

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 16, 2023**

The May 16, 2023 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 [REMOTE]	Matthew Birnie, County Manager
Liz Smith, Vice-Chairperson	Melanie Bollig, Deputy County Clerk
Laura Puckett Daniels, Commissioner	Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Acting Chair Liz Smith called the meeting to order at 8:30 am. She noted for the record that Commissioner Houck would be attending remotely via Zoom, as he was currently at the National Association of Counties (NACo) Western Interstate Region Conference in Utah. Commissioner Houck also advised the Board that he would only be available until approximately 9:15 am; at that point, he would need to sign off and join one of the programs at the conference.

AGENDA REVIEW: No changes were needed to the agenda.

SCHEDULING: There were no changes needed to the schedule.

CONSENT AGENDA:

Moved by Commissioner Puckett Daniels, seconded by Commissioner Houck, to approve the consent agenda. Motion carried unanimously.

1. Approval for Colorado Department of Public Health and Environment Contract Amendment #6, 2024*0088; Health and Human Services; for updating Public Health contract documents and requirements for this contract term; 7/01/2023 - 6/30/2024; \$46,346
2. Approval for Charter Operating Agreement and Lease of Airport Facilities; Delux Public Charter LLC dba JSX; Gunnison-Crested Butte Regional Airport; for operation of charter service; 5/01/2023 - 9/30/2023 and 11/01/2023 - 4/30/2024; Landing Fees \$2.72/1,000 lbs of weight, and \$420/mo for leased space
3. Approval for Town of Crested Butte & County of Gunnison Cost Sharing Agreement; TischlerBise planning consulting firm; for preparation of a fiscal impact analysis of annexing land outside of the Town of Crested Butte; payment by the County within 60 days of the execution of this agreement; \$22,555
4. Acceptance of Appointment; Perry Solheim as Gunnison County representative to the Gunnison Valley Regional Housing Authority Board
5. Approval for Colorado Department of Health Care Policy and Financing; Health and Human Services Contract; for Colorado Dental Health Care Program for Low-Income Seniors; 7/01/2023 - 6/30/2024; \$21,400
6. Approval for the Great Outdoors Colorado (GOCO) Trust Fund Grant Agreement; for the Gunnison County STOR Committee Stewardship Program; \$300,000
7. Approval for Colorado Department of Public Health and Environment Contract Amendment #1 2023*2302; Health and Human Services; to fix administrative errors and add a term to fund reduction in cancer health disparities; 6/30/2023 - 6/29/2024; \$10,900
8. Approval for Colorado Department of Public Health and Environment Task Order 2024*0293; Health and Human Services; support for the state's Child Fatality Prevention System; 7/01/2023 - 6/30/2024; \$10,000
9. Approval for Amendment No. 5 to Community Integration Agreement MR229959; Health and Human Services; United HealthCare Services, Inc; for Care Coordination language edits and setting of budget and payment dates in 2023; effective date of signing - 12/31/2023; \$33,000

DISCUSSION AND POSSIBLE ACTION ON AUTHORIZING ATV, OHV, AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3: Assistant County Manager for Public Works Martin Schmidt and Public Works Operation Manager Sparky Casebolt were present in the room for discussion and to answer any questions the Board might have. White River National Forest District Ranger Kevin Warner also attended remotely via Zoom.

ACM Schmidt began by stating that he had read and tried to answer any questions the Board had concerning recent correspondence received from Marble area residents. He also advised that Public Works had a meeting scheduled with the Forest Service to discuss moving forward with some of the stakeholder group recommendations; however, they would not be acting on anything large-scale at this time. He further advised that County Road #3 would be treated on Wednesday with magnesium chloride, and they would also work on repairing a washout located at the top of Daniel's Hill.

Commissioner Smith asked Commissioner Houck for his questions and comments. He stated that, for the process of fact finding and gathering input, he had felt it was important to have the exemption in effect through the end of 2022. Ultimately, his goal was for the County along with its partners, to get to a durable,

long-term solution that will manage the use. Further, he noted that his goal was not to keep County Road #3 open indefinitely, but to be respectful of the stakeholder process and continue to work through that. Commissioner Houck expressed his belief that there were opportunities for the County, the Town of Marble and the Forest Services to work together to improve the management of recreation in that area. After going through all the recent comments that were received, he was now in favor of passing a resolution that would sunset again at the end of this year. Commissioner Houck emphasized that it was important for all the work from the stakeholder group to not grind to a standstill, but to continuing working toward solutions. At the end of the year, they should again get all partners together to discuss where they were at in the process.

Commissioner Puckett Daniels was next asked for her comments. She began by reminding those present that, as a new commissioner, she had needed to do a lot of catch-up, and at this point she could see there was no "silver bullet." Commissioner Puckett Daniels wanted to acknowledge the impacts of increased ATV use in the area, while at the same time knowing that there were locals who travel this road regularly with their ATVs. She cited one of the main draws to the Lead King Loop as the Crystal Mill site, which was actually on private land, and stated that if the Forest Service and the Town of Marble did not wish to ban ATV use on their land, then this was not up to the County to do so. Commissioner Puckett Daniels stated that she would also support a resolution which allowed all the partners to work on the stakeholder recommendations through this year, calling attention to the needs for adequate parking and enforcement as key to controlling the amount of traffic in that area.

Acting Chair Smith stated that she believed in the consensus-based stakeholder process which they had started. She noted that, from the very beginning, she was not interested in signing off on another exemption on County Road #3 without hope for permanent solutions. In listening to many residents of the area, she recognized this was a delicate balancing act, where solutions will not please all parties involved. For the parking at Mill Site Park, she stated that there were covenants which restrict that type of parking and it could only be a temporary solution at best – if this was to be the only solution, Commissioner Smith was not interested in exempting County Road #3. She further noted that Commissioner Puckett Daniels' fresh perspectives will be of benefit in the process, and a conversation with District Ranger Kevin Warner had helped clarify for her what longer-term solutions might be possible. Commissioner Smith closed her comments by explaining that if the Town of Marble decides they do not wish to be an ATV-centered community, then she feels the County should support that decision. She also agreed with working for one more year on solutions so that the stakeholder recommendation process could continue.

Moved by Commissioner Houck to approve Resolution 2023-12, A Resolution Further Extending Resolution No. 21-12 and Authorizing ATV, OHV and UTV Use on a Certain Portion of County Road #3 Until December 31, 2023. Seconded by Commissioner Puckett Daniels. Motion carried unanimously.

Acting Chair Smith thanked all those in Marble, the stakeholders and partners, as well as County staff, who continued to stay involved in the process. Commissioner Houck highlighted the work and outreach done by Commissioner Puckett Daniels to catch up on the issues. He reminded those present that the Commissioners would be continuing to work on more permanent solutions with the recommendations from their stakeholder group and partners in mind. Commissioner Puckett Daniels acknowledged the hard work that the Town of Marble was doing towards education and outreach as well, and noted that this day was not the finish line, by any means.

COUNTY MANAGER'S REPORTS: County Manager Matthew Birnie was present in the room to give his reports and to answer any questions the commissioners might have.

1. Full day of interviews last Thursday, May 11th. CM Birnie let the Board know that interviews held last Thursday had been for the applicants for Whetstone development partners. He stated that he had been very pleased with the quality of the proposals received, and that they were now in the process of working through all the details.
2. **Approval for an Out-of-Cycle Search; Sustainable Tourism and Outdoor Recreation (STOR) At-Large Vacancy**. CM Birnie explained that STOR At-large member Matt Reed was resigning from the STOR committee. CM Birnie advised that the commissioners did have the discretion to do an out-of-cycle appointment, and STOR bylaws indicated that an open position should be filled sooner than later. He also suggested adding any other Boards and Commissions openings to that search, should they go ahead with one. After a brief discussion among the commissioners, they directed that staff go ahead with the out-of-cycle search process, and also re-notify past STOR applicants of the vacancy.
3. Outline and clarification of the Whetstone process. Commissioner Puckett Daniels asked what the next steps for staff were in the Whetstone development process. CM Birnie let the Board know that they were not eliminating any of the prospective development partners at this point; the applications were all strong, and due diligence to checking references, pouring over proformas, and consulting with outside experts was currently being done. He added that the timeline would probably be a couple of weeks.

CONSUMER PRICE INDEX (CPI) ADJUSTMENTS; A RESOLUTION ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN INDUSTRIAL PARK: Assistant County Manager for Public Works Martin Schmidt was present in the room to help explain the need for the ground rent adjustment. He outlined briefly that this rent had not been adjusted for several years and was based on a "per acre per year" formula. Commissioner Puckett Daniels asked why leasehold #2 did not have a rent included for it, and was informed by retired Deputy County Manager Marlene Crosby, also present in the

room, that this area was located across from the County's Public Works shop and was kept back for county use.

With no further questions from the Board, Commissioner Houck **moved** to approve Resolution 2023-13, A Resolution Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park, as outlined in the resolution itself. Commissioner Puckett Daniels seconded. Motion carried unanimously.

CORRESPONDENCE; BOCC LETTER OF SUPPORT REQUEST FROM COLORADO ASSOCIATION OF SKI TOWNS (CAST); FOR THE AFFORDABILITY AND FAIRNESS FOR MOUNTAIN COMMUNITIES ACT:

Acting Chair Smith introduced a Letter of Support for the Affordability and Fairness for Mountain Communities Act which had been brought forward by Congressman Neguse. CM Birnie explained that the Act addressed a need for an adjusted Area Median Income (AMI) in mountain communities. This would help areas like Gunnison County with broader eligibility, as well as increased access to federal funding for the county's affordable housing projects. The Board expressed their support for this, and CM Birnie noted that they had not yet drafted a letter, but it could be put together by staff and then acknowledged at a future meeting.

Moved by Commissioner Houck that they offer the support of the full Board of County Commissioners from Gunnison County to support the request as presented that morning, and to authorize staff to draft that letter and use the full Board's signature stamps in order to get it out. The Board will ratify the letter at a future date. Commissioner Puckett Daniels seconded. Motion carried unanimously.

FUNDING FOR CRYSTAL RIVER PROTECTIONS; STAKEHOLDER PROCESS: Commissioner Puckett Daniels explained that past-Commissioner Roland Mason had started working with this stakeholder group who wished to look at not only the Wild & Scenic designation, but other possible protections for the Crystal River. She gave a brief history of the group, stating that a Request for Proposal went out in the Fall of 2022 for a consultant to facilitate the stakeholder process. They have since hired that consultant and had a Kickoff meeting recently. She advised that they are wanting a financial commitment; Pitkin County and the Colorado River District have both made a commitment. She informed the Board that the initial ask had been for \$20,000, but she had informed them that the very maximum might be \$10,000. When she asked what past-Commissioner Mason had given them as an amount, she was informed by Commissioners Smith and Houck that he had mentioned around \$2,000.

The Board then discussed for several minutes concerns including: the total amounts needed by the group; county priorities; what could be contributed at this time; "pay to play" concerns; commitment to staying in the process; and what amount they would like to contribute.

After this discussion, Commissioner Puckett Daniels then moved to allocate \$2,500 of the commissioners' discretionary funds towards the Crystal River stakeholder process. Seconded by Commissioner Houck. Motion carried unanimously.

NO LONGER IN ATTENDANCE: At 9:15 am, Commissioner Houck signed off remotely, as he wished to join a tour of the Red Cliffs Desert Reserve, a habitat conservation project which had been designed to protect an endangered species, the desert tortoise. He was interested in finding how they use that habitat conservation tool, with further conservation efforts for the Gunnison Basin Sage-grouse in mind.

UNSCHEDULED PUBLIC COMMENT:

1. Jason Rusby, business owner in Marble, Colorado. Jason wished to talk about the numbers for a petition he had circulated online. He advised that he had gone over the list of 124 names gathered and found that 55 of those were property owners in Gunnison County. Mr. Rusby further stated that he was glad the commissioners were talking about the Lead King Loop stakeholders group recommendations and expressed hope that "the powers that be" will keep working on these recommendations. He noted that he was glad that the resolution had passed so that he could continue his ATV/UTV rental business in Marble. Mr. Rusby stated that his family has been in the area since the 1870s, and he has operated his rental business very responsibly for his neighbors for 15 years. He added that he also liked what the Town of Marble was doing with the parking and in education for visitors, and noted that visitor numbers were down now to pre-COVID numbers, which has made it more pleasant for the community. He thanked the commissioners for their time and for passing the resolution.
2. Teri Havens, Marble, Colorado resident. Teri added a comment and question on the online Zoom Chat box, "It has been pointed out repeatedly that there is a major safety issue regarding OHV/trailer parking/staging on County Road 3 (specifically at the base of Daniels Hill). This will likely get worse if the Town limits parking at the Mill Site Park. The residents who live in this area have requested that the BOCC prohibit trailer parking/staging in this area. Has the BOCC acknowledged this request?"

Commissioner Smith answered that her hope is that they will not continue to have parking for OHV/ATV use at the Mill Site Park; instead, she hopes that they will be able to find a more permanent parking solution – possibly a more permanent parking lot so that vehicles can get more safely up and down to the trailhead.

Commissioner Puckett Daniels added that one of the stakeholder recommendations was to do some improved parking at the base of Daniel's Hill. This is intended for passenger vehicles, with a turnaround for trucks and trailers. Further, she stated that she believed it was important that, wherever they have parking, that it be regulated; another stakeholder recommendation that she wanted to pursue was a reservation system and what that would look like.

COMMISSIONER ITEMS:

Commissioner Smith

1. Meeting with CDOT yesterday. Commissioner Smith reported that she had been able to attend a CDOT meeting to view the sinkhole on Hwy 133 near Somerset. CDOT had invited several to come and see the damage and meet with them on Monday, May 15th. Commissioner Smith listed several of those in attendance as: Colorado State Representatives Marc Catlin and Matt Soper, Senator Perry Will, Delta County Commissioner Don Suppes, and CDOT Executive Director Lew, Jason Smith and other CDOT staff.

Commissioner Smith observed that the sinkhole had enlarged significantly from the initial photos she had seen. A debris clog from upstream had suddenly come loose and moved into the sinkhole area, causing it to now take up the entire section across the road. She further noted that a CDOT private procurement process for a temporary bridge was to end that day, and that CDOT had been able to move fairly quickly to secure a two-way traffic temporary bridge. In the meantime, they were using a work-around side road on private property that CDOT had been granted access to, in order to shuttle around 180 residents back and forth. The area was currently stable, but Commissioner Smith stated that they were keeping an eye on it 24/7, as another dry sinkhole had shown up, smaller in diameter but over 20 feet deep. Engineers were also checking to see how far the entire instability reaches, and CDOT believed that the water levels had now stabilized.

Commissioner Smith added her appreciation for CDOT’s willingness to look this over with the group, and informed the Board that CDOT Director Lew had invited the county to contact her if they run into more connectivity issues, in light of the continuing travel delays due to the Hwy 50 Little Blue project, and now the Hwy 133 sinkhole severely impeding travel. Commissioner Smith also let those present know that she had pictures of the area for those who would like to see them.

2. Attended a public meeting hosted by Western Colorado University, regarding the Thompson Divide Mineral Withdrawal. Commissioner Smith stated that she had stayed for both sessions – one at 5:30 pm and one at 6:30 pm – in order to hear people’s questions and talk to residents. She expressed optimism for the administrative withdrawal which could cease mineral extraction for up to 20 years.

County Attorney Matt Hoyt added that he appreciated the Town of Crested Butte having a representative there to ask questions, to continue to press the federal agencies to afford the county cooperating agency status, so that they have the ability to make comments as a partnering government agency. CA Hoyt felt it was important for them to continue to press for this status, and further noted that the county is a cooperating agency in the related Mt Emmons land exchange process.

3. Attended the Whetstone development interview presentations last Thursday, May 11th. Commissioner Smith highlighted that it had been great to see five diverse and, on the whole, impressive presentations; she appreciated each group’s different visions for the property.
4. Attended the Gunnison Country Chamber of Commerce’s Business Summer Forecast meeting, held at the I Bar Ranch. Commissioner Smith noted several from the community who were also there, including TAPP and Mountain Roots, and highlighted that there had been great information and the ability to connect with several groups. She thanked the Chamber for doing a great job of hosting and putting the event together.
5. Notice that Welcoming Week is scheduled for September 8th - 17th. Commissioner Smith wanted to give notice of the dates to those present, and then added that she felt a contribution from the BOCC discretionary fund would be great for this event, letting the Board know that there would probably be a request to come, if they were supportive. She highlighted how successful the week of events had been last year, and stated she was heartened to see the direction the group was heading into, by its consolidation of efforts and continuing to build trust with the area’s immigrant population.
6. Attended the GRASP Consortium last week. Commissioner Smith explained that Dusty Sylvanson, a local former builder of straw and timber, was able to present on some of the recovery work he is now doing in the community, which was an alternative to the 12-step program.
7. Southwest Colorado Opioid Regional Council (SWCORC) update. Commissioner Smith advised that she was working on letting local service providers know about SWCORC funds which will be made available shortly. She also reported that, at their June meeting, SWCORC will be selecting an individual or an organization as facilitator, and cited both Representative Rose Pugliese, who has facilitator expertise in this process, and the Mesa County United Way organization as two interesting models being considered. Commissioner Smith stated she would be glad to have this appointment made so they could get work underway within our communities.
8. Attended the RTA meeting last Friday, May 12th. Commissioner Smith let the Board know that they did have to make the decision to return \$2.5 million of congressional delegated spending funds which Senator Hickenlooper’s office had offered for a transit center located by the recreation center. She explained that there had not really been enough time to get a new location approved after the City of Gunnison determined, due to public input, that they would not proceed with the proposed plans located next to the Rec Center. Commissioner Smith further observed that the funds had really been more for a shovel-ready project. She felt it was unfortunate, but could still

see a transit center as essential for our community, and stated that they will continue to do outreach to find an area which will receive community approval.

Commission Laura Puckett Daniels

1. Thanks to staff for putting together the Whetstone Developer presentations last week. Commissioner Puckett Daniels thanked staff and stated that she knew this was a "heavy lift" in their already full agendas, but she expressed her appreciation for their putting everything together and continuing to involve the public in a housing project which will hopefully meld seamlessly into its already existing community.
2. Attended a Gunnison Valley Regional Housing Authority (GVRHA) meeting last week. Commissioner Puckett Daniels reported that they had continued working on their strategic plan – making "tweaks" to language, and also adding to their short-term goals a monthly housing stakeholder meeting to be convened by Executive Director Andy Kadlec and the Housing Authority, for the execution of strategies outlined in the One Valley Resiliency Roadmap (OVR).

Commissioner Puckett Daniels advised that the GVRHA was still needing a part-time bookkeeper. She requested that they reach out to anyone they think might be interested in 15-20 hours per week of bookkeeping for a great organization.

Commissioner Puckett Daniels informed the Board that inspections on Frontier Land Mobile Home Park began last week. Also, Director Kadlec was exploring creative sources for financing and funding of this project.

RECESS: Acting Chair Smith recessed the meeting from 9:42 am until 10:20 am, in order to hold the below executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. SEC. 24-6-402(4)(B) CONFERENCE WITH THE COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO GUNNISON COUNTY V. MILE 200, LLC, GUNNISON COUNTY DISTRICT COURT NO. 2009CV113:

Acting Chair Smith **moved** to go into Executive Session, pursuant to C.R.S. sec. 24-6-402(4)(b) conference with the County Attorney, Deputy County Attorney or Assistant County Attorney for Gunnison County, for the purpose of receiving legal advice related to Gunnison County v. Mile 200, LLC, Gunnison County District Court No. 2009CV113. The participants in the Executive Session would be Commissioner Smith, Commissioner Puckett Daniels (only two commissioners as Commissioner Houck was unable to be present), County Manager Matthew Birnie, County Attorney Matthew Hoyt, Assistant County Manager for Community and Economic Development Cathie Pagano, and Assistant County Manager for Public Works Martin Schmidt. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. No decision would be made in the meeting and anything they decide would be announced or discussed in a public forum. Commissioner Puckett Daniels seconded. Motion carried.

The Board went into executive session at 9:43 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(b).

Date: _____

Liz Smith, Acting Chairperson
Gunnison County Board of Commissioners

At 10:20 am, it was **moved** by Commissioner Puckett Daniels 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.

In giving direction, Acting Chair Smith **moved** to approve the settlement agreement, in this case Gunnison County v. Mile 200, LLC, and the related documents, and authorize the signature of the Vice Chair. Commissioner Puckett Daniels seconded. Motion carried.

CA Matt Hoyt wished to add for the record that all the parties to the settlement agreement will need to execute it so that the case is done officially. He stated that he would report back to the Board and staff on that status, and he did anticipate that this will happen.

ADJOURN: Acting Chair Smith **moved** to adjourn the Gunnison County Board of County Commissioners regular meeting. Commissioner Puckett Daniels seconded. Motion carried. The meeting was adjourned at 10:23 am.

Jonathan Houck, Chairperson

Liz Smith, Vice-Chairperson

Laura Puckett Daniels, 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 GUNNISON COUNTY
RESOLUTION NO. 2023-12**

A RESOLUTION FURTHER EXTENDING RESOLUTION NO. 21-12 AND
AUTHORIZING ATV, OHV AND UTV USE ON A CERTAIN PORTION OF
COUNTY ROAD #3 UNTIL DECEMBER 31, 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, 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 the final 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 for the time being 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; 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, on May 3, 2022, the Board adopted Resolution No. 22-20, extending Resolution No. 21-12 until January 3, 2023; and

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; 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, 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 to be in full force and effect until midnight Mountain Time December 31, 2023, 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 shall 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 December 31, 2023.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 16th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes; Smith – yes; Puckett Daniels – yes

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2023-13**

**A RESOLUTION ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE
GOLD BASIN INDUSTRIAL PARK**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gold Basin Industrial Park located in the County of Gunnison, State of Colorado and as legally described

as 38.79 acres in NE4NW4. Section 11 49N1W #499861 and portions of 21.28 acres in SE4SW4. Section 2 49N1W #499861; and

WHEREAS, the Board of County Commissioners wants to adjust the ground rental rate where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation and maintenance of the Gold Basin Industrial Park; and

WHEREAS, the Denver-Boulder-Greeley Consumer Price Index for All Urban Consumers, as published by the United State Department of Labor Bureau of Labor Statistics, for 2022 was \$281.845, a 8.01% increase from 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that effective on April 1, 2023:

1. The ground rental rate shall be in the amount of \$3.380.70 per annum per acre of premises occupied.

2. Premises occupied will be rounded to the nearest thousandth of an acre (x.xxx acres).

BE IT FURTHER RESOLVED THAT these rates shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 16th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes; Smith – yes; Puckett Daniels – yes