

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING MINUTES  
August 23, 2022**

The August 23, 2022 meeting was held in the Board of County Commissioners’ meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

- |                                |                                     |
|--------------------------------|-------------------------------------|
| Jonathan Houck, Chairperson    | Matthew Birnie, County Manager      |
| Roland Mason, Vice-Chairperson | Melanie Bollig, Deputy County Clerk |
| Liz Smith, Commissioner        | Others Present as Listed in Text    |

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

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:30 am.

**MINUTES:** With no questions or concerns from the Board, Commissioner Mason **moved** to approve the June 7, 2022 Regular Meeting minutes, the June 21, 2022 Regular Meeting minutes, and the August 16, 2022 Regular Meeting minutes. Seconded by Commissioner Smith. Motion carried unanimously.

1. June 7, 2022 Regular Meeting
2. June 21, 2022 Regular Meeting
3. August 16, 2022 Regular Meeting

**TREASURER’S REPORT:** County Treasurer Debbie Dunbar was present via Zoom, for discussion and to answer any questions from the Board.

With no questions from the Board and nothing to highlight from the Treasurer, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to accept the Treasurer’s Report and authorize the chair’s signature on the report. Motion carried unanimously.

**VOUCHERS AND TRANSFERS:** Senior Accountant Kelly Weak and Chief Financial Officer Perry Solheim were present in the room to answer any questions the Board might have.

Commissioner Smith asked about a reference in the reports to Grant #1280, which was attached to a San Miguel reference. SA Weak stated that this was related to COVID funds, and then offered to get more information to Commissioner Smith once she was back at her office. Commissioner Smith thanked her and confirmed that she would appreciate the information.

1. **August 2022 Accounts Payable Report. Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the August 2022 vouchers in the amount of \$3,678,487.12. Motion carried unanimously.
2. **May 2022 Purchase Card Report.**
3. **June 2022 Purchase Card Report.**
1. **July 2022 Cash Transfer Report. Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the July 2022 cash transfer in the amount of \$6,987,640.97. Motion carried unanimously.
4. **Sales Tax - LMD Reports.** Chairperson Houck noted that the sales tax and LMD reports still looked promising and positive, with maybe just a small indication of slowing.

**APPROVAL FOR USDA FOREST SERVICE CONTRACT FOR THE SALE OF MINERAL MATERIALS; GUNNISON COUNTY PUBLIC WORKS; ALLOWS GUNNISON COUNTY TO USE CRUSHED, STOCKPILED MATERIALS LEFT AT THE PIT; FREE USE, PLUS RECLAMATION IN 10 YEARS, AND WEED CONTROL; EXPIRES 8/11/2032:** Public Works Operations Manager Sparky Casebolt was present for any questions and discussion from the Board.

OM Casebolt explained to the Board that this was for use of materials in a pit located between the 11- and 12-mile marker on the other side of Cottonwood Pass. The contract would be free use for materials out of this far pit, primarily to be used for Kebler Pass.

Commissioner Mason noted that the County Attorney had listed problems with the contract and asked for comments on this. CA Matt Hoyt then explained to the Board that Section 9, page 171 in their packet, was problematic, in that it stated that the County is responsible for “indirect harm,” which was a very ambiguous term. He also pointed out that, if a court should find the County willful or grossly negligent, then the County would be liable for three times the amount for actual damages that the court would set. He concluded that he would never recommend agreeing to a contract of this nature with a private entity; however, he also understood that the Forest Service would not be willing to change the agreement terms – at this point it would be the decision of the Board whether or not to accept the contract.

OM Casebolt added that, over the course of all the years the County had entered into this type of agreement with the Forest Service, they had never had any problems. CA Hoyt advised that they would just need to be sure to heavily document all occurrences, in case anything should ever need go to court.

After some discussion, including the life of the pit possibly being 10 year or longer, yearly inspections, and what would be expected of the County, the Board decided to move forward with the contract.

**Moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the USDA Forest Service Contract for the Sale of Mineral Materials with Gunnison County Public Works, allowing the County

to use crushed, stockpiled materials left at the pit, and to authorize the chair's signature. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Board of County Commissioners Special Meeting at 8:44 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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Melanie Bollig, Deputy County Clerk

Attest:

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Kathy Simillion, County Clerk