

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
April 4, 2023**

The April 4, 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:

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

**GUNNISON/HINSDALE BOARD OF HUMAN SERVICES:**

**CALL TO ORDER:** Chairperson Houck called the meeting of the Gunnison / Hinsdale Board of Human Services to order at 8:30 am. Hinsdale County Commissioner Greg Levine and ACM Joni Reynolds were not able to be present; however, Chairperson Houck noted that the board still had a quorum for approving the document before them for approval.

**APPROVAL FOR COMPREHENSIVE CIVIL RIGHTS PLAN; OUTLINES EQUAL OPPORTUNITY POLICY AND COMPLAINT PROCEDURES, AS REQUIRED BY COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING (HCPF):** Commissioner Houck briefly went over background on the Civil Rights Plan required by the Colorado Department of Health Care Policy and Financing.

With no issues from the Board, Commissioner Smith **moved** to approve the Comprehensive Civil Rights Plan, as presented. Commissioner Puckett Daniels seconded. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison/Hinsdale Board of Human Services at 8:32 am.

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

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

**ALCOHOL BEVERAGE LICENSE #03-02906; IRWIN BACKCOUNTRY GUIDES LLC DBA MOVIE CABIN; EFFECTIVE DATES 5/20/2023 – 5/20/2024:** With no questions or concerns from the Board, it was **moved** by Commissioner Smith to approve the Alcohol Beverage License for Irwin Backcountry Guides LLC dba Movie Cabin. Commissioner Puckett Daniels seconded. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Local Liquor Licensing Authority at 8:33 am.

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

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:33 am.

**AGENDA REVIEW:** No changes were needed to the agenda.

**SCHEDULING:** Commissioner Smith noted that the joint public hearing scheduled for April 6 should be removed or shown as postponed. Commissioner Houck wanted to make sure that someone would be able to attend the next Mayors & Manager’s Meeting on April 6. Commissioner Puckett Daniels stated that she should be able to go.

**MINUTES APPROVAL:** **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels, to approve the minutes for February 21, 2023 and February 28, 2023 as presented. Motion carried unanimously.

1. **February 21, 2023 Regular Meeting**
2. **February 28, 2023 Special Meeting**

**CONSENT AGENDA:** Commissioner Puckett Daniels requested that they pull Consent Agenda Items #1 and #8 for further discussion.

**Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels, to approve the consent agenda with the exceptions of Items #1 and #8. Motion carried unanimously.

1. PULLED FOR FURTHER DISCUSSION: Acknowledgment of County Manager’s Signature; Professional Services Agreement with Employers Council; for new Equity, Diversity, Inclusion & Belonging (EDI & B) Committee consulting services; 4/04/2023 - 8/31/2023; \$26,300
2. Acknowledgment of County Manager’s Signature; Professional Services Agreement; Otis Elevator Company; for Airport elevator maintenance; 3/01/2023 - 2/29/2024; \$9,440

3. Approval for Letter of Support, Sno Trackers Capital Grant application
4. Approval for Memorandum of Agreement between Western Colorado University and Gunnison County; to document the cooperation between Western and Gunnison County, in partnership to manage the GOCO Fellowship grant
5. Acknowledgement of County Manager's Signature; Professional Services Agreement; ACTenviro; for collection/disposal of items in the household hazardous waste clean-up event; 3/21/2023 - 4/28/2023; up to \$39,566
6. Approval for Daniel's Fund Grant Letter of Agreement; Gunnison County Substance Abuse Prevention Program (GCSAPP); to support Choice Pass programming; 3/31/2023 - 3/30/2024; \$50,000
7. Approval for Amended Opioid Settlement Intergovernmental Agreement; Gunnison County and the Town of Pitkin; establishing how settlement funds shall be divided and distributed
8. **PULLED FOR FURTHER DISCUSSION:** Approval for Contractor Agreement; Walter A. Sorrentino; for CBOE Hearing Officer services; 10/01/2023 - 10/31/2024; \$65 per hour
9. Approval for Project Hope of Gunnison Valley Memorandum of Understanding with Gunnison Valley Mentors (GVM), Gunnison County Substance Abuse Prevention Program (GCSAPP), and Gunnison County Department Health and Human Services (DHHS); for joint application to the OVW Fiscal Year 2023 Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program grant

**PULLED FOR FURTHER DISCUSSION—Consent Item #1: Acknowledgment of County Manager's Signature; Professional Services Agreement with Employers Council; for new Equity, Diversity, Inclusion & Belonging (EDI & B) Committee consulting services; 4/04/2023 - 8/31/2023; \$26,300**

**PULLED FOR FURTHER DISCUSSION—Consent Item #8: Approval for Contractor Agreement; Walter A. Sorrentino; for CBOE Hearing Officer services; 10/01/2023 - 10/31/2024; \$65 per hour**

Commissioner Puckett Daniels explained that she had a question about the notes in the portfolio and wondered if the notes needed to be updates. County Manager Birnie confirmed that the issue had indeed been fixed and that the notes had needed to be updated. He further advised that this was the same issue with Item #8, wherein the contract issue had been resolved and notes had needed updated. CA Hoyt and CM Birnie stated that they were working on ways to make the final approval show in the notes. CM Birnie explained that if the item was on the agenda, it had been approved to come before the commissioners for their review.

**Moved** by Commissioner Puckett Daniels to approve Items #1 and #8 on the Consent Agenda, as presented. Commissioner Smith seconded. Motion carried unanimously.

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie was present in the room for his report.

1. Sawtooth Affordable Housing project update. CM Birnie let the commissioners know that the City will be issuing foundation permits for Sawtooth, allowing them to get started and have units finished for this construction season.
2. Whetstone Project Implementation. CM Birnie stated that Board had delegated authority to pursue this project; and now they were ready to move into the proposal phase. He requested, for the sake of clarity, that the Board confirm the delegation of authority to the County Manager to sign all documents and make decisions to move forward with project implementation. He explained that this will help keep him in the execution side and the commissioners seated more for the policy land use side of decision-making. Commissioner Houck reminded the Board that this is the procedure used for past projects as well. CM Birnie asked for a formal motion.

Commissioner Smith asked about the nine RFQ's received, wanting to know what the process for that review looked like. CM Birnie answered that five or six will be invited to present during a public meeting in Crested Butte. After that, they will interview and short list, depending on whether one or maybe more rises to the top during this process. He briefly went over the qualifications they are looking for, and the financial expertise needed as well. Commissioner Smith stated that she had wanted community involvement and appreciated that there is in this process. Commissioner Puckett Daniels requested that there be continued communication in the overall process. CA Hoyt and CM Birnie both confirmed that there would be.

Commissioner Houck then **moved** to reiterate and acknowledge a continued delegation of authority to the County Manager for the implementation of the Whetstone project, as described in the discussion there that morning. Commissioner Smith seconded. Motion carried unanimously.

**APPROVAL FOR A TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATION; FOR CONSTRUCTION OF A PEDESTRIAN UNDERPASS AT HIGHWAY 135 AND BRUSH CREEK ROAD:** Assistant County Manager for Public Works Martin Schmidt was present in the room for discussion and to answer any questions the Board might have.

ACM Schmidt explained that an earlier RAISE grant application had been for the roundabout and underpass complete design. This grant application with TAP required that it be for "construction of non-vehicular transportation options." He stated that the underpass really fit all the criteria for this funding, and

while he believed there would be a lot of competition, he also thought they had a good chance at receiving the grant, as it ticked off all the boxes. He further noted that CDOT had indicated this as well. ACM Schmidt advised that the application would be for a \$3 million grant with 80/20 match, for just the construction of the underpass. He requested a letter of support from the Board and stated that it was yet to come, and then went over the process and timing of this project, with grant funding expected in late summer and match budget and project set to begin probably in 2024. ACM Schmidt then discussed with the Board more of the process and timing for construction of both the underpass and roundabout.

**Moved** by Commissioner Houck that they draft a letter of support for the Transportation Alternatives Program (TAP) grant application for the construction of the pedestrian underpass at Highway 135 and Brush Creek Road, and acknowledge not only support of the project but a willingness to financially contribute to the 20% match that will be required if the grant is awarded. Commissioner Smith seconded.

CM Birnie then requested that the Board include in the motion the authorization to include use of the commissioners' signature stamps if they are not able to sign in a timely manner.

Commissioner Houck then **amended** his original motion to include this authorization and use of the Board's signature stamps if they are not able to sign in a timely manner. Commissioner Smith, as the second, accepted the amendment to the motion. Motion carried unanimously.

**UNSCHEDULED CITIZENS:** There was no one present in the room or via Zoom who wished to make a comment.

#### **COMMISSIONER ITEMS:**

##### **Commissioner Smith**

1. Cheatgrass Mitigation and Habitat Restoration update. Commissioner Smith let the Board know that Cheatgrass Mitigation and Habitat Restoration Coordinator Petar Simic had been working on a grant proposal for the America the Beautiful grant, in collaboration with the Upper Gunnison River Water Conservancy District. She advised that Coordinator Simic had requested a letter of support from the Board. Commissioner Smith stated that she believed the application was due in April 18<sup>th</sup> and that she would make sure of the timing with Coordinator Simic. Commissioner Houck added that they could work on format and have a draft ready to put on the April 18<sup>th</sup> agenda.
2. Colorado Counties Inc (CCI) dues. Commissioner Smith reported that she was on a CCI Dues Subcommittee, and as CCI had experienced a \$60,000 shortfall, she advised that county dues will be going up.
3. Rural Transportation Authority (RTA) update. Commissioner Smith noted that she and Commissioner Puckett Daniels had been able to see the construction progress on the new bus barn, located just south of Crested Butte, and highlighted how beneficial this location will be as service continues to expand.

Commissioner Smith also reported that they were seeing a downturn in tourism, but felt that more insight would be gained with results of an airport survey conducted during the past summer season. She stated that response had been good and they should be getting that information in the next month or two. She briefly noted air planners had taken on a partner who also represents Montrose. Questions arose as to possible conflicts of interest and the RTA Board decided it would be best to develop contract amendments that specify how that company is going to negotiate any potential conflicts of interest.

4. Cheatgrass mitigation progress update. Commissioner Smith let the Board know that there were going to be significant joint projects across cooperating jurisdictions, and she noted that Cheatgrass Coordinator Petar Simic had been very helpful in putting this together. They were still looking at how to piece funding structures together and Commissioner Smith observed that, in the past, each organization had just written a check for their portions. She stated that the Upper Gunnison River Water Conservancy District may be able to help consolidate that flow. Commissioner Smith also relayed that she was continuing to work with Coordinator Simic on branding and a strategic communications campaign, wherein agencies can have an easy way to share out information through their own channels.

##### **Commission Laura Puckett Daniels**

1. Rural Transportation Authority (RTA) update. Commissioner Puckett Daniels had also attended the RTA meeting, and she reported that there were 28 bus routes scheduled for this summer, up from 19 the summer before. This helped to provide steady work for their drivers, and RTA was confident that they would fill their available housing. Commissioner Puckett Daniels also reported on the progress of the new transit center proposed to be located by the community rec center. She noted that the location was chosen for its proximity to WCU students and essential services, and that possibly moving the soccer fields to the elementary school campus would help to address parking issues as well.
2. Continued meetings with a group of stakeholders looking at Crystal River protection. Commissioner Puckett Daniels informed the Board that press releases for the group had been sent out the week before to all the newspapers in the Carbondale-Aspen area, as well as on our side of the mountains, announcing that there will be a community summit held at the Marble Firehouse on April 27<sup>th</sup> from 5-8pm. She expressed her hope that Commissioner Houck would still be able to attend, and noted that there seemed to be a lot of interest from Marble residents. She advised the summit would be

an in-person only meeting, and online interest forms were available for those wanting to participate at several levels.

3. Sustainable Tourism and Outdoor Recreation (STOR) Committee update. Commissioner Puckett Daniels let the Board know that they were at the end of their strategic planning efforts, with one more round of approve yet to come. Four main goals for the next two years will center around: 1) promoting a sustainable, resilient community; 2) reviving a communications committee to focus on public education and stewardship messaging; 3) continued support of state and federal land managers through advocacy and funding; and; 4) putting in infrastructure that will allow charging fees for certain infrastructure on the national forests. She noted that the overarching goal that STOR has articulated is to focus recreational development close to population centers with transit connections, for conservation of the outlying lands for wildlife, ranching, and other needs.
4. Added at the end of Commissioner Items. Commissioner Puckett Daniels reported that she had misspoke at the last meeting when she had said the Gunnison Valley Regional Housing Authority had gone under contract with the seller of Frontier Land Mobile Home Park. She advised that at that time they had only signed a letter of intent. However, at the time of this meeting, she stated that they had since entered into a contract to purchase, with a long period of time built in, for scoping out what funding might look like. Commissioner Puckett Daniels further outlined that they have partnered with the City and also hired specialized staff to aid in exploring options and developing a scope of work. The City of Gunnison has given matching funds in an application for DOLA funding, but they have not yet received that funding.

### Commissioner Houck

1. Meeting this week with the BLM regarding the Resource Management Plan Amendment (RMPA) for Gunnison Sage-grouse. Commissioner Houck stated that he was hoping to see a draft out soon.
2. Meeting with Forest Supervisor Chad Stewart in Montrose, regarding the Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forest Plan Revisions. Commissioner Houck noted that this final draft seems to be "treading water" and he is hoping to get a full update. Based on the meeting, he advised that he would let them know if a future work session should be scheduled.
3. Participated along with ACM John Cattles in a meeting with former Governor John Ritter. Commissioner Houck explained that former Governor Ritter now is working out of CSU, and their focus is the identification of renewable energy opportunities. The meeting's goal was to gain a rural perspective of challenges and opportunities.
4. Legislative news. Commissioner Houck advised that there was a significant water bill coming, and he would be letting the others present have a draft to look over, as soon as he receives it. CA Hoyt added that he would be happy to help with this water legislation, and then listed several other stakeholders that could be contacted as a resource to better understand what our county's stance will be on this legislation.
5. Able to make the Marble meeting in person. Commissioner Houck let Commissioner Puckett Daniels know that he would be able to attend in person the community summit in Marble on April 27<sup>th</sup>.
6. Attended the Roundtable HB1177 meeting. Commissioner Houck advised that he would save his report for this meeting until the next work session's water updates.
7. Community meeting in early May. Commissioner Houck gave notice that a USFS community open house would be scheduled for early May, to allow members of the public a chance to gain more information on the Mt. Emmons land exchange. CA Hoyt added that there is still some survey work yet to be done, and it could still take some time due to this year's snowpack.

**RECESS:** Chairperson Houck recessed the meeting from 9:32 am until 10:08 am, in order to hold the below executive session.

**EXECUTIVE SESSION, PURSUANT TO PURSUANT TO C.R.S. SEC. 24-6-402(4)(B) CONFERENCE WITH THE COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO LAND JACK LLC V. CLARK, GUNNISON COUNTY DISTRICT COURT NO. 2023CV30011:** Chairperson Houck **moved** to go into Executive Session, pursuant to C.R.S. sec. 24-6-402(4)(b) conference with the County Attorney, Deputy County Attorney and/or Assistant County Attorney for Gunnison County for the purpose of receiving legal advice related to Land Jack LLC v. Clark, Gunnison County District Court No. 2023CV30011. The participants in the Executive Session would be Commissioner Houck, Commissioner Smith, Commissioner Puckett Daniels, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Assistant County Attorney Sammy Obaid. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. No decision would be made in the meeting and anything they decide would be announced or discussed in a public forum. Commissioner Puckett Daniels seconded. Motion carried unanimously.

The Board went into executive session at 9:33 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).*

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)(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), 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(b).

Date: \_\_\_\_\_

\_\_\_\_\_  
Jonathan Houck, Chairperson  
Gunnison County Board of Commissioners

At 10:08 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. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck then thanked CA Hoyt and ACA Obaid, and gave direction to the County Attorney's Office to defend the litigation as necessary, and offered the County Attorney the authority to resolve that, keeping in mind a fidelity to Gunnison County's land use standards and regulations as the County Attorney's Office moves forward with defending or resolving this litigation.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 10:09 am.

\_\_\_\_\_  
Jonathan Houck, Chairperson

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Liz Smith, Vice-Chairperson

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Laura Puckett Daniels, Commissioner

Minutes Prepared By:

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Melanie Bollig, Deputy County Clerk

Attest:

\_\_\_\_\_  
Kathy Simillion, County Clerk