

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
April 7, 2020**

The April 7, 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
John Messner, Vice-Chairperson
Roland Mason, Commissioner

Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Commissioner Houck called the meeting to order at 8:31 am. He noted for the record that he is in attendance in the board room along with County Manager Matthew Birnie and Commissioner Messner and Mason are participating via Zoom Meeting.

AGENDA REVIEW: There were no changes to the agenda.

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

1. Lease Agreement; Williams Drilling, Inc.; Gunnison-Crested Butte Regional Airport
2. Ratification of BOCC Signature; Letter of Support – Western Colorado University; Colorado Opportunity Scholarship Initiative
3. Notice of Award; Department of Health & Human Services; Center for Disease Control & Prevention; COVID-19 Crisis Response; \$43,444.29
4. Gunnison County Health & Human Services; Emergency Response 2020 – No Kid Hungry Grantee Community
5. Contractor Agreement; Christopher Klein Construction; Lot 22A
6. Liquor License Renewal; Double J Enterprises LLC dba Sapinero Village Store; March 22, 2020 – March 22, 2021
7. Liquor License Renewal; Irwin Backcountry Guides LLC dba Parking Barn; May 20, 2020 – May 20, 2021 & Liquor License Renewal; Irwin Backcountry Guides LLC dba Move Cabin; May 20, 2020 – May 20, 2021
8. Plan Resolution; Gunnison County Colorado Employee Medical Benefit Plan; COVID-19
9. Rocky Mountain Health Foundation Rapid Response Application; Gunnison County Department of Health & Human Services; COVID-19
10. Acknowledgment of County Manager's Signature; Memorandum of Understanding; Temporary Housing or Auxiliary Care Site Agreement for Gunnison Valley Hospital
11. Acknowledgment of County Manager's Signature; Trailhead Institute; Emergency Hunger Assistance Grant; \$18,750
12. Acknowledgment of County Manager's Signature; Host Compliance LLC Agreement
13. Grant Application; Community Foundation of the Gunnison Valley; COVID-19 Recovery Fund
14. Correspondence; Colorado Parks & Wildlife; Blinberry Gulch State Wildlife Area

SCHEDULING:

The commissioners did not have any items to add to the schedule.

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

- CM Birnie discussed recent grants received for the COVID-19 response.
- CM Birnie briefly discussed the Blackstock Government building geothermal project.
- CM Birnie provided an update on the Lot 22 Workforce Housing project.
- CM Birnie provided an update on the Gunnison County library project. Black Dragon Development LLC out of Crested Butte was selected as the construction manager and general contractor.
- CM Birnie provided an update on the Gunnison-Crested Butte Airport terminal project. Shaw Construction out of Grand Junction, CO was selected for the project.
- CM Birnie discussed funding that may be available for the COVID-19 response.

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

- DCM Crosby discussed a grant opportunity through Met-Rec for the white-water park.
- DCM Crosby discussed the Gunnison Valley Regional Transportation Authority project priority list.

Public Hearing; Petition to Vacate a Portion of a Certain Alley in the Townsite of Irwin, Colorado: Adams:

Deputy County Manager Marlene Crosby was present for the hearing.

1. Open Public Hearing: Chairperson Houck opened the Public Hearing at 9:07 am.
2. Public Notice Confirmation: DCM Crosby confirmed public notice.
3. Identify Ex Parte Communications: There were no ex parte communications identified.
4. Staff Presentation: DCM Crosby explained that the portions of the alley that the applicants seek to have vacated is the alley adjacent to Lots 1-5 and 14-18, Block 19 within the boundaries of Irwin Townsite.
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 public hearing closed at 9:11 am.

Moved by Commissioner Houck, seconded by Commissioner Messner to approve Resolution 2020-12; A Resolution Vacating a Certain Portion of Alley Lying Within the Townsite of Irwin, County of Gunnison, State of Colorado as presented. Motion carried.

BREAK: The meeting briefly recessed at 9:12 am. The meeting resumed at 9:15 am.

Public Hearing; Liquor License Application; SkyHighColorado LLC dba The Nugget Café:

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

1. Open Public Hearing: Chairperson Houck opened the Public Hearing at 9:16 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 9:18 am.

Moved by Commissioner Houck, seconded by Commissioner Mason to approve the Liquor License Application for SkyHighColorado LLC dba The Nugget Café. Motion carried.

Lot Cluster Request; Adams - Lots 1-5, 14-18 Block 19 Irwin Townsite:

Cathie Pagano, Community Development Director was present for the discussion. There were no questions from the Board.

Moved by Commissioner Houck, seconded by Commissioner Messner to approve the lot cluster request for Adams – Lots 1-5, 14-18 Block 19 in the Irwin Townsite as presented. Motion carried.

Lot Cluster Request; Robert O. Howell - 800 County Rd 20 & 828 County Rd 20:

Cathie Pagano, Community Development Director was present for the discussion. A memo provided by Beth Baker, the Administrative Services Manager explained that Robert O. Howell requested a lot cluster. The two properties are adjacent and are located at 800 County Road 20 and 828 County Road 20. The parcel will be approximately 1.8 acres. The utility company has consented to the lot cluster and there is no Homeowners Association. The County Attorney required an easement and that has been recorded. The Community Development Director and County Attorney have reviewed and approved the application. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Lot Cluster Request for Robert O. Howell – 800 County Road 20 & 828 County Road 20. Motion carried.

Resolution; A Resolution Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park:

Moved by Commissioner Houck, seconded by Commissioner Messner to approve Resolution 2020-13; A Resolution Adjusting the Ground Rent for Use of Premises at the Gold Basin Industrial Park. Motion carried.

Crested Butte South Commercial Area Master Plan & Resolution:

Cathie Pagano, Community Development Director was present for the discussion. The Commercial Area Master Plan Executive Summary, Special Area Regulations, Commercial Area Master Plan (CAMP) and Resolution were presented. Director Pagano explained that the Crested Butte South Property Owners Association has submitted a Land Use Change application to amend the Commercial Area Master Plan and the Special Area Regulations which requires Board approval. Gunnison County staff have reviewed the proposed changes and support Board approval of the CAMP. Additionally, Director Pagano noted that the commercial area in Crested Butte South aligns with the 2019 Strategic Plan through the identification of specific areas for commercial and light industrial uses.

Moved by Commissioner Houck, seconded by Commissioner Messner to approve Resolution 2020-14; A Resolution Regarding the Crested Butte South Special Area Regulations. Motion carried.

COMMISSIONER ITEMS:

The Board briefly discussed the COVID-19 response. Director Pagano discussed COVID-19 recovery planning.

Roland Mason-

- Commissioner Mason noted that he's been fielding calls regarding the Standing Public Health Orders.
- Commissioner Mason discussed a recent meeting with Jennifer Kermode from the Housing Authority and current projects. There is Housing Authority meeting scheduled for 4/8/20.
- Commissioner Mason discussed a recent request he received for a BOCC letter of support for the Marble Broadband project.

John Messner-

- Commissioner Messner discussed recent industry sub-group and economic taskforce meetings.

Jonathan Houck-

- Commissioner Houck discussed a recent telephone call with Zane Kessler from the Colorado River District.
- Commissioner Houck briefly discussed COVID-19 efforts and out reach with other counties.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

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

Moved by Commissioner Houck, seconded by Commissioner Messner to approve Resolution 2020-15; A Resolution and Declaration Establishing a Second Extension of the Gunnison County COVID-19 Local Disaster Emergency as presented. Motion carried.

Possible Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and C.R.S. 24-6-402(4)(d); COVID-19; Methods to Assist Enforcement of the County Public Health Orders:

Moved by Commissioner Houck, seconded by Commissioner Messner to enter an executive session Pursuant to C.R.S. 24-6-402 (4)(b) and C.R.S. 24-6-402(4)(d) COVID-19; Methods to Assist Enforcement of the County Public Health Orders.

Participants in the executive session will include Commissioner Jonathan Houck, Commissioner John Messner, Commissioner Roland Mason, County Attorney David Baumgarten, Deputy County Attorney Matthew Hoyt, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby and Public Health Director Joni Reynolds. Motion carried.

The Board went into executive session at 10:05 am. *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 C.R.S. 24-6-402(4)(b) and C.R.S. 24-6-402(4)(d).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B) and 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: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Commissioner Mason to come out of executive session. Motion carried unanimously. The Board came out of executive session at 11:15 am. The discussion remained on-topic and no decisions were made.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Mason to adjourn the meeting. The meeting adjourned at 11:15 am.

Jonathan Houck, Chairperson

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: 2020-12

**A RESOLUTION VACATING A CERTAIN PORTION OF ALLEY LYING WITHIN THE
TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), by virtue of Colorado law, has authority and is the owner of certain roads and alleys lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads and alleys are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain portion of an alley lying within the Townsite of Irwin, County of Gunnison, State of Colorado described as follows:

That certain portion of alley adjacent to Lots 1 through 5, inclusive, and Lots 14 through 18, inclusive, Block 19, lying within the Townsite of Irwin, according to the official plat recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 6, 1894, bearing Reception No: 70551; and

WHEREAS, the vacation of the above described portion of alley lying within the Townsite of Irwin, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described portion of alley lying within the Townsite of Irwin; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the certain portion of alley lying within the Townsite or Irwin, County of Gunnison, State of Colorado described as follows shall be and hereby is vacated:

That certain portion of alley adjacent to Lots 1 through 5, inclusive, and Lots 14 through 18, inclusive, Block 19, lying within the Townsite of Irwin, according to the official plat recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 6, 1894, bearing Reception No: 70551.

It is the specific intent of the Board that the vacation of the above described portion of alley lying within the Townsite of Irwin shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. The Lot Cluster Agreement executed by Gunnison County and the owner(s) of the respective adjacent property clustering said property and the above described portion of alley lying within the Townsite of Irwin, County of Gunnison, State of Colorado; and
2. This Resolution.

INTRODUCED by Commissioner Houck seconded by Commissioner Messner and adopted this 7th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 20-13**

**A RESOLUTION ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN
INDUSTRIAL PARK**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gold Basin Industrial Park located in the County of Gunnison, State of Colorado and as legally described as 38.79 acres in NE4NW4. Section 11 49N1W #499861 and portions of 21.28 acres in SE4SW4. Section 2 49N1W #499861; and

WHEREAS, the Board of County Commissioners wants to adjust the ground rental rate where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation and maintenance of the Gold Basin Industrial Park; and

WHEREAS, the Denver-Aurora-Lakewood Consumer Price Index for All Urban Consumers, as published by the United State Department of Labor Bureau of Labor Statistics, for 2019 was 266.999, a 1.92% increase from 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that effective on April 1, 2020:

1. The ground rental rate shall be in the amount of \$3,145 per annum per acre of premises occupied.
2. Premises occupied will be rounded to the nearest thousandth of an acre (x.xxx acres).

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

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner and adopted this 7th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 14 SERIES 2020**

**A RESOLUTION REGARDING THE CRESTED BUTTE SOUTH SPECIAL AREA
REGULATIONS**

WHEREAS, the Crested Butte South Property Owners Association has submitted a Land Use Change application to amend the Commercial Area Master Plan and the Special Area Regulations. The Crested Butte South Special Area Regulations were approved by the Gunnison County Board of Commissioners in Resolution 2008-38 and,

WHEREAS, The *Crested Butte South Special Area Regulations, Section 106: Amendment of Existing Covenants, Restrictions, Resolutions, Rules and Regulations* states, "The Existing Covenants, Restrictions, Resolutions, Rules and Regulations, and no portion of them, shall be amended without the prior written acknowledgement, by motion or recorded resolution, of the BOCC;" and

WHEREAS, The CB South POA approved the Commercial Area Master Plan (CAMP) at their Board meeting on November 13, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Crested Butte South Special Area Regulations be replaced with the attached Exhibit A, "Crested Butte South Special Area Regulations and Commercial Area Master Plan."

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 Houck, seconded by Commissioner Messner and passed on this 7th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS

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

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

RESOLUTION NO. 2020-15

**A RESOLUTION AND DECLARATION ESTABLISHING A SECOND 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, on March 13, 2020, the President of the United States declared a National Emergency due to COVID-19; 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 of seven days except by or with the consent of the governing board of the political subdivision"; and

WHEREAS, on March 18, 2020, the Gunnison County Board of County Commissioners passed a Resolution extending the local disaster emergency declared by the County Manager for an additional 30 days; and

WHEREAS, pursuant to the aforementioned Resolution, the current local disaster emergency declaration expires on April 18, 2020; and

WHEREAS, the conditions that spurred the Gunnison County Manager to initially declare the local disaster emergency, and for the Board of County Commissioners to extend this declaration, have not abated; and

WHEREAS, the Board of County Commissioners has confirmed to a reasonable degree the continued existence of such emergency; and

WHEREAS, the public health, safety and welfare of Gunnison County citizens remains in danger; and

WHEREAS, persons are or will be harmed unless continued efforts are undertaken to reduce the threat to life caused by this emergency;

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 April 18, 2020, 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 7th day of April, 2020.

Introduced by Commissioner Houck, seconded by Commissioner Messner and adopted this 7th day of April, 2020.

GUNNISON COUNTY BOARD OF COUNTY
COMMISSIONERS

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