

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
October 17, 2023**

The October 17, 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  
Elizabeth Smith, Vice-Chairperson  
Laura Puckett Daniels, Commissioner

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

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:**

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

**CONSENT AGENDA:**

1. Approval for Alcohol Beverage License #05-07972-0000; Gunnison Golf Club Inc dba Dos Rios Golf & Country Club; 12/31/2023 - 12/31/2024. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the liquor license for Dos Rios Golf & Country Club, as presented. Motion carried unanimously.

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:31 am.

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

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:31 am.

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

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

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

1. Approval for Agreement to receive Epidemiology and Laboratory Capacity (ELC) 2.1 Grant; Colorado Department of Public Health and Environment (CDPHE); Gunnison County Health and Human Services (HHS); to receive CDC and EDC funding support for the transition from COVID-19 pandemic response to routine operation; 8/01/2023 – 4/30/2024
2. Acknowledgment of County Manager's signature; Application to Colorado Department of Public Health and Environment's Office of Public Health Practice, Planning, and Local Partnerships; Gunnison County Health and Human Services; To build local public health capacity on behalf of the West Central Public Health Partnership
3. Approval for National Council on Aging (NCOA) Benefit Enrollment Grant Application; funds to support the Gunnison County HHS Senior Resource team in enrolling Medicare beneficiaries for Core benefits; \$25,000
4. Approval for Colorado Department of Public Health and Environment's annual Colorado Local Public Health Agency Indirect Cost Negotiation Agreement; for allowable indirect costs on 2024 CDPHE grant contracts
5. Approval for a 2023 City Grant Application; Gunnison Hinsdale Early Childhood Council (ECC) and Multicultural Resource Office; for early childhood workforce support to help increase the availability of childcare in the area; \$14,000
6. Approval for a Preventive Block Grant Statement of Work with Colorado Department of Public Health and Environment's Office of Public Health Practice, Planning, and Local Partnerships; Gunnison County Department of Health and Human Services; to renew a Purchase Order with CDPHE on behalf of the West Central Public Health Partnership; for fiscal year 2024; \$45,000
7. Approval for Colorado Department of Public Health and Environment (CDPHE) Task Order 2024\*0701, and Contract Amendment #1; Gunnison County Health and Human Services; to advance Colorado's public health workforce capacity; 7/01/2023 - 11/30/2027; \$246,450 with a no cost amendment to update the Statement of Work, Budget and Federal Provisions

**COUNTY MANAGER'S REPORTS:**

1. Gunnison County Safe Streets & Roads For All (SS4A) Action Planning Grant. CM Birnie requested authority to execute the document because it is due before the next regular meeting. Assistant County Manager for Public Works Martin Schmidt was present for discussion and noted that there was unanimous agreement from the people involved in the interview process to move forward with the contract. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to authorize the County Manager to sign the contractor agreement once it is ready. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** County Treasurer Debbie Dunbar presented the September 2023 Treasurer's report and a Quarterly Interest Report for Jul-Sep 2023 for discussion and acceptance. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to accept the Treasurer's Report and accept the Chair's signature. Motion carried unanimously.

**VOUCHERS AND TRANSFERS APPROVAL:** Chief Financial Officer Perry Solheim presented the voucher approval report dated October 17, 2023 and the cash transfer authorization dated September 2023 for discussion and approval. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the vouchers in the amount of \$2,302,531.20. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the cash transfer in the amount of \$5,151,215.71. Motion carried unanimously.

**APPROVAL FOR A TOWNHOME PLAT; HAVERLY TOWNHOMES, LOTS 43, 44, 45, BLOCK 4, CRESTED BUTTE SOUTH, SECOND FILING; HAVERLY LLC, APPLICANT; LUC-23-00041:** Planner Rachael Blondy presented this request, and the Board expressed no concerns. Approval for the plat would result in each townhome having their own lot. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the townhome plat for Haverly Townhomes, Lots 43, 44, 45, in LUC-23-00041 and authorize the Chair's signature on the plat. Motion carried unanimously.

**APPROVAL FOR FIVE (5) GUNNISON VALLEY LAND PRESERVATION FUND GRANT AGREEMENTS; GUNNISON RANCLAND CONSERVATION LEGACY:** Geographic Information Services Manager Mike Pelletier and Gunnison Ranchland Conservation Legacy Executive Director Stacy McPhail were present for discussion. The GVLP Board approved funding for these projects in June. Any grant funding received would cover transaction costs for conservation easements.

1. Big Spring Ranch Conservation Easement; \$113,553. This 213-acre piece of land is in Powderhorn. It has irrigated ground in sage grouse habitat. It includes some grazing areas, as well as several greenhouses and grow operations that support three different businesses in Gunnison County.
2. Dancing Sunshine Farm Conservation Easement; \$110,101. This 203-acre piece of land is also in Powderhorn. There is good, irrigated ground in an area that has historically been totally agriculturally based.
3. Hummingbird Ranch Conservation Easement; \$112,357. This 148-acre piece of land is in the far north area of Gunnison County. It is very scenic with a lot of irrigated ground and big game habitat.
4. Lazy 3 Ranch Conservation Easement; \$131,500. This 915-acre piece of land was historically part of the Esty Ranch. This is potentially a stand-alone agricultural operation, in sage-grouse habitat with creeks running through it.
5. TLC Ranch Conservation Easement; \$115,071. These 1,227 acres are in the upper Ohio Creek valley. There is big-game habitat, water resources, irrigated meadows, and heavy dense timber that provides wildlife protection.

The Board expressed appreciation for the diversity of projects and geographic areas, valuable land preservation, and all the hard work on the part of landowners and staff. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve five Gunnison Valley Land Preservation Funds Grant Agreements as follows: Big Spring Ranch Conservation Easement for \$113,533; Dancing Sunshine Farm Conservation Easement in the amount of \$110,101; Hummingbird Ranch Conservation Easement for \$112,357; Lazy 3 Ranch Conservation Easement for \$131,500; and TLC Ranch Conservation Easement in the amount of \$115,071. Motion carried unanimously.

**APPROVAL FOR GUNNISON COUNTY TO PARTICIPATE AS A COOPERATING AGENCY; BLM UNCOMPAGRE FIELD OFFICE PLAN AMENDMENT; RESPONSE DEADLINE NOVEMBER 3, 2023:** Commissioner Houck explained that Gunnison County was offered to join as a cooperating agency, and that good management of satellite Gunnison Sage-grouse populations is important. Commissioner Puckett Daniels and Commissioner Smith both agreed that Gunnison County should move forward with obtaining the cooperating agency status. CA Hoyt stated that Gunnison County has a major stake in this issue and should agree to become a cooperating agency. Further, he suggested that the Board designate a member to act on behalf of the Board throughout the process. Commissioner Smith suggested that Commissioner Houck be designated since his work with the Gunnison Sage-grouse RMPA overlaps with this issue, and Commissioner Houck agreed. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Gunnison County participating as a cooperating agency with the BLM Uncompahgre Field Office Plan Amendment and to appoint Jonathan (Houck) as the Board's representation in that process. Motion carried unanimously.

**APPROVAL FOR A MEMORANDUM OF UNDERSTANDING BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE ROCKY MOUNTAIN REGION, GRAND MESA, UNCOMPAGRE AND GUNNISON NATIONAL FORESTS, AND GUNNISON COUNTY, COLORADO AS A COOPERATING AGENCY; FOR COORDINATING AND COOPERATING IN THE COMPLETION OF AN ENVIRONMENTAL ANALYSIS AS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), FOR THE THOMPSON DIVIDE WITHDRAWAL PROJECT.** CA Hoyt stated that approval of this MOU would allow Gunnison County to act as a cooperating agency in this process. An important consideration for Federal agencies throughout this process will be to evaluate any economic

impacts to local economies impacted by mineral withdrawal, and Gunnison County has experience in these types of situations. He also suggested that the Board designate Commissioner Houck as the one with authority to act on behalf of the Board, with the understanding that Commissioner Houck and CA Hoyt will report back to the full Board as the process continues. Commissioner Puckett Daniels noted that protecting Mt. Emmons from future mining has been a longstanding community value, so she felt it would be important to participate in this process. Commissioner Smith also confirmed her support for approving the MOU. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the MOU between the US Department of Ag, Forest Service Rocky Mountain Region, GMUG and Gunnison County as a cooperating agency for coordinating and cooperating in the completion of an environmental analysis as required by the NEPA act for the Thompson Divide Withdrawal Project. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to clarify that we designate Jonathan (Houck) to be the point person for those activities. Motion carried unanimously.

**UNSCHEDULED PUBLIC COMMENT:**

1. Andrew Fraser; Paintbrush Apartments. Mr. Fraser expressed frustration to the Board about Gatesco, which manages Paintbrush Apartments. He feels that he has been overpaying rent for the two years that he has lived at Paintbrush, and he has recently received a letter stating that he no longer qualifies for the housing and has 60 days to vacate. Also, the lease indicates that laundry facilities should be provided, and Gatesco has yet to provide that amenity. CM Birnie stated that the County is aware of the situation and is working on an audit and a pause while we determine how the County can help with the situation. CM Birnie also indicated that it appears that management mistakes resulted in some renters being overcharged while others were undercharged.
2. Daniel Brown; Paintbrush Apartments. Mr. Brown stated that his family was among the first to move into Paintbrush and they have also received a letter from Gatesco stating that they must vacate their unit by 11/30. He asked for help and stated that his family will have nowhere to relocate to if they are forced to leave Paintbrush. Commissioner Houck restated that the County is working on the issue and that the Board would be entering an executive session later in the day to discuss the issue with legal counsel.

**COMMISSIONER ITEMS:**

**Commissioner Smith**

1. Food Pantry Grand Opening. Commissioner Smith attended this event last week, and she noted that the operation is impressive.
2. Little Blue Highway Project. Commissioner Smith met with a representative from CDOT last week to discuss this project. She relayed the community's frustration with the length of the project, and she was told that the contractor is losing \$11,000/daily. Work will continue until mid-December, and then it will resume in mid-March to the end of May of next year.
3. Mayors & Managers Meeting. Commissioner Smith and Juvenile Services Director Kari Commerford gave a presentation on opioid mitigation in Gunnison County and across the region during the recent meeting. She felt that attendees found the presentation very informative.
4. Counties & Commissioners Acting Together (CCAT). Commissioner Smith stated that CCAT is discussing short-term rental legislation and advocacy issues.
5. Colorado Counties, Inc. (CCI). Commissioner Smith stated that there will be six subgroups related to land use policies, and she asked the Commissioner Houck and Commissioner Puckett Daniels if they might be interested in participating. Commissioner Puckett Daniels expressed her desire to participate to represent Gunnison County.

**Commissioner Puckett Daniels:**

1. Housing. Commissioner Puckett Daniels stated that the Gunnison Valley Regional Housing Authority (GVRHA) approved a draft budget and IGA last week; CM Birnie will be given the draft IGA for comments. GVRHA Executive Director Andy Kadlec has consolidated the original IGA and amendments into one document. She also stated that the Housing Task Force held its second meeting last week with good attendance. An annual agenda and topic schedule has been created, and she will share that with the Board for their input and information.
2. Wildlife Transportation Alliance Summit. Commissioner Puckett Daniels reported that she is attending this summit, which is comprised of a combination of Colorado Parks and Wildlife and Colorado Department of Transportation. The purpose of the Summit is to discuss wildlife protection and mitigate the impacts of roads, traffic, and development so that our wildlife can continue to thrive as Colorado's population continues to expand.

**Commissioner Houck:**

1. Colorado Counties, Inc. (CCI). Commissioner Houck stated that CCI went through legislative priorities, and that the list is available through CCI. He advocated for the positions discussed by the Board during a previous meeting.
2. Former Governor Ritter. Commissioner Houck stated that he spent two days last week with the former Governor to discuss issues such as renewable energy issues. He was invited to participate along with other commissioners around Colorado.

- 3. Colorado Association of Libraries Annual Awards Ceremony. Commissioner Houck attended this event with Gunnison County Library Executive Director Drew Brookhart. During the event, Gunnison County and the Gunnison County Library District were presented with the Library Partnership of the Year Award. He noted that the collaboration between the County, State partners and the Library District to get the Library’s building project completed was highly praised.

**EXECUTIVE SESSION, 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 TYZZER V. GUNNISON COUNTY, COLORADO COURT OF APPEALS NO. 22CA0681, GUNNISON COUNTY DISTRICT COURT NO. 2021CV30017: Moved** by Commissioner Houck, seconded by Commissioner Smith to enter into executive session pursuant to Colorado Revised Statute Section 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 Tyzzler versus Gunnison County, Colorado Court of Appeals No. 22CA0681, Gunnison County District Court No. 2021CV30017. The participants will include the full Board, the County Attorney, and also the Assistant County Attorney, Hillary Seminick and Cathie Pagano from Community Development and the County Manager, Matthew Birnie. Motion carried unanimously.

The board went into executive session at 9:38 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), 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

**Moved** by Chairperson Houck, seconded by Commissioner Smith to come out of executive session, we received legal advice from the Attorney’s Office, those in the executive session were consistent with those read into the record. Motion carried unanimously. The Board came out of executive session at 10:17 am. Commissioner Houck relayed the direction from the Board to staff. He thanked staff for providing legal advice and the contract to understand the legal ramifications of some suggested edits, and he said to move into the public process of a work session for Community and Economic Development to bring forward changes to the LUR to be followed by a public hearing before adoption of the LUR changes.

**EXECUTIVE SESSION, 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 THE AFFORDABLE HOUSING DEED RESTRICTION AT PAINTBRUSH APARTMENTS: Moved** by Commissioner Houck, seconded by Commissioner Smith to enter into executive session pursuant to Colorado Revised Statute Section 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 the affordable housing deed restrictions at Paintbrush Apartments. Participants will include the full Board of County Commissioners, the County Manager, County Attorney, Assistant County Attorney, and also John Cattles, Assistant County Manager for Facilities, Assistant County Manager Cathie Pagano for Community Development, and Chief Financial Officer Perry Solheim. Motion carried unanimously.

The board went into executive session at 10:18 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), 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

**Moved** by Commissioner Houck, seconded by Commissioner Smith to come out of executive session. Those involved in the executive session were read into the motion, we stayed on topic, and we were able to receive all the legal advice we needed. Motion carried unanimously. The Board came out of executive session at 10:47 am. Commissioner Houck thanked staff for, from a legal perspective, being able to understand the question that is trying to be answered around the deed restrictions at Paintbrush, for an update of the situation, and for being actively engaged in conversation with Gatesco. He stated that we all have a mutual goal of keeping people housed and to clarify and fulfill the mutually agreed upon terms of how deed restrictions work. The Board will continue to encourage staff to use the skills and tools they have been using to bring this to a good resolution, and he stated that the Board is fine with using all reasonable and necessary legal actions and authorities to keep people housed and ensure that all are fulfilling the duties that were agreed upon with the development of Paintbrush.

**ADJOURN:** Commissioner Houck adjourned the meeting at 10:49 am.

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Jonathan Houck, Chairperson

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Elizabeth Smith, Vice-Chairperson

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Laura Puckett Daniels, Commissioner

Minutes Prepared By:

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Katherine Haase, Deputy County Clerk

Attest:

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Kathy Simillion, County Clerk