

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
May 18, 2021**

The May 18, 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 meeting to order at 8:30 am.

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

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

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

1. Application and Contract Schedule; Gerber Life Insurance Company; Excess Loss Insurance; Specific Deductible per person - \$50,000; 1/1/2021 to 12/31/2021
2. Contractor Agreement; Omni Institute; Bridges Out of Poverty Training Services; 4/28/2021 thru 6/30/2021; not to exceed \$2,842.50
3. Letter of Support for Funding a Conservation Technician / Wildlife Biologist, District Manager; Conservation Partners Program Grant Review Team, National Fish and Wildlife Foundation; Gunnison Conservation District
4. Ratification of Correspondence; Community Foundation of the Gunnison Valley (CFGV); Support for Pilot Program Collaboration; Habitat for Humanity of Gunnison Valley (HfHGV) and Colharbour Institute (CI)
5. Letter of Support; White River National Forest Acquisition of 48.5-Acre Parcel Adjacent to the Town of Marble
6. Ratification of Signature; Amended Grant Agreement; Colorado Department of Public Health and Environment (CDPHE); Gunnison County Department of Health and Human Services; 7/1/2021 to 6/30/2022; \$222,342
7. Letter of Support; Forest Restoration & Wildfire Risk Mitigation Grant Application; Colorado State Forest Service; National Forest Foundation
8. Service Agreement; Colorado Department of Human Services; Gunnison County Sheriff's Department; For Substance Abuse and Mental Health Treatment in the Gunnison County Jail; 7/1/2021 to 6/30/2022; \$115,000
9. Contract Agreement; State of Colorado Department of Human Services; TALX Corporation; For Equifax Verification Services; 6/1/2021 to 5/31/2022; \$849.62
10. Contractor Agreement; Kit Carson Tiling LLC; Ceramic Tile Installation; \$13,805

**VOUCHERS AND TRANSFERS APPROVAL:** CFO Juan Guerra and Senior Accountant Kelly Weak were available in person for the Vouchers and Transfers reports.

1. Accounts Payable Report – May 2021: With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the voucher report as presented, in the amount of \$3,043,120.56. Motion carried unanimously.
2. Cash Transfer Report - April 2021: With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the cash transfer in the amount of \$4,161,601.95. Motion carried unanimously.
3. Sales Tax and Local Marketing District Tax Reports - March 2021
4. Purchase Card Report – February 2021

**TREASURER'S REPORT APPROVAL:** County Treasurer Debbie Dunbar presented the Treasurer's Report. With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to accept the Treasurer's report and authorize the Chairperson's signature. Motion carried unanimously.

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie asked for direction from the Board on two issues.

1. Letter of support for a broadband feasibility report. CM Birnie wanted the Board's approval before signing the go ahead on this report. Commissioner Mason explained that he would be discussing the capability of this rural connection at a Region 10 meeting on Thursday, May 20<sup>th</sup>. The rest of the Board said they would support whatever decision Commissioner Mason made upon this review.
2. Permission to enter County property for a wetlands study. Chairperson Houck noted that it would be carried out at the foot of "W" Mountain, outside of the fenced area around the airport. The Board did not see any red flags or have any objections; however, they directed CM Birnie to also check with airport manager, Rick Lamport. CM Birnie added that he would ask County Attorney Matthew Hoyt to

review the contract language, as well, before signing. The Board then approved the signing, contingent on approval from the AM Rick Lamport and CA Matthew Hoyt.

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

1. Cottonwood Pass – DCM Crosby stated that the blowers should make it to the top that day. She reminded the Board that this would only be one narrow swath following the yellow line. Up toward the top was around 12 feet of snow, a little less than last year. The planned opening for Cottonwood was still to be on the Thursday night or Friday before Memorial Day weekend.
2. Kebler Pass – DCM Crosby reported that Kebler's roads were pretty well melted out, and their condition was muddy and soft. Crews were currently busy doing minor widening and gravel maintenance. She added that they could tell the traffic was coming, as crews were seeing barriers being moved. When asked by Chairperson Houck how the culvert cleaning was proceeding, DCM Crosby replied that they had not gotten to that yet; they had only just gotten in to begin the maintenance so far.
3. Dos Rios water line extensions – DCM Crosby explained that all five extensions were complete and tied onto Dos Rios water; the last 10% was difficult to accomplish. There was some private landscaping going on in the last 3 or 4 residences which was making it difficult to totally finish.

**REVISED RESOLUTION; A RESOLUTION AUTHORIZING TEMPORARY WEIGHT AND LENGTH RESTRICTIONS FOR A PORTION OF COUNTY ROAD 12 ALSO KNOWN AS KEBLER PASS ROAD:**

This resolution's approval process was carried over from the BOCC's May 4<sup>th</sup> regular meeting, as Deputy County Manager Marlene Crosby had discovered there was a need to add an agricultural provision. She presented this revision.

1. Companies that hauled livestock – DCM Crosby explained that the phrase "hauling livestock to summer pastures" was the wording she added to the resolution in order to exempt both private owners hauling cattle to their private land, as well as companies that were hauling livestock to grazing allotments. She also clarified for Commissioner Mason the term, "triple" as referring to vehicles hauling two items behind them; i.e., an RV hauling a boat and a Jeep, and added that this was a term which those who were hauling items would definitely be familiar with.

**Moved** by Commissioner Smith, seconded by Commissioner Mason to adopt Resolution 2021-11, A Resolution Authorizing Temporary Weight and Length Restrictions for a Portion of County Road 12 Also Known as Kebler Pass Road. Motion carried unanimously.

**CHANGE OF AGENDA:** As they were ahead of time on the agenda, Chairperson Houck elected to move to Commissioner Items until the allotted time of 9:05 am for the next agenda item.

**COMMISSIONER ITEMS:**

**Commissioner Smith**

1. Outreach to people in Marble concerning upcoming revised resolution. Commissioner Smith revealed she had been doing a lot of communicating with residents in Marble – talking with them regarding the Board's efforts and listening as they related their experiences to her. She added that she had also had good conversations with Kevin Warner and Shelly Grail, both with the White River National Forest, clarifying what data the County would need to be collecting this summer.
2. Attended a Deconstructing Equity Workshop, facilitated by the Library and Community Foundation of the Gunnison Valley. Commissioner Smith stated that this was a well-attended and very productive workshop, with great ideas put forward on topics like housing and health equity. She and Lauren Kugler from the Community Foundation also co-facilitated a conversation on health equity with the Health Coalition of the Gunnison Valley. Commissioner Smith revealed that the Community Foundation has \$80,000 for projects targeting diversity and equity inclusion in the Valley, and that she was looking forward to seeing what comes of the proposals which the Community Foundation will be receiving.

**Commissioner Mason**

1. Working on the Marble resolution; talking with Marble residents and the Forest Service. Commissioner Mason met with several individuals from Marble, and also arranged a meeting with Kevin Warner and Shelly Grail of the White River National Forest. The three discussed how best to work on longer term solutions; i.e., getting a facilitator to start identifying the big problems, and then suggesting ways to solve them. Commissioner Mason is hoping a facilitation piece will help get the land partners and public to work together toward tangible, specific answers.
2. The transportation bill that Commissioner Mason had been working on with Counties & Commissioners Acting Together (CCAT) passed the Senate May 17th.
3. Attended the Gunnison Valley RTA meeting. They put out a Request for Proposal for a bus barn facility to be built in Crested Butte. As a result, there were four proposals received to go over, and Commissioner Mason will be looking over those proposals to help select a contractor. A senior mini-van will be purchased very soon, helping them get to Montrose and Grand Junction areas.
4. Received first call about an issue with the Hwy 50 road closure (Little Blue Project). Commissioner Mason explained that the call was from someone who just missed getting through, but they got there 15 minutes early – at 8:15 am, when it was supposed to close at 8:30 am. Commissioner Mason did contact the Public Information Officer at CDOT and learned that anyone going through the Little Blue

project should plan to get there at least 30 minutes before the closure time, and into July and August, they should plan to be there at least 45 minutes earlier.

**Commissioner Houck:**

1. Commissioner Houck sent feedback to Colorado Legislature Senator Donovan, as well as Representatives McCluskie and McLachlan, regarding the transportation bill about to pass through the Senate. In his feedback, he stressed that this bill might be one of the last chances at a true statewide transportation bill, one that serves the entire state, and not just the I-70 corridor and I-25 interstates. Chairperson Houck requested that his fellow commissioners, and also DCM Crosby, try and reach out to the local municipalities, asking them to also get involved in letting their representatives know they support this transportation bill.
2. Tour of the Jail last Tuesday, May 11<sup>th</sup>. Chairperson Houck thanked Jail Captain Adam Murdie for his work at the jail and expressed the Board's appreciation for the tour and the information they gleaned from it.
3. Visited Shady Island River Park last Tuesday, May 11<sup>th</sup>. The Board did a site tour last week of the County's new River Park, and Chairperson Houck asked DCM Crosby to express his thanks to the Public Works Department for the work done there. He highlighted such improvements as recycled asphalt paving, culvert work, concrete boat ramp addition, rock work protecting infrastructure in the river, and the conservation of trees.
4. Joined a Grand Mesa Uncompahgre and Gunnison (GMUG) National Forest Service phone meeting yesterday, May 17<sup>th</sup>, with all member counties participating. Chairperson Houck reminded the Board that GMUG is working on a full forest plan revision. COVID had slowed down the process, but they were now anticipating an end-of-summer draft of the revised plan. Chairperson Houck added that the Forest Service would, hopefully in the Fall, be going to onsite and remote town hall meetings in forest communities connected to the GMUG in order to introduce the plan to the public.
5. Attended the Gunnison Basin Roundtable meeting last night, May 17<sup>th</sup>. Chairperson Houck revealed the focus of the meeting centered on funding and projects to help with water conservation. One of the projects approved for funding through the Roundtable involved upgrades to the outlet at Lake Irwin.
6. Commission Mason and Chairperson Houck were also available last evening at the Crested Butte Town Council meeting. – Chairperson Houck revealed that the Town decided to re-open the RV dump station, with a two-year sunset stipulation. During this time, the Town's community partners – the Sustainable Tourism and Outdoor Recreation (STOR) Committee, Gunnison County BOCC, and the Forest Service, among others – will be collaborating to see what can be done to facilitate a dump station.

**REVISED RESOLUTION; A RESOLUTION REPEALING RESOLUTION NO. 18-14 AND AUTHORIZING ATV, OHV, AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3:**  
Deputy County Manager Marlene Crosby was present to answer any question from the Board.

Chairperson Houck thanked all those who gave input with their factfinding during the last two weeks. He noted, as well, the input and help from the partners in this issue, highlighting that the Town Council of Marble also had taken steps forward with the Forest Service in addressing the need for a management or permitting system.

Commissioner Smith stated that during the last two weeks, she had received several anecdotal accounts of issues with traffic accidents and other impacts to their properties in the CR #3 area. She was presently working on a way to collect this information into meaningful data, rather than as a collection of anecdotes.

Commissioner Mason related he was turning his attention to a public education piece, now that the enforcement pieces were coming into place. He had attended a Roaring Fork Outdoor Volunteers meeting, and found that there was definitely support from those attending to start working in the Marble area. As well, he was engaging with White River National Forest District Ranger Kevin Warner and the Town of Marble to start getting that facilitation piece out to the public.

Chairperson Houck touched on the County's moving forward in gathering data for the Forest Service, asserting that there should not have to be years and years of data; other counties had results in significantly less time, and he stressed that this should be the case for the CR #3 area as well.

After discussion, the Board found that they did support the amended resolution, with the sunset dating, giving them a period of time to put other, more long-term solutions in place. DCM Crosby, when asked about the no parking and speed limit signage, replied that part of the signs would in place as early as next week.

Sheriff Gallowich requested that a set speed limit should be noted as well, in the resolution. CA Matthew Hoyt suggested that a second resolution should be crafted to support a speed limit. He was not sure whether the County needed to go through this process, if it was prima facie. After some discussion, Chairperson Houck re-directed the Board to making a decision at this point on only the resolution at hand. He requested that, if a speed limit was found to be needed, CA Hoyt and DCM Crosby should work together, before the signage was posted, to prepare a document that supports the resolution, and that this document would be a piece which clearly defines – for the Sheriff and his officers' use – just exactly what the speed limit would be on CR #3.

Commissioner Smith then added a commitment that she would be extending this time-limited resolution with full intention of finding a long-term solution for the issue. Chairperson Houck lent his support to this statement, as well.

With no further discussion, it was **moved** by Commissioner Mason, seconded by Commissioner Smith to adopt Resolution 2021-12, A Resolution Repealing Resolution No. 18-14 and Authorizing ATV, OHV, and UTV Use on a Certain Portion of County Road #3, with sunset provision ending at the end of the 2021 year. Motion carried unanimously.

**Townhome Plat and Declaration; Back Nine Condominiums:** Rachel Sabbato, Community Development Senior Planner, was present for discussion. She explained that the applicant was proposing to convert the property and then the public declarations to a townhome replat. Both the declaration and the plat had been reviewed by DCA Emilee Gaebler, and Rachel added that the only other change on the plat was to show the golf cart easement where it was actually built, as opposed to what had originally been proposed on the plat. With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Townhome Plat and Declaration of the Back Nine Condominiums, as presented, and to authorize the Chairperson's signature on the mylar. Motion carried unanimously.

**Request for Golf Villas Condominium Replat; Skyland Development Partners, LLC; LUC-21-0010:** Hillary Seminick, Community Development Senior Planner, was present for discussion. She informed the Board that this was a replat for the Golf Villas Condominium; they were adding four additional units, and the plat had been reviewed and approved to form by the County Attorney's Office. However, in this case, the County would not be a party to the covenants that would be recorded concurrently with the document; the covenant would be adding these four new units to the existing covenants.

**Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the Golf Villas Condominium replat request for Skyland Development Partners, LLC, LUC-21-0010, as presented. Motion carried unanimously.

**Grant Application; Letter of Support for Membership and Funding; Colorado Parks & Wildlife (CPW); Sustainable Tourism and Outdoor Recreation Committee (STOR); Join Regional Partnership Initiative (RPI); \$94,000; \$10,000 matching funds through National Forest Foundation:** Present for discussion were Community and Economic Development Director, Cathie Pagano, and Joe Lavorini with the STOR committee.

Director Pagano let the Board know that this was a new grant, and she believed the CPW was interested at this time in funding already established organizations, rather than start-ups. She explained that Joe Lavorini had also been in communication with the CPW, and that primarily STOR would be asking for funding to support Joe's position with the Regional Partnership Initiative, moving forward. She then asked Joe Lavorini to elaborate on the grant.

Joe explained to the Board that the Regional Partnership Initiative was what they would be applying for under the County and STOR, and that this was under the banner of the Colorado Outdoor Partnership – Governor Polis having signed this partnership into action in 2019. He affirmed that this state-wide partnership was looking to bring already existing organization like STOR into "the fold." He went on to outline that the application had two elements to it: a) STOR would like to have representation on this state-wide body, and b) STOR was requesting funding for maintaining capacity and also needed staff support.

Further discussion was offered, regarding supporting both the Roaring Fork Volunteers and STOR with their grant applications. Overall, it was decided that there was no conflict since Gunnison County covered a large area with many forests and issues to address, and there should then be no conflict in the way funds were used therein.

**Moved** by Commissioner Smith, seconded by Commissioner Mason to support the application for membership and funding to CPW's Regional Partnership Initiative, and authorize the Chair's signature on the letter of support. Motion carried unanimously.

**Letter of Support to build capacity for the Marble Stewardship Coalition; Colorado Parks & Wildlife; Roaring Fork Outdoor Volunteers (RFOV); Join Regional Partnership Initiative (RPI):** Chairperson Houck introduced this request, saying they had just heard about the Regional Partnership Initiative from STOR's request just prior, and there would be no need to rehash what was already discussed. With all the Board in agreement, it was **moved** by Commissioner Mason, seconded by Commissioner Smith to approve the letter of support for the Marble Stewardship Coalition. Motion carried unanimously.

**UNSCHEDULED CITIZENS:**

1. Tim Szurgot, a resident of Wild Bird, a pedestrian community about one mile up the Slate River Road just outside of Crested Butte – asked the Board to place a discussion on their next meeting agenda, regarding placing a building moratorium on the Slate River corridor between Gothic Road and Paradise Divide

2. Jim Starr, Valley Housing Fund – Jim let the Board know he was echoing Tim Szurgot’s request for a place on the next meeting agenda to discuss a building moratorium on the Slate River corridor
3. John, on Coal Creek Watershed Board of Directors – was also requesting the Board to entertain a building moratorium on the next agenda. He cited concerns as well with large buildings’ septic systems and their impact on the wildlife in a fragile area. He added that he supported Tim Szurgot’s plan as well.
4. David Ochs – David let the Board know that he echoed the sentiments expressed by Tim, Jim and John, and that the values of the Slate River Valley community should be further addressed before any further action should be taken
5. Rebecca White – Rebecca, in the Zoom chat, also added her support to the others for a building moratorium on the Slate River corridor

Both Chairperson Houck and Commissioners Smith and Mason thanked the citizens for their input, wanting them to know that the Commissioners were currently working with this issue, and that the BOCCC had to be thoughtful and considerate with how they moved forward.

Chairperson Houck also noted that none of those presenting requests that day had corresponded with them previously via email. However, the Board had also received many letters from others in prior emails, and those were being thoughtfully considered, as well.

Chairperson Houck recessed the regular meeting at 10:22 am, in order to go into an executive session.

**EXECUTIVE SESSION, PURSUANT TO C.R.S. §24-6-402 (4) (B), CONFERENCES WITH AN ATTORNEY FOR THE LOCAL PUBLIC BODY FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS REGARDING COVID-19 VACCINATION POLICIES AND PROCEDURES** Commissioner Houck **moved** to go into an Executive Session, pursuant to C.R.S. §24-6-402 (4)(b), conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions regarding COVID-19 vaccination policies and procedures. The participants in this Executive Session were the full Board of County Commissioners; County Manager Matthew Birnie; County Attorney Matthew Hoyt; and Public Health Director Joni Reynolds. Commissioner Smith seconded the motion; the motion carried unanimously.

The Board went into executive session at 10:24 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) (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

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 Smith seconded the motion, and the motion carried unanimously.

Chairperson Houck noted that there were no directions to be given after the 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 then **moved** to go into another 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, and County Attorney Matthew Hoyt. Commissioner Smith seconded the motion, and the motion was carried unanimously.

The Board went into executive session at 11:06 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 Smith seconded the motion. Motion carried unanimously.

Commissioner Houck adjourned the Executive Session at 11:37 am.

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

**RECONVENE:** At 11:37 am, Chairperson Houck reconvened the Gunnison County Board of County Commissioners Regular Meeting.

Chairperson Houck then **moved** to delegate authority to the County Manager to negotiate and execute all documents necessary to effectuate a potential contract regarding a real property interest located in Gunnison County. Commissioner Smith seconded the motion. Motion carried unanimously.

**ADJOURN: Moved** by Commissioner Smith, seconded by Commissioner Mason, to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of County Commissioners meeting adjourned at 11:38 a.m.

\_\_\_\_\_  
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. 21-11**

**A RESOLUTION AUTHORIZING TEMPORARY WEIGHT AND LENGTH RESTRICTIONS FOR  
A PORTION OF COUNTY ROAD 12 ALSO KNOWN AS KEBLER PASS ROAD**

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; and

WHEREAS, pursuant to C.R.S. § 42-4-106 the Board has the authority to prohibit the operation of vehicles and impose restrictions as to the weight of vehicles operated upon highways under the Board's jurisdiction; and

WHEREAS, pursuant to C.R.S. § 42-4-111 the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, as a result of the expected increased traffic there is a certain portion of County Road 12, also known as the Kebler Pass Road (hereinafter "County Road 12"), that has limited weight carrying capacity; and

WHEREAS, as a result of the expected increased traffic there is a certain portion of County Road 12, also known as the Kebler Pass Road (hereinafter "County Road 12"), that has narrow, tight curves which cause safety concerns with long loads; and

WHEREAS, that portion of County Road 12 that is impacted is located from the intersection of County Road 12 and Forest Service 730 (Ohio Pass Road) to the bridge at Erickson Springs Campground; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 12, a weight restriction of 15 tons has been implemented effective May 24, 2021; and

WHEREAS, to enhance safety and prevent accidents on of that portion of County Road 12, a length restriction of 50 feet and no triples allowed has been implemented effective May 24, 2021; and

WHEREAS, the Board acknowledges that it is necessary to ensure there is noninterference with the rights of property owner(s) and occupant(s) of adjacent lands; and

WHEREAS, such weight and length restrictions will not adversely affect health and safety nor will it cause substantial injury to, or impermissibly interfere with the rights of, the owner(s) or occupant(s) of adjacent land(s); and

WHEREAS, Gunnison County trucks and equipment must be able to provide maintenance along County Road 12 to prevent further resource damage and deterioration and to enhance safety of County Road 12; and

WHEREAS, there is demonstrated need to utilize County Road 12 for hauling livestock to access summer pastures.

NOW, THEREFORE, BE IT,

RESOLVED, that a certain portion of County Road 12, from the intersection of County Road 12 and Forest Service 730 (Ohio Pass Road) to Erickson Springs Campground, is subject to a weight restriction of a fifteen (15) ton load limit per vehicle, effective May 24, 2021; and

RESOLVED, that a certain portion of County Road 12, from the intersection of County Road 12 and Forest Service 730 (Ohio Pass Road) to Erickson Springs Campground, is subject to a length restriction of fifty (50) feet and no triples allowed, effective May 24, 2021; and

RESOLVED, that property owner(s) and occupant(s) of adjacent lands shall be subject to the weight restriction of a fifteen (15) ton load limit per vehicle and length restriction of fifty (50) feet and no triples allowed, effective May 24, 2021; and

RESOLVED, that Gunnison County vehicles and equipment providing maintenance on County Road 12 shall be exempt from the weight restriction of a fifteen (15) ton load limit per vehicle and from the length restriction of fifty (50) feet, and

RESOLVED, that vehicles and equipment hauling livestock to access summer pastures shall be exempt from the weight restriction of a fifteen (15) ton load limit per vehicle and from the length restriction of fifty (50) feet.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 18<sup>th</sup> day of May, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO**

**RESOLUTION NO: 2021 - 12**

A RESOLUTION REPEALING RESOLUTION NO. 18-14 AND  
AUTHORIZING ATV, OHV, AND UTV USE ON A CERTAIN PORTION OF COUNTY ROAD #3

WHEREAS, the Board understands that the public has historically used all-terrain vehicles ("ATVs"), off-highway vehicles ("OHVs") and utility terrain vehicles ("UTVs") on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as "Daniel's Hill", a distance of approximately 1.5 miles, and otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, on May 14, 2018, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") adopted Resolution No. 18-14, A Resolution Repealing Resolution No. 15-15 and Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3; and

WHEREAS, Resolution No. 18-14 was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 15, 2018, bearing Reception No.653186; and

WHEREAS, Resolution No. 18-14 provided that use of ATVs, OHVs and UTVs shall be and hereby is authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the bottom of that area known as "Daniel's Hill", otherwise described as the intersection of Forest Service Roads 314 and 315; and

WHEREAS, Col. Rev. Stat. § 33-14.5-108(1)(f) prohibits the use of ATVs, OHVs and UTVs on County roads unless expressly authorized by the County; and

WHEREAS, pursuant to Col. Rev. Stat. §18-9-117(1)(f), the Board has the authority to adopt rules and regulations for use of ATVs, OHVs and UTVs as to place, time and manner of use; and

WHEREAS, continued use of ATVs, OHVs and UTVs on that certain portion of County Road #3 described in this Resolution remains in the best interests of the public; and

WHEREAS, the Board desires to clarify its longstanding intent to continue to permit use of ATVs, OHVs and UTVs to the top of Daniels Hill; and

WHEREAS, the public is reminded to comply with all applicable Federal, state and local laws regarding the registration, licensing and use of ATVs, OHVs and UTVs in Colorado and particularly in Gunnison County; and

WHEREAS, the public is reminded and encouraged to operate ATVs, OHVs and UTVs in a legal, safe, courteous, and responsible manner; and

WHEREAS, in order to allow for continued, unimpeded access to residences along County Road 3, the public is reminded that the top of Daniels Hill lacks parking for motor vehicles and therefore users should not attempt to park automobiles at that location;

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

1. Resolution No. 18-14, A Resolution Repealing Resolution No. 15-15 and Approving Use of ATV's, OHV's and UTV's on a Segment of County Road #3 recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 15, 2018, shall be and hereby is repealed and rescinded; and

2. Use of ATVs, OHVs and UTVs is and continues to be authorized on that certain portion of County Road #3 a/k/a Marble Road, beginning at the town limits of the Town of Marble at Beaver Lake to the top of that area known as "Daniel's Hill", a distance of approximately 1.5 miles, and otherwise described as the intersection of Forest Service Roads 314 and 315; and

3. This Resolution shall remain in full force and effect until midnight Mountain Time December 31, 2021, as which point this Resolution shall expire and no longer remain in effect.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 18<sup>th</sup> day of May, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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

INTRODUCED by Commissioner