

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
January 24, 2023**

The January 24, 2023 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:

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

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

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

CONSENT AGENDA: Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels, to approve the consent Agenda as presented. Motion carried unanimously.

1. Approval of Professional Services Agreement; For Tourism and Prosperity Partnership (TAPP) services; Effective upon date of signing until 12/31/2023; up to \$3,390,000

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison River Valley Local Marketing District at 8:32 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:32 am.

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

SCHEDULING: Chairperson Houck noted the joint public hearing on Thursday February 2nd. Commissioner Puckett Daniels had questions about Mayors & Managers, asking who usually goes. County Manager Birnie noted it had usually been one commissioner in the past – often the Chair – but had lately been two to three commissioners attending, though they did not need more than one in attendance. Commissioner Smith noted she may need that meeting off as she has a possible ongoing meeting conflict with the Mayors & Managers meeting times.

Commissioner Houck noted that he will be in Washington D.C. on February 14th and unable to attend the scheduled work session meeting.

The Board also discussed if the joint public hearing would be done by noon on Feb 2nd, as that was set for the same day as Mayors & Managers. Assistant County Manager for Community and Economic Development Cathie Pagano (present remotely via Zoom) stated that she hoped so.

MINUTES APPROVAL: Moved by Commissioner Smith, seconded by Commissioner Houck to approve the October 18, 2022 regular meeting minutes and the November 1, 2022 Regular Meeting minutes. Motion carried. Commissioner Puckett Daniels abstained as she had not been at these meetings.

1. **October 18, 2022 Regular Meeting**
2. **November 1, 2022 Regular Meeting**

CONSENT AGENDA: Commissioner Puckett Daniels had a question about Item #1 on the consent agenda; therefore, Item #1 was pulled for further discussion.

Moved by Commissioner Puckett Daniels, seconded by Commissioner Smith, to approve Items #2 and #3 on the consent agenda. Motion carried unanimously.

1. PULLED FOR FURTHER DISCUSSION - Approval for Amendment to Gunnison County Operating Plan 2023
2. Approval for Release of Development Improvements Agreement; For Colorado State University – Wilson Subdivision
3. Approval of Agreement for Consulting Services; Gunnison Conservation District; for Wildlife Biologist services; 1/01/2023 – 12/31/2023; up to \$12,000

PULLED FOR FURTHER DISCUSSION – Consent Agenda Item #1: Approval for Amendment to Gunnison County Operating Plan 2023: County Manager Birnie gave explanation by stating that this amendment will allow the county to be reimbursed with state funding; mutual coordination has been already done in the past. He noted that in Colorado the Sheriff is also the Fire Marshall, so this allows mutual aid and delegation of authority.

Moved by Commissioner Daniels, seconded by Commissioner Smith, to approve the consent agenda Item #1, after its discussion and clarification. Motion carried unanimously.

COUNTY MANAGER’S REPORTS:

1. Airport Celebration. CM Birnie thanked his team and more specifically, County Attorney Matt Hoyt, Chief Financial Officer Perry Solheim, Assistant County Manager for Operations & Sustainability John Cattles and Assistant County Manager for Community and Economic Development Cathie Pagano for all their help throughout the process. The Board discussed the event briefly, noting that it had been a great celebration. Commissioner Smith asked what the grant total for the airport renovation had been. CM Birnie estimated \$29 to \$30 million, highlighting that the county had started saving for this project in his third year here.
2. Whetstone Project updates. CM Birnie reported that they were in the land use process stage, with a public hearing having been completed last Thursday, January 19th.
3. Working with Gunnison Valley Health. CM Birnie explained that he was working presently with GVH regarding their property and housing transactions. GVH would be purchasing Lazy K units for affordable housing, and CM Birnie and ACM Cattles would also be sitting on a selection committee for the emergency medical services building project manager and general contractor. He further noted helping GVH to explore different financing option for other upcoming projects. The Board then briefly discussed the county’s process for building projects as well as a projected deed restriction yet to come for the Lazy K units.

CHANGE IN AGENDA: As County Treasurer Debbie Dunbar was not present either in the room or remotely via Zoom, Chairperson Houck elected to come back to the agenda item “Treasurer’s Reports” after Vouchers and Transfers, as Treasurer Dunbar might be able to join remotely by the later time.

VOUCHERS AND TRANSFERS:

1. January 2023 Accounts Payable Report. **Moved** by Commissioner Smith to approve the vouchers in the amount of \$4,211,650.02. Commissioner Puckett Daniels seconded. Motion carried unanimously.
2. December 2022 Cash Transfer Report. **Moved** by Commissioner Smith to approve the cash transfer in the amount of \$5,016,603.93. Commissioner Puckett Daniels seconded, and the motion carried unanimously.
3. Sales Tax - LMD Reports. Commissioner Smith noted that looking back over years 2018 up to 2022, that the county’s efforts to identify more online sales had risen from \$57 million in 2018 to over \$173 million in 2022. CFO Perry Solheim noted that this will continue to improve as his staff continues to look over and identify more areas of online sales.

TREASURER’S REPORTS: County Treasurer Debbie Dunbar was still not present; however, Chairperson Houck elected to go ahead and review without her, noting that he would check in with her later to make sure there was nothing of note that she had wished to report.

With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Daniels to approve the Treasurer’s reports and authorize the chair’s signature. Motion carried unanimously.

APPROVAL FOR GUNNISON COUNTY ASSESSOR’S 2023 ALTERNATE APPEAL SCHEDULE:

Assessor’s Office Communications Manager William Spicer was present in the room for discussion and questions from the Board.

Mr. Spicer went over the appeals process for Gunnison County, as the Board had a new commissioner present, and then highlighted the dates they were asking for in the alternative appeals process for 2023. He explained that it gave more time for preparation of appeals and for more meaningful presentations.

Comm Mgr Spicer also reminded the Board that they had elected to hire a hearing officer in 2023. He briefly went over what the appeals process would look like with a hearing officer involved, noting that it worked well for both the Assessor’s Officer and the taxpayers. He let the Board know that the county may expect a heavy appeals season in the fall.

CA Hoyt wished to clarify the Board’s memo in their meeting packet, stating that the first deadline date was to be corrected from June 10 to June 8.

The Board briefly discussed the timing this year for the County Board of Equalization (CBOE) appeals and determinations, as guided by the alternate schedule. Also discussed was the slowness of the postal service to deliver notices to those out of state.

CA Hoyt let the Board know that if a taxpayer was not happy with the decision of the CBOE, they have three further ways to appeal: 1) to the district court; 2) to the State Board of Assessment Appeals, or; 3) they can submit the appeal to binding arbitration.

Comm Mrg Spicer extended the invitation for Commissioner Daniels and any of the commissioners to feel free to come over to the Assessor’s Office, where they can go over any additional information desired.

Commissioner Puckett Daniels **moved** to approve the Assessor’s alternate appeal schedule, with dates as set in statute. Commissioner Smith seconded. Motion carried unanimously.

Commissioner Houck then expressed interest in generating a contract with the hearing officer the county had used for the last two years. CM Birnie affirmed that they would get a contract together and get back to the Board for their approval.

GUNNISON COUNTY BOARDS AND COMMISSIONS, REGULAR-CYCLE SEARCH DISCUSSION:

Chairperson Houck went over the process for filling vacancies on the County’s boards and commissions. He let those present know that, for future help to the Board in making appointment determinations, he wanted the applicant to have to provide more detail. He also wished to go over the way that they considered those

applicants who were re-applying while fulfilling their duties already. Commissioner Houck stated that he was inclined to interview only those new to the position and not those already on a board.

Commissioner Smith stated that had not heard all of those who were in positions already, and felt she would like the option to still re-interview. Commissioner Puckett Daniels also felt that the re-applications should be vetted in competitive cases, in order to make fair decisions.

The Board deliberated for several minutes over this process and how best to choose applicants. CM Birnie added that some of the boards do rely on their members in order to function properly, and he felt that the advantage of an interview vs a large paper application was that you would get more applicants. A large application may turn some away from the process.

Commissioner Houck added that a letter of intent would be helpful to vet individuals before the actual interview process. Commissioner Smith added that more specific questions might be better, as a letter of intent can be a struggle for people to understand what is wanted. Commissioner Puckett Daniels noted further that a well-written letter does not need to be a qualification for several of the boards, in order for an applicant to become an important part of the board or commission; she cautioned about erecting barriers to entry.

Chairperson Houck then noted that this could be discussed more at a later date. He asked the commissioners to then look at how to lay out the interviews for the applications that have come in by the January 17th deadline. The Board then discussed for several minutes their meeting schedules and the timing needed for all the interviews. They also made decisions on who would be interviewed, as designated by each Board or Commission:

1. Board of Adjustments and Board of Appeals, 3 positions: No need to interview Bill Barvitski and Andrew Tocke, as they were both re-applying. Jeff Wilkinson to be interviewed
2. Environmental Health Board, 1 position + 2 alternates: no need to interview Shea Earley, as he was the one applicant re-applying. To continue the search for two alternates.
3. Extension Advisory Board, 2 positions: To continue the search, as the two members whose terms had expired did not re-apply
4. Gunnison Basin Sage-grouse Strategic Committee, 2 At-large Alternate positions: Ron Crews to be interviewed.
5. Gunnison Valley Board of Trustees, 4 positions: All four applicants to be interviewed – Bob Schutt, Marla Crockett, Stephens Mundy, and Polly Oberosler
6. Gunnison Valley Regional Housing Authority, 1 position: To continue the search, as there had been no applicants
7. Gunnison Valley Land Preservation Board, 1 Alternate position: No need to interview Les White, as he was the one applicant who re-applied.
8. Gunnison Watershed Weed Commission, 3 positions: No need to interview Lorraine Rup, as she was the one applicant who re-applied. To continue the search for two more members.
9. Historic Preservation Commission, 1 position: Al Caniff to be interviewed.
10. Library Board of Trustees, 2 positions: All six applicants to be interviewed – Sally Hays, Barth Hague, Susan Wold, Janet Farmer, Matthew Feier, Cheryl Crews
11. Planning Commission, 1 position: To interview Catherine McBreen and Roland Mason.
12. Region 10, 4 positions: No need to interview the three who re-applied – Vincent Rogalski, David Assad, and Shane McGuinness. To interview Colleen Hannon as the one new applicant.
13. Sustainable Tourism and Outdoor Recreation (STOR), 4 positions: To interview all seven applicants – Tim Kugler, Jake Jones, Chris Parmeter, Kate Guibert, Jeremy Johndrow, Geoffrey Heller, Gabriela Zaldumbide
14. Tourism and Prosperity Partnership (TAPP), 3 positions: To interview all six applicants – Jennifer Barvitski, Kelly Osness, Erica Rasmussen, Bill Miller, Celeste Helminski, Kendal Rota. Interviews to take place as the LMD Board, with the WCU and CBMR reps in attendance.
15. Veteran Services Officer, 1 position: No need to interview Steve Otero, as he was the one applicant who re-applied. Further, they had recently received reports of his outstanding work.

After a consensus by all the commissioners on who they would be interviewing, Chairperson Houck directed CM Birnie Birnie to look at February 7th for holding the first interviews, noting that the interviews could be held right after the regular meeting on February 7th and continue all afternoon, with interviews lasting 20 minutes each. As there would be too many interviews for one meeting, it was decided that Chairperson Houck and CM Birnie would meet later to decide the date for the second round of interviews.

UNSCHEDULED CITIZENS: There was no one present in the room or remotely via Zoom for comment.

COMMISSIONER ITEMS:

Commissioner Smith

1. Participating in Broadband workshop. Commissioner Smith let the Board know that Colorado Attorney General Phil Weiser would be there next Monday for the workshop, and he was wanting to talk with the Commissioners. She asked the Board to put this on their radar if they were available.
2. Anonymous donor grant received by the Hispanic Affairs Project. Commissioner Smith reported that a \$120,000 grant had been received, to advance the immigration work and partnership with the City of Gunnison's Rural Welcoming Initiative. She also advised that the City of Gunnison also received a second grant to continue with the Rural Welcoming Initiative, and they will be acting

in more of a mentor capacity to some of the new groups coming on board. Commissioner Smith added that she was still part of that process and then noted that it was really becoming more organized and expanding outward for greater collective impact. She also stated that the City would be hiring a facilitator for help in moving initiatives forward.

3. Universal Pre-Kindergarten update. Commissioner Smith stated that she was happy to report that Gunnison County and the school district have really led on the early date gap issues with the state. Gunnison was granted the ability to accommodate children that fall in the enrollment date gap from August 1 to October 1 through a manual process. The state was asking Gunnison to be a pilot for this and to figure out how to implement a workable process. She noted further that some school districts had already voted to change their cut-off dates because they had been worried about this very issue.
4. Attended land use group meetings with both Colorado Counties Inc (CCI) and Counties and Commissioners Acting Together (CCAT). Commissioner Smith explained that these had been very productive meetings and noted that staff will be conversing with the Governor's office shortly regarding concerns around CDOT and affordable housing.
5. Attended a Fentanyl Town Hall meeting hosted by Colorado Attorney General Phil Weiser. Commissioner Smith highlighted that the town hall meeting had focused on social media, and the way that regions need to create education and outreach about fentanyl. She let the Board know that social media was playing a significant role in how adolescents are accessing some of these drugs.
6. Attended a community meet and greet for Brian Berger, the Gunnison City Manager candidate. Commissioner Smith explained that Brian was now the sole candidate due to a couple of recent withdrawals.
7. Met that morning with John Whitney from Senator Bennet's office. Commissioner Smith stated that this meeting had centered on updates for John. She informed the Board that she had brought up some of the difficult issues they were continuing to experience with County Road 3's exemption of OHVs near Marble. She had stressed that progress has been made in the Lead King Loop stakeholder group, but that she didn't want the point that had been made a couple of years ago to the White River National Forest (WRNF) to be lost – when considering qualifications for a permitting system, they needed to look at more than just the numbers, they also needed to consider the impacts to the community and the lack of infrastructure to support the activity which their forest was attracting, and which Marble was not able to support. She reported that John Whitney has expressed willingness to reach out again to the WRNF. She asked the other Board members to let them know also if they had differing or additional opinions from hers.
8. One "go back" regarding Rural Welcoming Initiative with the City of Gunnison. Commissioner Smith advised that, because they are continuing the grant process, there would be a Welcoming Interactive this year in San José, California on April 26th - 28th. She asked CM Birnie about sending one of the county staff to the interactive in order to help get a better perspective and sense of the program, and to see how the county might better interface with the City of Gunnison on this initiative. She also expressed that she would like to join the site team again this year. CM Birnie stated that they could meet about this.

Commissioner Puckett Daniels

1. Contacting the Boards she has been newly appointed to. Commissioner Puckett Daniels reported that contacting each of the Boards was currently a main focus of hers, so that she could acquaint herself with the people and the topics important to each Board and get herself "up to speed." She informed the commissioners that she had met with Andy Kadlec at the Regional Housing Authority last week, and this week she would be meeting with Joe Lavorini and Jake Jones with STOR, and Scott Truex with RTA to see where they are all at presently.
2. Met with the Town of Crested Butte last week for an introductory meeting. Commissioner Puckett Daniels stated that she had gotten the chance to tell them a little about herself and what her priorities were, and then had also been able to ask questions and find out their perspectives and see how they would like the commissioners to interact with them.
3. Planning to attend the Region 10 Broadband workshop next Sunday and Monday. Commissioner Puckett Daniels advised those present that this would be a policy rather than a technical workshop and she was scheduled to make some comments welcoming people and then to attend the workshop.

Commissioner Houck

1. Attended a Roundtable HB1177 meeting last week. Commissioner Houck explained that he would give more details about this meeting at the next work session water updates.
2. Work on the BLM Resource Management Plan amendments for both Gunnison Sage-grouse and the Big Game wildlife corridors. Commissioner Houck outlined that he had been working extensively on the Gunnison Sage-grouse RMP with Wildlife Biologist Jim Cochran, and on the wildlife corridors RMP with CA Hoyt.
3. Work on the Grand Mesa-Uncompahgre-Gunnison National Forest Plan. Commissioner Houck reported that the finalization was still in process, and he would be traveling to Delta or Montrose to meet with GMUG Forest Supervisor Chad Stewart and go over some concerns.
4. Traveling to Denver tomorrow for a CCI legislative meeting. Commissioner Houck stated that he anticipated a robust legislative season to look forward to, and noted that Assistant County Manager

for Health, Human, and Safety Services Joni Reynolds was the county's proxy vote for Health and Human Services as well.

- 5. Reminder for Colorado Parks and Wildlife wolf reintroduction meeting. Commissioner Houck let those present know that the meeting would take place on Wednesday at Western Colorado University, and not at the Fairgrounds' Fred R. Field Western Heritage Center; meeting details were posted on the CPW website.

BREAK: Chairperson Houck elected to take a break in the meeting from 10:01 am to 10:11 am.

CHANGE OF AGENDA: Chairperson Houck proposed that they did not need to enter into Executive Session for the topics being discussed by County Attorney Hoyt with the commissioners. Chairperson Houck did note that, if there was any topic that happened to come up during the presentation and which CA Hoyt felt would be attorney-client privilege, then they could at that point recess and go into an executive session.

EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(B): CONFERENCE WITH COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY, OR ASSISTANT COUNTY ATTORNEY; ATTORNEY-CLIENT PRIVILEGED COMMUNICATION, DISCUSSION AND LEGAL ADVICE REGARDING: (A) EX PARTE COMMUNICATIONS IN QUASI-JUDICIAL PROCEEDINGS; (B) COLORADO OPEN MEETING LAW; AND (C) CONFLICTS OF INTEREST: CA Matt Hoyt went over several topics that would be relevant to functioning as a county commissioner. These topics included: Colorado Sunshine Law – Open Meetings Law, *Ex Parte* Communications and Conflicts of interest (timeliness, transparency and openness, private vs public meetings, procedural due process, how to avoid *ex parte* communications or to recuse yourself from voting, and steps for resolving any conflict of interest).

The Board then was asked if they had questions, or if they would like to go into Executive Session. Chairperson Houck advised the Board that they could go into Executive Session if they desired to ask about anything specific, since it was already noted on the agenda.

CA Houck stated he had nothing specific, but he always found this review very helpful for knowing what the expectations were, and to give clarity to what the commissioners – as representatives of the County – do before the public. CA Hoyt also reminded the Board that it is not just what the law states, but what is perceived by the public; it was his desire that all are able to feel that they are above board and transparent in how the county does business.

Commissioner Smith and Commissioner Puckett Daniels then asked several general clarifying questions, questions about executive sessions for personnel matters, and what might be considered *ex parte* communication with members of the public.

CA Hoyt worked through examples of potential *ex parte* communication and demonstrated examples of how to stop or avoid these types of inadvertent communication.

Chairperson Houck thanked CA Hoyt for his presentation and added that they also always had him or his staff available for support when they might need it.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 11:06 am.

Jonathan Houck, Chairperson

Liz Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk