

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
April 6, 2021**

The April 6, 2021 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

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

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

**CALL TO ORDER:** Chairperson Houck called the Gunnison County Board of County Commissioners regular meeting to order at 8:31 am.

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

**MINUTES APPROVAL:** County Manager Matthew Birnie noted that the agenda had two errors in the title of the minutes for January 26 and March 23, as both showed a year date of 2020, which should have read 2021. Commissioner Houck found that all the minutes were correct within the portfolio that was presented for signing. With no changes noted by the Commissioners, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the meeting minutes as presented. Motion carried unanimously.

1. September 1, 2020 Regular Meeting
2. September 15, 2020 Regular Meeting
3. September 22, 2020 Special Meeting
4. October 6, 2020 Regular Meeting
5. October 27, 2020 Special Meeting
6. January 26, 2021 Regular Meeting
7. March 23, 2021 Special Meeting

**CONSENT AGENDA:** Commissioner Houck noted there were several items in the Consent Agenda this time, and asked if there was anything a Commissioner would like to see removed from the Consent Agenda, to be discussed separately. Commissioner Smith then requested that Item #11 be pulled for discussion, and it was **moved** by Commissioner Houck; seconded by Commissioner Smith to approve the Consent Agenda with the exception of Item #11, which was to be discussed separately.

1. Ratification of Correspondence: Senators Michael Bennet and John Hickenlooper; Crested Butte Postal Service
2. Contractor Agreement: Center for Mental Health: 01/01/2021 to 12/31/2021; \$11,000
3. Contractor Agreement: Gunnison Country Food Pantry: 01/01/2021 to 12/31/2021; \$5,850
4. Contractor Agreement: Gunnison Valley Animal Welfare League: 01/01/2021 to 12/31/2021; \$11,000
5. Contractor Agreement: Project Hope of Gunnison Valley: 01/01/2021 to 12/31/2021; \$10,000
6. Ratification of Signatures; Quit Claim Deed; Lots 18-24, Block 8, City of Gunnison, a/k/a 317 N. Spruce Street, Gunnison, Colorado
7. Acknowledgment of Appointment; Gunnison Sage-grouse Strategic Committee; Saguache County Appointment; Amber Wilson
8. Contractor Agreement; Gunnison Conservation District.; 01/01/2021 to 12/31/2021; \$5,000
9. Acknowledgment of County Manager Signature; Grant Application; Juvenile Services Department; Funding for Gunnison County Substance Abuse Prevention Project; reducing barriers to access services that support families and prevent substance misuse; \$50,000
10. Contractor Agreement; Six Points Evaluation and Training, Inc.; 01/01/2021 to 12/31/2021; \$12,000
11. Intergovernmental Agreement for Winter Road Maintenance; County of Montrose, State of Colorado; January 1, 2021 thru December 31, 2021
12. Gunnison County Operating Plan; Wildland Fire Management
13. Commercial Lease Agreement; Tom Anderson, d/b/a Beleza, Inc.; 711 S. 10th Street and 725 S. 10th Street, Units A, A-1, B, C and D, Gunnison, Colorado; April 1, 2021 thru March 31, 2022; \$600/Monthly
14. Acknowledgment of County Manager Signature; Gunnison County Human Resources Manager Employment Agreement; Cheryl Selging; Effective March 1, 2021; \$98,155/Annually
15. Lease Amendment Agreement; Russ Marshall, d/b/a Marshall Marine & Auto; 719 S. 10th Street, Gunnison, Colorado; Extension to 12:00 pm on August 31, 2021
16. Lease Amendment Agreement; Williams Drilling Co, Inc.; Extension to September 30, 2021
17. Off-Airport Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; San Miguel Ventures, LLC; December 1, 2020 thru November 30, 2021, Renewable for December 1, 2021 thru November 30, 2022
18. Crested Butte Center for the Arts Event Usage Agreement; Suicide Prevention Training; April 9, 2021 from 8am – 1pm
19. Grant Application; Colorado Department of Transportation; Gunnison County Substance Abuse Prevention Project (GCSAPP) Addressing Community Traffic Safety – Impaired Driving, Excessive Drinking and Community Norms Favorable Towards Substance Use

20. Public Service Grant Agreement; City of Gunnison, Colorado; January 1, 2021 thru December 31, 2021; \$20,000
21. Grant Application; Colorado Division of Homeland Security & Emergency Management; 2019 Emergency Management Performance Grant (EMPG); \$10,256
22. Grant Application; Town of Crested Butte; Gunnison-Hinsdale Early Childhood Council; Crested Butte Early Childhood Educator Stipend Program; \$4,000
23. Grant Application; Colorado Department of Public Health and Environment; Gunnison County Health Coalition; \$30,000
24. Commercial Lease Agreement; Tom Keating, d/b/a Keating Wood Floors, Inc.; 711 S. 10th Street and 725 S. 10th Street, Units A, A-1, B, C and D, Gunnison, Colorado; April 1, 2021 thru March 31, 2022; \$775/Monthly

**PULLED FOR DISCUSSION AND SEPARATE ACTION – Item #11. Intergovernmental Agreement for Winter Road Maintenance; County of Montrose, State of Colorado; January 1, 2021 thru December 31, 2021:** Deputy County Manager Marlene Crosby was present for questions. She noted that this agreement was previously approved by the Board, and when it was sent to Montrose County, they had wanted two changes which DCM Crosby felt were good edits. These were:

1. The agreement was now renewable without Board action, and
2. The agreement gained clarification of the traded services and routes of the involved parties

DCM Crosby then noted that she had added it to the consent agenda to make sure that the correct version was now on file at the County Attorney's Office. With this explanation of changes, it was **moved** by Commissioner Smith; seconded by Commissioner Mason to approve Consent Agenda Item #11 – Intergovernmental Agreement for Winter Road Maintenance; County of Montrose, State of Colorado; January 1, 2021 thru December 31, 2021 – with edits as presented. Motion carried unanimously.

**SCHEDULING:**

1. County Manager Birnie noted that the Board had been invited to the Annual U.S. Forest Service Fire Management Discussion, tentatively to be held at a Board Work Session on April 27<sup>th</sup> from 10:30 am to noon. He asked for their approval of this date and time, and the Board gave its assent.
2. County Attorney Hoyt advised the Board that the Town of Crested Butte's staff, the Gunnison Board of County Commissioners, and the County Attorney's staff would need to schedule a discussion regarding the Mount Emmons Mine. He recommended that this joint meeting would be held probably sometime in mid- to late-May, and wanted to let them know of his recommendation for this meeting, as well as the timing.

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie reported on the progress of several large projects.

1. Working on Agreement with Marble and the Forest Service. County Attorney Hoyt has reviewed and suggested a language addition, which they were waiting to hear back on.
2. Marble Town Council met and voted to contribute \$3,000 to the \$10,000 salary for a Protection Officer. Marble would then like to also be a cooperator on the agreement. CM Birnie was fine with this, and has let the Forest Service know about this change, which will take a little longer since it is a Federal agreement that has to be amended
3. Issued a Notice to Proceed last week; this is the final work authorization for the Library project. The groundbreaking will be held next Wednesday, April 14<sup>th</sup> at 4:00 pm.
4. Issued a Notice to Proceed April 5<sup>th</sup>, to Shaw Construction for the Airport project.
5. Got the boat ramp in at Shady Island last week, and this project is "looking fantastic."

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

1. A Resolution Delegating the Authority to Temporarily Close County Roads to the Gunnison County Public Works Director. Requested by Gunnison County Emergency Manager, Scott Morrill, and created in anticipation of heavy traffic on Kebler Pass – regarding what might need to be done to manage closing the roads there, due to an emergency event. County Attorney Matthew Hoyt further explained that this resolution formalizes what has basically been done in the past; clarifies that anyone who violates these road closures can be subject to criminal or traffic code penalties; and delegates temporary authority by the Board, to DCM Crosby, to close these roads in the case of emergency. DCM Crosby would deliver a report to the board about such closures, and the closures would be limited in duration without further Board action. Upon this explanation, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve Resolution #2021-6; Delegating the Authority to Temporarily Close County Roads to the Gunnison County Public Works Director. Motion carried unanimously.
2. In answer to requests to open Kebler Pass road early due to the Little Blue Project on Hwy 50. After reviewing various reasons why opening early would be harmful to the road and environment, DCM Crosby explained that they should proceed as usual, and proposed only opening portions early for significant road maintenance and heavy traffic preparation.
3. In answer to requests to do additional maintenance. DCM Crosby projected that they would get in to do their magnesium chloride maintenance as soon as they open – have the road prepped and ready for application prior to opening. DCM Crosby also reminded the Board that maintenance on

Kebler depends on water – they could not do the maintenance without it. Commissioner Mason asked, in regard to the maintenance, if DCM Crosby had any conversations with Colorado Department of Transportation (CDOT) about funds to help “shore up” this added maintenance due to the Little Blue Project and its impact on Kebler Pass road. She replied that she had approached both CDOT and the Federal Highway Administration. Their response was that they would not do anything proactively, which puts the County into a reactionary mode. Commissioner Houck noted that past documentation of road usage on Kebler, such as traffic counters and traffic pattern analysis, would help them compare any additional traffic this year, and would be useful in applying to CDOT and the Federal Highway Administration for aid. Commissioner Mason interjected that it would also be useful to have the Sheriff Department give information on what is happening on the Kebler Pass road over the season. The problem of oversize vehicle use on Kebler was also brought up by Commissioner Mason. DCM Crosby stated she had wanted to address this very issue, but suggested that due to the agenda’s tight schedule that day, she would ask for 15 minutes on the next week’s work session agenda to discuss it.

4. \$17,214.21 Grant Application for solar lights on the south end of Fairgrounds arena. DCM Crosby asked the Board’s permission to proceed in applying for this grant. Electricity is not an option at the arena’s south end – besides making a monthly expense, it would not be feasible to put it on the south end. Instead, they would like to mount poles, which they already have, in concrete and add six high-intensity solar lights to the south area where people load/unload horses, and 4-H practices.
5. Invitation to the BOCC to attend a retirement party for Robert Pettyjohn: DCM Crosby want the Board to know that it would be held Tuesday, April 13<sup>th</sup> at 1:00 pm, at the Fred Field Center.
6. Additional Commissioner comments: Commissioner Smith posed a question to DCM Crosby, regarding the Kebler Pass traffic expected this year, “There will be not just a volume of traffic, but a different type of traffic; how do you expect that to impact?” DCM Crosby relayed this was part of what she wants to discuss at next week’s work session.

**PUBLIC HEARINGS (2):** Commissioner Houck conducted each of the two Public Hearing independent of the other.

**1. Proposed Resolution and Adoption of International Residential Code, 2015 edition, Section N1102.4.1.2 Air Leakage Testing**

- a) Open of Public Hearing: Commissioner Houck opened the Public Hearing at 8:52 am.
- b) Public Notice Confirmation: Public Notice was confirmed by Gunnison County Building and Environmental Health Official, Crystal Lambert.
- c) Identify Ex Parte Communications: There were no ex parte communications identified.
- d) Staff Presentation: Crystal Lambert explained that, following up on a February Board of County Commissioners work session, they are presenting a resolution to adopt the 2015 code section for air leakage limits in new residential construction. She reported that they had gone through a work session and public hearing with the Planning Commission in December 2020 and January 2021, and they voted to recommend the adoption of this section of the International Residential Code.
- e) Applicant Presentation: N/A
- f) Board Questions: There were no questions from the Board.
- g) Public Comments: There were no public comments.
- h) Acknowledge Correspondence Received: There was no correspondence received.
- i) Applicant Response: N/A
- j) Close Public Hearing: Commissioner Houck closed the public hearing at 8:55 am.

**Moved** by Commissioner Mason, seconded by Commissioner Smith to adopt Resolution 2021-7, a Resolution Adopting Section N1102.4.1.2: Air Leakage Testing of the “International Residential Code,” 2015 Edition. Motion carried unanimously.

**2. Proposed Resolution and Adoption of International Residential Code, 2018 edition, Appendix Q: Tiny Houses**

- a) Open of Public Hearing: Commissioner Houck opened the Public Hearing at 8:56 am.
- b) Public Notice Confirmation: Public Notice was confirmed by Gunnison County Building and Environmental Health Official, Crystal Lambert.
- c) Identify Ex Parte Communications: There were no ex parte communications identified.
- d) Staff Presentation: Crystal Lambert explained that Community Development was following up on a February Board of County Commissioners work session, to propose a resolution to adopt Appendix Q of the 2018 edition of the residential code. Appendix Q is specifically for the design of Tiny Homes – houses under 400 sq. ft. floor area, not including the loft level – and facilitates the design and development of smaller spaces for residential purposes. She feels that there would be future customers who could use this aid in designing their small house.
- e) Applicant Presentation: N/A
- f) Board Questions: There were no questions from the Board.
- g) Public Comments: There were no public comments.
- h) Acknowledge Correspondence Received: There was no correspondence received.
- i) Applicant Response: N/A
- j) Close Public Hearing: Commissioner Houck closed the public hearing at 9:00 am.

**Moved** by Commissioner Smith, seconded by Commissioner Mason to adopt Resolution 2021-8, a Resolution Adopting Appendix Q: Tiny Houses of the "International Residential Code," 2018 Edition. Motion carried unanimously.

**LOT CLUSTER AGREEMENT AND DECLARATION; LOT 6, BLOCK 1 OF THE CHAIR MOUNTAIN RANCH SUBDIVISION AND PARCEL C - A PARCEL OF LAND IN T 11 S, R 8 W OF THE 6TH PM WITH THAT PORTION LYING EAST OF THE EAST BOUNDARY OF CHAIR MOUNTAIN RANCH SUBDIVISION AND RUNNING TO THE CENTER OF THE CRYSTAL RIVER AND BOUNDED BY THE EXTENSION OF THE SOUTH BOUNDARY LINE OF LOT 5 AND THE NORTH BOUNDARY LINE OF LOT 7, BLOCK 1, CHAIR MOUNTAIN RANCH SUBDIVISION; ROBERT RUSSELL ELLIS AND YVONNE MARIE ELLIS:** Presented by Administrative Services Manager Beth Baker. For consideration in the lot cluster agreement were two adjacent lots – one in Chair Mountain Ranch Subdivision and an adjacent lot that the owner refers to as Parcel C. The agreement was reviewed by the County Attorney's Office and Community Development Director; there is no Home Owner's Association; all utility companies had each approved their own part; taxes are current with no liens on the properties. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the lot cluster application and declaration of Lot 6, Block 1 of the Chair Mountain Ranch Subdivision and adjacent Parcel C, as presented. Motion carried unanimously.

**LOT CLUSTER AGREEMENT AND DECLARATION; LOTS 9-14 & 27-32, BLOCK 27, SCHOFIELD TOWNSITE; ADAM MASONBRINK:** Adam Masonbrink was in attendance via Zoom as Administrative Services Manager, Beth Baker presented this lot cluster agreement. For consideration in the lot cluster agreement were twelve adjacent lots in Block 27 of the Schofield Townsite. The agreement was reviewed by the County Attorney's Office and Community Development Director; there is no Home Owner's Association in Schofield; no utility companies to contact; taxes were current with no liens on the properties. **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the lot cluster application and declaration of Lots 9-14 & 27-32 of Block 27, Schofield Townsite, as presented. Motion carried unanimously.

**COMMISSIONER ITEMS:** With the meeting ahead of schedule, and presenters for the next item not yet in attendance, Commissioner Houck elected to move to Commissioner items at 9:05 am.

**Commissioner Mason:**

1. Attended the Mayors & Managers meeting held April 1, 2021. Crested Butte Mountain Resort (CBMR) hosted the event and gave a presentation, in which notable topics were:
  - a) CBMR will not have a reservation system for the 2021-22 season.
  - b) CBMR reduced its EPIC pass by 20 percent.
  - c) CBMR youth mountains sports are planned to be held this summer.
2. Library Groundbreaking ceremony will be held April 14, 2021. Everyone is invited.
3. April 12, 2021 will be beginning of actual CDOT closures on the US 50 Little Blue project.
  - a) To include two hours of closure in the morning; one hour of closure mid-day, and two hours' closure in late afternoon, plus full closures at night. Closures are tentatively in effect sometime up through November. After that, it will be back open during the Winter.
4. Attended a presentation by Public Health Director, Joni Reynolds, to elected officials on April 5, 2021. Statistics given during this presentation included:
  - a) 5,500 people are vaccinated, with either a single shot of the Johnson & Johnson, or 2 shots of the others.
  - b) By end of May 2021, there should be 10,000 people in the community with their full amount of vaccination shots. This should, potentially, move our COVID-19 risk rating into the green (A community that has fewer than one daily new case per 100,000 is green).

**Commissioner Smith:**

1. On April 5, 2021, both Commissioner Smith and Commissioner Mason attended a Recovery tour hosted by Governor Polis for local governments. This was to gather input and ideas from local government officials regarding how the stimulus funding can best be mobilized for recovery in order to build back a stronger Colorado. Several prominent issues included:
  - a) Early Childhood Education to support the workforce, allowing parents to get back to work. With this is the ability to retain our talented educators, especially in light of the pay disparity they have been experiencing when compared to K-12 teachers. Also considered was the need for affordability in childcare – trying to open up access to some of the Colorado programs for families who might not otherwise be able to afford to send their children to Early Childhood education programs.
  - b) Affordable Housing and Infrastructure (roads and bridges) were two more important issues looked at, as well.
  - c) Broadband was a key issue, with most people wanting a portion of the one-time stimulus money to go toward, especially among those in rural communities. One recent example: children in Marble were not able to attend remote school during the pandemic.
  - d) The State was also very interested in what can sustain long-term development. Commissioner Houck and the other Gunnison County Commissioners introduced the idea of interest-bearing

accounts and endowments that might be ways of continued funding beyond the one-time infusion of funds.

2. Attended a session hosted by Cathy Ritter of the Colorado Tourism Office. An innovative program introduced at the session involved helping event and catering types of businesses, who are still struggling to come back from the COVID-19 outbreak. The Tourism Office would supplement 10% to businesses who incentivize customer travel to Colorado – from large convention center conferences, to private gatherings like weddings. Already with a \$10M funding source, this could include more funding, if the Tourism Office does add on from the Federal stimulus.
  - a) Concerns brought up by Commissioner Smith at the session involved putting up “guard rails” to make sure that there would be a reasonable percentage of traditional lodging (an industry hardest hit by the COVID outbreak) who would benefit from this funding, not just short-term rental industry.
  - b) Additional concern was expressed in regard to giving incentive to people to come at the times when businesses are already at their peak season. Discussion ideas stressed trying to put in incentives in the times before and after peak seasons, when impact could be greater for the participating businesses.

**Commissioner Mason additions:**

5. Attended a Rural Transportation Authority (RTA) meeting on March 26. There was some good news. Summer airline service out of Houston will start July 1<sup>st</sup> and continue through September 6<sup>th</sup> – a daily plane of 76 seats, 12 of which are first class. United will also be running two flights daily out of Denver with planes of 50 seats each.
6. Attended the Crested Butte Town Council Meeting on April 5<sup>th</sup>, and Commissioner Mason wanted to let the Board know that the Town Council did vote to close the dump station in Crested Butte. Commissioner Houck noted that this has been on the front burner for discussion with the Sustainable Tourism and Outdoor Recreation Committee (STOR) and all the parties involved; in fact, they were to have a meeting on next April 13<sup>th</sup>. CM Birnie suggested that it might be better to not close the dump site, but to take down the signage out on Hwy 35 advertising it. Commissioner Mason added that, with the relatively short notice for closure, the it was his recommendation that the Board ask the Tourism and Prosperity Partnership (TAPP) to help get the message out for this season’s travelers, as to where available facilities will be located. Commissioner Houck added that he would also report back on the outcome at the STOR meeting.

**Commissioner Houck:**

1. Met with one of the Town of Pitkin Trustees. Topics included: Overview of successes and ongoing challenges; increased visitors and their impact; recreation infrastructure within the municipality of Pitkin. From this discussion, Commissioner Houck expressed his desired to attend Pitkin’s town meetings 2-3 times per year, especially in the summer months when a lot of the seasonal residents are also there.
2. Met with Scott Braden of Colorado Wildlands Project. Commissioner Houck has worked with Scott previously in Conservation Colorado supporting the work with sage grouse litigation in Gunnison County. As Colorado Wildlands is a conservation-oriented group which has been focused primarily on BLM lands in the Uncompahgre Plateau, Scott wanted to reconnect to let Commissioner Houck know that Colorado Wildlands is wanting to continue to work with BLM, Gunnison County, and the stock growers in supporting sage grouse habitat conservation through good stock grower and public land management in the Gunnison County area.
3. Serving on the Gunnison Basin Roundtable implementation plan sub-committee. Commissioner Houck reported they are finalizing some of the work plan; will give more updates when he does a House Bill 1177 update.
4. Attended the Little Blue – Colorado Department of Transportation meeting. Commissioner Houck was happy to see they are moving forward with the plan for two years; appreciate how they out their commitments working with ag producers, the timber industry, planning for sanitation and safety, connecting people who are in the queue, and also their thoughtfulness in minimizing the impact for people in the Arrowhead community. He also suggested Gunnison County and the Sheriff’s Department might help by giving public safety updates every two months throughout the project, in order to assist CDOT in making any needed adjustments. Commissioner Houck added that scheduled closures are to start on the 12<sup>th</sup> of April.
5. Attended the Sustainable Tourism and Outdoor Recreation (STOR) Committee meeting last Thursday, April 1<sup>st</sup>. Commissioner Houck wanted to note that during the meeting, Matt Reed of HCCA – High Country Conservation Advocates – asked if STOR could help manage some of the issues over in Marble. Commissioner Houck acknowledged that some of the difficulties for STOR include completely different forest, and different Colorado Parks & Wildlife (CPW), with management practices which were specific to that area. He then noted that when the Board met in Marble pre-pandemic, there was good progress in setting up Western Colorado University graduate students to help work on gathering information to address some of the area’s issues. Joe Lavorini, Gunnison County Stewardship Coordinator for the National Forest Foundation was also instrumental in helping show STOR a structure in which to set this up. County Manager Birnie noted that the Town of Marble is also stepping up to assist, and Commissioner Mason added there were a lot of people that wanted to pitch in to help, and he would have more to add to this at the end of the meeting, when time permitted.

6. Commissioner Houck has been asked to participate in a collaborative with the State Forestry Service, Forest Service, and Federal Land Management agencies over forest planning. This forest health initiative encompasses watershed health, forest health, and fire reduction and risk mitigation. He will be working closely with the State Forestry group in Gunnison over the next two years or so.
7. Keeping watch over the Gunnison Sage Grouse litigation. Commissioner Houck is checking in with both the legal team and stock growers, being prepared as this litigation moves forward.
8. Attended Colorado Counties, Inc. (CCI) Legislative meetings. Commissioner Houck reported they had been productive meetings last week, but that he had not been able to attend last Friday, April 2<sup>nd</sup>. He further noted that the Public Health Bill stipulating that County Commissioners not serve on Boards of Health, was significantly modified. Commissioners will be able to serve, but with a yearly training requirement added.
9. Board of County Commissioners attended a joint meeting April 2<sup>nd</sup>, with the Gunnison County Planning Commission and Community Development staff. Commissioner Houck thanked the Community Development staff for their strong support of the Planning Commission, and added that he felt they had covered a lot of good ground – in regards to policy direction from the Board, and in making sure the Planning Commission was empowered with the tools they need.
10. Attended a Value Leadership meeting last Wednesday, March 31<sup>st</sup>. Commissioner Houck shared that they are working very diligently on the economic recovery part of COVID.

**Amendment to Declaration of Protective Covenants of The McCormick Ranch Regarding Rentals; LUC-21-00008:** Presented by Senior Planner for Community Development, Hillary Seminick. Hillary stated that this amendment is a proposal to add a restriction to short-term rentals. The applicant has provided 100% of ownership, and has signed off on the approval; the Town of Crested Butte, also a party to the covenants, has signed off as well in early March. Lot 5 had recently changed ownership, and the new signature page was presented to the Board for consideration as well.

David Leinsdorf, legal representation for this item, was also present. Commissioner Houck asked Mr. Leinsdorf if there was anything he would like to present to the Board, that would be of interest to them as they moved forward on this issue. Mr. Leinsdorf stated that Hillary and the prepared packet were very clear, and he was present for any questions the Board might still have. With no questions from the Board, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve, pursuant to Section 12.6, the Declaration of Protective Covenants of The McCormick Ranch, the Amendment made that day, as presented by staff. Motion carried unanimously.

**Request for Stuplich Covenant Conservation Easement Interpretation; 24888 Highway 135, Crested Butte, Colorado; Villanueva Family Trust:** Presented by Senior Planner for Community Development, Hillary Seminick. A brief overview from Hillary outlined that the applicant wished to place a berm inside a conservation easement area, and Hillary asked the Board for direction, as there were no specifics within the conservation easement covenants stating whether or not a berm could be constructed. Concerns raised by staff concerning the construction of a berm included:

1. Visual impacts
2. Ability to continue agricultural activities near it when constructed

Recommendations made by staff — should the Board wish to support the addition of a berm — were in the packet provided, and included:

1. Amendment of the Conservation Easement to include the berm activity within this area
2. Dimensional and maintenance requirements'
3. Consideration of applicant proposed language
4. Design professional be used to construct the language
5. Staff have the ability to view and approve the construction of the berm, regardless of size
6. A watering plan be developed, and the applicant be able to demonstrate that there is adequate water supply in order to irrigate this additional element added to their property

Issues raised by the Board during discussion included:

1. What is the reasoning behind wanting the berm; i.e., is this for noise and visual barriers, etc.
2. Will the applicant be willing to invest in infrastructure to deliver water to the berm and bring it back to a natural state with native wild species of plants?
3. Have they made sure that the berm will not be constructed on a flood plain
4. Would a reclamation permit be necessary?

The Board wanted the above topics answered, and the owner revisited in order to make clear that these issues would be conditions to building the berm. After further discussion, it was decided to:

1. Move forward with further fact-finding
2. Revisit this with the applicant, and have a discussion whether or not the applicant can financially meet the changes needed
3. After consulting with owner to determine ability to meet staff concerns on maintenance/reclamation, revisit the issue with the Board and potentially draft an amended Conservation Easement
4. The Board also requested that the applicant be present when this item was again on the agenda

**Boundary Line Adjustment; Lots 3 and 4, Ohio Meadows Subdivision; Ramon and Renee Ray and James Talbot:** Presented by Senior Planner for Community Development, Rachel Sabbato. Rachel stated that James Talbot is the owner of Lot 4 and the Rays own Lot 3. Together, they had applied for

adjustment of the boundary between the two lots, with the Rays acquiring 1.8 acres. Rachel confirmed that Deputy County Attorney Emily Gaebler had reviewed and approved it; the taxes were up-to-date; and the HOA had also approved it. With no further questions, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the boundary line adjustment of Lots 3 and 4 in Ohio Meadows Subdivision, as presented, and authorize the chairperson to sign the plat. Motion carried unanimously. Commissioner Houck then signed the plat presented to the Board at the meeting.

**Public Hearing; Alley Vacation Request; Lots 6-13, Block 19, Irwin, Colorado; Justin and Tracy Williams Hastings:** Presented by Deputy County Manager Marlene Crosby.

1. Open of Public Hearing: Commissioner Houck opened the Public Hearing at 9:56 am.
2. Public Notice Confirmation: Public Notices in the newspapers were confirmed by DCM Crosby; however, she noted that letters were not sent to adjacent property owners; in addition, the lot cluster was not ready.
3. DCM Crosby asked to continue this Public Hearing at 8:50 am, April 20, 2021 – the date of the next Board of County Commissioners Regular Meeting. She noted that the lot cluster and resolution for the vacation should be ready by the April 20th meeting.

**Moved** by Commissioner Houck; seconded by Commissioner Smith, to continue the Public Hearing on the Alley Vacation Request for Justin and Tracy Williams Hastings, on April 20th at 8:50 am; when the Board will take up the matter again. With no further discussion, the motion carried unanimously.

**BREAK:** There was a short recess from 9:58 am to 10:02 am

**Appeal of Lot 7 and Lot 8, Block 9, Crested Butte South Filing 2 Decision:** Commissioner Houck opened the Appeal Hearing at 10:02 am, and identified those present – either in person or on Zoom meeting – as: the appellants Andy Tyzzer, Susan Tyzzer, Craig Maestro, Pam Maestro, Alison White, Tim White, Jean Bell-Dumas, Norman Dumas, Rodney Morrill, Catherine Morrill; representative for the appellants, Attorney Nancy Essex; representative for the applicant South Butte LLC, Brian Moreland; and Manager for Crested Butte South Property Owner Association (POA), Dom Eymere. Also present were Deputy County Attorney (DCA) Emilee Gaebler, and Community Development Director (CDD), Cathie Pagano.

1. Commissioner Houck outlined that the appeal was filed in December 2020, following a decision made by Director of Community Development, Cathie Pagano, wherein she upheld the approval of an application for two duplexes in Crested Butte South. Commissioner Houck also identified the appeal as being pursuant to two different pieces:
  - a) The Crested Butte South's Special Area of Regulations, Section 109-A2, and the
  - b) Applicable Appeal Procedures of the Land Use Regulations (LUR), Section 8-103
2. Public Notice on the Appeal Hearing, pursuant to LUR Section 8-103 C2a, was confirmed by Community Development Director, Cathie Pagano.
3. Identify Ex Parte Communications: Commissioner Mason identified several occasions where he had discussed this matter – two separate discussions with Andy Tyzzer in August to September of 2020; once during a phone call from Attorney Essex on January 6, 2021, wherein she requested moving the appeal from Cathie Pagano's office to the Commissioners'; and on another occasion when he discussed the matter with Craig Maestro. Due to these Ex Parte conversations and upon the counsel of Deputy County Attorney Emilee Gaebler, Commissioner Mason recused himself from the proceedings, and did leave the room.
4. A decision needed to be made by Commissioner Houck and Smith, pursuant to LUR Section 8-103 C2c, as to whether the appeal needed to continue as a public hearing or as a review of records. When asked, Deputy County Attorney Emilee Gaebler advised that the standard for a public hearing could not be met, as there was no additional testimony or new documentation to be presented at this meeting. Therefore, it was **moved** by Commissioner Smith, seconded by Commissioner Houck, to proceed as a review of the records only, with no public hearing, as laid out in the LUR Section 8-103 C2c. Motion passed unanimously.
5. Commissioner Houck introduced the records review by stating that they would hear from both the appellants and the applicant. After consultation with Deputy Attorney Gaebler, Commissioner Houck stipulated that a reasonable amount of time for each side's presentation would be 15 minutes. Commissioner Houck emphasized that both sides would be able to use any portion up to this time limit, with each side's amount of time noted, and the topic directed back on target, if need be. When DA Gaebler was asked to outline what the Commissioners role should be in ruling on the appeal, she outlined that, according to the 2008 Crested Butte South's Special Area of Regulations, Section 109-A2, the Board of County Commissioners shall not overturn the decision of the POA unless there is no credible evidence in the written record of the POA to support the final decision.
6. Presentation by Attorney Nancy Essex. She represented eight appellants who are owners of five lots – three of these lots are adjacent to the lots under consideration; one is in the general neighborhood; and one is across the street. Attorney Essex asked for her time to be split for later rebuttal time; however, Commissioner Houck denied this, advising her that it was a review of the records only, so there would be no back and forth – just a presentation of each side's position. Attorney Essex position highlights included:
  - a) The two lots in question were identified as being at the corner of Blackstock and Cement Creek – the final building approval was for a duplex – one part on each of the lots, both owned by one owner, with a joint driveway going down the lot line and accessing Cement Creek Road.

- b) With both Andy Tyzzer and Craig Maestro identified as being present in the Board room, Attorney Essex noted that there were accusations claiming the appeal was driven solely by Mr. Tyzzer, who doesn't want building on the lots because they are in the view corridor from the back of his house. She stressed that nothing in the record supported this, and that he was not the only appellant.
- c) Attorney Essex highlighted that opposition to the development of the two lots was based on the numerous ways there had been a failure to follow the applicable rules and covenants – by the Design Review Committee who approved building on one of the lots before any variance was allowed; by the POA Board who did not have the necessary evidence to meet the findings necessary to grant a variance; and by CDD Cathie Pagano who stated in the December 9<sup>th</sup>, 2020 meeting that she assumed such findings had been made. Attorney Essex stressed that:
  - i. It was clear in this case that a variance was required; otherwise the requirement was to build a driveway no closer than 10 feet from the lot edge.
  - ii. Crested Butte South Design Regulation Guidelines state that, if you need a variance for your application, that has to be submitted first. No such application was made before the design review proceedings.
- d) Attorney Essex also referred to Design Review Guidelines Section 1.1. These guidelines outline very specific reasons which must be met for granting a variance. They state that before the Board of Directors can grant a variance, the applicant must prove a physical hardship and the POA Board must find the following:
  - i. special circumstances which would substantially restrict the effectiveness of the development,
  - ii. that the special circumstances were not created by the applicant,
  - iii. that the granting of the variance will be in general harmony with the purposes of the CB South rules, and will not be materially detrimental to persons residing or working in the vicinity or to adjacent property, and
  - iv. the variance applied for does not depart from the provisions of the CB South rules and regulations, any more than required.

Attorney Essex asserted that the POA Board, when considering the application for a variance, did not even refer to the requirements, nor make a finding of evidence to support the findings.

- e) Attorney Essex stated that the Developer had asserted that they could not have a driveway opening on to Blackstock because the Design Review Committee would not allow that. She points to minutes from the Design Review committee meeting which show this was never stated, nor did they vote not to approve an application with a driveway going onto Blackstock. Instead, she asserts that the record shows that the developer went to Public Works with a joint driveway proposal, and that Public Works said that they would approve the proposal. Public Works never stated that this was the only way that access could be configured, going on to Cement Creek.
  - f) Attorney Essex asserted there was evidence that the variance is a hardship created by the applicant, because the developer had not pursued a plan to have one driveway exit onto Blackstock and one onto Cement Creek. She pointed out that:
    - i. Prior testimony from appellant Pam Maestro showed that the joint driveways, with as many as twelve cars, would be shining lights directly onto the Maestro's house.
    - ii. Review of process reveals that there has been no following of the rules for obtaining a variance, nor a sincere effort by the POA Board or Community Development Director, Cathie Pagano, to show that there has been a following of the rules.
  - g) Attorney Essex granted the rest of her time to appellant Andy Tyzzer. He emphasized that there was no reason why the driveways had to be configured together down the lot line; that the regulations for a variance stipulated that any variance could not be materially detrimental, affecting the surrounding neighborhood or adjacent properties in a negative manner. Mr. Tyzzer cited minutes from the POA Board meeting of 9/9/20, which had discussed the problem of lights shining into the Maestro's residence. He stated that the POA Board had suggested increasing the vegetation around the Maestro's house; they did not disagree that the variance would be an issue with the lights.
7. Presentation by the representative for the applicant, South Butte LLC, Brian Moreland. Commissioner Houck asked for the record to reflect that, because the appellants took 16-1/2 minutes, then he would give the same amount of time to the applicant. Mr. Moreland started by asking for clarification on whether the Board was looking at the procedural issues, or the whole project. Commissioner Houck then asked Deputy County Manager Emilee Gaebler to clarify. She explained that they were looking at the record of the decision made by the POA – did the POA have facts, did they base their decision on facts, and did these facts show in the record. With this explanation, Brian Moreland stated that he tried to follow all the procedures according to every meeting he had with the representatives on the County government and POA Board. These both told him he had no more requirements that he needed to submit. He explained that he did submit a variance request, and that the Commissioners did have this in their packet for review. Mr. Moreland disclosed that he spent over \$300,000 more than expected by following the guidelines and meeting the requirements of the POA Board. Specifically, he did have the Design Review Committee tell him they would not approve his project unless he went to the County to have his entrance off of Cement Creek. He also stressed that he was told he could only have one driveway off of Cement Creek, not just one cut, as Mr. Tyzzer had mentioned. In closing, Mr. Moreland added

that the last delays of the project, due to the numerous appeals, had cost him over \$140,000, and that he feels this has been an abuse of the appeals process, but he appreciated the Board of County Commissioners and thanked them for their time.

Commissioner Houck then asked if the Board had any questions for either the applicant or the appellant. DCA Emilee Gaebler directed them to the records and asked that they consider the minutes of 10/7 and 9/9, making sure they address whether or not there are facts in the records which support the decision of the POA Board. Commissioner Smith asked about the special circumstances that brought about the variance. DCA Gaebler advised her that it was not the Board's job to decide whether or not a variance was met, but rather to look at the records and see if the POA did look at those factors when they were considering their decision to grant a variance.

Upon this direction from DCA Gaebler, and with no further questions from the Board, it was **moved** by Commissioner Houck, seconded by Commissioner Smith, to close the appeal hearing, argument of the record. Motion carried unanimously.

Commissioner Houck opened the meeting to Board discussion of the hearing, adding a reminder to focus on standard of review and criteria laid out earlier by DCA Gaebler, in order to determine if there was credible reason to support the POA Board's approval of the project.

After discussion by both Commissioners Smith and Houck – noting that they had both extensively studied the provided records – it was **moved** by Commissioner Houck, seconded by Commissioner Smith that the Board of County Commissioners found there was creditable evidence in the record that supported the POA's decisions, and therefore, they would deny the appeal and affirm the decisions made by CDD Cathie Pagano and the POA Board, based on the record review they conducted that day. Motion carried unanimously.

**BREAK:** The meeting recessed from 10:48 a.m. to 10:51 a.m. Commissioner Mason then re-joined the meeting after the break.

**SUPPORT FOR COLORADO RIVER DISTRICT PARTNERSHIP PROJECT FUNDING PROGRAM APPLICATION; CIMARRON CANAL AND RESERVOIR COMPANY; FISH CREEK RESERVOIR #2 REPAIR AND CONSERVATION PROJECT:** Commissioner Houck noted that, in order to get funding, these types of projects require the support of the County in which the project will take place. With no questions from the Board, and all Commissioners adding their support, it was **moved** by Commissioner Houck, seconded by Commissioner Smith, to support the Colorado River District Partnership Funding Program Application for Cimarron Canal and Reservoir Company, for the Fish Creek Reservoir #2 repair and conservation project, and that a letter of support would then be prepared with the authorized signatures of the full Board added to the letter of support. Motion carried unanimously.

**COMMISSIONER ITEMS (cont'd):** Commissioner Houck switched the order of the agenda to see if there was anything left to add to the Commissioner Item topics. Commissioner Mason commented that he will be attending a Marble committee meeting that afternoon, and also on the 13<sup>th</sup> of April, and that he was looking forward to connecting and working with the Marble group in the meetings.

**UNSCHEDULED CITIZENS:** There were no unscheduled citizens present for discussion, either remotely, via Zoom, or in the Board meeting room.

Commissioner Houck recessed the regular meeting at 10:56 a.m., in order to go in to an executive session.

**EXECUTIVE SESSION, PURSUANT TO C.R.S. §24-6-402 (4) (E) (I), FOR THE PURPOSE OF RECEIVING ATTORNEY-CLIENT PRIVILEGED LEGAL ADVICE, DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING NEGOTIATORS, AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS RELATED TO A POTENTIAL PROPERTY INTEREST LOCATED IN GUNNISON COUNTY:** Commissioner Houck **moved** to go into Executive Session, pursuant to C.R.S. §24-6-402 (4) (e) (I), for the purpose of receiving attorney-client privileged legal advice, developing strategy for negotiations and instructing negotiators, and determining positions relative to matters that may be subject to negotiations related to a potential property interest located in Gunnison County. The participants in the Executive Session were the full Board of County Commissioners, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Deputy County Attorney Emilee Gaebler. Commissioner Smith seconded the motion, and the motion was carried unanimously.

The Board went into executive session at 10:57 a.m. The executive session was held in the Administration Meeting Room, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4) (E) (I).*

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

Upon returning to the meeting room, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic. Commissioner Mason seconded the motion, and the motion carried unanimously.

Commissioner Houck adjourned the Executive Session at 11:23 am.

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

**RECONVENE:** At 11:23 am, Commissioner Houck reconvened the Gunnison County Board of County Commissioners Regular Meeting.

Chairperson Houck then **moved** to have County Manager Matthew Birnie negotiate, obtain proper financing, prepare and execute appropriate documentation for purchase of property interests in Gunnison County. Commissioner Smith seconded the motion; the motion carried unanimously.

**ADJOURN:** It was **moved** by Commissioner Houck, seconded by Commissioner Smith, to adjourn the Gunnison County Board of Commissioners Regular Meeting. Motion carried unanimously. The meeting adjourned as the Gunnison County Board of County Commissioners at 11:24 am.

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT (LMD):**

**CALL TO ORDER:** Chairperson Houck called the meeting to order as the Gunnison River Valley Local Marketing District at 11:24 am.

**FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT ON FUNDING; GUNNISON-CRESTED BUTTE TOURISM ASSOCIATION; INCREASE TO \$2,390,590.51:** Commissioner Houck introduced John Norton, Executive Director for the Tourism and Prosperity (TAPP) Board, asking what plans they initially had in the original budget, and what was planned for the additional funds requested.

John Norton noted that it was highly unusual to be off on a yearly budget by even one percent, but noted that lodging sales percentages were up considerably last year, giving them a surplus of \$350,000 for the budget. Commissioner Houck noted that he saw in the proposal additional support for ICELab, the Sustainable Tourism & Outdoor Recreation (STOR) Committee projects, and also for improving the arrival experience at the Gunnison-Crested Butte Regional Airport. He asked the Board of Commissioners if they had any questions regarding the projects listed in the budget.

Commissioner Smith asked about snow marketing – what would the money be utilized for in “place making?” John Norton deferred to TAPP member, Bill Ronai, who explained that two elements were included here: one was updating the downtown wall and small park to emphasize what is going on in Gunnison, particularly with biking added; and the other was in improving the arrival experience at the airport. He mentioned that he wanted to work with the Board as well as the City of Gunnison on these projects.

Commissioner Houck added that the airport was a great opportunity to add directional, streetscape, and landscape signage which would help new arrivals get a sense of what can be experienced in the area, upon arrival. He mentioned that they could work through the process much as they have before, and if there are roadblocks, to stop and discuss; he did not want the Board to be micromanagers, but instead wanted to be sure they gave the LMD clear expectations and direction with which to proceed.

County Manager Birnie added that much of this would be for future planning and dialogue, but that there would be ample opportunities at the airport for an enhanced experience.

Commissioner Smith asked John Norton if there had been any dialogue with the City in helping to make the mural design cohesive with other design projects planned for the area. He replied that they have been in contact and they have agreed that a "trails message" is completely appropriate for Gunnison.

Commissioner Mason added that the design at the airport and the other projects must highlight the opportunities unique to this destination. John Norton assured him that the LMD would not operate in a "silo," announce the results, and then begin to install anything. He assured Commissioner Mason that they would be working hand in hand with the Board of Commissioners and with the City as well.

Commissioner Smith expressed surprised that the focus of the mural was already decided. She added that more public input is a better process – that people would want a say in what the murals say about the community, collectively.

With no further discussion, Commissioner Houck **moved** to approve the First Amendment to Memorandum of Agreement of funding, between the Gunnison River Valley Local Marketing District (LMD) Board and the Tourism and Prosperity Partnership (TAPP), as outlined in the document included in that day's packet. Seconded by Commissioner Mason. Commissioner Smith inserted that she is approving this with the expectation and trust that they would move forward with TAPP in a relationship that incorporates the community voice into decisions made. Motion carried unanimously.

**ADJOURN: Moved** by Commissioner Houck, seconded by Commissioner Mason, to adjourn the meeting as the Gunnison River Valley Local Marketing District. Motion carried unanimously. The meeting adjourned as the Gunnison River Valley Local Marketing District at 11:47 am.

\_\_\_\_\_  
Jonathan Houck, Chairperson

\_\_\_\_\_  
Roland Mason, Vice-Chairperson

\_\_\_\_\_  
Liz Smith, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Melanie Bollig, Deputy County Clerk

Attest:

\_\_\_\_\_  
Kathy Simillion, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

**RESOLUTION NO: 2021 – 6**

A RESOLUTION DELEGATING THE AUTHORITY TO TEMPORARILY CLOSE COUNTY ROADS TO THE GUNNISON COUNTY PUBLIC WORKS DIRECTOR

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (hereinafter the "Board") has the legal authority to regulate and control the use of certain highways and roads in Gunnison County, Colorado;

WHEREAS, pursuant to C.R.S. § 42-4-106 the Board has the authority to prohibit the operation of vehicles and to impose restrictions as to the weight of vehicles operated upon highways under the Board’s jurisdiction for a period not to exceed ninety (90) days in any one calendar year;

WHEREAS, pursuant to C.R.S. § 42-4-111 the Board has the authority to adopt regulations as may be necessary to cover special conditions and close a county road or portions of it temporarily;

WHEREAS, C.R.S. § 30-11-107(1)(h) provides the Board of County Commissioners with the authority to “lay out, alter, or discontinue any road running into or through such county and also to perform such other duties respecting roads as may be required by law[;]”

WHEREAS, the County has broad powers to regulate public roads over which it has jurisdiction. *Bd. of County Commr’s of County of Logan v. Vandemoer*, 205 P.3d 423,426 (Colo. App. 2008);

WHEREAS, the Board of County Commissioners is “vested with reasonable discretion as to the modes and methods by which it may exercise the power . . . .[of] laying out, altering or discontinuing roads.” *Switzer v. Bd. of County Comm’rs*, 203 P. 680, 681 (Colo. 1922);

WHEREAS, unforeseen events or acts of God can require the immediate need to close county roads to protect the health and safety of the traveling public, including avalanche danger, flooding, geologic failure, motor vehicle accident, bridge failure, excessive wind damage, or adverse weather conditions;

WHEREAS, the County Public Works Director may need to act immediately to close a road and exigent or emergency circumstances would prevent action by this Board to do so;

WHEREAS, due to the foregoing, the Board desires to delegate its authority to close roads on a temporary basis to the Gunnison County Director of Public Works;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to its authority, the Board hereby delegates to the Gunnison County Director of Public Works the authority to temporarily close Gunnison County roads for a period of no more than five (5) days without the express authorization of the Board by duly enacted resolution to protect the health, safety and welfare of the traveling public.

RESOLVED that the Board directs the Gunnison County Director of Public Works to post such signage and traffic control devices that in her discretion she deems necessary to warn, control or guide the public on or around such road closures pursuant to all Federal, state and local law and rule.

RESOLVED that no less than annually the Gunnison County Director of Public Works shall report to the Board the location, reasons and length of any closures pursuant to this Resolution.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 6th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

**RESOLUTION NO: 2021 – 7**

A RESOLUTION ADOPTING SECTION N1102.4.1.2:  
AIR LEAKAGE TESTING OF THE “INTERNATIONAL RESIDENTIAL CODE,” 2015 EDITION

WHEREAS, pursuant to C.R.S. §38-28-201, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (herein the “Board”) previously adopted the “International Residential Code”, 2015 edition with amendments in Resolution No: 17-23; and

WHEREAS, Resolution No: 17-23, adopted Section N1102.4.1.2 with an amendment deleting the requirement to achieve less than an air leakage rate limit in order to provide time to collect feedback from homeowners and contractors about the air leakage testing, to collect information about typical air leakage rates for various types of structures, and to allow time for the local building industry to advance processes and skills to build tighter envelopes; and

WHEREAS, the Board has reviewed the air leakage test results collected since 2018 on new residential construction projects which indicates that air leakage can be limited to within the threshold provided in Section N1102.4.1.2 of the “International Residential Code,” 2015 edition; and

WHEREAS, the Board has determined that adoption of Section N1102.4.1.2 of the "International Residential Code," 2015 edition without amendment establishes a minimum standard of quality regarding air tightness which increases the performance of structures, reduces uncontrolled air infiltration, reduces the energy demand for heating and cooling, increases the comfort level of occupants, and reduces greenhouse gas emissions in Gunnison County; and

WHEREAS, the Gunnison County Planning Commission has reviewed and recommended to the Board adoption of Section N1102.4.1.2 of the "International Residential Code", 2015 edition without amendment; and

WHEREAS, a public hearing on this matter was held by the Board on the 6th day of April, 2021; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Section N1102.4.1.2: Air Leakage Testing of the "International Residential Code," 2015 edition is hereby adopted without amendment for the unincorporated area of Gunnison County

The previously adopted and amended Section N1102.4.1.2: Air Leakage Testing of the "International Residential Code", 2015 edition, as adopted in Resolution No: 17-23, shall be superseded effective immediately.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 6th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

**RESOLUTION NO: 2021 – 8**

A RESOLUTION ADOPTING APPENDIX Q:  
TINY HOUSES OF THE "INTERNATIONAL RESIDENTIAL CODE," 2018 EDITION

WHEREAS, pursuant to C.R.S. §38-28-201, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") previously adopted the "International Residential Code", 2015 edition with amendments in Resolution No: 17-23; and

WHEREAS, the "International Residential Code", 2018 edition includes Appendix Q: Tiny Houses concerning specific building codes as they apply to residential dwellings that are 400 square feet in floor area or less; and

WHEREAS, the Board has reviewed Appendix Q: Tiny Houses of the "International Residential Code," 2018 edition; and

WHEREAS, the Board has determined that adoption of Appendix Q: Tiny Houses of the "International Residential Code," 2018 edition establishes certain building code standards that can be helpful for the design and planning of small dwellings, 400 square feet in floor area or less, when used along with the remainder of the adopted "International Residential Code" in Gunnison County; and

WHEREAS, the Gunnison County Planning Commission has reviewed and recommended to the Board adoption of Appendix Q: Tiny Houses of the "International Residential Code", 2018 edition; and

WHEREAS, a public hearing on this matter was held by the Board on the 6th day of April, 2021; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Appendix Q: Tiny Houses of the "International Residential Code," 2018 edition is hereby adopted for the unincorporated area of Gunnison County

The previously adopted and amended "International Residential Code", 2015 edition, as adopted in Resolution No: 17-23, will continue concurrently with this Appendix.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 6th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY

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