

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
February 20, 2024**

The February 20, 2024 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 Hoyt, County Attorney

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

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

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

MINUTES APPROVAL: **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the minutes for the October 13, 2023 special meeting and the October 17, 2023 regular meeting. Motion carried unanimously.

1. October 13, 2023 Special Meeting
2. October 17, 2023 Regular Meeting

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated. M&M is on the 8th.

CONSENT AGENDA: Commissioner Puckett Daniels requested additional information on #16, so it was pulled from the Consent Agenda until later in the meeting. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Consent Agenda, with the exception of #16, which will be discussed later in the meeting. Motion carried unanimously.

1. Acknowledgement of Sustainable Tourism and Outdoor Recreation (STOR) Committee Appointment; Gunnison County Metropolitan Recreation District (MetRec); Derrick Nehrenberg
2. 2024-2025 Veterans Assistant Grant Application; Colorado Department of Military and Veteran Affairs
3. Amendment to Intergovernmental Agreement for Winter Road Maintenance; Town of Pitkin; November 1, 2023 to May 31, 2024
4. Acknowledgement of the Gunnison Basin Sage-grouse Strategic Committee Appointments; Colorado Parks and Wildlife; Nathan Seward as a Regular Member and Brandon Diamond as an Alternate Member
5. Acknowledgement of Sustainable Tourism and Outdoor Recreation (STOR) Committee Appointment; Town of Crested Butte; Ian Billick
6. Acknowledgement of Sustainable Tourism and Outdoor Recreation (STOR) Committee Nomination; Crested Butte Mountain Resort; Steven Duke
7. Acknowledgement of Sustainable Tourism and Outdoor Recreation (STOR) Committee Nomination; Gunnison County Stockgrowers Association, Inc.; Steve Guerrieri
8. Contract Amendment #3; Department of Health Care Policy and Financing; Contract number 2021CMIP026; Contract Expiration Date June 30, 2024; \$82,899.31
9. Colorado Parks and Wildlife; Impact Assistance Grant Application; \$15,199.95
10. Colorado Department of Human Services; Family First Transition Act Funds Application; Gunnison County Juvenile Services; \$249,726
11. Intergovernmental Agreement Exchange of Road Maintenance Responsibilities; County of Montrose; 2024-2026
12. Memorandum of Understanding between partners in support of the Gunnison Basin Cheatgrass Implementation Project
13. Submittal Letter for Application for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program; US Department of Transportation
14. Support of Application for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program; US Department of Transportation
15. Acknowledgement of County Manager's Signature; Mutual Release and Settlement Agreement; Blue Mesa Baptist Church and Bryon Roberts
16. Contract for Services, Memorandum of Agreement, Community Non-Profits; Town of Mt. Crested Butte and Gunnison County Substance Abuse Prevention Project; January 1, 2024 to December 31, 2024; \$4,000
17. Gunnison Conservation District; County Aid Agreement; January 1, 2024 to December 31, 2024; \$8000
18. Gunnison Country Food Pantry County Aid Agreement; January 1, 2024 to December 31, 2024; \$12,000
19. Project Hope of Gunnison Valley; County Aid Agreement; January 1, 2024 to December 31, 2024; \$10,500
20. Safe Ride of Gunnison, Inc; County Aid Agreement; January 1, 2024 to December 31, 2024; \$4,000
21. Six Points Evaluation and Training, Inc; County Aid Agreement; January 1, 2024 to December 31, 2024; \$12,000

22. Gunnison Valley Animal Welfare League; County Aid Agreement; January 1, 2024 to December 31, 2024; \$10,500
23. Gunnison Valley Health Foundation; County Aid Agreement; January 1, 2024 to December 31, 2024; \$11,500
24. Acknowledgement of County Manager Signature; KLJ Engineering; Professional Service Agreement; February 16, 2024 to December 31, 2024; \$60,850

COUNTY MANAGER'S REPORTS:

1. Whetstone Project Update. CM Birnie indicated that there will be changes to the Whetstone timeline. CM Birnie will provide more information later, though he said he's hopeful for a grant extension. Commissioner Smith asked if other awardees are asking for an extension as well. CM Birnie said he is unaware of others due to having been subcontracted with a federal deadline, but he imagines that all applications will be in this situation due to the grant being awarded nearly a year ago, yet we still do not have the State contract.
2. Draft Gunnison County Strategic Plan. CM Birnie stated that staff is working on a draft of the strategic plan, and it should be available within the next few weeks.

VOUCHERS AND TRANSFERS APPROVAL: Chief Financial Officer Perry Solheim presented the voucher approval report dated February 20, 2024 and the cash transfer authorization dated January 2024 for discussion and approval. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the vouchers in the amount of \$4,801,028.36. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the cash transfer in the amount of \$11,610,281.98. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the January 2024 Treasurer's report and an investment report dated January 31, 2024 for discussion and acceptance. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to accept the Treasurer's Report and authorize the Chairperson's signature on the report. Motion carried unanimously.

PULLED FOR FURTHER DISCUSSION:

1. Consent Agenda Item #16: Contract for Services, Memorandum of Agreement, Community Non-Profits; Town of Mt. Crested Butte and Gunnison County Substance Abuse Prevention Project; January 1, 2024 to December 31, 2024; \$4,000 - CA Hoyt informed the board of the standards when creating a contract, and that the Board has flexibility with the governmental immunity portion. This contract was neither controversial nor for a tremendous amount. Commissioner Puckett Daniels stated that, assuming this is for a non-profit, this is the standard contract given with governmental immunity not normally stated. CA Hoyt said it is not optimal to have a contract that doesn't acknowledge both parties as governments. CM Birnie noted that the Board has accepted this language in the past, and he doesn't see a true risk to the County. ACM Reynolds didn't have anything to add to the discussion. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the contract for services in the amount of \$4,000. Motion carried unanimously.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO PERTAINING TO OPEN FIRE BANS AND THE IMPOSITION OF FIRE RESTRICTION STAGES AND EXEMPTIONS: Emergency Manager Scott Morrill was present for discussion.

EM Morrill indicated that no changes were proposed from last year's resolution, and that this resolution is simply a delegation of authority to the County Sheriff. CA Hoyt noted that this includes a provision for the Sheriff to inform the Board of any instituted fire restriction within three business days, and the Board will be asked to ratify the imposition of the fire restriction. Moved by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Resolution #2024-8, A Resolution of the Board of County Commissioners of Gunnison County, Colorado Pertaining to Open Fire Bans and the Imposition of Fire Restriction Stages and Exemptions. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT:

1. Betty Barkman and Husband Jared Heal - On March 10, 2021, Ms. Barkman's sister passed away. She filed a report with the Sheriff's Office within a month after her sister's death, due to what she felt were suspicious circumstances. Ms. Barkman then asked for the Board to facilitate an impartial investigation with CBI and provided her own documents gathered during her investigation. She stated that Gunnison County employees allowed a marriage certificate to happen six days before her sister's death, while she feels her sister was incapable of making that decision at that time. Commissioner Smith apologized for her loss and asked Commissioner Houck and CA Hoyt for input due to the Sheriff being an independently elected official. DCA San Filippo-Rosser stated that there was a probate case, and the County wasn't named as a party in that, per his knowledge. CA Hoyt clarified that in the probate case there were allegations that the County Attorney's Office and Clerk's Office colluded with other parties but was never found culpable. DCA San Filippo-Rosser believes this was resolved at the District Court level months ago. CA Hoyt recommended that they discuss it with the Sheriff or District Attorney. Commissioner Puckett Daniels stated that they will read the documents given and will circle back with Ms. Barkman.

COMMISSIONER ITEMS:

Commissioner Smith:

1. Southwest Colorado Opioid Regional Council. Commissioner Smith stated that the Council is moving forward and was able to award almost \$500,000 in grants last week, which is a big success. Another grant specifically for the Gunnison area was passed with contingencies, and they are currently working through those. They are also inviting back another proposal for clarification, in which more settlement dollars may be awarded. Gunnison Valley Mentors was one of the beneficiaries. They are also working toward a data infrastructure system with the Attorney General’s Office and hope to have a Request for Proposal by mid-May.
2. Cheatgrass. Commissioner Smith met with Sonja Chavez from the Upper Gunnison River Water Conservation District and other representatives to discuss moving forward with cheatgrass-related grant applications and contracts with Petar Simic. She noted that Petar’s contract may need to be updated, and she plans to ask CM Birnie for input.
3. Colorado Counties, Inc. Steering Committees. Commissioner Smith stated that there are CCI meetings this week in Denver, as well as a Counties & Commissioners Acting Together all-member meeting on Thursday. Short-term rentals have been discussed, and amendments are being negotiated. Overall, the issue is moving in a generally positive direction. Commissioner Puckett Daniels stated that she listened in on the meeting last Friday and has concerns about the wildfire bill as she believes it is problematic. Commissioner Smith agreed.

Commissioner Puckett Daniels:

1. Skate Ski Clinic. Commissioner Puckett Daniels taught this recent clinic, which had five County employees in attendance. She stated that it was a lot of fun, and it was the highlight of her week.
2. One Valley Leadership Council Branding Task Force. Commissioner Puckett Daniels participated in a meeting last week, during which the participants discussed starting a communications campaign. She described it as interesting and noted some products will be coming to the Board for review.
3. Gunnison Valley Regional Transportation Authority. Commissioner Puckett Daniels and Commissioner Smith participated in an RTA meeting last week. The strategic planning consultants will be here in March for surveys and outreach. The surveys will be completed in English and Spanish.
4. Gunnison Valley Regional Housing Authority. Commissioner Puckett Daniels attended the monthly board meeting last week, during which there was productive discussion about strategic planning and growing the capacity of the Housing Authority. She is pleased with the consultants, and a new Executive Director could be here as soon as April.

Commissioner Houck:

1. Drought Contingency Task Force. Commissioner Houck represented the County last week in collaboration with the Upper Gunnison River Water Conservation District and things are moving forward.
2. Gunnison Outdoor Resource Protection Act. Commissioner Houck is working with Senator Bennet’s team with some forestry language and is hoping for introduction of the GORP Act this year.
3. Bureau of Land Management. Commissioner Houck stated that the BLM recently released grazing management guidelines associated with the RMP and EIS process. He and consultant Jim Cochran were able to discuss and collaborate with Delta County Administrator Robbie LeValley. He will work with the County Attorney’s Office to format comments.
4. U.S. Forest Service Objection Hearings. Commissioner Houck and CA Hoyt will participate this week. This should be the last step in the year-long process. He and CA Hoyt have bundled objections to be heard by the hearing officer.
5. Planning Commission. All three commissioners attended this joint meeting last week.
6. Silver Spot Butterfly. Commissioner Houck informed the Board that this species is now listed as threatened. Despite being acknowledged as a cooperating agency, the U.S. Fish and Wildlife Service didn’t reach out with the information, because the USFWS does not believe the species is present in the Gunnison Basin, even though it can live in elevations up to 8,300 feet. He relayed to the USFWS that Gunnison County will expect correspondence, even if the species isn’t thought to occur here, just to make sure that we can evaluate the issue. He will seek further information with CA Hoyt.

ADJOURN: Commissioner Houck adjourned the meeting at 9:27 am.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 24-8**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
PERTAINING TO OPEN FIRE BANS AND THE IMPOSITION OF FIRE RESTRICTION STAGES AND
EXEMPTIONS

WHEREAS, the Board of County Commissioners of Gunnison County ("Board"), pursuant to C.R.S. §§ 30-11-101(2) and 30-15-401, et seq. has the general enabling power to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health and welfare of the residents and visitors of Gunnison County ("County"); and

WHEREAS, the Board may adopt ordinances to ban open fires and impose fire restriction stages within those portions of the unincorporated areas of the County where the danger of forest or grass fires is found to be high, pursuant to C.R.S. § 30-15-401(1)(n.5); and

WHEREAS, the Board is authorized to prohibit the sale, use, and possession of fireworks, including permissible fireworks, within those portions of the unincorporated areas of the County, pursuant to C.R.S. § 30-15-401(1)(n.7); and

WHEREAS, the Board passed Ordinance Nos. 8a, 14, 16, and 20 relating to fire bans and fire restrictions, including penalties for the violation of those Ordinances; and

WHEREAS, the Board acknowledges that from time-to-time fire conditions resulting from extended hot, dry and windy weather in the area make it prudent to impose restrictions on open fires, open burning and sale, use and possession of fireworks in order to reduce the danger of wildfire in the unincorporated areas of the County; and

WHEREAS, the Board specifically finds that in certain high fire-danger conditions such restrictions are in the best interests of the residents and visitors of the County in order to preserve the health, safety and welfare of the residents and visitors; and

WHEREAS, the Gunnison County Sheriff ("Sheriff") is authorized pursuant to C.R.S. §§ 30-10-512 and 30-10-513 to act as fire warden of the County and is responsible for coordination of fire suppression efforts in case of prairie, forest or wildland fires or wildfires occurring in unincorporated areas of the County outside the boundaries of a fire protection district or that exceed the capabilities of the fire protection district to control; and

WHEREAS, the Board believes that the Sheriff, as fire warden, is the appropriate person, using their expertise and discretion along with established fire restriction evaluation guidelines, and in consultation with local Fire Chiefs, State and Federal land management agencies, and State and Federal fire suppression authorities, to determine whether a restriction of open fires, open burning and use of fireworks should be implemented or elevated in times of extreme fire danger or suspended during times of decreased fire danger;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison Colorado, that:

1. The Sheriff or their designee shall have the authority, in collaboration with local Fire Chiefs, State and Federal land management agencies, and State and Federal fire suppression authorities to declare Stage I or Stage II Restrictions regarding open fire, open burning or the sale, use or possession of fireworks, whenever the danger of forest or grass fires is found to be high and without the need for further proceedings or resolution ("Restrictions"). The Sheriff or their designee shall also have the authority to rescind those Restrictions when he or she determines it is appropriate considering the current fire danger.
 - a. Stage I Restrictions shall allow the Sheriff to impose the following prohibitions:
 - i. Building, maintaining, attending or using a fire, campfire or stove fire, including but not limited to agricultural and the burning of trash or debris, except:
 - 1) Building, maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites;
 - 2) Fires fueled by gas, jellied petroleum, or pressurized liquid fuel; or
 - 3) Fires burned in portable chimineas, fire pits and tiki torches wholly on or within private property.
 - ii. Smoking, except:
 - 1) within an enclosed vehicle or building; or
 - 2) in a developed recreation site or while stopped in an area at least three feet (3') in diameter that is barren or clear of all flammable materials.
 - iii. Restrictions or prohibitions on the sale, use and possession of fireworks pursuant to C.R.S. § 30-15-401(1)(n.7).
 - iv. Using explosives, including but not limited to fuses or blasting caps, model rockets, exploding targets, tracer bullets or incendiary rounds.
 - v. Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet (10') in diameter and in possession of a chemical pressurized fire extinguisher with a minimum rating of 2A.
 - vi. Operating or using internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
 - b. Stage II Restrictions shall allow the Sheriff to impose the following prohibitions:
 - i. Building, maintaining, attending or using a fire, campfire or stove fire including but not limited to:
 - 1) Agricultural burning and the burning of trash or debris;
 - 2) Maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites;
 - 3) Fires fueled by gas, jellied petroleum, or pressurized liquid fuel, except that devices using pressurized liquid fuel or gas (e.g., stoves, grills or lanterns and shut-off valves are allowed when used at least three (3') or more from flammable material such as grasses or pine needles; and
 - 4) Fires burned in portable chimineas, fire pits and tiki torches.
 - ii. Smoking, except within an enclosed vehicle or building.
 - iii. Restrictions or prohibitions on the sale, use and possession of fireworks pursuant to C.R.S. § 30-15-401(1)(n.7).
 - iv. Operating a chainsaw or other equipment powered by an internal combustion engine without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher with a minimum rating of 2A kept with the operator, and round point shovel with an overall length of at least 35 inches (35") readily available for use.
 - v. Welding, operating a torch with open flame, or any activities which generate flame or flammable material.
 - vi. Using explosives, including but not limited to fuses or blasting caps, model rockets, exploding targets, tracer bullets or incendiary rounds.
 - vii. Operating or using internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
 - viii. Possessing or using a motor vehicle off established roads, motorized trails or established paring areas, except when parking in an area devoid of vegetation within ten feet (10') of the vehicle.
 - c. Stage III Restrictions may only be imposed by the Board by duly adopted Resolution or Ordinance.
2. Any declaration by the Sheriff or their designee of Restrictions shall specify the Stage level, parameters, and the duration of the Restrictions as deemed necessary and appropriate. The Sheriff or their designee shall promptly coordinate notification to the public through press release(s) to local radio and print media, as well as posting on the County Internet Website and County Sheriff's Office Facebook page. Likewise, when conditions indicate a reduction or the suspension of Restrictions, the same notification to the public shall occur.
3. No less than three (3) business days after imposing or suspending any Restriction pursuant to this Resolution, the Sheriff shall present, for ratification by the Board, a written summary of the competent evidence and recommendations that are or were the basis of the decision to impose or suspend the Restriction. Notwithstanding the above, the Sheriff will engage in all reasonable efforts to immediately notify the members of the Board, the County Manager and the County Attorney regarding the imposition, modification or lifting of any Restrictions.

4. Nothing in this Resolution shall be construed to allow the burning or combustion of any material or any burning or fire activity otherwise prohibited by law.
5. The Sheriff or their designee shall consult with various state and federal land management agencies and obtain their recommendation prior to the Sheriff imposing or suspending any Restrictions. Recommendations shall be made pursuant to Fire Restriction Evaluation Guidelines as currently used by such agencies to evaluate the indicators that predict fire danger. Upon any implementation or suspension of Restrictions, the Sheriff or their designee shall coordinate and cooperate with these agencies to enforce the Restrictions.
6. This Resolution shall be enforced by the Sheriff or their designee, through his Deputies, the Fire Chief or their designee of any fire protection district or administering agencies of the state and federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Resolution. This shall include the right to issue a penalty assessment notice and the right to take such person or persons violating this Resolution into temporary custody.
7. Pursuant to Ordinance No. 20, any person who violates this Resolution commits a civil infraction and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate offense. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, may be followed by any arresting law enforcement officer for any such violation. That penalty assessment procedure shall provide for a fine of five hundred dollars (\$500.00) for each separate offense and a fine of one thousand dollars (\$1,000.00) for any repeat offense by the same individual. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Resolution are subject to a surcharge of ten dollars (\$10.00) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or as otherwise provided by law.
8. If any section, subsection, clause or sentence of this Resolution is judged by a court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate any other provisions of this Resolution which can be given effect without the invalid provision.
9. The Board hereby finds, determines and declares that this Resolution is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Gunnison County, Colorado because of the high danger of forest or wildland fires occurring in all unincorporated areas of the County. This Resolution shall take effect immediately upon adoption and remain in full force and effect until midnight Mountain Time, December 31, 2023 at which point this Resolution shall expire and no longer remain in effect, or until rescinded by subsequent Resolution or Ordinance adopted by the Board, whichever first occurs.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 20th day of February 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Puckett Daniels – yes; Smith – yes.