

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 18, 2024**

The June 18, 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
Matt Hoyt, County Attorney
Matthew Birnie, County Manager
Holly Perry, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

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

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

MINUTES APPROVAL: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the minutes as amended. Motion carried unanimously.

- 1. June 4, 2024 Regular Meeting
 - Commissioner Smith Commissioner Items - #2 The last sentence should be deleted and “is” should change to “as” in the sentence before for clarification.

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. Acknowledgement; Option Letter #3; Department of Local Affairs; CSBG 24-026; 5/21/2024 to 9/30/2027; \$33,266
- 2. Business Lease; PLC-CO Assets, LLC dba Gunnison Funeral Services; 5/1/2024 to 4/20/2026; \$15,600
- 3. Acknowledgment of County Manager’s Signature; Contract Change Order No. 01; 3-08-0030-063-2023/064-2024; \$49,931.28
- 4. Acknowledgment of County Manager’s Signature; Ground Lease Agreement; Isabel Stone Company; 20 Year Lease Term; Ground Rent \$3773 per acre per annum
- 5. Task Order 2025*0120; Gunnison County Health and Human Services; 7/1/2024 to 6/30/2025; \$47,426
- 6. Collection Agreement; 24-CO-11020400-041; United States Department of Agriculture, U.S. Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forests, Gunnison Ranger District; 28 Days; \$12,000

COUNTY MANAGER’S REPORTS:

- 1. Sawtooth – CM Birnie reported that they are working on the foundation and the modules are to be delivered at the beginning of August. He also relayed they have gotten the Strong Communities Grant which will provide an additional \$800,000 grant for the project.
- 2. Paper Misquote – CM Birnie explained that the paper had a misquote stating that the Gunnison Valley Regional Housing Authority would issue the debt for Whetstone and wanted to clarify that Gunnison Valley Regional Housing Authority will not be involved in any financing for Whetstone and it is under the Gunnison County Housing Authority.

BOUNDARY LINE ADJUSTMENT; LUC-22-00056; WEABER-MOULAND Planning Director Hillary Seminick was present for discussion.

PD Seminick explained this was a straightforward boundary line application between two developed parcels. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the boundary line adjustment for LUC-22-00056 and authorize the Chair’s signature. Motion carried unanimously.

COVENANT AMENDMENTS; LUC-24-00018; MOON RIDGE SUBDIVISION ASSOCIATION, INC. Planner Jena Greene was present for discussion.

Planner Greene relayed that the property owners wanted to combine their previous declaration of amendment from 2007 and their 1st amendment from 2023. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Moon Ridge Covenant Amendments LUC-24-00018 and authorize the signatures of the full Board. Motion carried unanimously.

LOT CLUSTER AGREEMENT AND DECLARATION; LUC-24-00032; ALAN POWELL Planner Jena Greene was present for discussion.

Planner Greene explained the applicant wanted to combine subdivisions in order to accommodate an onsite wastewater treatment system. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the lot cluster LUC-24-00032 and for the full Board to sign it. Motion carried unanimously.

LOT CLUSTER AGREEMENT AND DECLARATION; LUC-24-00034; ALPINE LUMBER COMPANY

Planner I Sean Pope was present for discussion.

Planner Pope commented this application is straightforward and is in compliance with no conflict. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the lot cluster agreement and declaration for Alpine Lumber Company LUC-24-00034 and authorize the full Board's signature. Motion carried unanimously.

LETTER OF SUPPORT; UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT; AIRBORNE LIDAR SNOW WATER MEASUREMENT

General Manager Sonja Chavez was present for discussion.

GM Chavez relayed that Upper Gunnison River Water Conservation District Board submitted this application to the U.S. Bureau of Reclamation in partnership with the North Fork Water Conservancy District of Delta County to conduct airborne LiDAR for radar snow measurements by mounting a radar to the bottom of an airplane to measure snowpack at three meter intervals as well as the water content of the snowpack. She noted the current models used aren't giving the accuracy needed. GM Chavez then explained the Department of Energy is also interested in information for baseline data. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve a letter of support for the Upper Gunnison River Water Conservancy District application for airborne LiDAR snow water measurement grant application funding of that. Motion carried unanimously.

PRIVATE PLOW APPLICATION FOR 1501 CR 813; JACKS CABIN CUTOFF

Assistant County Manager for Public Works Martin Schmidt, Assistant County Manager for Community and Economic Development Cathie Pagano, applicant Sue Booe, and Curtis and Craig Allen from Allen Ranches were present for discussion.

Commissioner Puckett Daniels asked to recuse herself from the discussion and decision due to knowledge of the Springer application and to avoid any appearance of impropriety.

ACM Schmidt explained this is a different plow permit than typical due to it originally being started by the potential purchaser, the Springers. The Planning Commission went ahead with restrictions for a Land Use Change which is still in effect despite the Springers withdrawing their offer. Ms. Booe is now applying for plow permit. ACM Schmidt then noted that in 2011, Public Works issued a driveway permit for seasonal access. Ms. Booe is selling the property and is asking for permit to make the property more valuable.

Ms. Booe explained she has owned property for 40 years and believes the property will be devalued if access is not there year-round in order to allow for medical and fire access. It was noted by ACM Pagano that the timing of 10 am to 2 pm for plowing is a mandatory term with the land use change.

Mr. Allen relayed that a notice of any Land Use Change was not received, and that ACM Schmidt mentioned there was no opposition letter submitted to the Planning Commission. However, ACM Pagano confirmed that a notice was sent out by certified mail as well as the letter was included in the Planning Commission meeting. Mr. Allen explained that with snow plowing, the snow would be plowed onto their property and damage the fencing.

Commissioner Smith also asked ACM Schmidt how these permits have been issued traditionally in which he responded that most have been in place for a long time. ACM Pagano noted there have only been two or so in the last 20 years.

Commissioner Houck stated that, in his opinion, not having this permit doesn't devalue the property, and that it is going to be hard to find the ability to change to what has been historically a seasonal access. He also explained that he would have a hard time supporting this plow permit. Commissioner Smith agrees with Commissioner Houck and is not in support of this permit.

Craig Allen clarified that this is not about allowing access to the property, it is everyone else having extended access. He then stated they may be willing to compromise with keeping the gate where it is at, however, Commissioner Houck still sees an issue even with a compromise of leaving the gate and CA Hoyt noted that a new permit with substantial changes may require a new Land Use Change permit. **Moved** by Commissioner Smith, seconded by Commissioner Houck to deny the Booe's plow permit application presented this morning. Motion carried unanimously.

SCHEDULE CHANGE

Due to being over schedule, Commissioner Houck asked to do the Treasurer's Report, Vouchers and Transfers, Resolution, and unscheduled public comment before the Gunnison/Hinsdale Human Services Meeting and the Board of Health Meeting. The strategic plan will come after.

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

VOUCHERS AND TRANSFERS APPROVAL: Chief Financial Officer Perry Solheim presented the voucher approval report dated May 21, 2024, and the cash transfer authorization dated May 2024, for discussion and approval. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the voucher report in the amount of \$2,416,917.13. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the cash transfer in the amount of \$9,013,193.22 Motion carried unanimously.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY AND A PUBLIC ROAD BY THE COUNTY IN RELATION TO THE MOUNT EMMONS LAND EXCHANGE High Country Citizens' Alliance Advocacy Director Jon Hare was present for discussion.

Commissioner Houck commended all the staff and partners that worked on this and labeled it as a milestone and milepost. CA Hoyt noted that this is procedural to effectuate the transaction and called this a tremendous victory for the citizens of Gunnison County. CA Hoyt then relayed that the County will be receiving that section of Kebler Pass County Road and that section of Kebler Pass Trailhead which will allow it to become fully County property and a County Road. He explained this resolution also gives delegation to CM Birnie to effectuate the property transaction. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution number 2024-24 a Resolution Authorizing the Acceptance of Real Property and a Public Road by the County in Relation to the Mount Emmons Land Exchange. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT: There were no persons present for discussion.

BREAK 10:07 am to 10:12 am and from 10:12 am to 10:58 am for the Gunnison/Hinsdale Board of Human Services Meeting.

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING:

See Separate Minutes

GUNNISON COUNTY BOARD OF HEALTH REGULAR MEETING:

CALL TO ORDER: Commissioner Houck called the meeting to order at 11:01 am.

1. Senior Services – WESM Holena noted senior services is provided to adults with a disability or an adult over the age of 50. There are four on the resource team and are funded from grants including from Region 10 which provides option counseling. WESM Holena relayed they are lacking in home services. Commissioner Smith commented on the possibility of having simpler living housing for seniors and they in turn rent out their homes. WESM Holena noted she doesn't know about renting but there is need for better housing for seniors. DHHSD Wheaton explained that doing that would potentially cause issues with the income cap for other services provided. Commissioner Puckett Daniels asked about Whetstone having some senior access. CM Birnie relayed that will be availability as well as ADA units.
2. Consumer Protection – WESM Holena commented that in 2023, there were over 229 inspections, reinspections, and pre-operational inspections and the team is made up of Consumer Protection Specialists Jenn Chavez and Nicole Stone. Commissioner Houck noted that these inspections include food trucks as well. WESM Holena relayed that this year Nicole Stone became standardized which means over the last three years she has shown the State Liaison that she is proficient in completing inspections. WESM Holena exclaimed that they have received three National Environment Health Association (NEHA) grants which was possible with achieving standards for the Voluntary National Retail Food Program. Once those standards are met, they are acknowledged on the FDAs website, which gives access to the NEHA grants.

ADJOURN: Commissioner Houck adjourned the meeting at 11:20 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING (cont'd):

GUNNISON COUNTY STRATEGIC PLAN

The draft plan was discussed, and modifications were agreed upon. Commissioner Puckett Daniels volunteered to draft the introduction. Once complete, the strategic plan can be found on the Gunnison

County website. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to adopt the strategic plan per Commissioner Houck' suggestion. Commissioner Houck suggestion was to adopt the strategic plan with the parts that were addressed today, as far as the word smithing and some just generalized changes. Motion carried unanimously.

COMMISSIONER ITEMS:

Commissioner Smith:

- 1. Sawtooth Groundbreaking – Commissioner Smith announced that she and Commissioner Houck attended.
- 2. Media Tour – Commissioner Smith noted that she and Commissioner Puckett Daniels attended a media tour for Highway 50 in coordination with CDOT to get some word out to the public on how that project is going.
- 3. Cheatgrass Pull day – Commissioner Smith relayed this happened on July 8th, and 575 pounds of cheatgrass were pulled.
- 4. Gunnison Pride Picnic – Commissioner Smith commented this had a huge turnout and a great celebration. She was able to say a few words and noted she doesn't think they've had another commissioner identify as a member of the LGBTQ community.

Commissioner Puckett Daniels:

- 1. Ouray County Commissioner Jake Niece – Commissioner Puckett Daniels relayed that she received an email from Commissioner Niece about reflecting on how the District Attorney's office works in the 7th Judicial District and approaching the DA's office in a spirit of collaboration with sharing some feedback from the County perspective. Commissioner Puckett Daniels asked if she had permission to provide some feedback from another point of view to provide better services. Commissioner Houck and Commissioner Smith agreed.

Commissioner Houck:

- 1. Objection Hearings – Commissioner Houck commented that the final Forest Plan has been signed by the Forest Service Supervisor and there is a 30-day comment period. However, Commissioner Houck explained you can litigate up to 6 years after issue so they are informing themselves about the process and will have a webinar at the end of next week to tease out additional things. He noted they did include more wilderness based on the protest period and about 40% of those recommendations were incorporated.

ADJOURN: Commissioner Houck adjourned the meeting at 12:04 pm.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Holly Perry, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

Note: For all the details of each resolution including any exhibits, please refer to gunnisoncounty.org

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2024 - 24**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY
AND A PUBLIC ROAD BY THE COUNTY IN RELATION TO
THE MOUNT EMMONS LAND EXCHANGE**

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(b), Gunnison County has the legal authority to acquire and hold real property for the use of the County;

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(c), Gunnison County has the legal authority to make such order respecting real property owned by Gunnison County as the Board may deem conducive to the interests of the inhabitants of Gunnison County and to lease the same in the best interest of the County;

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(d), Gunnison County has the legal authority to make all contracts and do all other acts in relation to the property necessary to the exercise of Gunnison County's corporate or administrative powers;

WHEREAS, pursuant to C.R.S. § 43-2-201(1)(a), the Board of County Commissioners of the County of Gunnison is authorized to accept the dedication of a road as a public highway under County jurisdiction and control;

WHEREAS, in 2016 Mt. Emmons Mining Company (MEMC) acquired the Mt Emmons mine near Crested Butte, Colorado (Mine) and since then has evaluated the mine reclamation, water treatment plant and other mine facilities and established a dialogue with the community to determine the best future scenario for mine reclamation, water treatment, and recreational access;

WHEREAS, On February 12, 2016, Gunnison County, as well as divisions of the Colorado Department of Public Health and the Environment (CDPHE) and the Colorado Department of Natural Resources (DNR), and the Town of Crested Butte, entered into a Memorandum of Understanding for Mt. Emmons (2016 MOU);

WHEREAS, MEMC submitted a letter to the USFS dated February 19, 2021 requesting the USFS consider a land exchange by and between MEMC and the USFS whereby MEMC would acquire approximately Four Hundred Fifty (450) acres of USFS managed property partially containing the WTP and supporting facilities and infrastructure in exchange for approximately One Hundred Sixty (160) acres of MEMC owned property that is commonly referred to as the Three Peaks Ranch ("Land Exchange");

WHEREAS, on or about July 20, 2021, MEMC executed a second MOU between it, Gunnison County, and Crested Butte, wherein the County agreed to support the Land Exchange proposal in exchange for MEMC agreeing to a conservation easement over a portion of the Mine and a mineral extinguishment agreement to permanently withdraw the right to extract minerals from the Mine and MEMC conveying a portion of the mine property to Gunnison County in fee a short (and lengthwise insignificant) segment of the Kebler Pass Road (County Road 12), as well as the Kebler Pass Winter Trailhead, both of which are presently under the jurisdiction of the United States Forest Service (USFS) and operated by the County pursuant to a Federal Roads and Trails Act Easement granted by USFS to the County ("Kebler Pass Road Property");

WHEREAS, in order to timely and efficiently close the exchange transaction, including but not limited to the federal patent issued to MEMC, the conservation easement, the mineral extinguishment agreement, and the acceptance of the dedication and grant by MEMC of the Kebler Pass Road Property, the Board of the Board of County Commissioners of the County of Gunnison finds it necessary to delegate its authorities to the County Manager;

WHEREAS, by Resolution No. 2022-22 enacted on May 17, 2022, the Board of County Commissioners of the County of Gunnison delegated to the County Manager the authority to negotiate and execute contracts, for the purchase of real property on behalf of the County for County purposes;

WHEREAS, the Board of County Commissioners of the County of Gunnison desires to accomplish the Land Exchange and accept that property from MEMC described above;

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

1. County officials and staff perform all actions and execute all documents, instruments, deeds, contracts and agreements necessary to effectuate the Land Exchange, the acceptance by the County of the Kebler Pass Road Property, and all related agreements;
2. All acts by County officials and staff taken prior to the date of this Resolution and consistent with the delegation of authority set forth this Resolution are hereby ratified as if fully approved and authorized by the Board of County Commissioners on the date such act(s) occurred.
3. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such

section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

4. 4.Nothing in this Resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incidental third-party beneficiaries.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 18th day of June 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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