

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 1, 2024**

The October 1, 2024 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
Elizabeth Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Matt Hoyt, County Attorney

Matthew Birnie, County Manager
Holly Perry, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Commissioner Houck called the meeting to order at 8:31 am.

AGENDA REVIEW: There were no changes made to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the minutes from September 17, 2024. Motion carried unanimously.

1. September 17, 2024

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

CONSENT AGENDA: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the consent agenda as presented. Motion carried unanimously.

1. Resolution; A Resolution Repealing Resolution No: 2019-21 and Approving Removal and Sale of Snowmobiles/Grooming Machines Abandoned on County Road #12, Kebler Pass, its Adjacent Winter Trailhead Parking Area and Other County Property; Public Works
2. Acknowledgement of County Manager's Signature; Professional Services Agreement; Pioneer Development Company; 9/12/2024 to 12/31/2024; \$2,500
3. Acknowledgement; Option Letter #4; CSBG-24-026; Health and Human Services; 8/30/2024 to 9/30/2027; \$672
4. Contract Amendment #4; Contract No 23 IBEH 174456; 7/1/2022 to 6/30/2025; \$167,656
5. Grant Application; Public Service Grant Application; Gunnison County Substance Abuse Prevention Project; Juvenile Services; \$10,000
6. Funding Award; Energy Outreach Colorado Bill Payment Assistance funding; Health and Human Services; 10/1/2024 to 9/30/2025; \$12,900
7. Master Service Agreement; Lexipol; Sheriff's Office; Annual Law Enforcement Policy Manual & Daily Training Bulletins; 12 months; \$10,645
8. Amendment; Intergovernmental Agreement for Winter Road Maintenance; Town of Pitkin; 11/1/2024 to 5/31/2025
9. Contract No GUNNISON-RDAI-2024-2025; Vaisala; RoadAI; Public Works; 1 Year; \$9,736
10. Water Line Easement Agreement; Craig Raisig and Dale Raisig; Public Works
11. Professional Services Agreement; Pinnacle Insight LLC; Juvenile Services; 9/1/2024 to 8/31/2025; \$4,200
12. Resolution; A Resolution Updating Gunnison County Finance, Procurement and Travel Policies; Finance

COUNTY MANAGER'S REPORTS:

1. Mayors and Managers – CM Birnie relayed Assistant County Manager for Public Works Martin Schmidt will present the Safe Streets for All Grant at this meeting.
2. Colorado Department of Transportation (CDOT) – CM Birnie expressed that he and ACM Schmidt are still having regular once a week meetings with CDOT. Commissioner Puckett Daniels noted the repairs on County Road 26 are changing from Wednesdays to Sundays.
3. Sawtooth – CM Birnie stated they are racing to try to get the asphalt down but the wells for the geothermal heating are completed.

SALES TAX AND LOCAL MARKETING TAX; JULY 2024 Chief Financial Officer Perry Solheim was present for discussion.

Commissioner Puckett Daniels asked about comparison to other years as well as with the Town of Crested Butte and Mount Crested Butte. She reiterated that with the bridge issues she would like a deeper dive on the changes. She also noted the Local Marketing District tax is up, but the sales tax is down. Commissioner Houck clarified there were less visitors, but higher rates.

GUNNISON COUNTY FAIRGROUNDS POLICY UPDATE Event Manager Anthony Janssen and Assistant County Manager for Operations and Sustainability John Cattles were present for discussion.

ACM John Cattles noted that like Sawtooth, they are trying to get the asphalt down for the fairgrounds this year, but if not, they are confident they can get it down in early spring.

Event Manager Janssen noted he went through the policy and updated the policy per advised in the work session which will be fully operating on January 1, 2025. Commissioner Houck noted it was updated for the cost of services provided. Commissioner Puckett Daniels inquired about the tiers. Event Manager Janssen clarified they went with the tier 3 prices with an amendment in order to maintain the facility and foresees that he will review the prices every 2 years. Commissioner Puckett Daniels asked about communicating the change to the public. Event Manager Janssen stated he is wanting to have a user meeting for his regular users, but he has also foreshadowed this change happening to users as well. Event Manager Janssen also discussed potentially using the event scheduling system where they can request to sign up for notifications. Commissioner Smith asked about grant funding for facilities. Event Manager Janssen commented he will work with Juvenile Services about grant funding. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve and adopt the new fairgrounds policies, procedures, and pricing for 2024 and beyond. Motion carried unanimously.

A RESOLUTION SETTING FORTH A REVISED KEBLER PASS WINTER TRAILHEAD MANAGEMENT PLAN AND PERMITTING SYSTEM DUE TO THE MT. EMMONS LAND EXCHANGE AND TO REGULATE USE OF SNOWMOBILES AND OVER-THE-SNOW VEHICLES AT THE KEBLER PASS TRAILHEAD Assistant County Manager for Public Works Martin Schmidt was present for discussion.

ACM Schmidt noted he had a small group meeting with the Irwin HOA and he has provided a memo with what was discussed in the meeting and potential future meetings. He relayed they were able to answer questions straightforwardly based on costs and what fees will go towards. ACM Schmidt followed up with the recommendation of two vehicles, five snowmobile permits, and no trailer parking. He also added a new map that follows the drainage which will also be posted online on the Public Works page under maps.

ACM Schmidt relayed they can now ask permit holders to move property to plow efficiently and will ask in the notice to plow email. They are also beta testing text messaging and is currently working with emergency management to use their Genesis program but have run into a few issues. It was noted that the email will be sent out 48 hours prior to plowing. ACM Schmidt commented they are looking to have a follow up meeting in the spring to discuss concerns. For this meeting they will send notices to every permittee and do a public notification.

ACM Schmidt stated he went over a couple different scenarios for a graduated payment and found that it was more expensive than a flat fee for individuals who were to purchase two spots, which was found to be the majority. He proposed a \$300 per spot fee.

Commissioner Puckett Daniels noted a desire for communication and understanding of what the long-term plan and vision are. Commissioner Smith stated she feels more inclined to have a flat rate. Commissioner Puckett Daniels also leans towards the flat fee as well in terms of fairness. CA Hoyt reminded that the law states you can charge to cover the costs of services.

Commissioner Houck appreciated that ACM Schmidt included further data to discuss this. CA Hoyt noted that certain commercial operators have permits that expire in 2028 and were required by the land exchange. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Resolution 24-34 a Resolution Setting Forth a Revised Kebler Pass Winter Trailhead Management Plan and Permit Permitting System. The motion was amended as Commissioner Houck stated there was one typo change that does not change the policies or fees of the resolution. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT:

1. Marcus Martin – Mr. Martin noted that he believes that Commissioner Puckett Daniels recusal should be from process not just the vote after a conflict arises. He also requests that prior to voting, they inform the public of their response to his September 20th letter. Mr. Martin also asked for a Colorado Open Records Act (CORA) request to the County for a Code of Ethics that is applicable to the Commissioners, and he has concluded no such document exists. He asked for response from the Attorney for reasoning of document given. Lastly, he encouraged each to review transcript of planning commissions initial meeting for Whetstone on October 20th, 2022.

COMMISSIONER ITEMS:

Commissioner Puckett Daniels:

1. Gunnison Valley Regional Transport Authority (RTA) – Chair of the Board Janet Farmer is leaving so there will be a new chair in the next couple months.
2. Land Use Conservation and Stewardship – Commissioner Puckett Daniels went to Chaffee County and had several discussions during Connecting Colorado. Commissioner Puckett Daniels relayed that their land management partners have treated 10,000 acres of forest and plan to do another 20,000 acres by 2030 for wildfire mitigation. She commented they were surprised

with answers to a survey done in 2017 which had a 90%+ consensus. She also attended 2 sessions on stewardship at the GovCon Conference.

- 3. Sustainable Tourism and Outdoor Recreation Committee (STOR) – Commissioner Puckett Daniels attended a meeting last week and stated there were good conversations regarding the intersections between ranching and recreation. She commented the committee would like to see Code of the West updated. She also noted they spoke on a gate replacement program for better gate compliance and a general education campaign. Commissioner Houck stated that he and Commissioner Smith can take a revisit the Code of the West and give comments. Commissioner Puckett Daniels would like to include sage-grouse specific items.

Commissioner Smith:

- 1. Welcoming Week – Commissioner Smith was able to attend almost all events. She expressed it was very successful and had a lot of positive comments.
- 2. Colorado Park and Wildlife (CPW) – Commissioner Smith relayed that Nate Seward is moving on, so they are rethinking leadership on Gunnison Basin Sage-grouse Strategic Committee. She wanted to publicly acknowledge Nate’s service and commitment to protect the sage-grouse locally.
- 3. Legacy Showing – All 3 commissioners attended. Commissioner Smith found it moving and powerful.
- 4. Statewide Opioid Abatement Conference – Commissioner Smith attended in Loveland and noted she had some great conversations. She emphasized how they use limited resources for maximum impact.
- 5. Attorney General – Commissioner Smith was asked to testify for the Attorney General’s case regarding the Albertsons and Kroger proposed merger.

Commissioner Houck:

- 1. Homecoming at Western Colorado University – Commissioner Houck attended the football game and talked to previous residents and discussed positive changes within the community.
- 2. Legacy Showing – Commissioner Houck found it very important with a powerful and strong discussion afterwards.
- 3. CB Land Trust – Commissioner Houck attended an event that gave thanks to their donors and collaborators.
- 4. Drought Contingency Task Force – Commissioner Houck attended a meeting with Upper Gunnison River Water Conservation District to help utilize funding programs and resources by having a community plan.
- 5. Governor’s Tourism Conference – Commissioner Houck attended a couple sessions in Mount Crested Butte including one about transforming the visitor centers into community hubs.
- 6. Region 10 – Commissioner Houck attended an Executive Committee meeting last week. Nothing abnormal to report.
- 7. Metropolitan Recreation (MetRec) – Commissioner Houck attended the planning efforts for multimodal transportation, trails, and connectivity.
- 8. Senator Bennet – Commissioner Houck attended a Thursday morning press conference with Senator Bennet who sponsored the Gunnison Outdoor Resource Protection Act (GORP) and introduced it to the Senate.

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 LAKE IRWIN COALITION, INC. V. SMITH, 2017CV30060 (D. COLO.). Moved

by Commissioner Houck, seconded by Commissioner Puckett Daniels that 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 Lake Irwin Coalition, Inc. versus Smith, 2017CV30060. The participants in the executive session will be the Board of County Commissioners, the County Attorney, and County Manager. Because we are receiving advise from our County Attorney, there will be no contemporaneous record kept of it.

The board went into executive session at 10:05 am. *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 C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

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

Date: _____

Matthew Hoyt

Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded Commissioner Puckett Daniels to come out of executive session. The participants are consistent with those read into the record to the enter the executive session. We stayed on topic and received legal counsel from the County Attorney. The Board came out of executive session at 10:47 am. Motion carried unanimously.

Commissioner Houck asked CA Hoyt to give some direction. CA Hoyt noted Gunnison County is a defendant in a case filed in State Court in 2017. When the case went to Federal Court the County was realigned as a plaintiff by court order. The case is set for trial end of March or early April 2025. On September 19th the court issued an order requiring parties to participate in a mediation. CA Hoyt then asked the Board to appoint a delegate and alternate delegate with full settlement authority to compromise the case should that occur. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to designate Jonathan Houck as a delegate to represent the County in any mediation scheduled pursuant to the Court’s Mediation Order in Lake Irwin Coalition v. Smith and to designate me (Laura Puckett Daniels) as the alternate, and to give these delegates the full authority to settle the case on behalf of the County. Motion carried unanimously.

ADJOURN: Commissioner Houck adjourned the meeting at 10:53 am.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Holly Perry, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

Note: For all the details of each resolution including any exhibits, please refer to gunnisoncounty.org

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2024 - 32**

A RESOLUTION REPEALING RESOLUTION No: 2019-21 AND APPROVING REMOVAL AND SALE OF SNOWMOBILES/GROOMING MACHINES ABANDONED ON COUNTY ROAD #12, KEBLER PASS, ITS ADJACENT WINTER TRAILHEAD PARKING AREA AND OTHER COUNTY PROPERTY

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has the authority pursuant to C.R.S. § 18-9-117 to limit or prohibit certain types of conduct on public property, including restriction on, or limitation of, the use of all vehicles as to place, time, manner, or permitted activities; and

WHEREAS, C.R.S. § 33-14-101(11) defines a "snowmobile" as a "self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats"; and

WHEREAS, for the purposes of this Resolution, "snowmobile" means any self-propelled vehicle designed or altered for travel over snow or ice, including snowcats, driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has the authority pursuant to C.R.S. § 33-14-118 to regulate the use of snowmobiles on public lands, waters and property under Gunnison County's jurisdiction and on public roads and highways within County boundaries; and

WHEREAS, pursuant to C.R.S. § 33-14-119, every peace officer of the State of Colorado and the political subdivisions of Colorado shall have the authority to enforce the provisions of a resolution adopted pursuant to C.R.S. § 33-14-118; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has the authority pursuant to C.R.S. §§ 42-13-101, 102, 103, 104, 107, 108 and 109 regarding the disposition of property reasonably believed to be abandoned; and

WHEREAS, Gunnison County previously administered a winter trailhead parking area(s) adjacent to and part of County Road 12 (a/k/a Kebler Pass Road) pursuant to an easement granted to the County by the United States on September 5, 1979; and

WHEREAS, On September 3rd, 2019, Gunnison County adopted Resolution 2019-21 approving removal and sale of snowmobiles and grooming machines abandoned on County Road #12, Kebler Pass; and

WHEREAS, on or about August 23, 2024, Mt. Emmons Mining Company, through a land exchange with the United States Forest Service, received a portion of County Road 12 and the adjacent winter trailhead parking area(s), and Mt. Emmons Mining Company contemporaneously deeded this portion of the aforementioned road and parking area(s) to Gunnison County, thereby rendering them County property under the County's jurisdiction and control; and

WHEREAS, it is in the best interests of the public and Gunnison County for such authorizations to be operationalized regarding snowmobiles;
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado:

- 2. It is a violation of this Resolution for any snowmobile to remain on any public road right-of-way or County-owned or administered parking area or other property in violation of signage posted by Gunnison County or for more than twenty-four (24) hours after notification to move the snowmobile is placed on the snowmobile by the Gunnison County Public Works Department . The owner will be responsible for proportionate share of the charges associated with removal and the actual costs of storage, which at a minimum shall be Thirty Dollars and No/100 (\$30.00) per day. Any unit not claimed by September 1st of the same year will be offered for sale at a Sheriff's sale pursuant to this Resolution and Colorado law.
- 3. The Gunnison County Sheriff's Department, or its designee, is authorized to remove any snowmobile that is in violation of this Resolution.

This Resolution shall remain in force until and unless further action by the Board of County Commissioners is taken. This Resolution repeals and replaces any prior resolution of the Board currently in effect regarding this subject matter, including but not limited to Resolution No. 2019-21.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 1st day of October 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO RESOLUTION NO. 2024-33

A RESOLUTION UPDATING GUNNISON COUNTY FINANCE, PROCUREMENT AND TRAVEL POLICIES

WHEREAS, Gunnison County is a statutory county with an elected Board of Commissioners that is responsible for setting policy, appointing administrative personnel and the adoption of an annual budget in accordance with state statutes; and

WHEREAS Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, Gunnison County’s current Financial Policies (1.2.1.3) Procurement Policy (1.2.10) and Travel Policy (4.3.6) have undergone review by the Finance Department; and

WHEREAS, Gunnison County’s current Financial Policies (1.2.1.3) Procurement Policy (1.2.10) and Travel Policy (4.3.6) required changes to more clearly document policy best practices already followed by Gunnison County personnel and more specifically address requirements of certain state funding agencies; and

WHEREAS, the attached Financial Policies (1.2.1.3) Procurement Policy (1.2.10) and Travel Policy (4.3.6) (Exhibit A) were updated to document Gunnison County’s current practices related to financial operations, procurement procedures and travel policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the attached Financial Policies (1.2.1.3) Procurement Policy (1.2.10) and Travel Policy (4.3.6) (Exhibit A) are adopted;

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 1st day of October 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO RESOLUTION NO: 24-34**

**A RESOLUTION SETTING FORTH A REVISED KEBLER PASS WINTER TRAILHEAD
MANAGEMENT PLAN AND PERMITTING SYSTEM DUE TO THE MT. EMMONS LAND EXCHANGE
AND TO REGULATE USE OF
SNOWMOBILES AND OVER-THE-SNOW VEHICLES AT THE KEBLER PASS TRAILHEAD**

WHEREAS, Gunnison County previously administered a winter trailhead parking area(s) adjacent to and part of County Road 12 (a/k/a Kebler Pass Road) pursuant to an easement granted to the County by the United States on September 5, 1979;

WHEREAS, on or about August 23, 2024, Mt. Emmons Mining Company, through a land exchange with the United States Forest Service, received a portion of County Road 12 and the adjacent winter trailhead parking area(s) (“Kebler Pass Trailhead”), and Mt. Emmons Mining Company contemporaneously deeded this portion of the aforementioned road and parking area(s) to Gunnison County, thereby rendering them County property under the County’s jurisdiction and control;

WHEREAS, in order for the land exchange to satisfy federal policy and regulation, Gunnison County has issued parking permits for the Keber Pass Trailhead containing terms and conditions substantially similar to those permits issued by the United States Forest Service: CB Motor Sports Inc. (USFS Permit No. GUN1313); Action Adventures, LLC (USFS Permit No. GUN1336); Colorado Adventure Rentals (USFS Permit No. GUN1522); Burt Rentals, LLC (USFS Permit No. GUN1337); Colorado Backcountry LLC (USFS Permit No. GUN1391); Irwin Backcountry Guides LLC (USFS Permit No. GUN1396); Gunnison County Sno Trackers (USFS Permit No. GUN1512);

WHEREAS, historically users have experienced issues with parking availability at the Kebler Pass Trailhead during the winter season;

WHEREAS, on November 14, 2014, this matter was brought to the attention of the Board of County Commissioners of the County of Gunnison, Colorado (“Board”);

WHEREAS, pursuant to Col. Rev. Stat. § 18-9-117, the Board has the authority to adopt rules and regulations for the administration, protection and maintenance of public buildings and property including:

1. Restriction or limitation of the use of such public property as to time, manner, or permitted activities; and
2. Use of all vehicles as to place, time and manner of use;

WHEREAS, C.R.S. § 33-14-101(11) defines a "snowmobile" as a "self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats";

WHEREAS, the Board has the authority pursuant to C.R.S. § 33-14-118 to regulate the use of snowmobiles on public lands, waters and property under Gunnison County's jurisdiction and on public roads and highways within County boundaries;

WHEREAS, pursuant to C.R.S. § 33-14-119, every peace officer of the State of Colorado and the political subdivisions of Colorado shall have the authority to enforce the provisions of a resolution adopted pursuant to C.R.S. § 33-14-118;

WHEREAS, C.R.S. § 42-4-106(3)(d)(II) permits the County, when snow-packed conditions exist or otherwise during a seasonal period on Kebler Pass Road, designate all or a portion of Kebler Pass Road for over-snow use only and to place restrictions on such over-snow use;

WHEREAS, C.R.S. § 42-4-106(3)(d)(III) defines "over-snow use" as "travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle ["OHV"] that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow";

WHEREAS, pursuant to C.R.S. § 42-4-106(8)(a), a violation of County restrictions on a County Road regarding over the snow use constitutes a class B traffic infraction;

WHEREAS, C.R.S. § 42-4-1803 provides that "[n]o person shall abandon any motor vehicle upon public property";

WHEREAS, C.R.S. § 42-4-1803 empowers law enforcement and other public officials to move or cause to move any vehicle or trailer that obstructs a public road in order to eliminate any such obstruction;

WHEREAS, after conducting public meeting(s) and receiving public comments, the Board approved a policy for the Kebler Pass Winter Trailhead Management Plan Permitting System which is set forth in the October 1, 2024 Memorandum attached hereto and incorporated herein by reference as Appendix "A";

WHEREAS, the Board has agreed to continue, with modifications due to the land exchange, the Kebler Pass Winter Trailhead Management Plan Permitting System;

NOW THEREFORE BE IT RESOLVED that the Board wishes to reaffirm and ratify the continuance of the Kebler Pass Winter Trailhead Management Plan Permitting System as follows:

1. For purposes of this Resolution:
 - a. "Property Owner" means a person that has a legal, beneficial, or equitable interest in residential real property subject to C.R.S. § 38-13-102 ("Property").
 - b. "Property" further means property that is:
 1. Complies with all Federal, State, and Gunnison County regulations, including but not limited to the County's Land Use Resolution, applicable Building and Onsite Wastewater Treatment System Codes, and remains in compliance during the entire term of the Property Owner's permit;
 2. Fit for human occupation throughout the winter season;
 3. Not the subject of, nor becomes the subject of during the term of the Property Owner's permit, any Notice of Violation, Stop Work Order, or other regulatory or civil action in relation to Federal, State or County law or regulation; and
 4. Located within the applicable geographic area bounded by the Bracken Creek Drainage and the Coal Creek Drainage and the Splain's Gulch Drainage (including the Floresta townsite plat) where there is only over-the-snow access to the subject property during the winter months. Such applicable area is generally described by the map set forth on page 4 in the memorandum attached to this Resolution as Appendix A.
2. Certain Currently Permitted Commercial Parking Due to Mt. Emmons Land Exchange. The rules governing parking for the following commercial entities shall be set forth in such entities' respective permits and this Resolution. Should any conflict exist between the provisions of this Resolution any entities' respective permit, the express terms of said permit shall control. Such entities are as follows:

- a. CB Motor Sports Inc.;
- b. Action Adventures, LLC;
- c. Colorado Adventure Rentals;
- d. Burt Rentals, LLC;
- e. Colorado Backcountry, LLC;
- f. Irwin Backcountry Guides LLC; and
- g. Gunnison County Sno Trackers.

Upon expiration of the foregoing entities' current permits, the terms of this Resolution, any future resolution on this subject matter, and any new permit issued by Gunnison County shall control. For the avoidance of doubt, nothing in the foregoing entities' permits provides any such entity any right, privilege or entitlement beyond the express terms of their respective permits.

- 3. Other Commercial Parking: All commercial entities that receive a commercial parking permit from Gunnison County, including but not limited to the foregoing, shall:
 - a. obtain a permit from Gunnison County prior to using the Kebler Pass Trailhead for commercial operations or purposes;
 - b. Submit a work plan to Gunnison County that contains at least the following:
 - i. A description of the permittee's commercial operation;
 - ii. Information setting forth estimated use; total days and quantities of users;
 - iii. A Safety Plan;
 - iv. A Resource Protection Plan that addresses, at a minimum:
 - 1. Latrines
 - 2. Trash or refuse
 - 3. Trailhead etiquette and interaction with other users; and
 - 4. Leave No Trace ethics
 - v. Insurance covering the operations of the permittee during the term of the permit;
 - c. Display a logo or other commercial business or company identification on any vehicle(s) or trailer used pursuant to the operator's permit;
 - d. Display a copy of the entity's permit in the dashboard or other visible area;
 - e. Park only in those designated commercial parking spots set forth in the map and vertical signage provided by Gunnison County; and
 - f. Comply with all applicable Federal, State and local laws and regulations related to their use of the Kebler Pass Trailhead.
 - g. Acquisition of a permit for operations from another Federal or State agency does not automatically guarantee that a County Commercial Parking Permit shall be issued.
- 4. Property Owner Parking: The following requirements and restrictions shall apply to Property Owners:
 - a. Property Owners shall obtain a permit from Gunnison County for a fee set by the Board, which for the 2024-25 season shall be as set forth in the Memorandum attached as Appendix A to this Resolution. Such fee may be adjusted in future seasons by duly adopted motion of the Board or amendment of this Resolution.
 - b. Each Property Owner may obtain no more than two (2) annual vehicle permits per Property. Such permits will allow for overnight parking of a motor vehicle in a specified area of the Kebler Pass Trailhead, designated by a map provided by and vertical signage installed by the County. Such quantity may be adjusted in future seasons by duly adopted motion of the Board or amendment of this Resolution.
 - c. Each Property Owner may obtain no more than five (5) annual over-the- snow vehicle permits per Property. Such permits will allow for overnight parking of an over-the-snow vehicle in a specified area of the unplowed portion of the Kebler Pass Trailhead, designated by a map provided by the County. Such quantity may be adjusted in future seasons by duly adopted motion of the Board or amendment of this Resolution.
 - d. Property Owners shall display the permits in the locations designated by Public Works at all times the overnight parking is in use by any private vehicle. Failure to properly display the permits may result in warnings, tickets, or removal of the vehicle at the sole expense of the owner.

- e. Property Owners are prohibited from parking trailers overnight at the Kebler Pass Trailhead, including but not limited to parking trailers in either of the permitted spaces.
 - f. Property Owners shall comply with all applicable Federal, State and local laws and regulations related to their use of the Kebler Pass Trailhead.
 - g. The County reserves the right to suspend or revoke any Property Owner permit where the Property is the subject of any regulatory, administrative or civil action regarding the Property's compliance with any Federal, state or County law or regulation.
5. Public Day Use Parking: Parking at the Kebler Pass Trailhead not otherwise reserved for commercial or Property Owner permittees may be used by the public as follows:
- a. Member of the public may employ any space not otherwise designated for commercial or Property Owner use. The County shall designate such spaces on a map and on vertical signage located at the Kebler Pass Trailhead.
 - b. Public parking is for day use only. Overnight public parking is prohibited.
 - c. The public may park vehicles with trailers for day use in either designated areas at the Kebler Pass Trailhead, or along Kebler Pass Road so long as such parking complies with federal, state and county regulations, including but not limited to the Gunnison County Uniform Traffic Code.
 - d. Members of the public shall comply with all applicable Federal, State and local laws and regulations related to their use of the Kebler Pass Trailhead.
6. Snowmobiles and over-the-snow OHVs: Use of snowmobiles and OHVs designed or outfitted for over-the-snow use is permitted at the Kebler Pass Trailhead, with the following restrictions:
- a. Snowmobiles and OHVs are not permitted on that portion of the Kebler Pass Road open to vehicular travel during the winter season.
 - b. Due to potential interference with plowing operations and the safety of the public, Snowmobiles and OHVs shall be offloaded from any motor vehicle or trailer only within the boundaries of the Kebler Pass Trailhead and may not be offloaded at any parking space along Kebler Pass Road.
 - c. Use of Snowmobiles and OHVs and other over-the-snow vehicles at the Kebler Pass Trailhead shall carry all licenses or permits necessary under State and Federal law, and use of such vehicles shall comply with all Federal, State, and County law and regulations, including but not limited to those rules set forth in this Resolution.
7. Except as expressly set forth in this Resolution, the County reserves the right to suspend or revoke any permit issued pursuant to this Resolution for any reason, or no reason at all.
8. Any vehicle that fails to comply with the foregoing regulations may be deemed to be abandoned, or otherwise deemed to create an obstruction of a County Road, and towed or moved to the fullest extent permitted by law in order to address any abandonment or eliminate any obstruction.
9. This Resolution repeals and replaces all prior resolutions regarding this subject matter, including but not limited to Resolution No. 18-09. Such repeal shall have no effect on any action taken pursuant to such prior resolutions.
10. Nothing in this Resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incidental third-party beneficiaries.
11. All orders, instructions, motions and resolutions, or parts thereof, expressly inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This Resolution shall not be construed to revive or revise any motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.
12. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection,

paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

13. This Resolution shall take effect immediately upon its passage and approval, and shall remain in effect unless and until repealed or amended by subsequent Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the continued use of the Kebler Pass Winter Trailhead Management Plan Permitting System shall be and hereby is reaffirmed and ratified until a further resolution is adopted by the Board.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 1st day of October 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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