

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 2, 2021**

The November 2, 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
Melanie Bollig, Deputy County Clerk
Others Present as Listed in Text

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 8:30 am.

AGENDA REVIEW: No changes were needed.

SCHEDULING: Commissioner Smith informed the Board that Club 20 had called a special meeting for Thursday, 11/4, and that she wanted to attend this rather than the Mayors & Manager's meeting to be held at the same time. Commissioner Roland affirmed that he would be attending the Mayors and Manager's meeting, so this would be fine.

MEETING MINUTES:

1. 8/17 Regular Meeting. On page 2, Item 4, Line 2, Commissioner Smith noted the word "event" needed to be added for clarity in the sentence. **Moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the 8/17 Regular Meeting minutes, as amended.

CONSENT AGENDA: With no questions or concerns by the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the Consent Agenda as presented. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Contractor Agreement; Ultraswayed, LLC; Specific Annual Benefits Compliance Notices; 10/14/2021-3/1/2022; \$3,000 Release of Landscaping Improvements Agreement for Swiss Holdings, LLC and Alpha Mechanical Solutions, LLC; LUC Permit No 2018-00025
2. Contractor Agreement; Colorado Health Institute; Data and Evaluation Related to the Regional Workforce to Increase COVID-19 Vaccine Access in Southern Colorado; 8/1/2021-7/30/2022; \$40,000
3. Grant Application; Early Childhood Council and Multicultural Resource Services; \$40,000
4. Grant Application; Great Outdoors Colorado (GOCO) Fellowship Program; STOR Corps and Center for Public Lands Support
5. Gunnison County Human Resources Director Employment Agreement; Lauren Trautz; Human Resources Director
6. Grant Award; Community Foundation of the Gunnison Valley; Advancing Equity; \$30,000
7. Acknowledgement of County Manager Signature; State of Colorado, Department of Agriculture Grant #POGG1, BAAA,202200002457; Gunnison County Fairgrounds; 10/18/2021-6/30/2022; \$15,126
8. Memorandum of Agreement between the Board of County Commissioners of the County of Gunnison, Colorado and Tenderfoot Child and Family Development Center, Inc.; Nursing Services; 1/1/2021-12/31/2021; \$1,200
9. 2021 Emergency Management Performance Grant; \$75,000
10. Commercial Lease Agreement; Eduardo Sanchez d/b/a Sanchez Painting, LLC; 7/1/2021-6/30/2022; \$7,500
11. ~~Agreement for Services between Gunnison County and SITA Information Networking Computing USA, Inc.~~ [This item was removed from the Agenda before the meeting, and the motion carried for only items #1-10. Chairperson Houck requested that this be added to the record.]

COUNTY MANAGER'S REPORT AND PROJECT UPDATES: County Manager Matthew Birnie was present for discussion.

1. Lauren Trautz selected as the new Human Resources Director. CM Birnie informed the Board of this final selection and noted that Lauren would be starting on December 6th.
2. Library project. CM Birnie asked if the Board had driven by the Library construction area, noting that all the large glulam beams had gone up and the they could now see the design outlines of the building taking shape.
3. Airport project. CM Birnie let the Board know that this project was "plugging along"; they were making some progress finally, but that it was a "challenging project."

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

1. Insurance Liability; Uncompahgre Valley Trail Riders and Gunnison County Sno Trackers. DCM Crosby introduced to the Board Rich Jakino (present in the room), President of Uncompahgre Valley Trail

Riders – a snowmobile group that grooms snowmobile trails in the Cimarron area. She also introduced on Zoom, former Commissioner and the Secretary/Treasurer of Gunnison County Sno Trackers, Phil Chamberland, whose snowmobile group grooms the Kebler Pass area. DCM Crosby explained to the Board that the insurance company, which all the snowmobile clubs use, only offers insurance up to \$1 million, and with the State insurance minimum requirement of \$1,093,000, this meant that the County would carry a liability for the extra \$93,000. She then asked each representative of the snowmobile clubs to explain what they do for the trail system each winter. Each representative explained what is involved in grooming to improve the safety of the trail systems, noting that they typically go well over the amount of contract hours which they are paid for. Both representatives requested waivers for their groups, noting that Gunnison is the only County who had not agreed to the \$1 million policy, and adding that the cost of an extra \$1 million insurance policy would be prohibitive for their clubs.

County Attorney Hoyt explained to the Board that the dollar amount of liability would be increasing again at the first of 2022, and the County would be at an even greater liability. DCM Crosby noted that coming up with a blanket policy for the County in the future would be difficult, because every policy she had seen varied quite a bit for each activity.

After some discussion by the Board regarding upcoming decisions for insurance requirements, Chairperson Houck stated that he believed that, for this specific issue, the grooming would actually relieve some of the liability by making trails safer overall; because of this, he was comfortable with the insurance coverage of \$1 million that each club was able to obtain. With the rest of the Board's support, it was **moved** by Chairperson Houck to accept the certificate of liability insurance for both the Gunnison County Sno Trackers and the Uncompahgre Valley Trail Riders in the amount of \$1 million liability coverage, as suitable and acceptable for the activities they'll be performing in Gunnison County for the grooming season of November 15, 2021 to April 15, 2022. Commissioner Smith seconded, and the motion carried unanimously.

Chairperson Houck then requested that the County Attorney convey the increased amount of insurance required by the State to the grooming clubs, in order for them to work on obtaining adequate insurance if possible for the next grooming season of 2022-2023.

2. Concerning the Colorado Department of Agriculture agreement on the consent agenda for today. DCM Crosby let the Board know that this grant and one other coming in January 2022 represented \$35,000 worth of improvements because of Melody and her staff working hard to qualify for and receive these grants. She expressed her gratitude for the staff and wanted to spotlight their hard work and contributions to the Fairground.
3. Update on Kebler Pass. DCM Crosby explained to the Board that this year's hunting season over Kebler Pass was seeing heavy traffic. It was also starting to snow and she noted that Public Works would keep the pass open as long as possible, closing it over the top if safety became an issue; they would also maintain roads to the forks until weather conditions or lack of staffing began to interfere with the maintenance of other, more traveled roads.
4. Update on Cottonwood Pass. DCM Crosby state that Cottonwood Pass was closed on November 1st. They did not lock the gates, but the closure was posted.

CONTINUED TINCUP STREET VACATION REQUEST; THAT PORTION OF LAUREL STREET ADJACENT TO LOTS 18024, BLOCK 14, AND LOTS 1-7, BLOCK 13, TOWN OF TINCUP; SALLY KUISLE AND LYLE & CHERYL RIEGER (HUMMING BIRD PROPERTIES, LLC):

1. Resolution; A Resolution Vacating a Certain Portion of Laurel Street Lying Within the Town of Tincup, County of Gunnison, State of Colorado

Deputy County Manager Marlene Crosby and American Mountain Association HOA representative, Jacob With, were present in the room for discussion; the applicant Sally Kuisle was also present via Zoom.

1. Open of Public Hearing: Chairperson Houck opened the public hearing at 9:00 am, explaining for those present in the room and on Zoom that he would elect to modify this hearing because it was a continued Public Hearing.
2. Public Notice Confirmation: DCM Marlene Crosby noted that they had missed the American Mountain parcel in their initial mailing but this had now been remedied, with certified mailings and returned mail stubs.
3. Identify Ex Parte Communications: No exparte communication was received by the Commissioners. DCM Crosby had received mail and passed this information on the Commissioners, but these had not been answered, and were treated as information for the upcoming, continued hearing.
4. Staff Presentation: Chairperson Houck directed that he wished to hear from staff first, then applicant, then questions from the Board, adding that there would also be an opportunity for public comment. He stated that he did not anticipate the Board would be continuing this hearing past that day's meeting, with all the information given to them in the meeting portfolio for this hearing.

DCM Marlene Crosby began by addressing a question regarding the status of 10th Street access. She presented the Board and Roger Sauerhagen, representative for the American Mountain residents, with a map showing the American Mountain access onto 10th Street. Regarding a locked gate on 10th Street, she found no order from a Board of County Commissioners that vacated any portion of 10th Street, so it was perceived to be open. The gate which had blocked a portion of 10th Street was found by Public Works staff to be no longer there when they had visited Tincup the week before this meeting, and all was accessible to the public.

Regarding a second question put forward in correspondence – "How is American Mountain allowed to block off the access of the two streets [Walnut and Laurel] previously part of the plat of Tincup?" –

- DCM Crosby said she had found no answer when she researched old records; there was no record of a vacation for that usage.
5. **Applicant Comments:** Applicant Sally Kuisle noted that all her applications were in and ready to go, but requested that the Board not grant a request for a pedestrian easement over the hopefully soon-to-be vacated Laurel Street. She felt that pedestrians walking Laurel would have to backtrack and the access down 10th Street to Walnut Street would have much less rocky slope, with much less debris, and be on an existing path. She also pointed out that the pedestrian access down Laurel would pass within six feet of her cabin steps.
 6. **Board Questions:** When asked about her observation of the different access areas, DCM Crosby noted for the Board that there was the same connectivity across 10th Street to Walnut, so this was not an issue if Laurel were to be vacated. She also reminded the Board that the engineer had specifically found this Laurel Street area to be the only site for a compliant septic system to be installed for the applicant.
 7. **Public Comments:** Chairperson Houck then opened the hearing to public comments. American Mountain Association HOA representative, Jacob With, came forward and stated that it would help to preserve a benefit to the public by keeping the pedestrian easement through Laurel. Citing the haphazard way in which Tincup has been settled, he asked the Board to not get rid of an easement that could easily be preserved at no cost to the County.
 8. **Acknowledge Correspondence Received:** Chairperson Houck stated that, besides the correspondence noted at the beginning of the hearing, he had received something just that morning from Karen Sauerhagen at 8:18 am. He then forwarded this email to the rest of the Board, DCM Crosby, and to County Attorney Matt Hoyt for review, adding that this correspondence covered the same issues and perspectives already presented to the Board.
 9. **Applicant Response:** Sally Kuisle explained that her cabin was built on part of the road access in the 1950s and she had not chosen to put this cabin in the easement. She also wanted to stress that the access over to Walnut Street would be a much better route.
 10. **Close Public Hearing:** Chairperson Houck closed the public hearing at 9:23 am.

The Board then discussed the issues, with Chairperson Houck reflecting back to other instances – one was a vacation in Ohio City. His perspective was that each is site specific, and the question remained, “Does it benefit all the people in the community?” He further noted that the Walnut Street access vs Laurel Street did not create a hardship if they did not keep the pedestrian access to Laurel Street. Commissioner Smith also added that she saw a public benefit in finding a way to preserve water quality with a compliant septic system, besides the need to preserve public pathways.

The Board further discussed the history of the Kuisle’s cabin, noting that there had been no due diligence in the County back when the cabin was built. Other discussion highlights included the comparison of the connectivity to Walnut Street compared to the Laurel location, the need for a compliant septic system, lack of records for a past Laurel Street vacation, and problems with a pedestrian easement.

Upon consulting with County Attorney Matt Hoyt on how to approve with a contingency, it was then **moved** by Chairperson Houck, seconded by Commissioner Smith, to approve the street vacation on Laurel Street in the Town of Tincup, with the contingency that, if a variance was not approved by the Environmental Health Board, and a lot cluster agreement for Lots 18-24, Block 14 in the town of Tincup was not granted by the Board of County Commissioners that day, then the street vacation would be held null and void. This motion would also instruct staff to prepare a resolution that reflected the detail of the discussion and decision of the commissioners from the meeting held that day. Motion carried unanimously.

LOT CLUSTER AGREEMENT AND DECLARATION; SALLY S. KUISLE REVOCABLE TRUST; LUC-21-00049; LOTS 18-24, BLOCK 14, TOWN OF TINCUP: Due to the complexity of putting contingencies on both the street vacation resolution and the lot cluster, the Board took counsel for some minutes with Community and Environmental Development Director Cathie Pagano, Community Development Administrative Services Director Beth Baker, Applicant Sally Kuisle, and County Attorney Matt Hoyt.

After this discussion, Chairperson Houck then **moved** to approve the lot cluster agreement and declaration LUC-21-00049, lots 18-24, Block 14 in the Town of Tincup, contingent upon approval of a variance by the Environmental Health Board, and to authorize the full Board’s signatures. Commissioner Smith seconded and the motion carried unanimously.

BREAK: Chairperson Houck called a recess in the meeting from 9:49 am to 9:54 am.

2022 WORK PLAN AND BUDGET REQUEST; MARBLE CRYSTAL RIVER CHAMBER OF COMMERCE; \$45,390: Chief Financial Officer Juan Guerra was present in the room for discussion. Also present via Zoom were Marble Crystal River Chamber of Commerce representative, Karen and Larry Good, Christy Villalobos, and Vicki Branson.

CFO Juan Guerra let the Board know that he could see no issues with funding from the lodging tax dollars in the amount of \$45,390, as requested by the Marble Crystal River Chamber of Commerce. Chamber representative Larry Good explained that they are trying to move away from so much of the seasonal motorized vehicle destination, planning instead to develop more of a year-round hub with live events and an artist’s community in their downtown area. Their request included adding staff for hub support, rather than having all run by volunteers only.

After a brief discussion, the Board approved the Chamber’s budget request and added that final approval would come as soon the County’s budget was finalized.

Chamber Representative Larry Good then noted a request also attached to their budget proposal, asking for reimbursement of LMD tax funds to two couples – Karren and Larry Good, and Dave and Linda Adams – who spent their own funds to start up the Chamber. He asked for reimbursement from the surplus of LMD funds for their start-up contributions. Chairperson Houck answered that he would ask CA Matt Hoyt to look into what part of the funds would be permitted to be reimbursable, and then go from there for approval.

CORRESPONDENCE; POTENTIALLY SECURE FEDERAL FUNDING FOR A MULTIAGENCY, LARGE-SCALE CHEAT GRASS MITIGATION EFFORT: Commissioner Liz Smith introduced that she was working with the Gunnison Basin Sage-grouse Strategic Committee (GBSGSC), along with other entities, to acquire funding for a very large-scale cheat grass mitigation effort, as they had recently discovered major intervention would be needed in order to prevent an imminent decline of the Gunnison Sage-grouse. Conversations with Senator Bennett’s office had also led them to believe the Senator may be able to help in terms of federal funding for this. Commissioner Smith asked for the Board’s support in a final letter which would be brought to them at a later date for signing.

Chairperson Smith noted that GBSGSC would also be reaching out to several other entities for partnership assistance in this mitigation, such as the Bureau of Land Management, Gunnison County Stockgrowers, and the Gunnison Basin Sage-grouse Ecosystem Alliance. The committee’s idea would be to first hire a facilitator in advance of any federal funding that might come through, in order to understand how best to proceed and coordinate any mitigation efforts. She added that a request for funding would be forthcoming for this at a later date.

With this information, it was moved by Chairperson Houck to delegate authority to Commissioner Liz Smith to develop a letter of support for this concept and to move that correspondence forward on behalf of the Board of County Commissioners. Commissioner Mason seconded and the motion carried unanimously.

GRAND MESA–UNCOMPAHGRE–GUNNISON (GMUG) NATIONAL FOREST PLAN REVISION COMMENTS: Chairperson Houck reminded the Board that the deadline to submit comments was fast approaching on November 12th. He informed the Board that he would want to present his comments before they were submitted, but these remarks were not yet complete for presentation until next week. He then updated them on his collaboration with local residents and the town of Crested Butte; commenting also on what should be key to the Board’s comments to the forest plan revision. Among the larger issues highlighted were: Gunnison County Public Lands Initiative (GPLI) should be heavily considered; inclusion of the Gunnison Basin Sage-grouse, as much of their range is on forest land; coal and methane capture; cooperation and coordinating with other agencies; the importance of being able to manage new motorized methods of recreation. Chairperson Houck also noted the plan did not adequately address response to climate change, and its economic analysis was focusing only on timber and had not brought recreation and its impacts adequately into the plan. He concluded by asking for the authority to continue to refine and submit comments on behalf of Gunnison County. The Board approved, and it was **moved** by Commissioner Smith, seconded by Commissioner Mason to authorize Chairperson Houck to submit comments on behalf of the Board of County Commissioners to the Grand Mesa-Uncompahgre-Gunnison National Forest Plan. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no citizens present to make comments during this time.

COMMISSIONER ITEMS:

Commissioner Mason

1. Attended a Region 10 Executive Meeting. Commissioner Mason explained that Region 10 would be looking at more than marketing localities with the funds that were expected to be coming to them. Instead they wished to focus on growing “livable communities.” This included looking at data tracking and analysis for workforce housing availability, attending housing and entrepreneurial summits and an outdoor recreation conference tied to sustainability, as well as childcare and transportation assessments.
2. Attended an Air Command Meeting November 1st. Commissioner Mason updated the Board on the increased winter flight schedules. Flights for the Winter Schedule starting on December 16th would be daily from Houston on United, running through March 26th. United would also be flying two to three flights per day from Denver. American Airlines would have two flights coming in daily from Dallas, starting December 16th and running through April 4th, with a mid-season change of only one flight per day January 5th through February 16th.
3. Attended a local broadband meeting to discuss the broadband potential between Gunnison and Crested Butte. Commissioner Mason expressed that an expected grant applied for by Gunnison Valley Health had not been received, and so they were currently looking at some federal funding for this area, with the help of Region 10. He reported that the project is ready to start; engineers had submitted estimates and they needed to purchase the fiber already ordered with the help of Gunnison County Electric Association, while they are looking for alternate funding. Commissioner Mason stated the cost would be \$3.5 million from Gunnison to Crested Butte, with another \$400,000 needed for routing from Crested Butte to Mt. Crested Butte, adding that they had found some fiber put in years earlier between CB and Mt. CB which was still workable.

Commissioner Smith

1. Talking with John Norton of the Tourism and Prosperity Partnership Board, regarding Local Marketing District (LMD) funding for Western Colorado University's mountain sports programs. Commissioner Smith reports that they are working out ideas from the perspective of those who actually run the sport programs. She reports that John Norton is excited about this project and both feel they are making good headway.
2. Attended a Counties & Commissioners Acting Together (CCAT) governance meeting November 1st in Keystone. Commissioner Smith explained most of the meeting centered around fine-tuning the mission and the way the organization was structured in terms of governance. She reported there were no huge changes to report, but that she had learned a lot in terms of how to negotiate these types of decisions, within the culture of that organization.
3. Colorado Department of Revenue, Division of Taxation, Public Rulemaking Hearing set for December 2nd. Commissioner Smith advised the Board of this meeting, highlighting the proposed rule to permanently change the definition of rooms and accommodations, which would eliminate the inclusion of campsites. She felt it would be of interest to the Board to weigh in with some written comments, as she felt hesitant to let campsites be permanently struck out. Commissioner Smith then offered to develop comments and have the Board give feedback on it.

Commissioner Houck

1. Meeting nonstop regarding the Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forest Plan Revisions. Commissioner Houck explained he had been focused for the last two weeks on attending Forest Service sponsored webinars, reviewing information, and meeting with other neighboring county commissioners in planning comments.
2. Working on Colorado Counties Inc. (CCI) legislative initiatives. Chairperson Houck stated he was working with the CCI staff as well as Elizabeth Lawrence from Summit County on these initiatives dealing with lodging tax and allowable uses for local marketing district funding.
3. Met with the National Forest Foundation and District Ranger Matt McCombs of the US Forest Service. Commissioner Houck let the Board know that this was a meeting to debrief and promote the collaboration between them for growth in Gunnison County.

ORDER CHANGE: Chairperson Houck elected to switch the order of the Executive Sessions, putting the second session first, instead.

RECESS: Chairperson Houck recessed the regular meeting at 10:51 am, in order to go into an executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. §24-6-402(4)(b): CONFERENCE WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS RELATED TO PROPERTY LOCATED IN GUNNISON COUNTY, COLORADO, AND PURSUANT TO C.R.S. §24-6-402 (4)(e)(I): DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS RELATED TO PROPERTY LOCATED IN GUNNISON COUNTY, COLORADO: Chairperson Houck **moved** to go into Executive Session, pursuant to C.R.S. §24-6-402 (4) (b), conference with the County Attorney or Deputy County Attorney for Gunnison County for the purpose of receiving legal advice on specific legal questions related to property located in Gunnison County, Colorado, and pursuant to C.R.S. §24-6-402 (4)(e)(I), determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations related to property located in Gunnison County, Colorado. The participants in the Executive Session would include the full Board of County Commissioners, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Deputy County Attorney Emilee Gaebler (participating by phone). There would be no contemporaneous record kept. Commissioner Smith seconded the motion, and the motion carried unanimously.

The Board went into executive session at 10:53 am. 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) and §24-6-402 (4) (e) (I).*

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) 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(4).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 11:26 am, 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 in the discussion. Commissioner Smith seconded the motion, and the motion carried unanimously.

Chairperson Houck then let those present know that no direction or guidance was needed.

CHANGE OF AGENDA: Chairperson Houck then noted that there would be no other Executive Session held that day; instead, the remaining Executive Session would be moved to another time.

ADJOURN: **Moved** by Chairperson Houck, seconded by Commissioner Smith, to adjourn the Gunnison County Board of Commissioners Regular Meeting. Motion carried unanimously. The meeting was adjourned at 11:27 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk