

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
December 19, 2023**

The December 19, 2023 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson
Elizabeth Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Matthew Hoyt, County Attorney

Matthew Birnie, County Manager
Katherine Haase, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY LOCAL MARKETING DISTRICT MEETING:

CALL TO ORDER: Commissioner Houck called the Gunnison County Local Marketing District meeting to order at 8:30 am.

PROFESSIONAL SERVICES AGREEMENT; TOURISM AND PROSPERITY PARTNERSHIP; 1/1/2024 THRU 12/31/2024; \$2,973,600: Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the Professional Services Agreement with TAPP and authorize the Chair's signature. Motion carried unanimously.

RESOLUTION; AMENDING THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT BUDGET FOR FISCAL YEAR 2023 AND AMENDING THE APPROPRIATION RESOLUTION: Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution #2023-3, a Resolution Amending the Gunnison River Valley Local Marketing District Budget for Fiscal Year 2023 and Amending the Appropriation Resolution. Motion carried unanimously.

ADJOURN: Commissioner Houck adjourned the Gunnison County Local Marketing District meeting at 8:32 am.

GUNNISON COUNTY HOUSING AUTHORITY MEETING:

CALL TO ORDER: Commissioner Houck called the Gunnison County Housing Authority meeting to order at 8:32 am.

RESOLUTION; AMENDING THE GUNNISON COUNTY HOUSING AUTHORITY BUDGET FOR FISCAL YEAR 2023 AND AMENDING THE APPROPRIATION RESOLUTION: Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Gunnison County Housing Authority Resolution #2023-003, a Resolution Amending the Gunnison County Housing Authority Budget for Fiscal Year 2023 and Amending the Appropriation Resolution. Motion carried unanimously.

ADJOURN: Commissioner Houck adjourned the Gunnison County Housing Authority meeting at 8:33 am.

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY MEETING:

CALL TO ORDER: Commissioner Houck called the Gunnison County Local Liquor Licensing Authority meeting to order at 8:33 am.

ALCOHOL BEVERAGE LICENSE #03-15949; THE WOODEN SPOON, LLC, DBA THE WOODEN SPOON, 228 ELCHO AVENUE, CRESTED BUTTE, CO 81224; 3/7/2024 THRU 3/7/2025: Moved by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Alcohol Beverage License #03-15949 for the Wooden Spoon, LLC, dba the Wooden Spoon. Motion carried unanimously.

ADJOURN: Commissioner Houck adjourned the Gunnison County Local Liquor Licensing Authority meeting at 8:34 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:34 am.

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

MINUTES APPROVAL: The drafts were discussed, and amendments are noted below. Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the minutes, as amended, for August 15, 2023. Motion carried unanimously. Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the minutes for August 22, 2023 as presented, and December 5, 2023 as amended, and December 12, 2023 as presented. Motion carried unanimously.

1. August 15, 2023 Regular Meeting. Commissioner Smith noted that the minutes do not specify who seconded the motion on page 2 under the Kebler Pass discussion. She also asked that "Unscheduled Citizens" be changed to "Unscheduled Public Comment".
2. August 22, 2023 Special Meeting. No changes were requested.
3. December 5, 2023 Regular Meeting. Commissioner Smith asked that "Unscheduled Citizens" be changed to "Unscheduled Public Comment".
4. December 12, 2023 Special Meeting. No changes were requested.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Acknowledgment of County Manager Signature; Memorandum of Agreement between the Board of County Commissioners of the County of Gunnison, Colorado, Mountain Express, and the Regional Transportation Authority Regarding Senior Transportation; 1/1/2024 thru 12/31/2024
2. Acknowledgment of County Manager Signature; Memorandum of Agreement between the Board of County Commissioners of the County of Gunnison, Colorado, the Board of Trustees of Gunnison Valley Hospital, and the Regional Transportation Authority Regarding Senior Transportation; 1/1/2024 thru 12/31/2024
3. Agreement for Consulting Services; Gunnison Conservation District; Gunnison Sage-grouse Land Use Permit Application Review Process and Gunnison Basin Sage-grouse Strategic Committee Administration; 1/1/2024 thru 12/31/2024; Up to \$12,000
4. Third Amended and Restated Intergovernmental Agreement Establishing the Gunnison Valley Regional Housing Authority
5. Landscaping Improvements Agreement for Landscaping and Vegetation Plan of Rask Dietrich, 20143 Hwy 135
6. Amendment No. 6 to Community Integration Agreement MR264815; Rocky Mountain Health Maintenance Organization, Inc.
7. Parent Possible TGYS-PAT Site Contract; 7/1/2023 thru 6/30/2024; Up to \$27,500
8. State of Colorado Intergovernmental Grant Agreement for SLFRF; Agreement Number 2024*3032; 12/1/2023 thru 6/30/2024; \$67,826
9. CTSI Colorado Counties Casualty and Property Pool, Agreement for Partially Self-funded Program; 1/1/2024 thru 12/31/2024
10. Funding Request Letter; Rocky Mountain Health Plans; Regional Accountable Entity (RAE) Health Neighborhood Investment Overview; \$20,000
11. Lexis+ Subscription Agreement for State/Local Government; 1/1/2024 thru 12/31/2024; \$338/Month
12. Food and Beverage/Retail Lease Agreement; Bar 78 at Gunnison-Crested Butte Regional Airport; 12/1/2023 thru 12/1/2025
13. 2024 Colorado Counties, Inc. Steering Committees Designation of Proxy; Joni Reynolds - Health and Human Services Steering Committee
14. Acknowledgment of County Manager Signature; Professional Services Agreement; Ben White Architecture, LLC; Zugelder Library Remodel; 12/14/2023 thru 10/9/2024; \$7,075
15. Contract; Payscale; Payfactors Basics Bundle; \$6,000
16. Intergovernmental Agreement to Disburse Behavioral Health Administration Monies to Increase Access to Navigation Services for Behavioral Health; Gunnison Watershed School District; 8/28/2023 thru 7/30/2024; \$57,600
17. Resolution; Amending Certain Charges and Fees for Integrated Solid Waste Services Effective January 1, 2024, This Resolution Supersedes Resolution 22-48
18. Resolution; Amending the Gunnison County Budget for Fiscal Year 2023 and Amending the Appropriation Resolution
19. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Tomichi Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-55
20. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Somerset Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-54
21. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the North Gunnison Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-53
22. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Dos Rios Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-51
23. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Antelope Hills Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-49
24. Resolution; Establishing the Schedule of Fees and Rates for Water Service within the Antelope Hills Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-50

25. Resolution; Establishing the Schedule of Fees and Rates for Water Service within the Dos Rios Division of the Gunnison County Water and Sewer District, This Resolution Supersedes Resolution 22-52

COMMISSIONER ITEMS:

Commissioner Puckett Daniels:

1. Gunnison Valley Regional Housing Authority. Commissioner Puckett Daniels stated that GVRHA will hire an interim director to allow for ample time to go through the hiring process, and the hope is that the interim will be able to serve from mid-January through May 1st. The four-person hiring committee includes Chief Financial Officer Perry Solheim and Commissioner Puckett Daniels, and then the full GVRHA board will take part in the interviews and hiring decision. There may also be a community panel who will make a recommendation to the board. The board will participate in a bridge-planning effort to make sure that the entity continues to be productive and meets established goals during the search for the new director.
2. Region 10 Board of Directors. Commissioner Puckett Daniels attended a meeting a couple of weeks ago, and it went well. There is new office space in Gunnison for the Small Business Development Center.

Commissioner Smith:

1. Data Task Force through the Attorney General's Office. Since August, the Task Force has been discussing issues that they want to see taken up at the State level. Commissioner Smith gave a presentation on a data system related to the opioid crisis, and it was approved to move forward.
2. Southwest Colorado Opioid Regional Council (SWCORC). Commissioner Smith said that reviewers for the grant applications have been identified, and decisions will begin in January.
3. Mayors and Managers Meeting. Commissioner Smith attended the recent meeting that was hosted by the Community Foundation of the Gunnison Valley in coordination with the Crested Butte Nordic Center. She felt it was a good meeting.
4. Crystal River Wild and Scenic Steering Committee. Commissioner Smith attended a meeting last week in Carbondale, and one more facilitated meeting is planned. All participants agree that pursuing protections would be ideal, and she argued for securing local protections before pursuing higher-level protections with a Wild and Scenic designation. She noted that the process has been extensive and getting to consensus has not been easy. Commissioner Puckett Daniels stated expressed appreciation for the time and energy that Commissioner Smith has put into this effort, and she said that she trusts her recommendations to move forward with local protections now while pursuing protections at higher levels at a later time.
5. CSU Extension Western Director Vacancy. Commissioner Smith is participating in the search for a new director, and candidates will be interviewed in Grand Junction on 1/4/2024 and 1/5/2024.
6. Counties & Commissioners Acting Together (CCAT) Legislative Priorities Meeting. Commissioner Smith participated in this meeting yesterday. There are competing bills related to short-term rentals, and CCAT will continue to engage and seek feedback from the Governor's Office. CCAT is also evaluating its internal procedures and processes for clarity.

Commissioner Houck:

1. CCI & NACO Public Lands Committees. Commissioner Houck said that the CCI Committee met last week to discuss dues. He is the Chair of the CCI Committee, so he is also on the NACO Public Lands Committee, which also met. His chairmanship ends in January, and he will not seek to be reelected. He intends to apply for a spot on the six-person Traveling Committee, which he served on before becoming the Chair.
2. Gunnison County Public Works Safety Banquet. Commissioner Houck attended this event, along with CM Birnie and the other commissioners. He expressed gratitude for the high level of safety, performance and skill that the Public Works Department displays.
3. Gunnison Basin Sage-grouse Resource Management. Commissioner Houck stated that he and Wildlife Consultant Jim Cochran are assembling the comment outline for Gunnison County's input. The submission deadline is in February.
4. Colorado Outdoor Recreation and Economy (CORE) Act. Commissioner Houck said the CORE Act is moving forward with bipartisan support. Senator Bennet has been working on the CORE Act for years, and much of the relative land is in Gunnison County.

GUNNISON VALLEY HEALTH BOARD OF TRUSTEES; CLARIFICATION OF TERMS: On 2/21/2023, the Board appointed Marla Crockett and Stephens Mundy to the GVH Board of Trustees, inadvertently without assigning specific terms. GVH has asked for clarification, and both appointees have asked that the Board ratify the appointments made as follows:

- Marla Crockett – appoint to a five-year term, expiring 2/1/2028.
- Stephens Mundy – appoint for the remainder of David Gray's term, expiring 2/1/2026.

Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to make the appointments as recommended from Gunnison Valley Health that are provided in our packet. Motion carried unanimously.

VOUCHERS AND TRANSFERS APPROVAL: Chief Financial Officer Perry Solheim presented the voucher approval report dated December 22, 2023 and the cash transfer authorization dated November 2023 for discussion and approval. **Moved** by Commissioner Houck, seconded by Commissioner Smith to approve the vouchers in the amount of \$4,024,144.71. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the cash transfer in the amount of \$7,600,465.87. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the November 2023 Treasurer's report, an investment report dated November 30, 2023 for discussion and acceptance. **Moved** Commissioner Puckett Daniels, seconded by Commissioner Smith to accept the Treasurer's Report and authorize the Chair's signature. Motion carried unanimously.

ORDINANCE NO. 21; AN ORDINANCE REPEALING ORDINANCE NO. 4 AND ESTABLISHING THE REGULATION OF VEHICLE PARKING AT THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT: Assistant County Attorney Sammy Obaid was present for discussion. Ordinances require two readings for approval; thus, the action today was to read the title and provide copies of the ordinance. There was a ministerial typo in the packet, which was fixed in the copies that were handed out. ACA Obaid confirmed that the notice would be put into the newspapers as soon as it received Board approval, and that it will be on another agenda in one month for a public hearing and adoption. **Moved** by Commissioner Houck, seconded by Commissioner Puckett Daniels to introduce Ordinance #21, an Ordinance Repealing Ordinance No. 4 and Establishing the Regulation of Vehicle Parking at the Gunnison-Crested Butte Regional Airport, and authorize this to be publicly disseminated, and for us to move forward to a second take on this with a public hearing for a second reading and final authorization at a meeting in the new year. Motion carried unanimously.

BREAK: The meeting recessed from 9:13 until 9:17 am for a short break and then again from 9:17 until 9:26 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes), and then again from 9:26 until 10:12 am to call to order as the Gunnison County Board of Health (see minutes below).

GUNNISON COUNTY BOARD OF HEALTH REGULAR MEETING: Assistant County Manager for Health, Human and Safety Services Joni Reynolds and Deputy Health and Human Services Director Brad Wheaton were present for discussion.

CALL TO ORDER: Commissioner Houck called the Gunnison County Board of Health meeting to order at 9:26 am.

WEST CENTRAL PUBLIC HEALTH PARTNERSHIP INTERGOVERNMENTAL AGREEMENT: The Board didn't express any concerns with the Agreement. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the West Central Public Health Partnership Intergovernmental Agreement and authorize the Chair's signature. Motion carried unanimously.

PROGRAM UPDATES:

1. Vital Records. DHHS Wheaton and his team provided a broad explanation of the importance of vital records for birth, marriage, divorce and death records. The 2022 audit showed no deficiencies, and the 2023 audit has not yet been completed. The team highlighted the data provided in the meeting portfolio (<https://gunnisoncounty.org/ArchiveCenter/ViewFile/Item/6804>). Also, they noted that vital records are only distributed to authorized persons as the County provides protection of personal information. ACM Reynolds explained that there is a National Vital Statistics Center that runs through the Centers for Disease Control, and the NVSC provides standards for each state and a centralized data repository for the United States. CA Hoyt added that the Colorado Open Records Act provides another layer of protection for personal information.
2. Public Health Improvement Plan (PHIP) Presentation and Request for Board Approval and Chairperson Signature. Community Health Manager Margaret Wacker and West Central Public Health Partnership Grants Coordinator Erika Stoerkel were present for discussion and read through the packet that was provided in the public packet and is available online (<https://gunnisoncounty.org/ArchiveCenter/ViewFile/Item/6804>). More information is available at www.wcphp.org. Work is ongoing, and funding sources are being sought. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Public Health Improvement Plan as presented to the Board of County Commissioners and approve the signature of the Chair. Motion carried unanimously.

ADJOURN: Commissioner Houck thanked staff for the meaningful work that they do, and then he adjourned the Gunnison County Board of Health Regular meeting at 10:12 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING (continued):

CALL TO ORDER: Chairperson Houck called the meeting back to order at 10:12 am.

SALES TAX: CFO Solheim was present for discussion and explained that there is a change with regard to reporting on sales tax. He also confirmed that we are on target to meet our budget this year. Through October, we have collected \$3.8M and our budget is \$3.95M for the year. He stated his comfort with the \$4.2M that is budgeted for 2024. With regard to LMD taxes, he noted that we have already exceeded budgeted collections for 2023.

BREAK: The meeting recessed from 10:18 until 10:31 am.

GUNNISON COUNTY BOARDS AND COMMISSIONS INTERVIEW; COLORADO RIVER WATER CONSERVATION DISTRICT; KATHLEEN CURRY: Ms. Curry was present for discussion and stated that she wished to withdraw her application. She explained that, while she has thoroughly enjoyed her time in this capacity, she has other projects that will require her focus at this time. She also stated her confidence that other capable applicants were available for selection.

GUNNISON VALLEY HEALTH (GVH) REAL PROPERTY OWNERSHIP DISCUSSION: GVH Chief Executive Officer Jason Amrich and GVH Board of Trustees member Donald Haver were available for discussion.

CM Birnie explained that, since the GVH is a county hospital, the Board of County Commissioners owns the property. However, there is new legislation that allows county hospitals to be owned by their Board of Trustees instead of their relative BOCC. The legislation doesn't automatically change current ownership structures. At this time, GVH is planning to acquire the VSON clinic, so the Board would need to make a policy decision regarding whether the property will be owned by the BOCC or the BOT. CM Birnie has delegated authority to sign purchase documents on behalf of the BOCC and GVH, which has helped with previous closing deadlines. He also stated that the County has a strong relationship with GVH.

GVH CEO Amrich confirmed that GVH is in discussions with VSON to purchase the surgery center, practice and real estate. GVH will fully own the practice and the real estate, while Dr. Gloria Beim will retain 30% ownership of the surgery center. Real property was the subject of today's discussion. He also stated that GVH will have management responsibility, whether the County owns the building or not, and that he did not have a preference as to legal ownership.

CM Birnie stated that the County can proceed the way we have in the past, though GVH has the legal right to put VSON in their name. In that case, no Board decision would be necessary. Commissioner Houck stated that he would be fine with continuing the way we always have, since the relationship between the County and GVH is strong and there isn't a need to deviate from current practices. CM Birnie noted that this issue can always be revisited, and that property ownership can always be transferred, if needed. The Board agreed to pursue these purchases as we have done historically, with ownership being under the Board's name.

BREAK: The meeting recessed from 11:13 until 11:18 am in order to hold the below Public Hearing.

PUBLIC HEARING; LUR AMENDMENTS AND RESOLUTION (LUR): Assistant County Manager for Community and Economic Development Cathie Pagano and Planning Director Hillary Seminick were present for discussion.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 11:18 am.
2. Public Notice Confirmation. ACM Pagano confirmed that the Public Hearing had been properly public noticed in the newspaper and online. She stated that it was originally noticed for 12/5/23, but later changed it to today in order to meet the requirement of meeting with the Planning Commission prior to this hearing.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. CA Hoyt explained that some of the amendments are required as a result of the Tyzzer v Gunnison County litigation, while other amendments are related to policy suggestions from staff and other clean-up of the LUR. ACM Pagano confirmed that the Planning Commission supports the proposed document changes. ACM Pagano, PD Seminick and CA Hoyt provided the following summary of substantive changes to the document.
 - a. Change "Board" to "BOCC". ACM Pagano stated that this change occurs throughout the document, and the intention is to clarify between the Board of County Commissioners and the Board of Adjustment.
 - b. Special Area Regulations – Section 1-110. CA Hoyt explained that this change clarifies that the creation of any special areas, created pursuant to the site inspection, also empowers the Board to make amendments to the regulations, if needed.
 - c. Location and Extent Review Project – Section 1-106. This section was added to refer to the appropriate statute.
 - d. Wildlife Maps – Section 1-112. This was updated to reflect the names of the wildlife mapping that is used.

- e. Appeals – Sections 1-114 and 1-116. This was modified to reflect that appeals to interpretations or final decisions rendered by ACM Pagano will now be directed to the Board of Adjustment instead of the Board of County Commissioners. The BOA will now be the ultimate administrative appellate authority in the County.
- f. Board of Adjustment – Section 1-116. This section changed to align with the court order and state statute. The BOA will now be comprised of two regular members appointed by the Board of County Commissioners and the three members of the Board of County Commissioners, all for one-year terms.
- g. Definition – Residence. This language was changed to make it more streamlined and simpler. The reference to “integrated secondary residence” was eliminated, as it is already covered by “secondary or accessory residence”.
- h. Definition – Special Event. This language was changed to clarify that property owners will be compensated with a site fee.
- i. Notice of Public Hearings – Persons Expressing Interest in the Application. This category was eliminated since notices are widely distributed already. This change conforms to modern noticing practices. ACM Pagano noted that there is discretion to work with anyone who does not have access to email or other electronic notices.
- j. Administrative Review Projects That Do Not Require Land Use Change Permits - Section 4-102. The section titled, “Integrated Secondary Residence Smaller than 1,200 Sq. Ft. on Any Legal Lot” was removed. Sections titled, “Secondary Structures Intended Only for Sleeping Without a Kitchen”, “Detached Secondary Residence” and “Duplex” have been added. Also, the language was updated to allow for storage sheds up to 200 sq ft, and that each legally permitted residence is allowed one storage shed.
- k. Mobile Home Not in a Mobile Home Park – Section 5-102. This section was removed, as it was seen as a barrier to attaining affordable housing.
- l. Construction of a Residential Access on a Vacant Parcel of Land Prior to Issuance of a Building or On-site Wastewater Treatment System Permit – Section 5-102. Previously, only driveway permits were approved. This change provides more flexibility on timing. Issuance does not create any right for future development or relieve applicant of requirements for development of land or a land use change in compliance with the LUR.
- m. Non-Commercial Use of Helicopter for Access to Private Property – Section 5-102. This section was moved to the Minor Impact portion of the document because the impacts associated with helicopter access warrant public notification and discussion at a public hearing.
- n. Section 5-104. Plat documents are now required to come to the Board of County Commissioners. Other jurisdictions handle these duties at a staff level. Statutorily, however, this must be done by the Board of County Commissioners, so the language was kept in the document.
- o. Section 6-102. Changes were made to align language related to building size. The non-commercial use of helicopters was moved to this section.
- p. Section 6-105. Language was updated to eliminate the need to produce multiple copies of documents.
- q. Projects Classified as a Major Impact - Section 7-101. Language related to size was updated for alignment.
- r. Appeals – Section 8-103. CA Hoyt stated that changes to this section were guided by the decision in the Tyzzer matter. This now brings all appeals to the BOA, and the BOA is the only decision maker without appeal. Applicant, if dissatisfied, may appeal to the District Court. Also, “any member of the public” was deleted from the “Standing to Appeal” section, as allowing any person, even if they are not materially impacted by a decision, was deemed too broad to be practical. “Person Aggrieved by Decision” was added to include any person materially impacted. Any person may still provide comments - - this section relates only to the legal right to overturn a decision through appeal.
- s. Notice of Meeting - Section 8-104. The language related to notice of meeting has been updated to remove references to those who had testified or submitted written comments.
- t. BOC Decision - Section 8-104.3. The reversal/remand or modification of a BOA decision will require 4/5 of BOA members to concur. This new language aligns with the relative statute.
- u. Application for Permanent Land Use Change Permit – Section 8-104. “No later than 90 days” was added to this section in order to allow for sufficient time for submission of an application.
- v. Secondary Residences - Section 9. The language was simplified for consistency throughout the document.
- w. Structurally Integrated - Section 9-201. The requirement for internal access between the primary residence and secondary residence has been removed.
- x. Individual Manufactured and Mobile Homes – Section 9-201. Staff has eliminated mobile home permit language to make it easier for people to situate mobile homes outside of designated mobile home communities.
- y. Long-term Camping – Section 10. The reference to compensation has been removed because the receipt of compensation for long-term camping on a parcel changes the use into a commercial one that will require approval.

- z. Locational Standards for Residential Development - Section 10-102. The language was modified to remove Somerset, Ohio City and Almont from the list of established population centers, and Pitkin and Marble from the list of incorporated municipalities.
 - aa. Geologic Hazards – Section 11-104. Staff recommended language changes in this section to clear up references in the section and to ensure that the section is consistent throughout.
 - bb. General Standards for Development in Sensitive Wildlife Habitat Areas – Section 11-106. “Gunnison Sage-grouse” was changed to “sensitive wildlife habit” to broaden the definition. Commissioner Houck expressed concern about completely eliminating the reference to Gunnison Sage-grouse because we refer to the LUR and use that language in many external discussions, and ACM Pagano explained that there is a whole section specifically for Gunnison Sage-grouse protection.
 - cc. Temporary Signs – Section 13-109. Changes were made to the language to conform to case law. Pennants or banners may be erected, but not for more than 30 days in a calendar year.
5. Applicant Presentation. N/A – the County is the applicant in this matter.
 6. Board Questions. Questions were asked and answered during the presentation of the above material. No other questions were provided.
 7. Public Comments. Chairperson Houck opened the Public Hearing to comments at 12:21 pm.
 - a. Mark Schumacher, Three Rivers Resort in Almont. Mr. Schumacher stated his disagreement with the language in Section 10 regarding the removal of Almont from the list of population centers. He believes that Almont is a population center, that there is existing use in Almont, and that growth around Almont should be evaluated as though Almont fit the definition of a population center. He stated that there are commercial businesses, restaurants, a post office, bus stops, subdivisions and housing units in Almont, and that the rate of growth has been slow. He installed a wastewater treatment plant in the 1990s, which was approved by the County and the State. A requirement of the wastewater discharge permit was to set aside sufficient acreage for future growth in Almont. He feels that there is no place for sprawl to occur in the area as there is no land left to develop in the service area. Lastly, he stated that the Almont Resort and Three Rivers Resort pay over \$150,000 in combined property tax.
 8. Acknowledge Correspondence Received. Letters received were included in the packet and previously forwarded to the Board. Two letters were received; one from Bill Barvitski representing Trout Creek Engineering, LLC, and another from Nancy Bentson Essex representing Andrew and Susan Tyzzer. ACM Pagano confirmed that no other correspondence has been received by her office.
 9. Applicant Response. ACM Pagano provided a response to Mr. Schumacher’s expressed concerns since the County is the applicant in this issue. She indicated that she had not reviewed the study related to the wastewater treatment facility in Almont. ACM Pagano stated that future development must demonstrate, if it is not adjacent to an existing population center, that it will have no significant adverse impacts. If the proposed language change is adopted, future development in Almont would not be prohibited. She also stated her disagreement with Mr. Schumacher’s statement that there is no room for additional development around Almont.

Commissioner Puckett Daniels expressed her concern that adding the requirement demonstrating no significant adverse impacts could be burdensome to developers. Commissioner Houck stated that our regulations reflect the community’s values as they pertain to the protection of the environment and wildlife, and that the proposed language would not prohibit additional development in areas not designated as population centers.

Commissioner Houck asked for clarification from Mr. Schumacher regarding how much of Almont is served by the wastewater treatment plant. Mr. Schumacher replied that his discharge permit was contingent on the creation of a service area and the designation of sufficient acreage to serve 35,000 gallons daily. Thus, he believes that Almont will not be capable of growing beyond that level.

Commissioner Smith asked for background on the decision to remove Almont from the list of population centers. ACM Pagano explained that not all have experienced easy access to the wastewater treatment plant. As well, Almont has floodplain, rockfall and wildlife issues that need to be addressed when considering new development. During the One Valley Resiliency Roadmap process, discussions included identifying elements that should be considered when considering new development, and not just the issue of wastewater treatment infrastructure.

Commissioner Smith noted that the definition of population centers needed to be updated throughout the document if the changes are adopted after the public hearing. As well, she

questioned whether "population center" was the appropriate terminology to use, as "population growth center" may work better. Commissioner Houck stated that he was comfortable with the proposed changes, regardless of whether "population center" is used or some other variation, because it does not limit potential development.

The Board decided to leave the reference to Almont in the list of population centers, as the issue can be reevaluated as part of the upcoming corridor planning process. Mr. Marcus Locke, representing Law of the Rockies expressed concern that Section 10-102.b only applies to new subdivisions and that, if you remove the reference to Almont, it could have a negative impact on workforce housing. He stated his agreement that it would be beneficial to leave Almont in the list and then reevaluate during the corridor planning process.

Commissioner Houck explained that the Board could adopt the changes as proposed today, as is, or it could continue the public hearing to a future agenda date. CA Hoyt stated that, due to litigation, the related changes needed to be adopted immediately. He further explained that there are two pending appeals for the BOA to hear, and those processes need to be carried out in a timely manner. Commissioner Houck recommended that the revised document be adopted as is, with the caveat that it could be modified again to readd Almont after the corridor planning process has been completed. Commissioner Puckett Daniels didn't feel that she had adequate information on the Almont issue to make a decision, and she was inclined to leave it in the document and remove later, if needed. Commissioner Smith did not feel strongly either way, but she thought that leaving Almont in the document would be agreeable since the corridor planning process is happening soon. Commissioner Houck opined that the action taken, or not, to remove Almont from the list of population centers will not impact affordable housing, because the land values in Almont don't support affordable housing.

10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 1:17 pm and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Resolution #2023-38, a Resolution Amending the Gunnison County Land Use Resolution to adopt the amendments with modifications as presented in the public hearing today to include the modification of retaining Almont in the list of existing population centers for locational standard review at 10-102.b. Commissioner Houck restated that this motion would adopt all changes presented today with the inclusion of Almont in the list of population centers. Commissioner Houck noted that he would support the motion to move the process forward with full support of the Board. Date modifications to the resolution language were identified and agreed upon. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT:

1. Mark Schumacher, Three Rivers Resort. Mr. Schumacher noted that a \$5,000 expenditure was on the 11/21/2023 agenda to pay for a lobbyist, and he was concerned that there wasn't previous dissemination of information to the public about this expenditure. Commissioner Houck confirmed that the County is not hiring a lobbyist, and Commissioner Smith confirmed that this information was made public during a previous meeting. She further explained that the additional dues to Counties & Commissioners Acting Together (CCAT) in the amount of up to \$5,000 will be used to hire someone to work on the short-term rental legislation issue. This was discussed in a public meeting, and there will be a cost share between all participating counties.

ADJOURN: Commissioner Houck adjourned the meeting at 1:29 pm.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
RESOLUTION NO. 2023-003**

**A RESOLUTION AMENDING THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT
BUDGET FOR FISCAL YEAR 2023 AND AMENDING THE APPROPRIATION RESOLUTION**

WHEREAS, at the time of the adoption of the budget for the Gunnison River valley Local Marketing District for fiscal year 2023 certain expenditures were not anticipated; and

WHEREAS, revenues can now be identified for such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison River Valley Local Marketing District, that a supplemental budget and appropriation resolution be adopted in the following respects:

- 1. Local Marketing District Fund. The expenditures are increased in the amount of \$112,770 as detailed by account number on Appendix A attached.

The above sums of money, or as much thereof as may be authorized by law and as may be deemed necessary to defray the expenses and liabilities of the Gunnison River Valley Local Marketing District, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2022-1 and 2022-2 respectively - for the Gunnison County Local Marketing District for the fiscal year beginning January 1, 2023 and ending December 31, 2023; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT

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

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2023-003**

**A RESOLUTION AMENDING THE GUNNISON COUNTY HOUSING AUTHORITY BUDGET FOR
FISCAL YEAR 2023 AND AMENDING THE APPROPRIATION RESOLUTION**

WHEREAS, at the time of the adoption of the budget for Gunnison County Housing Authority for fiscal year 2023 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, those revenues and expenditures can now be identified;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority, that a supplemental budget and appropriation resolution be adopted in the following respects:

- 1. Gunnison County Housing Fund. The expenditures are increased in the amount of \$65,104 as detailed by account number on Appendix A attached.

The above sums of money, or as much thereof as may be authorized by law and as may be deemed necessary to defray the expenses and liabilities of the Gunnison County Housing Authority, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2022-001 and 2022-002 respectively - for the Gunnison County Housing Authority for the fiscal year beginning January 1, 2023 and ending December 31, 2023; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2023-30**

**A RESOLUTION AMENDING THE GUNNISON COUNTY BUDGET FOR FISCAL YEAR 2023 AND
AMENDING THE APPROPRIATION RESOLUTION**

WHEREAS, at the time of the adoption of the budget for Gunnison County for fiscal year 2023 certain revenues were unassured and certain expenditures were not anticipated; and

WHEREAS, those revenues and expenditures can now be identified;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that a supplemental budget and appropriation resolution be adopted in the following respects:

1. General Fund. The revenues are decreased in the amount of \$168,824 as detailed by account numbers on Appendix A attached. The expenditures are increased in the amount of \$361,666 as detailed by account numbers on Appendix A attached.
2. Public Works Fund. The revenues are increased in the amount of \$2,270,550 as detailed by account numbers on Appendix A attached. The expenditures are increased in the amount of \$,112,419 as detailed by account numbers on Appendix A attached.
3. Human Services Fund. The revenues are increased in the amount of \$90,000 as detailed by account numbers on Appendix A attached. The expenditures are increased in the amount of \$378,206 as detailed by account numbers on Appendix A attached
4. Public Health Fund. The revenues are increased in the amount of \$196,270 as detailed by account numbers on Appendix A attached. The expenditures are increased in the amount of \$176,910 as detailed by account numbers on Appendix A attached.
5. Airport Operations Fund. The revenues are decreased in the amount of \$440,000 as detailed by account numbers on Appendix A attached. The expenditures are increased in the amount of \$936,093 as detailed by account numbers on Appendix A attached.
6. Sage Grouse Fund. The expenditures are increased in the amount of \$24,037 as detailed by account numbers on Appendix A attached.
7. Capital Projects Fund. The revenues are increased in the amount of \$300,000 as detailed by account numbers on Appendix A attached. The expenditures are increased in the amount of \$300,000 as detailed by account numbers on Appendix A attached.
8. ISF I Fleet Fund. The expenditures are remained constant in net effect as detailed by account numbers on Appendix A attached.
9. ISF II Info Tech Fund. The expenditures are increased in the amount of \$60,784 as detailed by account numbers on Appendix A attached.
10. ISF III Health Insurance Fund. The expenditures are increased in the amount of \$382,394 as detailed by account numbers on Appendix A attached.

The above sums of money, or as much thereof as may be authorized by law and as may be deemed necessary to defray the expenses and liabilities of the County, are hereby appropriated. It is the intent of the Board to make the necessary amendments and supplements to the budget adoption and appropriation resolutions - Resolution Nos. 2022-43 and 2022-44 respectively - for Gunnison County for the fiscal year beginning January 1, 2022 and ending December 31, 2022; but except as specifically provided for herein, to make no further changes in the budget adoption or appropriation resolutions adopted with respect to said fiscal year.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-31**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE TOMICHI DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 21-30

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Tomichi Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the Tomichi Division; and

WHEREAS, the Tomichi Division currently serves a single customer; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The customer currently served by the Tomichi Division will pay actual costs of operation and maintenance of the Tomichi Division. Payments will be made on a reimbursement basis, billed by the end the month following each calendar quarter. Amounts due will be considered past due if unpaid by the end of the calendar quarter following the then current calendar quarter. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount

may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Utility Investment Fee. There is a fee for sewer service tap connection within the Tomichi Division for each connection based on Appendix A attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

3. Excessive Connection Costs. Sewer service will be extended to the property line, unless cost of such extension of service exceeds two thousand five hundred dollars (\$2,500) or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500). Costs exceeding two thousand five hundred for a single user or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

4. Minimum Charges. The user connected to the system shall pay the actual costs four quarters per year whether or not the property is occupied or the sewer system is used.

5. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

6. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-32**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE SOMERSET DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 22-10

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the operation of the sewage treatment system providing service to the Somerset Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the Somerset Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. User fees will be billed in advance.

3. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Somerset Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

4. Utility Investment Fee. There is a fee for sewer service tap connection within the Somerset Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

5. Excessive Connection Costs. Sewer service will be extended to the property line, unless cost of such extension of service exceeds two thousand five hundred dollars (\$2,500) or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500). Costs exceeding two thousand five hundred for a single user or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Somerset Division unless the utility investment fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-33**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 22-9

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the North Gunnison Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the North Gunnison Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate (partial tap) according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the North Gunnison Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for sewer service tap connection within the North Gunnison Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Excessive Connection Costs. Sewer service will be extended to the property line, unless cost of such extension of service exceeds two thousand five hundred dollars (\$2,500) or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500). Costs exceeding two thousand five hundred for a single user or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

7. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

8. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

9. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the North Gunnison Division unless the utility investment fee for that parcel has been paid in full as set forth above.

10. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

11. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-34**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 22-7

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Dos Rios Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon

installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Dos Rios Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for sewer service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Excessive Connection Costs. Sewer service will be extended to the property line, unless cost of such extension of service exceeds two thousand five hundred dollars (\$2,500) or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500). Costs exceeding two thousand five hundred for a single user or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

7. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

8. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

9. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the utility investment fee for that parcel has been paid in full as set forth above.

10. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

11. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-35**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 22-5

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Antelope Hills Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the

calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Vacant Lot Sewer Fee. A vacant lot sewer fee will be charged for each parcel of real property in the Antelope Hills Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The vacant lot sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for sewer service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Excessive Connection Costs. Sewer service will be extended to the property line, unless cost of such extension of service exceeds two thousand five hundred dollars (\$2,500) or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500). Costs exceeding two thousand five hundred for a single user or the product of the number of new users to be served by said sewer extension and two thousand five hundred dollars (\$2,500) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

7. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

8. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

9. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the utility investment fee for that parcel has been paid in full as set forth above.

10. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, a flat fee will be charged for each additional inspection.

11. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-36**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE
WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 22-6

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Antelope Hills Division which has water service available to that parcel but which parcel is not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

4. Utility Investment Fee. There is a fee for water service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to meter size. The utility investment fee includes the cost of a Gunnison County water meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.

5. Excessive Connection Costs. Water service will be extended to the property line, unless cost of such extension of service exceeds three thousand dollars (\$3,000) or the product of the number of new users to be served by said sewer extension and three thousand dollars (\$3,000). Costs exceeding three thousand dollars for a single user or the product of the number of new users to be served by said sewer extension and three thousand dollars (\$3,000) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

6. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the utility investment fee for that parcel has been paid in full as set forth above.

7. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.

8. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

9. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, the additional inspection fee will be charged.

10. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.

11. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

12. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23-37**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE
WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 22-8

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Commercial Water User Fees. User fees for each commercial connection will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears. The base user fee will equal the product of the Equivalent Residential Units (ERUs), seventy-five percent (75%), and the current residential base rate according to Appendix A attached hereto. The ERUs will equal the product of the factor according to Appendix C and the number of factor units according to Appendix C.

The base gallons for each commercial connection will equal the product of the ERUs and the residential base gallons according to Appendix A attached hereto.

4. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Dos Rios Division which has water service available to that parcel but which parcel is not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for water service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to meter size. The utility investment fee includes the cost of a Gunnison County water meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.

6. Excessive Connection Costs. Water service will be extended to the property line, unless cost of such extension of service exceeds three thousand dollars (\$3,000) or the product of the number of new users to be served by said sewer extension and three thousand dollars (\$3,000). Costs exceeding three thousand dollars for a single user or the product of the number of new users to be served by said sewer extension and three thousand dollars (\$3,000) will be the sole responsibility of the property owner(s) to be served. An estimate of the total costs will be provided to users in advance of work performed. Such work will be managed by Gunnison County staff.

7. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the utility investment fee for that parcel has been paid in full as set forth above.

8. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.

9. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

10. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, the additional inspection fee will be charged.

11. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.

12. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

13. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett-Daniels, and adopted this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2023-38**

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution*"), Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to Section 1-113, the Community Development Director has initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, December 7, 2023 the Planning Commission, forwarded their written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments on December 19, 2023; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

- Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County
- Changed conditions, including the economy of Gunnison County
- Effect of the proposed amendments on the natural environment
- Community needs
- Development pattern
- Changes in applicable law
- Public health, safety and welfare
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments, as modified per the public hearing on December 7, 2023 of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Puckett-Daniels, seconded by Commissioner Smith and adopted on this 19th day of December 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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