

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
January 12, 2021**

The January 12, 2021 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson  
Roland Mason, Vice-Chairperson  
Liz Smith, Commissioner

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

**OATH OF OFFICE CEREMONIES FOR NEWLY ELECTED OFFICIALS; PERFORMED BY DISTRICT COURT JUDGE J. STEVEN PATRICK:** Prior to the meeting being called to order, District Court Judge J. Steven Patrick performed the Oath of Office ceremonies for newly elected commissioners Elizabeth Smith and Jonathan Houck.

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:45 am.

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

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC) BOARD REORGANIZATION AND COMMISSIONER APPOINTMENTS:**

- Designate BOCC Chairperson and Vice Chairperson for 2021. **Moved** by Commissioner Mason, seconded by Commissioner Smith to keep Commissioner Houck as Chairperson and myself as Vice-Chairperson. Motion carried unanimously.
- **Moved** by Commissioner Houck, seconded by Commissioner Mason, for the year 2021, that we appoint commissioners in voting capacity to the following roles: 1) Commissioner Mason and Commissioner Smith to the Gunnison Valley Rural Transportation Authority Board; 2) Commissioner Mason to the Region 10 Board; 3) Commissioner Houck as the voting member and Commissioner Mason as the alternate to the Gunnison Basin Sage-grouse Strategic Committee; 4) Commissioner Smith to the Early Childhood Council; 5) Commissioner Smith to Club 20; and 6) Commissioner Mason to the Gunnison County Sick Leave Bank Board. Motion carried unanimously.
  1. Gunnison Valley Rural Transportation Authority Board (two voting members).
  2. Region 10 Board (one voting member).
  3. Gunnison Basin Sage-grouse Strategic Committee (one voting member, one alternate).
  4. Early Childhood Council (one voting member).
  5. Club 20 (one voting member).
  6. Gunnison County Sick Leave Bank Board (one voting member).

**APPOINTMENTS; GUNNISON VALLEY HOSPITAL BOARD OF TRUSTEES:** **Moved** by Commissioner Smith, seconded by Commissioner Mason to appoint David Gray to the Gunnison Valley Hospital Board of Trustees. Motion carried unanimously.

**APPOINTMENTS; COLORADO RIVER DISTRICT BOARD OF DIRECTORS:** Commissioner Houck removed himself from consideration since he felt that the Board had two very qualified applicants from which to select. Commissioner Smith and Commissioner Mason agreed that the other two applicants were highly qualified and capable. After lengthy discussion, the Board came to agreement. **Moved** by Commissioner Mason, seconded by Commissioner Smith to appoint Kathleen Curry to the Colorado River District seat. Commissioner Houck noted his reservations about potential conflict of interest for Ms. Curry, but he stated his trust that she will be able to do the job. Motion carried unanimously.

**CONSENT AGENDA:** Item #5 was pulled for separate consideration, because the insurance language needed to be updated. **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the consent agenda, with the exception of Item #5 which will be discussed separately. Motion carried unanimously.

1. Contractor Agreement; Dr. John Tarr; Professional Services Regarding Health and Human services; 1/1/21 thru 12/31/21; \$1,200
2. Alcohol Beverage License #26-36342-0000; Almont Resort, Inc., dba Almont Resort; 2/6/2021 thru 2/6/2022
3. Ratification of Correspondence; Community Assistance Funds Adjacent to the National Forests and Grasslands; Support for the Wilder-Highlands Mountain Pine Beetle Response Project Proposal Submitted by the National Forest Foundation
4. Ratification of County Manager Signature; Memorandum of Understanding Regarding Review of County Projects within City Limits
5. **(MOVED, see below)** Agreement for Consulting Services; Gunnison Conservation District; 1/1/21 thru 12/31/21; Up to \$12,000
6. Gunnison-Crested Butte Regional Airport Lease Agreement; Ramon Ray, dba Ray Trucking and Backhoe; 11/1/20 thru 10/31/21; \$16,148.40

7. State of Colorado, Department of Public Health and Environment; COVID-19 Funding; Order #PO,FHJA,20210006292; 11/1/20 thru 6/30/22; \$80,488
8. Grant Application; National Association of County and City Health Officials; Building Workforce Capacity of Rural/Frontier Local Health Departments to Respond to COVID-19

**CONSENT AGENDA ITEM #5:** County Manager Birnie asked that the Board take action on this item with the condition that the insurance is updated. **Moved** by Commissioner Houck, seconded by Commissioner Mason to approve the Consulting Services Agreement with the Gunnison Conservation District, with updated insurance language that needs to be approved by the Attorney's Office and then, once that's done, authorize the signature of the manager. Motion carried unanimously.

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

1. Approval of 2021 Board of County Commissioners Regular Meeting and Work Session Schedule. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the 2021 regular meeting and work session meeting schedule. Motion carried unanimously.
2. 2021 Board of County Commissioners Meeting Agenda Posting Locations. **Moved** by Commissioner Houck, seconded by Commissioner Smith that, for the year 2021, the Board of County Commissioners meeting agenda legal posting requirement will be met electronically online on the Gunnison County website, but it will also be noted that we will continue to place a physical copy of agendas and notices on the board directly outside of the Board of County Commissioners meeting room. Motion carried unanimously.

**COUNTY MANAGER'S REPORTS:**

1. Shady Island Project. This project is progressing, and the park will be usable for the coming spring boating season with limited amenities.
2. Airport Terminal and Library Projects. CM Birnie informed the Board that these two projects are moving along as expected.

**STATE PARK FACILITY DISCUSSION:** Commissioner Houck noted that the previous BOCC discussed this concept, which is exploratory in nature, and that the Sustainable Tourism and Outdoor Recreation Committee is generally supportive. Colorado Parks and Wildlife is looking for big-picture ideas. The Board expressed support, and noted that big game, winter/summer habitats for species, sage grouse and other issues will need to be considered. **Moved** by Commissioner Houck, seconded by Commissioner Smith that the Board of County Commissioners support the initial look at the State Park concept under the construct that's been developed by Colorado Parks and Wildlife and to express our interest in looking at the resources co-owned by the County and the State and explore opportunities for whether or not a State Park opportunity is a good fit and, in turn, I would be authoring a letter of support on behalf of the Board in that initial application process to the State. Motion carried unanimously.

**GUNNISON COUNTY ASSESSOR REQUEST FOR USE OF THE ALTERNATE PROTEST PERIOD FOR 2021:** County Attorney Matt Hoyt confirmed that the Board has the authority for this discretion, according to State law, and approving the County Assessor's request would require a formal motion. If approved by the Board, notice would be provided to the Board of Assessment Appeals and the District Court. County Manager Birnie noted that the County has used this alternate protest period for the past few years, and it has resulted in more flexibility in staff schedules and workload. **Moved** by Commissioner Smith, seconded by Commissioner Mason to use the alternate protest period for 2021, as presented. Motion carried unanimously.

**UNSCHEDULED CITIZENS:** There were no Unscheduled Citizens present for discussion.

**POTENTIAL EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(B): CONFERENCE WITH COUNTY ATTORNEY MATTHEW HOYT, COUNTY MANAGER MATTHEW BIRNIE AND DEPUTY COUNTY ATTORNEY EMILEE SONG GAEBLER FOR PURPOSES OF RECEIVING LEGAL ADVICE AND COUNSEL REGARDING CENTER FOR BIOLOGICAL DIVERSITY ET AL. V. U.S. DEPT. OF INT., ET AL., U.S. DIST. CT. CAUSE NO. 20-3580 (D. COLO. DEC. 7, 2020) AND RELATED LITIGATION MATTERS AND ISSUES:** **Moved** by Commissioner Houck, seconded by Commissioner Mason to go into executive session pursuant to C.R.S. 24-6-402(4)(b), with County Attorney Matthew Hoyt, County Manager Matthew Birnie, Deputy County Attorney Emilee Song Gaebler and Community & Economic Development Department Director Cathie Pagano and the Board of County Commissioners for purposes of receiving legal advice and counsel regarding center for biological diversity and others versus the U.S. Department of the Interior and others, US District case number 20-3580 and related litigation matters and issues. No contemporaneous record would be kept. Motion carried unanimously.

The board went into executive session at 9:48 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).

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4)(b), 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)(b), 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: \_\_\_\_\_

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Jonathan Houck, Chairperson  
Gunnison County Board of Commissioners

The Board came out of executive session at 11:08 am. Commissioner Houck confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. Commissioner Houck noted that litigation has the potential for significant consequences to our community, and he requested that the County Attorney's Office evaluate next steps and determine the County's place in this matter.

**COMMISSIONER ITEMS:**

**Commissioner Mason:**

1. Air Command. Commissioner Mason attended a recent meeting, during which he learned of a 42-hour natural gas outage in the Aspen area. A line had purposely been cut, leaving 3,500 homes without heat at time when temperatures dipped below zero degrees. It is being called an act of domestic terrorism. Also, the airport has been doing well compared to other airports, as the numbers increased in November, and continued in December and January.
2. RV Dump Station. On 1/5/2021, Commissioner Mason participated in a discussion about the RV dump station next to the sewer plant in Crested Butte. Housing has been constructed in that area, and there can be 15-20 RVs lined up at any given time waiting to use the service. Initial conversations have been had about the future of this service.
3. Rural Transportation Authority. During a recent meeting, members discussed applying for a grant, which would require a 50/50 match equating to an investment of approximately \$400-500k, to start summer service out of Dallas/Ft. Worth. The County would be the applicant, and the grant application is due on 1/26/2021. Additionally, there are three lots owned by the RTA and Mountain Express in Crested Butte, and CDOT recent approved a \$1.7M grant to construct a six-bay storage facility on the lots to store RTA busses and Outrider busses.
4. Senator Michael Bennet. Commissioner Mason and other elected officials from around the state participated on a call with the Senator on 1/8/21 to discuss the Paycheck Protection Program and the potential for another stimulus package. He felt it was good to hear from other communities and business owners about their struggles.

**Commissioner Smith:**

1. Senator Michael Bennet. Commissioner Smith also participated on the 1/8/2021 call, and she expressed the same observations as Commissioner Mason did above.
2. Rural Transportation Authority. Commissioner Smith noted that the six-bay facility discussed by Commissioner Mason above would not require a match from the County as CDOT considers the land to be the County's match.
3. Early Childhood Education and Affordable Childcare. Commissioner Smith stated that she has been sitting in on meetings to discuss related issues. Some modeling predicts that the valley will reach a crisis point due to issues such as insufficient workforce pay.
4. Food Pantry. Commissioner Smith has remained in touch with the Pantry to work on counteracting the repercussions from COVID-19 and to discuss future demand increases.
5. Colorado Counties, Inc. Commissioner Smith participated in a recent session. Legislation has been proposed to distance BOCCs with Boards of Health, and the vast majority of counties expressed concern with that proposed legislation as most want to maintain the strong connection between BOCCs and BOHs.
6. North Fork Methane Capture. Commissioner Smith stated her willingness to reinvigorate these conversations. County Manager Birnie agreed to reach out to the working group to get a status update. Commissioner Houck felt that a related BOCC work session should, perhaps, be scheduled in the near future, to serve as a refresher on all related issues. County Attorney Matthew Hoyt felt that a discussion, either at the staff level or the Board level, related to Mt. Emmons, specifically, might be beneficial.

**Commissioner Houck:**

1. Coordination of Meetings and Focus Areas. Commissioner Houck stated that the commissioners should work to divide these types of duties so that every commissioner doesn't have to attend every meeting.
2. Southwest Commissioner Group. Commissioner Houck is working with this group, which recently held discussions related to adequate vaccine supplies considering second homeowners, students, etc. The group feels that the State should acknowledge communities like ours that may need more vaccines than may be supported by the census data.
3. Hartman Rocks User Group. Commissioner Houck attended a recent meeting. Discussions included information about the County plowing up to the new parking lot, and the fact that the partnership with BLM has worked very well.
4. COVID-19 Vaccine Messaging. Commissioner Houck opined that the County should start working on COVID-19 messaging to provide a collective leadership voice.
5. Colorado River Roundtable. Commissioner Houck stated that the Board will be appointing a representative to the Roundtable in the near future.

**ADJOURN:** Moved by Commissioner Houck, seconded by Commissioner Smith to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 11:40 am.

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

**CALL TO ORDER:** Commissioner Houck called the Gunnison County Liquor Licensing Authority to order at 11:40 am.

**ALCOHOL BEVERAGE LICENSE #26-36342-0000; ALMONT RESORT, INC., DBA ALMONT RESORT; 2/6/2021 THRU 2/6/2022:** CM Birnie noted that the Colorado Department of Revenue does not have specific guidance about how these types of applications should be approved. County Clerk and Recorder Kathy Simillion has been inquiring, and she found that these approvals are approached inconsistently throughout the state. CM Birnie recommended that, in the future, these applications be acted on by the Local Liquor Licensing Authority. County Attorney Matthew Hoyt agreed with this approach, and noted that it is recommended by CTSI. Moved by Commissioner Houck, seconded by Commissioner Smith to approve the Alcohol Beverage License for the Almont Resort, as provided in the packet. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Mason, seconded by Commissioner Houck to adjourn the Gunnison County Liquor Licensing Authority meeting. Motion carried unanimously. The meeting adjourned at 11:43 am.

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Jonathan Houck, Chairperson

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Roland Mason, Vice-Chairperson

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Liz Smith, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Kathy Simillion, County Clerk