

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
December 6, 2022**

The December 6, 2022 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	Matthew Birnie, County Manager
Roland Mason, Vice-Chairperson [ABSENT 3:30 to 3:37 pm only]	Melanie Bollig, Deputy County Clerk
Liz Smith, Commissioner	Others Present as Listed in Text

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

**CALL TO ORDER:** Chairperson Houck called the meeting of the Gunnison County Local Liquor Licensing Authority to order at 3:30 pm.

**ALCOHOL BEVERAGE LICENSE #42-95237-0000; 456 ENTERTAINMENT LLC DBA TULLY'S; EFFECTIVE DATE 10/18/2022 – 10/18/2023**

**FERMENTED MALT BEVERAGE LICENSE #04-01630; HARMELS OPERATION LLC DBA HARMELS RANCH RESORT; EFFECTIVE DATE 11/15/2022 – 11/15/2023**

With no questions or concerns from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Houck, to approve the Alcohol Beverage License for 456 Entertainment LLC dba Tully's, and also the Fermented Malt Beverage License for Harmels Operation LLC dba Harmels Ranch Resort. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 3:32 pm.

**GUNNISON COUNTY BOARD OF EQUALIZATION:**

**CALL TO ORDER:** Chairperson Houck called the meeting of the Gunnison County Board of Equalization to order at 3:32 pm.

**RATIFICATION OF CHAIR'S SIGNATURE; 2022 ABSTRACT OF ASSESSMENT:** Communications Manager for the Gunnison County Assessor's Office, William Spicer, was present in the room to answer any questions the Board might have.

Chairperson Houck explained for those present that this was more of an administrative action, an annual report submitted to the CBOE from the County Assessor's office for approval. This motion would ratify the Chair's signature on the document.

Chairperson Houck then **moved** to ratify the chair's signature on the 2022 Abstract of Assessment, as presented. Commissioner Smith seconded. Motion carried.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison County Board of Equalization at 3:34 pm.

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

**CALL TO ORDER:** Chairperson Houck called the Gunnison County Board of County Commissioners regular meeting to order at 3:34 pm. He noted that Commission Mason had texted to let him know he was stuck in traffic and would be arriving shortly.

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

**SCHEDULING:** Chairperson Houck noted that the December 13<sup>th</sup> work session meeting was canceled, in order for the Board to attend the Colorado Counties Inc (CCI) Winter Conference. A special meeting would be held on December 15<sup>th</sup> instead, to approve the final budget and the fees resolutions.

Commissioner Mason joined the meeting in person at 3:37 pm.

The Board briefly discussed the Holiday Schedule around Christmas and New Year's. County Manager Birnie noted that there would be no work session on December 27<sup>th</sup>. He also informed that Board that he would be out of office December 22<sup>nd</sup> through the 30<sup>th</sup>. Commissioner Smith also let the Board know she would be out December 21<sup>st</sup> through the 31<sup>st</sup>.

**MINUTES:** Moved by Commissioner Smith, seconded by Commissioner Mason, to approve the minutes for September 6, 2022, September 20, 2022, October 4, 2022 and October 14, 2022 as amended in the record. Motion carried unanimously

1. **September 6, 2022 Regular Meeting.** Commissioner Smith noted that she had given some wording and phrasing corrections to BOCC clerk Melanie Bollig for this set of minutes - the first was regarding the Welcoming Week on page 5, that the "City of Gunnison was participating with help from a Rural Welcoming Initiative grant" and "You are Welcome Here" should be without a "d" on "Welcome." The second set of changes were under her Commissioner Items on page 6, Item #1, "The suggestion was submitted to the Department of Revenue *via CCI.*" Also, to correct spelling to "Janeth Stangle" in any instances where her name appeared, and make her visit a separate item, as she had not been able to attend the Welcoming Week events.
2. **September 20, 2022 Regular Meeting.** Commissioner Smith also gave changes to BOCC Clerk Bollig for her Commissioner Items on page 5, Item #2, to change the Commissioner from "Mason" to "Smith." On Item #5 same page, she wished to add clarifying comments about the meeting regarding how the program funding access was currently operating and how that might change with the roll-out of Universal Pre-K. On Item #7 same page, there were changes to the spelling of "Janeth Stangle" and to the "Rural Initiative" site team name.
3. **October 4, 2022 Regular Meeting.** No additions or corrections were needed.
4. **October 14, 2022 Special Meeting.** No additions or corrections were needed.

**CONSENT AGENDA:** Commissioner Mason moved to approve the consent agenda as presented. Commissioner Smith seconded. Motion carried unanimously. Chairperson Houck thanked CM Birnie for all the time and immense amount of work put into the Sawtooth Workforce Housing Project funding and the new agreement with Fading West Construction [Item #6].

1. Ratification of Correspondence; Crested Butte Town Council; Recreational Vehicle Dump Site
2. Employee Assistance Program Agreement; Triad EAP; 1/1/2023 thru 12/31/2023
3. Fund Transfer; West Region Wildfire Council; Title III Allocation; 2021 Allocation of \$50,524.66 and 2022 Allocation of \$65,369.07
4. Acknowledgement of County Manager Signature; Amendment to Consultant Agreement; Charlier Associates, Inc.; 6/18/2021 thru 12/31/2022
5. Grant Application; Daniel's Fund; Gunnison County Substance Abuse Prevention Project Choice Pass Program; \$50,000
6. Acknowledgement of County Manager's signature; Agreement; Fading West Construction, LLC; Sawtooth Workforce Housing Project; \$6,039,908.46
7. Agreement; Colorado Department of Human Services; 2022-2023 Low Income Energy Assistance Program (LEAP) and Low Income Household Water Assistance Program (LIHWAP) Program Areas; Memo # OM-FEA-2022-0015; 10/1/2022 thru 9/30/2023; \$26,000
8. Memorandum of Agreement between Parent Possible and Gunnison County Health and Human Services; Parents as Teachers Training

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie was present in the room to give his report.

1. Funding opportunities. CM Birnie reported that county staff were presently pursuing significant funding opportunities for both housing and transportation, especially regarding the Whetstone housing project and Brush Creek intersection.
2. Airport Celebration rescheduled. CM Birnie updated the Board on a revised date for the Airport Celebration, which would be January 20<sup>th</sup> from 4:00 pm to 6:00 pm. CM Birnie further noted that this new date would give time to make sure all last projects were in place for the celebration.
3. Sawtooth housing project update. CM Birnie reported that he had been working with staff at the fairgrounds, user groups, and stakeholders to create a plan to more efficiently utilize the fairgrounds land, as well the adjacent housing project property.
4. County Performance Report for 2021. CM Birnie announced that the 2021 performance reports were now out for review, and were also available online at the county website under performance reports.
5. Trip to Pueblo, Colorado for a grant presentation. CM Birnie informed the commissioners that Assistant County Manager for Public Works Martin Schmidt, Assistant County Manager for Facilities John Cattles, and he were on their way to Pueblo for a grant application presentation with the Department of Local Affairs (DOLA). This would be for improvements to a Crested Butte public workshop, which would include a new geothermal envelope – improving its efficiency and emissions to be more in line with the rest of the county's projects.

**TWO LAND USE APPROVALS; EACH FOR A 1-LOT SUBDIVISION; MIRACLE ACRES PLAT SUBDIVISIONS, LARRY DARIEN; LOT 1 (LUC-22-00002) AND LOT 2 (LUC-19-000051):** Community Development Planner Rachel Sabbato was in attendance to present the land use approvals to the Board, and to answer any questions the commissioners might have.

1. **A Resolution approving Larry Darien, Miracle Acres, Lot 1 Subdivision Located at Subject Parcel Legally Described as a Track of Land Situated in the SE ¼ NE ¼ and the NE ¼ SE ¼ of Section 20 and the NW ¼ SW ¼ of Section 21, All in Township 11 South, Range 88 East of the Sixth Principal Meridian Described Further in Exhibit A. 2880 County Road 3, Marble Colorado, LUC-22-00002**
2. **A Resolution approving Larry Darien, Miracle Acres, Lot 2 Subdivision Located at Subject Parcel Legally Described as a Track of Land Situated in the SE ¼ NE ¼ and the NE ¼ SE ¼**

**¼ of Section 20 and the NW ¼ SW ¼ of Section 21, All in Township 11 South, Range 88 East of the Sixth Principal Meridian Described Further in Exhibit A. 2880 County Road 3, Marble Colorado, LUC-19-00051**

CD Planner Sabbato explained that LUC-19-0051 was the first subdivision applied for by the owner Larry Darien, and one of the conditions for approval was that Mr. Darien would need to install a new septic system. This had been done and a final inspection was approved in August 2022. Based on that, they were then able to move this plat through to completion. Mr. Darien also had a later application for the subdivision of Lot 1 – LUC-22-00002 – adjacent to Lot 2 and sharing an access point, but the lots were considered as two separate, legal lots. Commissioner Houck pointed out that all reviews had been done by the County Attorney's Office and had been found sufficient. The Board then briefly discussed the applications.

**Moved** by Commissioner Smith, seconded by Commissioner Mason to adopt Resolution 2022-41, approving Larry Darien, Miracle Acres, Lot 1 Subdivision located at Subject Parcel legally described as a track of land situated in the SE ¼ NE ¼ and the NE ¼ SE ¼ of Section 20 and the NW ¼ SW ¼ of Section 21, all in Township 11 South, Range 88 East of the Sixth Principal Meridian described further in Exhibit A, LUC-22-00002. Motion carried unanimously.

**Moved** by Commissioner Smith, seconded by Commissioner Mason, to adopt Resolution 2022-42, approving Larry Darien, Miracle Acres, Lot 2 Subdivision, LUC-19-00051. Motion carried unanimously.

Chairperson Houck then signed the two plats which CD Planner Sabbato had brought with her that morning.

**MEMORANDUM OF UNDERSTANDING; ROARING FORK VALLEY WILDFIRE COLLABORATIVE:**

Emergency Manager Scott Morrill and Deputy Emergency Manager Lisa Clay were present in the room for discussion and to answer any questions the Board might have.

EM Scott Morrill gave a brief history of the Roaring Fork Valley Wildfire Collaborative, noting that they had come a long way and were now a strong organization. He explained that, with this MOU, they were attempting to leverage cross-boundary mitigation projects that spanned both federal and private lands in northern Gunnison County, around the Marble area. He felt that the Roaring Fork collaborative would be able to help with this, and expressed excitement for the fact that local, state, and federal agencies had gotten together to achieve this mitigation effort.

The Board discussed the MOU briefly and the benefit it could be for the Marble area; they also discussed how many of the multiple agencies involved had already signed on to the MOU. EM Scott Morrill advised that all but three signatories had now signed. The commissioners all expressed their support for this memorandum.

**Moved** by Commission Mason to approve the Memorandum of Understanding with the Roaring Fork Valley Wildfire Collaborative, and to authorize the chair's signature. Commissioner Smith seconded. Motion carried unanimously.

**APPROVAL FOR GUNNISON COUNTY CORONER TO BE MOVED TO FULL-TIME POSITION:**

Chairperson Houck reminded those present that the Board had gone over this item during an earlier work session with Coroner Michael Barnes, working through expectations, deliverability of services, and coverage. Chairperson Houck further noted that Coroner Barnes had run unopposed in the election, and would be continuing in his capacity as coroner. Chairperson Houck asked the Board for their input.

Commissioner Mason stated that he thought Coroner Barnes had gone over his statistics very thoroughly with the Board, and he supported the full-time position. Commissioner Smith noted that she felt the level of insight and information he had gathered, even with a lack of resources, was very valuable and certainly not what every coroner in the state was doing; she felt that Coroner Barnes was working above and beyond in comparison.

Commissioner Houck emphasized for the record that salaries for a full-time coroner or any elected official are set by the state's salary guidelines. CM Birnie stated that the coroner's full-time salary had been added to the budget drafts which the Board would be looking at during this meeting.

Commissioner Mason **moved** to designate the Gunnison County Coroner's position be moved to a full-time position. Commissioner Smith seconded. Chairperson Houck added that this would be on a pay scale as determined by the state legislature, included in the documentation. Motion carried unanimously.

**BOARDS AND COMMISSIONS; PLANNING COMMISSION APPOINTMENTS:** Assistant County Manager for Community and Economic Development Cathie Pagano was present remotely via Zoom for discussion and to answer any of the Board's questions.

Chairperson Houck outlined that they had gone through a Notice of Vacancy search in the papers and online and had received four applications for alternate positions to the Planning Commission, of which three applicants were able to be interviewed. He stated that the Board needed to make two appointments at this time, and further advised that there would be one more position to fill for Commissioner-elect Laura Puckett Daniels when she takes office in the first of the new year. He noted that he felt very pleased with the three applicants they had for alternate positions, and informed those present that alternate terms are one-year memberships, but can be moved up as needed onto the commission.

Chairman Houck then reminded the Board to consider the overall skill sets already within the commission and how these applicants might fit in, and concluded by noting that during interviews, the Board had made sure each applicant interviewed had understood the workload, timing, and participation needed on the commission, and he was satisfied that all three did not have any issues.

The Board then discussed for several minutes the background and experience of each applicant, as well as the attributes each might be able to contribute to the commission. Chairperson Houck also asked ACM Pagano for any observations she might have to share with the Board.

ACM Pagano expressed that she felt a variety of perspectives would be good to have, as well as a mix of people all across the valley. She also recommended that they be able to carry over the two applicants not appointed into their next search, and not make them re-apply. CM Birnie added that staff would email these applicants to make sure they were still interested in staying in the current search for first-of-year appointments.

Chairperson Houck **moved** to appoint, as alternate members to the Planning Commission, Eric Phillips and Annie Beall. Seconded by Commissioner Smith. Motion carried unanimously.

**UNSCHEDULED CITIZENS:** There was no one present in the room or remotely via Zoom to offer comments.

#### **COMMISSIONER ITEMS:**

##### **Commissioner Mason**

1. Attended two days of meetings for Wild and Scenic designation on the Crystal River. Commissioner Mason reported that the stakeholder group had looked at four companies wanting to handle their facilitation process. He found the people attending were very knowledgeable about each of the four companies. No final decisions had been made at the time, but Commissioner Mason remarked that, with the comprehensive rating system they had used and the quality of the companies they were considering, he felt this would be a much different process than it had been in the first process attempt. As he anticipated that this would be a fairly complex process with many people affected, he suggested that his successor could expect the process to easily take two to three years.
2. Meeting with the Forest Service on Wednesday, 12/7 in Marble. Commissioner Mason stated that they would be discussing the recommendations that came out of the Lead King Loop meetings. He did not feel that it was urgent enough to put on the agenda in December, but he wanted Gunnison County to continue to work with the Forest Service on what recommendations were feasible and how they might accomplish these together. Commissioner Mason recommended that the Board keep the exemption in place and maybe move the expiration date back further, as they work through the recommendations and enforcement issues.
3. Several meetings to attend next Thursday, 12/8. Commissioner Mason noted that he has several meetings to attend on Thursday: a) Region 10 meeting; b) Lead King Loop meeting, and; c) Gunnison Valley Regional Housing Authority meeting. He planned to give updates on these at the next meeting on December 20<sup>th</sup>.
4. Housing Authority working with Community Film Screening. Commissioner Mason explained that there would be a film screening at the Majestic Theatre for a film called, "A Decent Home." He described the film as a feature-length documentary giving an eye-opening viewpoint of what it is like to live in a mobile home park. It would be playing December 7<sup>th</sup> in Crested Butte at 6:45 pm, with another showing in Gunnison on December 8<sup>th</sup>.

##### **Commissioner Smith**

1. Southwest Colorado Opioid Regional Council update. Commissioner Smith reported that she had been working with Gunnison County Substance Abuse Prevention Project Manager Kari Commerford, Assistant County Manager for Health, Human, and Safety Services Joni Reynolds, and other partners locally, getting ready to move forward with hiring a lead regional coordinator who will be a Gunnison County employee and report directly to Kari. The council also decided to hire an assistant regional coordinator to make sure other counties in the region – San Miguel, Ouray, Delta, Montrose – are connected to fill up infrastructure and capacity in order to execute their goals, as laid out in their two-year plan. Commissioner Smith briefly went over the grants that were opening up, several as soon as December 8<sup>th</sup>, and noted that they needed people in place who would be able to start working on the grant opportunities. Commissioner Smith also reported that she had been talking with the State Attorney General's office and she felt they were starting to come on board with the idea that there needs to be a more consolidated approach to statewide data, rather than to have regions develop their programs separately. She informed the Board that she would be meeting with someone from the AG's office in the next one to two weeks. She was encouraged by the response so far.
2. No more specific meetings to report. Commissioner Smith explained that she had several meetings over the last couple of weeks, but they were not specific meetings; rather, they had been discussions regarding a lot of the issues she had just discussed.

##### **Commissioner Houck**

1. Attended a Gunnison Basin Roundtable meeting. Commissioner Houck reported that this was their monthly meeting; he would be giving a more formal update along with the Upper Gunnison River Water Conservancy District at a work session later in the month.
2. Participated along with County Attorney Matt Hoyt in Colorado Counties Inc (CCI) meetings regarding potential legislation around land use. Commissioner Houck thanked CA Hoyt for his involvement in looking at proposed legislation, noting that some of the legislation might be good to have state-level directed, while other pieces were better to maintain an element of local control.

Overall, Commissioner Houck noted that it had been very productive to be able to take a look at next year's legislative "landscape" around land use.

3. Attended a Crested Butte Town Council meeting along with Assistant County Manager for Operations & Sustainability John Cattles and Assistant County Manager for Community and Economic Development Cathie Pagano. Commissioner Houck stated that the reason they were all there was because the council had voted to look at the next step for possibly extending the Town's utility infrastructure to the Whetstone Housing project. Commissioner Houck noted that the council was beginning to see real benefits to extending to Whetstone and were ready to take the next step to really examine what those opportunities looked like. Commissioner Houck also reported that the Town Council had split on their decision of whether or not to close the RV dump station. He explained that, because of the way their charter is set up, they will need 4 votes to the positive to keep it open, and there had only been enough of the council present for a 3 to 2 vote to the positive; the council would reconsider at a later date with a full council in attendance. Meanwhile, Commissioner Houck added, the Sustainable Tourism & Outdoor Recreation Committee (STOR) would continue to look at other opportunities for managing its recreation infrastructure. He highlighted the possibility that utility extension might provide the opportunity for other areas to be utilized as well.
4. Met in Denver last week with the Theodore Roosevelt Conservation Partnership. Commissioner Houck explained that this was a national organization that works on behalf of wildlife and wildlife organizations, and that they were very interested in what Gunnison County was doing on the Gunnison Public Lands Initiative (GPLI) and the Gunnison Outdoor Resources Protection (GORP) Act. He noted that a lot of their conservation goals around wildlife and habitat really aligned with the work being done locally, and his ultimate goal was to see if the Theodore Roosevelt Conservation Partnership can support the GORP Act as it moves forward.
5. Numerous meetings with the Bureau of Land Management as a cooperating agency, regarding a Gunnison Basin Sage-grouse Resource Management Plan amendment. Commissioner Houck stated that he had attended several meetings in which he worked on ensuring that all those in the process understand the county's robust conservation, restoration and permitting programs.
6. Attended the National Association of Counties (NACo) Public Lands meeting yesterday (Mon 12/5). Commissioner Houck stated that he took another look at what's on the horizon concerning public lands legislation and issues. He noted that some of the discussion had focused on severance percentages and share coming to the state and counties.
7. Worked earlier in the afternoon with CCI for upcoming presentations at the conference next week.
8. Meeting with Hinsdale County Commissioners tomorrow. Commissioner Houck informed the Board that he would be meeting with Hinsdale County Commissioners and Senator Bennet's staff regarding opportunities within the GORP Act which might be available for Hinsdale County.
9. Reminder: Meeting at the Gunnison Community Center tomorrow evening. Commissioner Houck reminded everyone that there would be an outreach meeting concerning pedestrian safety on Hwy 135 and Hwy 50. In recognition of the urgency in this outreach, Commissioner Houck stated he would also be attending.
10. Presenting to the Gunnison County Stockgrowers' Association annual meeting on Thursday. Commissioner Houck noted that his meeting would be centered on county policy and how that interacts with the ranching community.
11. Presented and fielded a Q & A session with the Gunnison County Republican Party meeting last Saturday. Commissioner Houck stated that he had been asked to come and give a presentation on the history of land use in Gunnison County and how the LUR is applied. He noted that one area the conversation focused on concerned fees and what total fees are required for building. Commissioner Houck outlined that he had reviewed what fees are coming directly from Gunnison County and what was involved in the permits and fees – plan reviews, permits, inspections, etc. – and tried to help his audience understand the services involved with these fees, showing that the county was actually a small part of the total fees collected. He expressed that he had appreciated the invitation and was glad he was able to go.

**Commissioner Smith add-on:** Commissioner Smith wished to add items for comment.

3. Contributed comments to a CCI Affordable Housing opportunity to comment. Commissioner Smith reported that she had been able to comment for Gunnison County on proposed legislation regarding affordable housing. She explained that she had found the proposed AMI's out of touch regarding what could work in areas like ours - smaller mountain resort communities – and noted that she felt it was important for these communities to continue to weigh in on legislation.
4. Attended a housing leadership lab in Chicago along with Gunnison Valley Regional Housing Authority Director Andy Kadlec. Commissioner Smith highlighted that while there, they were able to see examples of successful legal challenges to platform transparency issues such as those Gunnison County was struggling with, especially for some of the short-term rental companies.

**Commissioner Houck add-on:** Commissioner Houck had one more item for comment as well.

12. Senator Bob Rankin – Gunnison County's representative in the Colorado Senate – announced his resignation. Commissioner Houck expressed appreciation for Senator Rankin's voice for Western Colorado and added that the Board wanted to be sure to make connection with their new state senator once he or she was announced.

**ADJOURN and "UNADJOURN":** Chairperson Houck adjourned the meeting at 5:01 pm, and as CA Hoyt advised that there was an executive session, he then brought the meeting back into session at 5:01 pm.

**RECESS:** Chairperson Houck recessed the regular meeting at 5:01 am, in order to go into an executive session.

**EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(B): CONFERENCE WITH COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY; ATTORNEY-CLIENT PRIVILEGED COMMUNICATION, DISCUSSION AND LEGAL ADVICE REGARDING COLORADO SENATE BILL 22-230 AND PROMULGATION OF ADMINISTRATIVE RULES BY THE STATE OF COLORADO PURSUANT TO COLORADO REVISED STATUTE SECTION 8-3.3.-106:**

Chairperson Houck moved to go into Executive Session, pursuant to Colorado Revised Statute § 24-6-402(4)(b), conference with the County Attorney, Deputy County Attorney, or Assistant County Attorney for attorney-client privileged communication, discussion and legal advice regarding Colorado Senate Bill 22—230 and promulgation of administrative rules by the State of Colorado pursuant to Colorado Revised Statute Section 8-3.3-106. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Chief Financial Officer Perry Solheim. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Mason seconded. Motion carried unanimously.

The Board went into executive session at 5:03 pm. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4)(b).*

Attorney Statement Regarding Executive Session

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Matthew Hoyt  
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Jonathan Houck, Chairperson  
Gunnison County Board of Commissioners

At 5:27 pm, 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.

Chairperson Houck then gave direction that the Board would like to authorize County Attorney Matthew Hoyt to participate in the rulemaking process on behalf of Gunnison County in the publication of administrative rules by the State of Colorado pursuant to Colorado Revised Statute Section 8-3.3-106.

**BREAK:** Chairperson Houck recessed the meeting from 5:28 pm until 5:30 pm for a short break, and then from 5:30 until 5:58 pm in order to hold the below public hearing.

**PUBLIC HEARING; PROPOSED 2023 GUNNISON COUNTY BUDGET:** Chief Financial Officer Perry Solheim was present in the room for discussion and to answer any questions the Board might have.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 5:30 pm. He briefly introduced the hearing by noting the staff time and the numerous work sessions involved to prepare the budget. He advised that the public hearing was being held as a statutory requirement, and that it was held in the evening for the convenience of the public, so that individuals might be able to attend after normal 9am to 5pm work hours. He also noted that they now had the added option to attend online should they desire.
2. Public Notice Confirmation. Clerk to the Board Melanie Bollig confirmed that the Public Hearing had been properly public noticed.

- 3. Identify Ex Parte Communications. N/A
- 4. Staff Presentation. CM Birnie thanked Commissioner Houck for recognition of the time and preparation involved, noting that the budget was very important – it was a legal document and it dealt with transparency – but it was also a piece that operationalized the Board’s strategic plan and the core services which the county delivered. He expressed his approval with where the county was in this process, and noted that CFO Solheim had exciting new ideas for going forward.  
CFO Solheim then went over the latest draft of the budget, noting changes made from version #3, including: a) revisions to the Regional Transportation Authority (RTA fund); and b) revisions to the Water Fund budget, due to a previous formula error. He also went over the Summary of All Funds projected totals, explaining that they were planning on spending down several fund balances in 2023, as these totals had been built up in preparation for several anticipated, upcoming projects. Reference as to what amounts will be considered appropriate/healthy amounts to retain was also briefly discussed.
- 5. Applicant Presentation. N/A
- 6. Board Questions. Commissioner Smith commented briefly on the RTA fund balance, noting that the present fund balance dealt with the capital investments being made, particularly in workforce housing. Commissioner Mason added that part of the RTA balance would go toward the transfer station/shop in Crested Butte, as well as towards increased service. CM Birnie clarified for those listening that the county was the fiscal agent for RTA; the county did not approve the RTA budget.  
There were no further questions or comments at this point from the Board, as the commissioners commented for the record that their questions had mostly been answered in the four to five previous work sessions.
- 7. Public Comments. Chairperson Houck opened the Public Hearing to comments at 5:17 pm. Celeste Helminski, Gunnison Country Chamber of Commerce Director, joined the hearing remotely via Zoom, and asked CFO Perry Solheim if he would go over the Local Marketing District (LMD) fund on page A-16 of the draft budget. CFO Solheim briefly went over this for her, noting that he had been in the learning process between the Tourism and Prosperity Partnership (TAPP) Board and the LMD budget, and for this next budget year he wished to stay more conservative with the LMD budget. CFO Solheim further noted that he would be working with TAPP in the next year in order to come up with better data models.  
Commissioner Smith stated that the division of LMD monies approved by voters from the 2022 election would need to be looked at differently for the 2024 LMD budget. The Board discussed briefly how they wished to look at this information in the future, and how to best convey the information to the public in order to show the available expanded uses.  
Director Helminski thanked CFO Solheim and the Board for their help.
- 8. Acknowledge Correspondence Received. The Board received no correspondence, either online or by email or mail. CFO Solheim noted that he had received a few questions from the local press.
- 9. Applicant Response. N/A
- 10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 5:58 pm and immediately reconvened the Gunnison County Board of County Commissioners meeting.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 5:58 am.

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

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

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

Minutes Prepared By:

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

Attest:

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

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 2022-41**

A RESOLUTION APPROVING LARRY DARIEN, MIRACLE ACRES, LOT 1 SUBDIVISION LOCATED AT SUBJECT PARCEL LEGALLY DESCRIBED AS A TRACK OF LAND SITUATED IN THE SE ¼ NE ¼ AND THE NE ¼ SE ¼ OF SECTION 20 AND THE NW ¼ SW ¼ OF SECTION 21, ALL IN TOWNSHIP 11 SOUTH, RANGE 88 EAST OF THE SIXTH PRINCIPAL MERIDIAN DESCRIBED FURTHER IN EXHIBIT A. 2880 COUNTY ROAD 3, MARBLE COLORADO, LUC-22-00002

WHEREAS, the applicant, Larry Darien, proposes to subdivide 1.427 acres from the 185.24 acre Darien Ranch. The proposed use of Lot 1 is a single family unit with an ADU. The water source will be provided by an existing well (Permit #83104-F) who's court decree of augmentation is 16CW3033. The septic will be served by a County approved On-Site Waste Water Treatment System. Access will be from Gunnison County Road 3 across Lot 2 of the Miracle Acres plat. This access will be along the North side of the Darien Ranch Lodge along the old alignment of County Road 3. All utilities (electricity and phone) are on site. According to this application, the estimated amount of new traffic would be 20 trips.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on June 16, 2022. The Gunnison County Planning Commission approved a Recommendation of conditional approval of Miracle Acres, Lot 1 on June 16, 2022, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on December 6, 2022, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's June 16, 2022 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in Section 6-102: Projects Classified as Minor Impact Projects A, 2-4 Units.
2. The land use change complies with all applicable requirements of the Gunnison County and Use Resolution and Section 6-10: Standards of Approval for Minor Impact Projects.
3. A twenty-foot access easement for the new subdivided lot across the adjacent Darien lodge parcel will provide access to the property line.
4. Existing water wells, decrees and augmentation plan from previous water court cases (Water Decree, Case Number: 2016CW3033 and 06CW244) are in place and are sufficient.
5. An on-site waste water treatment system feasibility report by Sopris Engineering dated January 26, 2022 has been completed and provides adequate assessment and approval of this site.
6. This site has been reviewed for geologic hazards by Colorado Geologic Survey Engineering Geologist, Jill Carlson, per a letter dated April 12, 2022 she states, "CGS has no objection to approval of LUC-22-00002 as proposed."
7. This application is consistent with the standards and requirements of this Resolution.
8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. A mylar subdivision plat, in compliance with Section 6-105, Gunnison County Land Use Resolution, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
2. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. This subdivided Lot 1 has an access easement to the property line across the adjacent Darien lodge parcel, Miracle Acres Lot 2. A new driveway application for this parcel shall be required at the time of building.
6. A landscaping plan shall provide a buffer for the house from County Road 3 for 200 feet starting near the bridge. The new landscaping will be planted in locations acceptable to the Gunnison County Road and Bridge Department and will not block line of sight on County Road 3.
7. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

- 8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
- 9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2022-00002 Miracle Acres, Lot 1, is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 6th day of December 2022.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 2022-42**

RESOLUTION APPROVING LARRY DARIEN, MIRACLE ACRES, LOT 2 SUBDIVISION LOCATED AT SUBJECT PARCEL LEGALLY DESCRIBED AS A TRACK OF LAND SITUATED IN THE SE ¼ NE ¼ AND THE NE ¼ SE ¼ OF SECTION 20 AND THE NW ¼ SW ¼ OF SECTION 21, ALL IN TOWNSHIP 11 SOUTH, RANGE 88 EAST OF THE SIXTH PRINCIPAL MERIDIAN DESCRIBED FURTHER IN EXHIBIT A. 2880 COUNTY ROAD 3, MARBLE COLORADO, LUC-19-00051

WHEREAS, the applicant, Larry Darien, proposes to subdivide an existing 185.202-acre parcel in Marble, Colorado into two lots, 2.038-acre Lot A (referenced as Lot 2 on Miracle Acres plat) and 183.202-acre Lot B. The subject property is presently developed with two buildings. One 6,000 sq. ft. structure is a seven-room bed and breakfast (B&B) with a two-bedroom caretaker cabin (Cabin). The other structure is a two-unit building with one two-bedroom apartment and a one-bedroom apartment (Duplex).

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on May 29, 2020. The Gunnison County Planning Commission approved a Recommendation of conditional approval of Miracle Acres, Lot 2 on May 29, 2020, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on December 6, 2022, receive and review the Planning Commission’s Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's May 29, 2020 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

- 1. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in Section 6-102: Projects Classified as Minor Impact Projects A, 2-4 Units.
- 2. The land use change complies with all applicable requirements of the Gunnison County and Use Resolution and Section 6-10: Standards of Approval for Minor Impact Projects.
- 3. That the recordation of the subdivision plat be conditioned upon the issuance of an OWTS permit and the finalization of the work authorized by the OWTS permit in accordance with the Gunnison County OWTS Regulations.
- 4. There is adequate water supply for the subdivision lots.
- 5. The property meets the definition of an agricultural operation.
- 6. This application is consistent with the standards and requirements of this Resolution.
- 7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

- 1. A mylar subdivision plat, in compliance with Section 6-105, Gunnison County Land Use Resolution, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
- 2. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
- 3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will

require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.

- 4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
- 5. The recordation of the subdivision plat be conditioned upon the issuance of an OWTS permit and the finalization of the work authorized by the OWTS permit in accordance with the Gunnison County OWTS Regulations, as amended. The engineer’s as-built and approval letter for OWTS-21-00123 located at 2880 County Road 3, was received on August 3, 2022. Gunnison County building inspector Charlie Dominguez issued the final inspection approval on August 4, 2022.
- 6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
- 7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
- 8. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2019-00051 Miracle Acres, Lot 2, is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 6th day of December 2022.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes