

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
March 17, 2020**

The March 17, 2020 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Jonathan Houck, Chairperson	Matthew Birnie, County Manager
John Messner, Vice-Chairperson	Elizabeth Mense, Deputy County Clerk
Roland Mason, Commissioner (VIA TELEPHONE)	Others Present as Listed in Text

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

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 9:00 am. He noted for the record that Commissioner Mason is participating in the meeting via telephone.

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

**MINUTES APPROVAL:**

1. 2/18/20 Regular Meeting
2. 3/3/20 Regular Meeting  
**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the meeting minutes of 2/18/20 and 3/3/20 as presented. Motion carried.

**CONSENT AGENDA:** **Moved** by Commissioner Mason, seconded by Commissioner Messner to approve the Consent Agenda as presented. Motion carried.

1. Ratification of BOCC Signatures; Letter of Support; Grant Application – Laura Jane Musser Fund; Gunsight Bridge to Oh-Be-Joyful Campground Connector Trail
2. Acknowledgment of County Manager's Signature; Creative Info Systems
3. Intergovernmental Agreement; West Central Public Health Partnership; July 1, 2020 – June 30, 2023
4. Memorandum of Agreement; Six Points Evaluation & Training, Inc.; 2020 Funding
5. BOCC Letter of Support; ICELab Enterprise Zone Contribution Project Designation
6. BOCC Letter of Support; Gunnison Arts Center Grant Application – Building Renovation
7. Investment Grade Audit Report & Energy Performance Contracting Project Proposal Contract; Colorado Energy Office & Johnson Controls, InC.
8. Grant Agreement; Delta Dental of Colorado Foundation & Professional Services Agreement; Integrative Dentistry
9. Jail Service Agreement; T.W. Vending dba TurnKey Corrections & Facility Telephone Telecommunications Agreement; TKC Telecom LLC
10. Grant Application; Colorado Department of Public Health & Environment – Opioid Overdose Prevention Program

**Gunnison County Boards and Commissions Appointments:**

1. **Board of Adjustments & Board of Appeals:** Andrew Tocke
2. **Environmental Health Board:** Lynn Cudlip, Corey Bryndal & Shea Earley
3. **Historical Preservation Board:** Justin Lawrence
4. **Land Preservation Board:** Sandy Guerrieri
5. **Sage Grouse Strategic Committee:** Tim Kugler & Peter Caloger
6. **Watershed Weed Commission:** Lorraine Rup

**Moved** by Commissioner Houck, seconded by Commissioner Messner to appoint Andrew Tocke to the Board of Adjustments & Board of Appeals, reappoint Lynn Cudlip and Corey Bryndal to the Environmental Health Board, appoint Shea Earley to the Environmental Health Board, reappoint Justin Lawrence to the Historical Preservation Board, reappoint Sandy Guerrieri to the Land Preservation Board, reappoint Tim Kugler as the Recreation-at-Large member and Peter Caloger as the Public-at-Large member on the Sage Grouse Strategic Committee and reappoint Lorraine Rup to the Watershed Weed Commission. Motion carried.

**SCHEDULING:**

There were no additions to the schedule.

**Public Hearing; Liquor License Application; Double J. Enterprises LLC dba Sapinero Village Store:**

Kathy Simillion Gunnison County Clerk & Recorder was present for the hearing.

1. Open Public Hearing: Chairperson Houck opened the Public Hearing at 9:15 am.
2. Public Notice Confirmation: Kathy Simillion confirmed public notice in the newspaper.
3. Identify Ex Parte Communications: There were no ex parte communications identified.
4. Staff Presentation: Kathy Simillion stated that an on-site inspection was conducted and signs were posted at the location. There was no correspondence or objections received by her office.
5. Applicant Presentation: N/A
6. Board Questions: There were no questions from the Board.
7. Public Comments: There were no public comments.
8. Acknowledge Correspondence Received: N/A
9. Applicant Response: N/A
10. Close Public Hearing:  
**Moved** by Commissioner Houck to close the public hearing. The hearing closed at 9:19 am.

**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the liquor license application for Double J. Enterprises dba as Sapinero Village Store. Motion carried unanimously.

**COUNTY MANAGER'S REPORT**: County Manager Matthew Birnie was present for the discussion.

1. 2013 Certificates of Participation Refunding
2. 2020 Project Funding

**Moved** by Commissioner Houck, seconded by Commissioner Messner to delegate authority to County Manager Matthew Birnie to prepare documentation and correspond with bond council for the 2013 Certificates of Participation refunding and 2020 project funding. Motion carried.

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

1. **Resolution; A Resolution Authorizing Temporary Weight Restriction for a Portion of County Road 734 also known as Slate River Road:**

**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve Resolution 2020-8; A Resolution Authorizing Temporary Weight Restriction for a Portion of County Road 734 also known as Slate River Road. Motion carried.

2. **Resolution; A Resolution Authorizing Temporary Seasonal Closure and Weight Restriction for Portion of County Road 38 also know as Gold Basin Road:**

**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve Resolution 2020-9; A Resolution Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 also known as Gold Basin Road. Motion carried.

3. **Temporary Road Use Agreement; Kebler Pass – Annual Chainless Bike Race 6/26/20:**

**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Temporary Road Use Agreement on Kebler Pass for the Annual Chainless Bike Race on June 26, 2020. Motion carried.

4. **Discussion; Re: Refunding of Fees for Cancelled Events – Fairgrounds:**

Deputy County Manager Marlene Crosby and Fairgrounds Facility Manager Melody Roper were present for the discussion. Discussion ensued regarding cancellation of events at the fairgrounds due to the COVID-19 emergency and whether deposit fees would be returned. They noted that other agencies are returning fees for cancelled events. The Board consensus was to return deposits for events that had to be cancelled due to COVID-19 and the Standing Public Health Order.

**Moved** by Commissioner Houck, seconded by Commissioner Houck to return the deposit fee for events cancelled due to COVID-19 and the Standing Public Health Order. Motion carried.

DCM Crosby noted that the Employee Appreciation Dinner will be rescheduled to later this fall in September or October.

**Hearing; Petition for Abatement or Refund of Taxes; Property Tax Years 2017 & 2018; R000037, Lot 1 Meadows Subdivision B738 P290 #517931; Walmart Real Estate Business Trust:**

Bob Blackett Appraiser III was present for the hearing. Attorney Robert Hill participated via telephone. He explained that the subject property is Walmart building located on Main Street in the City of Gunnison. It is approximately 44,000 square foot and the adjusted year built is 1985.

**Moved** by Commissioner Messner, seconded by Commissioner Houck to deny the request for abatement of taxes for tax years 2017 & 2018 for Walmart Real Estate Business Trust, R000037. Motion carried.

**NOTE:** Commissioner Houck left meeting at 9:57am to take call with Senator Bennett's office regarding COVID-19.

**Hearing; Petition for Abatement or Refund of Taxes; Property Tax Years 2017 & 2018; R002078, Lots 14-24 & E/W Alley Adj Blk 146 West Gunnison #654235:**

Bob Blackett Appraiser III was present for the hearing. Brittany Abajian from Stevens & Associates participated via telephone. Ms. Abajian presented her argument. The original value, income approach and comparable properties were discussed. Appraiser III Blackett stated that the Assessor's Office opinion is that the Petitioner does not have standing to appeal for 2017 because they were not the owners. The subject property was purchased in July 2018. Appraiser III Blackett discussed the property attributes and location.

**Moved** by Commissioner Messner, seconded by Commissioner Mason to deny the request for abatement of taxes for tax years 2017 & 2018 for Alpine Lumber Company, R002078. Motion carried.

**Hearing; Petition for Abatement or Refund of Taxes; Property Tax Years 2017 & 2018; R002079, Lots 17-23, 13'x200' Tract Adj, E/W Alley Adj Blk 145 West Gunnison #654235:**

Bob Blackett Appraiser III was present for the hearing. Brittany Abajian from Stevens & Associates participated via telephone. Ms. Abajian presented her argument. Appraiser III Blackett explained the property attributes, location and value. Appraiser III Blackett stated that the Assessor's Office opinion is that the Petitioner does not have standing to appeal for 2017 because they were not the owners.

**Moved** by Commissioner Messner, seconded by Commissioner Mason to deny the request for abatement of taxes for tax years 2017 & 2018 for Alpine Lumber Company, R002079. Motion carried.

**Hearing; Petition for Abatement or Refund of Taxes; Property Tax Years 2017 & 2018; R003448, Lots 9-24 Blk 47 Crested Butte #583170:**

Bob Blackett Appraiser III was present for the hearing. Brittany Abajian from Stevens & Associates participated via telephone. Ms. Abajian presented her argument. Appraiser III Blackett explained the property attributes, location and value.

**Moved** by Commissioner Messner, seconded by Commissioner Mason to adjust the taxes for tax years 2017 & 2018 from \$2,550,880 to \$2,300,000 for Alpine Lumber Company, R003448. Motion carried.

**Resolution; A Resolution and Declaration Establishing the First Extension of the Gunnison County COVID-19 Local Disaster Emergency:**

**Moved** by Commissioner Houck, seconded by Commissioner Messner to Approve Resolution 2020-10; A Resolution and Declaration Establishing the First Extension of the Gunnison County COVID-19 Local Disaster Emergency. Motion carried.

**Amended Plat Approval; Remainder Lot 22, The Meadows Phase 2-R:**

**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the plat for the remainder of Lot 22, The Meadows Phase 2-R. Motion carried.

**Amended Plat Approval; LUC-20-00004 – Elcho IV Townhomes:**

Senior Planner Hillary Seminick was present for the discussion.

**Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the plat for Elcho IV Townhomes, LUC-20-00004. Motion carried.

**COMMISSIONER ITEMS:**

The COVID-19 emergency response was discussed amongst the Board. Topics included the task force and economic impact.

**NOTE:** Commissioner Houck returned to the meeting at 10:45 am.

**UNSCHEDULED CITIZENS:**

There were no Unscheduled Citizens present.

**ADJOURN:** **Moved** by Commissioner Messner, seconded by Commissioner Mason to adjourn the meeting. The meeting adjourned at 11:53 am.

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Jonathan Houck, Chairperson

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John Messner, Vice-Chairperson

\_\_\_\_\_  
Roland Mason, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Elizabeth Mense, 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. 20-8**

**A RESOLUTION AUTHORIZING TEMPORARY WEIGHT RESTRICTION FOR A PORTION OF  
COUNTY ROAD 734 ALSO KNOWN  
AS SLATE RIVER ROAD**

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

WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 734 also known as the Slate River Road (hereinafter "County Road 734"), that has deteriorated and there is resource damage; and

WHEREAS, that portion of County Road 734 that has deteriorated is located from the intersection of CR 734 and CR 317 (Gothic Road) to the end of winter maintenance at the CR 734 trailhead; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 734, a temporary weight restriction has been recommended for the season beginning March 27, 2020 through May 15, 2020 or sooner if conditions allow; and

WHEREAS, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restrict of a 15 ton load limit per vehicle for that portion of County Road 734; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that a certain portion of County Road 734 located from the intersection of CR 734 and CR 317 (Gothic Road) to the end of winter maintenance at the CR 734 trailhead is subject to the road weight restriction of a fifteen (15) ton load limit per vehicle for that portion of County Road 734 for the season beginning March 27, 2020 through May 15, 2020, or sooner if conditions allow.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner and adopted this 17<sup>th</sup> day of March, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Messner – yes; Mason -yes.

March 17, 2020

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

**RESOLUTION NO. 20-9**

**A RESOLUTION AUTHORIZING TEMPORARY SEASONAL CLOSURE AND  
WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD 38 ALSO KNOWN  
AS GOLD BASIN ROAD**

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

WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 38 also known as Gold Basin Road (hereinafter "County Road 38"), that has deteriorated and there is resource damage; and

WHEREAS, that certain portion of County Road 38 that has deteriorated is located beyond the end of the asphalt beginning at the area commonly known as the "shooting range" south to the Saguache County line; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 38, temporary closure to the public has been recommended for the season beginning March 27, 2020 through May 15, 2020 or sooner if conditions allow; and

WHEREAS, the Board acknowledges that it is necessary that property owner(s) and occupant(s) of adjacent lands are able to access their land; and

WHEREAS, adjacent property owner(s) and occupant(s) of adjacent lands shall be exempt from the closure of that portion of County Road 38. HOWEVER, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38; and

WHEREAS, closure of County Road 38 will not adversely affect health and safety nor will it cause substantial injury to the owner(s) or occupant(s) of adjacent land(s); and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that certain portion of County Road 38 located beyond the end of the asphalt beginning at the area commonly known as the "shooting range" south to the Saguache County line shall be and hereby is temporarily closed to the public for the season beginning March 27, 2020 through May 15, 2020 or sooner if conditions allow with an exception for adjacent property owner(s) and occupant(s) of adjacent lands who are exempt from the closure of that portion of County Road 38. HOWEVER, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38.

INTRODUCED by Commissioner Houck, seconded by

Commissioner Messner and adopted this 17<sup>th</sup> day of March, 2020

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Messner – yes; Mason – yes.

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

**RESOLUTION NO. 2020-10**

**A RESOLUTION AND DECLARATION ESTABLISHING THE FIRST EXTENSION OF THE  
GUNNISON COUNTY COVID-19 LOCAL DISASTER EMERGENCY**

WHEREAS, as of March 12, 2020, Gunnison County Department of Health and Human Services ("DHHS") confirmed three cases of COVID-19 within the county and public health experts anticipate that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the county, over the coming weeks or months, Gunnison County will continue to see cases of the virus and its transmission within the community; and

WHEREAS, on March 12, 2020, pursuant to the authority provided by law and delegated by the Board of County Commissioners, the Gunnison County Manager declared a local disaster emergency because the cost and magnitude of responding to and recovering from the impact of the ensuing event is far in excess of the county's available resources; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1) "A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed in excess seven days except by or with the consent of the governing board of the political subdivision"; and

WHEREAS, the conditions that spurred the Gunnison County Manager to declare the local disaster emergency have not abated; and

WHEREAS, "The effect of a declaration of local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster and emergency plans and to authorize the furnishing of aid and assistance under such plans." C.R.S. § 24-33.5-709(2); and

WHEREAS, defining clear roles for and direction to those responding to the local disaster emergency and operating under Gunnison County's emergency operations plan will allow a more effective response.

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

THAT, the Gunnison County Board of County Commissioners ("Board") confirms, determines, and declares that the presence and likelihood of additional cases of the COVID-19 virus within Gunnison County and the State of Colorado constitute a local disaster emergency that warrants continuing the emergency response and furnishing aid and assistance to affected portions of the community.

THAT, the Board recognizes that the Sheriff of Gunnison County is a constitutional officer charged with maintaining public order within Gunnison County and is authorized under state law to enforce orders of the Gunnison County Department of Health and Human Services ("DHHS") as well as other governmental directives related to disasters and emergencies, all as reasonably necessary to protect the safety of the public. The Board requests the Sheriff to enforce the orders of DHHS and continue taking other actions as necessary to ensure the safety of the public during this local disaster emergency.

THAT, the Emergency Manager for Gunnison County and the Gunnison County Director of Health and Human Services are coordinating the countywide response to the disaster, including with partners of Gunnison County, such as the towns within the county, first responders, human services, healthcare and emergency medical services providers, providers of critical infrastructure for the community, and other providers of important and necessary services to the public. The Board directs the Emergency Manager and Director of Health and Human Services to continue to work closely with these partners to ensure a coordinated response throughout the county, and to continue to utilize Gunnison County staff and other resources as necessary for an effective response, in consultation with the Board as appropriate.

THAT, the Gunnison County Manager manages the general operations of the county and serves as a liaison to municipalities within the county and others. The Board directs the County Manager to continue coordinating with internal and external partners and to direct county staff as appropriate and necessary to address the local disaster emergency. The Board also directs the County Manager to work with directors and managers within the county to address staff illness, sick time, working remotely, and similar topics to ensure the continuity of operations within the county in consultation with the Board as appropriate.

THAT, this local disaster emergency will continue for a period of at least 30 days from the date of this Resolution, unless sooner amended, extended, or rescinded by the Board.

THAT, this Resolution and Declaration shall be promptly filed with the Gunnison County Clerk and Recorder and with the Office of Emergency Management.

THAT, this Resolution and Declaration is necessary for the public health, safety and welfare of the citizens of the County of Gunnison, State of Colorado.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Gunnison, State of Colorado, this 17th day of March, 2020.

Introduced by Commissioner Houck, seconded by Commissioner Messner and adopted this 17th day of March, 2020.

GUNNISON COUNTY BOARD OF  
COUNTY COMMISSIONERS

Houck – yes; Messner – yes; Mason – yes..