
May 3, 2022**

The May 3, 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 meeting to order at 8:30 am.

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

**SCHEDULING:** There were no changes needed to the schedule. Chairperson Houck reminded the other Commissioners that they had the Mayors & Managers meeting later in the week; both Chairperson Houck and Commissioner Smith confirmed that they should be able to attend.

**MINUTES APPROVAL:** With no changes needed, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the April 5, 2022 Regular Meeting minutes. Motion carried unanimously.

1. April 5, 2022 Regular Meeting

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

1. Colorado Department of Human Services Contract; Gunnison County Sheriff's Office; for Jail-based Behavioral Health Services; 7/1/2022 – 6/30/2023; Cost reimbursement up to \$155,200
2. Administrative Planning Grant Application, Department of Local Affairs (DOLA); Community Development; to support development of the North Gunnison area plan; \$25,000
3. Letter of Engagement Agreement; Berg Hill Greenleaf Ruscitti, Attorney Josh Marks; Gunnison County Attorney's Office; to represent Gunnison County in District Court Case No 2021CV30017
4. BridgeCare Master Subscription and Services Agreement; Software application for monitoring and reporting available childcare slots, as part of Colorado Department of Human Service's contract for Early Childhood Council; Effective date 4/1/2022
5. Grant Application to Colorado Department of Transportation's Multimodal Transportation and Mitigation Options Fund (MMOF); to support the Crested Butte to Crested Butte-South Multimodal Trail Planning Project; \$125,000
6. Extension of Commercial Lease Agreement; Gunnison-Crested Butte Regional Airport; Michael Barnes and Chris Osmundson dba Drug Test West, Inc; Lease extension request of one year, to 3/31/2023; \$4,200 annual rent, plus CPI or 3%
7. Extension of Commercial Lease Agreement; Gunnison-Crested Butte Regional Airport; Tom Keating dba Keating Wood Floors Inc; Lease extension request of one year, to 3/31/2023; \$9,300 annual rent, plus CPI or 3%
8. Extension of Commercial Lease Agreement; Gunnison-Crested Butte Regional Airport; Tom Anderson dba Beleza Inc; Lease extension request of one year, to 3/31/2023; \$7,200 annual rent, plus CPI or 3%
9. Reassignment of Ground Lease Agreement; Aldo Waters, Leisure Time Properties Inc (Seller) and Michael Hicks, Reactive Holdings Inc (Buyer); under 20-year Ground Lease Agreement with Gunnison County, dated 7/10/2006
10. Contract for legal services with Sherman & Howard LLC; related to potential equipment lease-purchase agreement

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

1. **Gunnison Valley Health (GVH); Real Estate Transactions.** CM Birnie reminded the Board that they had directed him at an earlier regular meeting's executive session, to pursue real estate transactions on behalf of the Board for Gunnison County. He then explained that Vice-President of Administrative Services at Gunnison Valley Health (GVH), Wade Baker, had since approached him to request a way to streamline for GVH the procurement of real estate on behalf of their employees. CM Birnie suggested a resolution which could give GVH VP Wade Baker the authority to negotiate and execute contracts and agreements to purchase County real property for the use of GVH.

After a brief discussion, it was **moved** by Chairperson Houck, seconded by Commissioner Smith, to extend the authority that the Board of County Commissioners had granted to the County Manager to begin negotiations and sign related documents on real estate transactions, to also include properties for Gunnison Valley Health, and to further instruct the County Attorney to develop a resolution which would package all that authority together, for a future agenda. Also, the authority

granted would be immediate and effective from this date, and the resolution would be a mechanism to clarify that authority in a document. Motion carried unanimously. Chairperson Houck then gave direction to put the resolution on the next consent agenda for the Board's approval.

2. Three finalists for the Assistant County Manager for Public Works position. CM Birnie reminded the Board of the invitation to come meet the candidates at a reception being held next Thursday, May 5<sup>th</sup>, in the afternoon.
3. Chief Financial Officer, Juan Guerra, will be leaving. CM Birnie informed the board that Juan had taken a job in Texas and would be moving back in order to be nearer his children's mother.

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

**1. Intergovernmental Agreement (IGA) Regarding Undesirable Plant Management 2022.**

DCM Crosby informed the Board that this IGA would be coming back to them once she had obtained several signatures, but she had wanted to have it reviewed and approved by the County Attorney's Office, with approval from the Board, before she sent it out to be signed by multiple agencies. She noted that page 3 listed amounts which may need to be changed, due to budget. There was a brief discussion regarding ex officio representation and representatives needed from both Saguache and Hinsdale counties, wherein Chairperson Houck volunteered to reach out to both these counties to see if they would each be able to provide representation.

**Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the IGA and authorize the Chair's signature. Motion carried unanimously.

**RESOLUTION; FURTHER EXTENDING RESOLUTION NO. 2021-12 AND AUTHORIZING ATV, OHV AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3 UNTIL \_\_\_\_\_, 2023:**

Deputy County Manager Marlene Crosby and Public Works Operation Manager Sparky Casebolt were present for discussion and questions from the Board.

DCM Crosby began by requesting that Commissioner Mason start with a brief update, as he had been present at the latest meetings while she was on vacation. Commissioner Mason then updated the Board, and recommended that the date be extended to the end of the year, as he did not feel that all the decisions and data vetting by the Lead King Loop stakeholder group would be completed before this year's season started. He also felt that whenever the resolution did expire, they needed to give the public adequate time to be informed of this.

Commissioner Mason noted that he and Public Works Operations Manager Sparky Casebolt, along with 40 others, had attended the last listening session in person at Marble; he invited the Board to attend another virtual listening session to be held that day on Zoom, from 4:30 to 6:30 pm.

Commissioner Mason then outlined plans for the 2022 season in Marble, including: a) more specific data collection for law enforcement; b) road counters to be set up; c) extra signage added for clarity to visitors. Continued parking issues were also discussed, with emphasis put on local enforcement's help with parking regulations. Commissioner Mason also highlighted that Moab, Utah has incorporated noise ordinances, and enforcement officers there were being equipped with decibel meters. He further noted that dust and speed are brought down when the noise is decreased.

The Board agreed that they did not wish to continue approving an extension of the resolution's sunset date without seeing progress made in addressing these issues. Commissioner Smith added that ending the resolution here would be very disruptive. After a brief discussion, the Board agreed that it would be best to push the resolution's sunset date to end at the first meeting in 2023, which would be January 3, 2023.

Commissioner Mason then **moved** to approve 2022-20, A Resolution Further Extending Resolution No. 2021-12 and Authorizing ATV, OHV and UTV Use on a Certain Portion of County Road #3 Until January 3, 2023. Seconded by Commissioner Smith. Motion carried unanimously.

Chairperson Houck then concluded by stating he hoped they would be able to get this situation to a place that was manageable for the majority of people involved. He thanked Western Colorado University for their involvement with data collection and the Center for Public Lands for archiving all the meeting minutes.

**COMMUNITY DEVELOPMENT; REVISIONS TO 2022 FEE SCHEDULE FOR LAND USE CHANGE, BUILDING, AND ONSITE WASTEWATER TREATMENT SYSTEM PERMITS:**

Assistant County Manager for Community and Economic Development Cathie Pagano was present for discussion and to answer any questions from the Board.

**1. Resolution; Adopting an Amended Schedule of Fees for the Community Development Department Permit Applications**

Chairperson Houck began by stating that someone had contacted him the day before this meeting, asking for more time to talk about this. Chairperson Houck pointed out that outreach had happened for some time and the Board has had minimal correspondence during a long period of discussions and public meetings and outreach to inform about these changes. He reiterated that the proposed fees would cover the cost of a deliverable service to an applicant in a timely manner, and that the costs have not substantially increased since 2012. He also noted that, presently, the County has actually been subsidizing this permitting activity with general fund monies.

ACM Cathie Pagano then presented the Board with the draft resolution, along with Exhibits A and B, schedules for Land Use fees and Onsite Wastewater Treatment System fees. She highlighted that the building fees are built into the resolution itself and therefore did not require a separate fee schedule. ACM

Pagano reported that a total of three people had contacted her directly with issues. The Board discussed some of the process difficulties and ways to possibly become more efficient for applicants. Chairperson Houck highlighted the fact that costs have gone up and numbers were shown that illustrated the gap between costs of permitting versus fees currently being charged; this gap was causing a large deficit to the County. ACM Pagano also mentioned that her office was working on identifying efficiencies to cut down the process time, but also noted that staff is needed. Staff levels were below what they were in 2002. Commissioner Smith pointed out that the added staff and technology would add to the timeliness and contribute to better services for our community.

County Manager Birnie pointed out that adjusted fees would also help to ensure a quality build. CA Hoyt wished to point out for the record that the law does not require exacting precision for a county to charge a fee for services; it requires that the fee must be reasonably related to the overall cost of service. His analysis was that ACM Pagano and her team came up with analytical data that clearly supports the increase in fees and may, indeed, may actually still understate the actual costs. He stressed that this setting of fees more than satisfactorily met the legal requirements.

**Moved** by Commissioner Mason to approve the revisions for the 2022 Fee Schedule for Land Use Change, Building, and Onsite Wastewater Treatment System Permits – Resolution 2022-21, A Resolution Adopting an Amended Schedule of Fees for the Community Development Department Permit Applications. Commissioner Smith seconded the motion. Chairperson Houck affirmed that the Board supported this change, and thanked Cathie for her and her staff’s hard work. Motion carried unanimously.

**AMENDED LOT DESIGNATION; BOUNDARY LINE ADJUSTMENT PLAT; LOT 9; WHETSTONE INDUSTRIAL PARK; LUC-22-00006:** Assistant County Manager for Community and Economic Development Cathie Pagano was present for discussion and to answer any questions from the Board. Attorney Jacob With, representative for the applicants, was also present remotely via Zoom.

Chairperson Houck highlighted that this was discussed at the Board’s last regular meeting. He further noted that this was a change in the designation only; the boundary line change was already recorded two weeks ago. Attorney With confirmed that the plat had already been signed, and that they only needed to record the designation for this lot and the lot that was swapped, and then added there would be just one more revised lot designation to come.

With no questions from the Board, it was **moved** by Commissioner Smith to approve the Amended Lot Designation and Boundary Line Adjustment Plat for Lot 9 in Whetstone Industrial Park, and to authorize the Chair’s signature. Commissioner Mason seconded. Motion carried unanimously.

**ELCHO PLACE TOWNHOME PLAT; LOT 9, BLOCK 4; CRESTED BUTTE SOUTH – SECOND FILING; LUC-22-00008:** Assistant County Manager for Community and Economic Development Cathie Pagano was present for discussion and to answer any questions from the Board. Attorney Jacob With, representative for the applicants, was also present remotely via Zoom.

ACM Pagano began by asking Attorney Jacob With to fill in the details for the plat. Attny With then explained it was a fairly simple townhome plat in CB South, all approved by CB South. This subdivision would create the townhomes as legal units that could then be sold.

With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Elcho Place Townhome Plat, Lot 9, Block 4 in Crested Butte South-Second Filing, LUC-22-00008, and to authorize the Chair’s signature. Motion carried unanimously.

**882 CASCADILLA TOWNHOME PLAT; LOT 17, BLOCK 21; CRESTED BUTTE SOUTH – THIRD FILING; LUC-22-00009:** Assistant County Manager for Community and Economic Development Cathie Pagano was present for discussion and to answer any questions from the Board. Attorney Aaron Step, representative for the applicants, was also present remotely via Zoom.

ACM Pagano briefly explained that this was a duplex townhome plat that was approved previously. The lots had been clustered and it had taken some time to find that documentation. This was now located and ready to be approved, similar to the townhome plat just approved.

With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Townhome Plat for 882 Cascadilla, Lot 17, Block 21 of CB South-Third Filing, LUC-22-00009, and to authorize the Chair’s signature. Motion carried unanimously.

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

**COMMISSIONER ITEMS:**

**Commissioner Mason**

1. Spent quite a bit of time at the ATV, OHV, UTV workshops put together with the Forest Service and Town of Marble. Commissioner Mason reported that there had been a lot of responses to the online questionnaire developed by the grad students from Western Colorado University. Other communities with similar problems, wildlife studies, disproportional usage by ATVs, wildfire danger in the backcountry, and possible signage additions were issues presented for consideration. Commissioner Mason reminded the Board and those present that there would be a listening session that afternoon, from 4:30 to 6:30 pm.
2. Attended the Reg 10 meeting. Commissioner Mason informed the Board that the Reg 10 office is growing, having received funding from the Cares Act. They have also opened up a small business

counseling office in Gunnison on Main Street, and are remodeling the building to provide more office space.

3. Attended an Air Command Meeting yesterday. Commissioner Mason highlighted that the group was looking at a proposal from a smaller airline service providing full business class with three 50-lb bags allowed, and passengers could even put a mountain bike on the plane. This service would be out of the Dallas Love Field airport. One issue would be the cost disparity of jet fuel in Gunnison, as a smaller airline might not have the ability to tanker in their own fuel as the larger airlines do. He also reported that the FAA has signed off on an added runway approach from runway 6; this will add to the airport's ability to land planes and not have to divert.

**Commissioner Smith**

1. Attended a meeting yesterday for local coordination of early childhood education organizations across the valley. Commissioner Smith reported that work was underway to address the challenges of universal Pre-K coming in the Fall of 2023.
2. Put name in to participate on the Western Division Welfare Allocation Committee. Commissioner Smith let the Board know that there had been an opening on this committee, and since this was an area of particular interest for her, she had applied. She further noted that she did expect to be appointed.
3. Able to participate in the follow-up for the State of the Community Report last Thursday. Commissioner Smith reported that over 30 community members met at the ICELab to work with a facilitator on processing the results of the report, and then deciding where they should go from there. She noted that there was a lot of momentum to emphasize cross-collaboration between organizations.
4. Attended a Noxious Weed Advisory Committee meeting in Boulder last week. Commissioner Smith reported that highlights for her were site visits to oak grass infestations on the Front Range, and studying how the agricultural community there was working to mitigate these areas by using cattle to strategically target the infestation. They had also seen places near the Marshall area where fires were lessened or stopped with use of this method. This had led Commissioner Smith to reference a meeting she had attended with the local ag community regarding virtual fencing, where she had noted that they can now use a sophisticated, phased method to move the cattle across targeted areas. She suggested that there needed to be more conversations around how to create a productive collaboration for mitigation of fire and noxious weeds and grasses.
5. Stayed up late yesterday giving testimony on HB 22-1287, Protection for Mobile Home Park Residents. Commissioner Smith stated that the bill did pass through the senate committee last night, though this would be too late, unfortunately, to help the residents of Country Meadows with their monthly rent increase, as the rent stabilization piece was omitted from that legislation. She felt that the best options for mobile home park residents would be having the option to purchase their park and own their own lots; adding that the state needed to maintain this critical source of affordable housing for the workforce across the state.

CA Attorney Matt Hoyt updated the Board by letting them know that the County Attorney's Office had received word from the Department of Local Affairs (DOLA) that they would be continuing to prosecute their notice of violation against the prior owners of Country Meadows, for multiple alleged violations in the Mobile Home Park Act. There would be an administrative hearing before the agency sometime in the near future. He added that was some hope the violation would be upheld and that some relief would be afforded to the residents, at least in the form of correction of dangerous conditions on the property that led to the notice, and possibly some penalties against the prior owners.

6. Southwest Colorado Opioid Regional Council (SWCORG). Commissioner Smith explained that she was currently talking with the Attorney General's office, asking to tweak the State's two-year plan templates by amending the way in which they identified how much would go to the different service areas. She noted that SWCORG would be meeting again that Thursday, May 5<sup>th</sup>, and would be getting ready to prioritize some of the region's resources. Commissioner Smith added that she would also be joining a call with colleagues from neighboring regions later that afternoon, to get a better sense of how other regions are implementing and reducing redundancy, and to open the doors for collaboration with these regions in order to gain the largest possible impact with their funding.

**Commissioner Houck**

1. Legislative news. Chairperson Houck explained that he had been watching all the bills coming through, as the legislative session was scheduled to end on May 11<sup>th</sup>. On Monday, May 2<sup>nd</sup>, at the federal level, Chairperson Houck held a press conference with Senators Bennett and Hickenlooper, Congressman Joe Neguse, and a couple of other county commissioners. The CORE act would be having a hearing that Tuesday, May 3<sup>rd</sup>, in the Senate Natural Resources Committee; half of the CORE act was located in northern Gunnison County. Most importantly, what was included in the bill language was the inclusion of the acreage in Crested Butte around Mt. Emmons that will help further move and facilitate the permanent withdrawal reflective of the MOU entered into in 2021, between Mt. Emmons Mining Company and the Town of Crested Butte.
2. Working with the County Coalition regarding Gunnison Sage-grouse. Chairperson Houck reported he would be meeting soon with representatives of the Coalition in Dolores and Montezuma counties,

and western Montrose and San Miguel counties. He noted that he was looking forward to getting back to work with all the Sage-grouse counties.

3. Attended a meeting with the Gunnison Public Lands Initiative. Chairperson Houck noted that Saguache County is very interested in including some of the area around Sawtooth that is in Saguache County. At the meeting were also livestock producers and wildlife advocates.
4. Attended the Western Interstate Region meeting for National Association of Counties (NACo) Public Lands yesterday, May 2<sup>nd</sup>. Chairperson Houck indicated that much of the discussion was centered around this year’s upcoming fire season.
5. Fire Management meeting. Chairperson Houck reminded everyone there that this annual meeting would be the next Tuesday, May 10<sup>th</sup>, in the afternoon at 1:00 pm.
6. Colorado Outdoor Industry Leadership Summit (COILS). Chairperson Houck informed everyone present that this summit, sponsored by Colorado Parks & Wildlife, would be taking place in Crested Butte on May 19<sup>th</sup> and 20<sup>th</sup>. He added that he and ACM Cathie Pagano would be presenting at the summit, and the Sustainable Tourism and Outdoor Recreation (STOR) Committee would be highlighted as well.
7. US Forest Service announced their new District Ranger, Dayle Funka. Chairperson Houck stated that he would be reaching out to her, and requested that CM Birnie set up a possible work session opportunity, as well.
8. Hartman Rocks cleanup held last Saturday, April 29<sup>th</sup>. Chairperson Houck gave an update on the event, reporting that entrances are now cleaned up, and that restoration and trail work was also done. DCM Marlene Crosby noted that the first cleanups required two to three dump trucks to haul out dumped appliances, trees and other trash; now, it was down to a trailer-full of windblown trash. Commissioner Mason observed that providing a good entrance gives people an idea of what was expected of them and how to treat the area.

**RECESS:** Chairperson Houck recessed the regular meeting at 10:32 am, in order to go into an executive session.

**EXECUTIVE SESSION PURSUANT TO COLO. REV. STAT. § 24-6-402(4)(B): CONFERENCE WITH THE COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY TO RECEIVE LEGAL ADVICE IN RELATION TO LAKE IRWIN COALITION, INC. V. SMITH, 1:19-CV-01056 (D. COLO.):** Chairperson Houck **moved** to go into Executive Session pursuant to Colorado Revised Statute § 24-6-402 (4)(b), conference with the County Attorney, Deputy County Attorney or Assistant County Attorney, to receive legal advice in relation to Lake Irwin Coalition, Inc. v. Smith litigation. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby, Deputy County Attorney Alex San Filippo-Rosser, and County Attorney Matthew Hoyt. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Smith seconded the motion, and the motion carried unanimously.

The Board went into executive session at 10:33 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 11:26 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic, receiving advice from the attorney. Commissioner Mason seconded the motion. Motion carried unanimously.

Chairperson Houck then let everyone in the room and remotely via Zoom know that the Board wanted to see the County Attorney’s Office continue their engagement in this case, and the direction would be consistent with prior direction they have received from the Board of County Commissioners.

**RECESS:** Chairperson Houck recessed the regular meeting at 11:27 am, in order to go into a second executive session.

**EXECUTIVE SESSION PURSUANT TO COLO. REV. STAT. § 24-6-402(4)(B): CONFERENCE WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY TO RECEIVE LEGAL ADVICE IN RELATION TO SUBMISSION OF BALLOT ISSUES TO VOTERS IN GUNNISON COUNTY RELATED TO TAXATION AND REVENUES UNDER COLORADO LAW, INCLUDING BUT NOT LIMITED TO TABOR:** Chairperson Houck **moved** to enter into Executive Session, pursuant to Colorado Revised Statute § 24-6-402(4)(b), conference with the County Attorney or Deputy County Attorney to receive legal advice in relation to submission of ballot issues to voters in Gunnison County related to taxation and revenues under Colorado Law, including but not limited to TABOR. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby, Deputy County Attorney Alex San Filippo-Rosser, and County Attorney Matthew Hoyt. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Smith seconded the motion, and the motion carried unanimously.

The Board went into executive session at 11:29 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 1:03 pm, 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, and we will have a public discussion after this vote hopefully passes. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck then gave direction to the County Attorney’s Office to continue working on developing necessary provisions for ballot questions and language, in the timeframe needed to place them on the ballot for the Fall. Also, to continue working with other staff in other departments on these issues, as they may be multi-disciplinary.

**ADJOURN:** **Moved** by Chairperson Houck, seconded by Commissioner Smith, to adjourn the Gunnison County Board of County Commissioners Regular Meeting. Motion carried. The meeting was adjourned at 1:04 pm.

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Jonathan Houck, Chairperson

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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: 2022-20**

A RESOLUTION FURTHER EXTENDING RESOLUTION NO. 21-12 AND AUTHORIZING ATV, OHV AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3 UNTIL JANUARY 3, 2023

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 one and a half (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 municipal 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 was set to expire on December 31, 2021; and

WHEREAS, on January 4, 2022, the Board adopted Resolution No. 22-1, which further extended Resolution No. 21-12 until May 3, 2022; 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 any 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 into this year so that the Board may fully analyze and address that process and the efforts surrounding that process; and

WHEREAS, on December 21, 2021, the Board adopted Resolution No. 21-44, temporarily extending Resolution No. 21-12 until January 4, 2022;

WHEREAS, in light of the foregoing considerations and to afford the full Board an opportunity to consider the issues surrounding OHV use on County Road 3, the Board desires to further extend Resolution No. 21-12;

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, at least during the term of this and previous Resolutions enacted by the Board; 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 further extended to remain in full force and effect until midnight Mountain Time January 3, 2023, at 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 3, 2023.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 3rd day of May, 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: 2022-21**

**A RESOLUTION ADOPTING AN AMENDED SCHEDULE OF FEES FOR THE  
COMMUNITY DEVELOPMENT DEPARTMENT PERMIT APPLICATIONS**

WHEREAS, pursuant to the Gunnison County Land Use Resolution, the International Building Code, and the Gunnison County Onsite Wastewater Treatment System Regulations, the Board of County Commissioners is authorized to set and amend the Community Development Department's permit application fees in order to compensate the County for the cost of review and processing of permit applications;

WHEREAS, Community Development staff has provided the Board of County Commissioners a cost and revenue analysis in a report dated March 7, 2022 titled "Community Development Fees." The report includes analysis of the fees for land use change permits, building permits, and onsite wastewater treatment system permits;

WHEREAS; Section 3-109: C. Application and Review Fees of the Gunnison County Land Use Resolution states: "In order to compensate the County for the cost of reviewing and processing applications for land use change permits, each applicant shall pay the fees, as shown in a schedule of fees charged for permits issued by the Community Development Department, adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application[;]" and

WHEREAS, the Gunnison County Board of Commissioners in Resolution No. 17-23 recorded in the office of the Gunnison County Clerk and Recorder did adopt the 2015 editions of the "International Building Code," the "International Residential Code," the "International Mechanical Code," the "International Fuel Gas Code," and the "International Energy Conservation Code," with amendments including adoption of Section R108.3 Building Permit Valuations in the "International Residential Code" which enables the adoption of a regional permit fee multiplier based on local cost of construction.

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

1. The Community Development Department amended Fee Schedule for specific land use change permit applications is hereby adopted and attached as Exhibit A hereto.
2. The Community Development Department amended Fee Schedule for onsite wastewater treatment systems regulations is hereby adopted and attached as Exhibit B hereto.
3. All Community Development Department fees shall be reviewed at the end of every three years by Community Development Department staff to ensure that the costs of development are adequately compensated by the Fee Schedule.
4. A regional cost multiplier as allowed and described by the adopted International Residential Code is adopted. The regional cost multiplier for Gunnison County is 2.8.
5. The regional cost multiplier for building permit fees shall be reviewed at the end of every three years to ensure that it is accurate and reflects current construction market conditions and development review costs.
6. The Community Development Department Fee Schedules for Land Use Change permit applications and onsite wastewater treatment permit applications shall be adjusted annually, based upon the for Denver-Aurora-Lakewood Consumer Price Index (CPI) as published by the U.S. Bureau of Labor Statistics or the cost of living allowance (COLA) increase administered by Gunnison County for staff compensation. The fees shall be modified by either CPI or COLA, whichever is greater.

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

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 3rd day of May, 2022.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

**EXHIBIT A**

<b>GUNNISON COUNTY LAND USE CHANGE FEE SCHEDULE/ PERMIT FEES</b> Adopted by the Gunnison County Board of Commissioners January 24, 2000, amended May 3, 2022 and adjusted annually per BOCC Resolution 2022-21	
TYPE OF LAND USE	FEE
Website: <a href="https://www.gunnisoncounty.org/144/Community-and-Economic-Development">https://www.gunnisoncounty.org/144/Community-and-Economic-Development</a> Email: <a href="mailto:planning@gunnisoncounty.org">planning@gunnisoncounty.org</a>	
*Not all permit applications are required to be reviewed by all agencies; unique circumstances of a parcel or of a proposed land use change or activity may require additional expert review; charges are imposed only when those reviews are required.	
<b>ADMINISTRATIVE REVIEW</b>	<ul style="list-style-type: none"> <li>• \$1,018</li> <li>• Publication Fees for public notices (if required)</li> </ul>
<b>MINOR IMPACT:</b> Any or all of the following, as applicable: <ul style="list-style-type: none"> <li>• Public Works review:*</li> <li>• Environmental Health Office review:*</li> <li>• Colorado Geologic Survey Review:*</li> <li>• Consulting engineer’s review:*</li> </ul>	<ul style="list-style-type: none"> <li>• \$2,700</li> <li>• \$679</li> <li>• \$110</li> <li>• Base fees + per hour fee as necessary, assessed by that agency</li> <li>• Base fees + per hour fee as necessary;</li> <li>• Publication Fees for public notices</li> </ul>
<ul style="list-style-type: none"> <li>• Minor subdivision:</li> </ul>	<ul style="list-style-type: none"> <li>• \$65/lot upon permit approval</li> <li>• Actual costs of plat recording</li> </ul>
<ul style="list-style-type: none"> <li>• Minor commercial or industrial space</li> </ul>	<ul style="list-style-type: none"> <li>• \$120/1,000 square feet of building; \$305/acre when no structure is involved</li> </ul>
<ul style="list-style-type: none"> <li>• Minor mining operation:</li> </ul>	<ul style="list-style-type: none"> <li>• \$305/affected acre + \$305/1,000 square feet of building space</li> </ul>
<ul style="list-style-type: none"> <li>• Road design to serve exempt subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>• \$65/per dwelling unit to be served by the proposed road (If more than one dwelling unit is allowed by covenant or other similar means, total fee is based upon total #of dwelling units); additional fees may also be required for additional review by the Public Works Department</li> </ul>
<ul style="list-style-type: none"> <li>• Development Improvement Agreement*</li> </ul>	<ul style="list-style-type: none"> <li>• \$500</li> </ul>

<b>MAJOR IMPACT:</b>	
<b>SKETCH PLAN:</b> Payment is to be made at time of submittal: <ul style="list-style-type: none"> <li>Major Impact Subdivision:</li> <li>Major Impact Commercial or Industrial space:</li> <li>Major Mining operation:                         <ul style="list-style-type: none"> <li>Public Works review:*</li> <li>Environmental Health Office review:*</li> <li>Colorado Geologic Survey Review:*</li> <li>Consulting engineer's review:*</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>\$4,000</li> <li>+ Publication Fees for public hearing(s) notice(s), and:                         <ul style="list-style-type: none"> <li>\$65/lot</li> <li>\$120/1,000 square feet of building space; \$305/acre when no structure is involved</li> <li>\$305/surface-disturbed acres + \$305/1,000 square feet of building space</li> <li>\$882</li> <li>\$110</li> <li>Base fees + per hour fee as necessary, assessed by that agency + per hour</li> <li>Base fees + per hour fee as necessary, assessed by</li> </ul> </li> </ul>
<b>PRELIMINARY PLAN:</b> Payment to be made at time of submittal: <ul style="list-style-type: none"> <li>Major Impact Subdivision:</li> <li>Major Impact Commercial or Industrial space:</li> <li>Major Mining operation:</li> </ul> Additional fees, as required for specific plans: <ul style="list-style-type: none"> <li>Public Works review:*</li> <li>Environmental Health Office review:*</li> <li>Colorado Geologic Survey Review:*</li> <li>Consulting engineer's review:*</li> </ul>	<ul style="list-style-type: none"> <li>\$5,400</li> <li>+ Publication Fees for public hearing(s) notice(s) and:                         <ul style="list-style-type: none"> <li>\$120/lot</li> <li>\$245/1,000 square feet of building space; \$400/acre when no structure is involved</li> <li>\$420/surface-disturbed + \$305/1,000 square feet of building space</li> </ul> </li> <li>\$1,696</li> <li>\$305</li> <li>Base fees + per hour fee as necessary, assessed by that agency</li> <li>Base fees + per hour fee as necessary</li> </ul>
<b>FINAL PLANS:</b> Payment to be made at time of submittal: <ul style="list-style-type: none"> <li>Final plan that requires a Development Improvement agreement</li> <li>Final plan that does not require a Development Improvement Agreement</li> <li>If subdivision, plat recording</li> </ul>	<ul style="list-style-type: none"> <li>\$850</li> <li>\$500</li> <li>\$480</li> <li>Actual costs of plat recording</li> </ul>
<b>Final plat, condominiums and townhomes:</b>	<ul style="list-style-type: none"> <li>\$120 + costs of plat recording (no additional application submittal fee)</li> </ul>
<b>Minor amendments to previously approved Sketch or Preliminary plans</b> , including time extensions. If found to be a significant amendment, the fee will be applied toward the applicable new Sketch or Preliminary Plan fee.	<ul style="list-style-type: none"> <li>\$500</li> </ul>
<b>Appeal of Staff Decision to Planning Commission:</b>	<ul style="list-style-type: none"> <li>\$500</li> </ul>
<b>OTHER RELATED GENERAL LAND USE FEES</b>	
<b>Lot Cluster Agreement</b>	\$1,018 + costs of recording of agreement
<b>Long Term Camping Permit</b>	\$300
<b>Outdoor Vending Permit</b>	\$300
<b>Street name change:</b>	\$120 + actual costs of public hearing notice and replat recording
<b>Special Events Permit:</b>	\$200
<b>Sign Permit</b>	\$500
<b>Sign Waiver Application</b>	\$1,018

UPDATED- May 2022

**EXHIBIT B**

<b>Gunnison County Onsite Wastewater Treatment System Regulations                      Fee Schedule                      Adopted by the Gunnison County Board of Commissioner on May 3, 2022 at                      Resolution No. 2022-21 and adjusted annually per that Resolution.</b>			
	<b>NEW SYSTEM</b>	<b>REPAIR</b>	<b>ALTERATION OR EXPANSION</b>
<b>THREE OR LESS BEDROOMS:</b>			
Single family residential	\$986, includes two inspections. Additional inspections \$210 each.	\$609, includes two inspections. Additional inspections \$210 each. \$345, tank repair/replacement only, includes one inspection.	\$763, includes two inspections. Additional inspections \$210 each.
<b>FOUR OR MORE BEDROOMS:</b>			
1. Single family residential 2. Multiple family residential	\$986, includes two inspections. Additional inspections \$210 each. \$986 per dwelling unit, includes two inspections. Additional inspections \$210 each.	\$609, includes two inspections. Additional inspections \$210 each.	\$763, includes two inspections. Additional inspections \$210 each.
<b>COMMERCIAL:</b>			
	\$1,085, includes two inspection. Additional Inspection \$210 each.	\$609, includes two inspections. Additional inspections \$210 each.	\$609, includes two inspections. Additional inspections \$210 each.
<b>OTHER:</b>			
Site inspection for Land Use Change Permit application review	\$235 per inspection, includes inspection and report.	N/A	N/A
Variance request and appeal of denial through Environmental Health Board review	\$1,447 per variance and appeal application	N/A	N/A
Review of Application for Transfer of Title Acceptance Document	\$60, if application is incomplete, fee will be charged again upon resubmission	N/A	N/A

<b>Other Related Fees</b>	
System Cleaner <i>New</i> license fee	\$60
System Cleaner Annual <i>Renewal</i> license fee	\$40
System Installer <i>New</i> license fee	\$100
System Installer Annual <i>Renewal</i> license fee	\$40
State Surcharge Fee At Issuance of Permit	\$20
Renewable Permit Fee	\$50