

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
November 5, 2024**

The November 5, 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  
Holly Perry, Deputy County Clerk  
Others Present as Listed in Text

**GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY MEETING:**

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

**ALCOHOL BEVERAGE LICENSE #42-95237-000; 456 ENTERTAINMENT LLC DBA TULLY'S;  
10/18/2024 TO 10/18/2025**

**Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve. 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.

**MINUTES APPROVAL:** **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the minutes for October 15, 2024 and October 22, 2024 with those small adjustments. Motion carried unanimously.

1. October 15, 2024 Regular Meeting
2. October 22, 2024 Special Meeting

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

1. 2025 Budget Adoption – The Budget Hearing was reiterated to be on December 10<sup>th</sup>. The Budget Adoption date will be December 12<sup>th</sup> at 9 am.

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

1. Indirect Cost Negotiation Agreement; Colorado Department of Public Health and Environment; Finance; 1/1/2025 to 12/31/2025; 16%
2. Acknowledgment of County Manager's Signature; Commercial Lease Agreement; Gunnison County Department of Health and Human Services; 7/1/2024 to 6/30/2025; \$140,868
3. Acknowledgment of County Manager's Signature; Intergovernmental Agreement for the Temporary Transfer, Repair and Use of an Airport Vehicle; Routt County; Gunnison-Crested Butte Regional Airport; 10/22/2024 to 2026
4. Acknowledgment of County Manager's Signature; Professional Services Agreement; CBSAccounting; 10/30/2024 to 4/30/2025; \$15,000
5. Acknowledgment of County Manager's Signature; Professional Services Agreement; Nunatek Energy; 10/14/2024 to 12/31/2024; \$80,032.40
6. Acknowledgment; Option Letter #5; Contract CSBG 24-026; Health and Human Services; 1/1/2024 to 9/30/2025; \$404
7. Amended Gunnison County Deputy County Attorney Employment Agreement; Alex San Filippo-Rosser; 1/1/2025; \$139,959
8. Professional Services Agreement; Concierge Nurse Navigators LLC; Human Resources; 1/1/2025 to 1/1/2026; \$32,000
9. Grant Application; Harm Reduction Grant Fund; RFA Number 29157030; Juvenile Services; \$299,684
10. Acknowledgment of County Manager's Approval; Grant Application; NRA Foundation; Extension; \$5,000
11. Intergovernmental Agreement Regarding Undesirable Plant Management; Gunnison County, Saguache County, Hinsdale County, Town of Crested Butte, City of Gunnison, and Town of Pitkin; Public Works; \$117.50 an hour
12. Contract Amendment #5; Contract No 23 QAAA 178558; Health and Human Services; 10/27/2022 to 6/30/2025; \$69,694

13. Contractual Service Cost Agreement; Vector Disease Control International, LLC; 2025-2027; \$107,800 with 3% increase annually
14. Ratification; Letter of Support; Grant Application; National Forest Foundation, Colorado State Forest Service and Forest Restoration & Wildfire Risk Mitigation
15. Ratification; Letter of Support; Grant Application; Sustainable Agriculture Research & Education
16. Revision No. 2 to Contract Amendment No. 2; AIP No. 3-08-0030-063-2023/064-2024; Gunnison-Crested Butte Regional Airport; \$16,963.91
17. Acknowledgment; Agreement for Professional Services; SGM; Rozman ILC; \$2,700

**COUNTY MANAGER’S REPORTS:**

1. Brush Creek Roundabout 60% Design Contract Amendment – CM Birnie is asking the Board to approve his signature when this contract is ready. Assistant County Manager for Public Works Martin Schmidt is anticipating having a grant contract by spring to be able to start utilizing the Safe Streets for All funding, but in the meantime there are some critical path items. He stated this is an amendment to add additional scope of work beyond the scope that was previously awarded in order to keep the project moving on schedule. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to delegate authority to County Manager Matthew Birnie to sign the Brush Creek Roundabout Design Contract Amendment once it’s been through the Attorney’s Office for approval. Motion carried unanimously.
2. Paving – CM Birnie noted that they were scheduled to get the parking lot of the fairgrounds and the parking lots, alley and street for Sawtooth paved last week, but they weren’t good weather days. CM Birnie is currently working on a solution with Fire Marshal Hugo Ferchau regarding paving and the occupancy code.

**LETTER OF SUPPORT; BIG BLUE DITCH REPAIR; CIMARRON VALLEY & RIVER WATERSHED COALITION(CVRWC)** CVRWC President Allen Distel was present for discussion.

Commissioner Houck introduced the project. Commissioner Puckett Daniels asked for clarification if this work still needs to be done or if this is reimbursement. Mr. Distel confirmed it was for reimbursement and that this repair would coincide with future plans of the ditch company. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the letter of support for the Blue Ditch Repair Grant Application to the Colorado River District and to authorize the signature of the full Board. Motion carried unanimously.

**LETTER OF SUPPORT; STATE LAND BOARD LEASE RENEWALS FOR LOCAL STATE WILDLIFE AREAS; COLORADO PARKS AND WILDLIFE** Game Warden Nick Gallowich was present for discussion.

Mr. Gallowich noted they are looking for renewals of 3 parcels that will be included in a package with a total of 24 properties for a 10-year renewal. He noted they are State Land Trust parcels that are leased from the State Land Board to the Colorado Parks and Wildlife. Commissioner Puckett Daniels asked for clarification on the leases. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the letter of support for CPW’s State Land Board Lease Renewals for the State Wildlife Areas in the letter and authorize the Chair’s signature. Motion carried unanimously.

**TOWNHOME PLAT; LUC-24-00041; DALE** Planner Rachael Blondy was present for discussion.

Planner Blondy expressed the applicant would like a townhome plat for her existing duplex. She stated it meets all the standards within the Land Use Resolution (LUR). **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the townhome plat for LUC-24-00041 and authorize the Chair’s signature. Motion carried unanimously.

**RESOLUTION; LUC-24-00020; TERRAPLEN HOLDINGS LLC / LARKSPUR SUBDIVISION** Planner Rachael Blondy was present for discussion.

Planner Blondy stated the applicant is proposing a 6-lot subdivision and it has already been through Planning Commission and has had one joint public hearing on September 19th. The Board has an opportunity to have additional public hearing if desired which was determined to be not needed. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution number 24-36 concerning LUC-24-00020. Commissioner Houck amended the motion to include to authorize the Chair’s signature on the plat. Motion carried unanimously.

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

**COMMISSIONER ITEMS:**

**Commissioner Smith:**

1. Opioid Data Work Group – Commissioner Smith relayed this was initiated with the Attorney General’s Office and they are about to present to the Colorado Opioid Abatement Council. She also commented there are three phases of how they are going to develop infrastructure which is unique because it is coming from the Region Council not the State level.

2. Gunnison Community School – Commissioner Smith met with 3<sup>rd</sup> graders last Wednesday and walked them through Blackstock.
3. Cheatgrass – Commissioner Smith noted they have extended an offer to a new cheatgrass coordinator and would like to thank Pat Magee for his help. She also relayed the candidate drove out this weekend to see the area.
4. Country Meadows – Commissioner Smith expressed she is continuing to meet with Assistant County Manager for Community and Economic Development Cathie Pagano and the Department of Local Affairs (DOLA) as well as the County Meadows residents and discussing Proposition 123 money. She noted that Counties & Commissioners Acting Together (CCAT) is also taking this on as a serious concern.
5. Wild & Scenic – Commissioner Smith reiterated that there are three subcommittees pursuing three separate tasks. The first put together a Wild and Scenic proposal and has put it forward. A second committee is working on instream flows. The third that Commissioner Smith co-chairs on is developing an Intergovernmental Agreement between five entities to memorialize their shared commitment to preventing out of basin diversions. Commissioner Puckett Daniels commented her takeaway was the wild and scenic legislation piece is more complicated, nuanced, and detailed than the other two and requires patience, diligence, and deep research.

**Commissioner Puckett Daniels:**

1. 7<sup>th</sup> Judicial District – Commissioner Puckett Daniels had a meeting with Commissioners around the 7<sup>th</sup> Judicial District with Anna Cooling, who will be the new District Attorney starting in January. She relayed there were big picture conversations and what her goals were for the office.
2. Gunnison Valley Regional Housing Authority – Commissioner Puckett Daniels stated they had a special meeting last week because the Palisades Apartment building is under contract and the City has received a right of 1<sup>st</sup> refusal notice. She relayed the Board decided to want to look at it more deeply. Lastly, she expressed they have a few At-Large positions open on the Board and are looking for folk who might be interested.
3. Sustainable Tourism and Outdoor Recreation Committee – Commissioner Puckett Daniels attended a meeting on the 24<sup>th</sup> and the committee voted to support the recommendation for the designs for CB South Trail. CM Birnie explained that this is not a directive of the County and not in the Strategic Plan.
4. Gunnison Valley Transportation Planning Region (GVTPR) – Commissioner Puckett Daniels and ACM Schmidt attended a meeting a couple weeks ago to discuss multimodal funding and project applications. She also noted there will be many meetings throughout the winter to put together a new 5-year and 10-year plan. CM Birnie noted that the County is working on a Region 10 Board overhaul due to positional issues and they currently have all positions advertised.

**Commissioner Houck:**

1. Marble/Somerset – Commissioner Houck relayed that all 3 Commissioners, ACM Schmidt, and Sheriff Representatives went to a community meeting and spoke on continuing issues.
2. Spruce Beetle Epidemic Aspen Decline Management Response (SBEADMR) – Commissioner Houck attended their annual meeting. He noted there was nothing significant to report.
3. Region 10 – Commissioner Houck attended an Executive Meeting on the 24<sup>th</sup>.

**EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402(4)(B): CONFERENCE(S) WITH THE COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO LEGAL ISSUES SURROUNDING COUNTY AND PUBLIC ROADS WITHIN UNINCORPORATED GUNNISON COUNTY, COLORADO. Moved** by Commissioner Houck, seconded by Commissioner Puckett Daniels to go into executive session pursuant to Colorado Revised Statute 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 legal issues surrounding county and public roads within unincorporated Gunnison County, Colorado. Participants will include the County Manager, the County Attorney, the Public Works Director and the full Board of County Commissioners. Because we are receiving legal advice from the County Attorney, there will be no contemporaneous records that is necessitated to be kept. Motion carried unanimously.

The board went into executive session at 9:35 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 Puckett Daniels to come out of executive session. We received advice from the Attorney and the participants in it were consistent with those read into the record. Motion carried unanimously. The Board came out of executive session at 11:05 am. Commissioner Houck confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

**EXECUTIVE SESSION PURSUANT TO C.R.S. § 24-6-402(4), PERSONNEL MATTER(S). GUNNISON COUNTY MANAGER ANNUAL PERFORMANCE REVIEW. Moved** by Commissioner Houck, seconded by Commissioner Smith to go into executive session again and that this is pursuant to Colorado Revised Statute 24-6-402(4), Personnel Matter, we are doing our Annual Gunnison County Manager Performance Review. As I stated earlier in the discussion, State Law allows any employee to choose whether to do it in open or executive session. Matthew has chosen executive session, which is the norm for most. The participants will be Matthew Birnie, as the County Manager and the Board doing the review. We will record that session. Motion carried unanimously.

The board went into executive session at 11:06 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).*

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 Puckett Daniels to come out of executive session. We entered into it to perform an annual performance evaluation of County Manager Matthew Birnie and we're now completed. Motion carried unanimously. The Board came out of executive session at 12:10 pm.

**ADJOURN:** Commissioner Houck adjourned the meeting at 12:10 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](http://gunnisoncounty.org)*

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 24 - 36**

**CONCERNING LUC-24-00020, A LAND USE CHANGE PERMIT APPLICATION FOR A MINOR IMPACT LAND USE CHANGE FOR A 6-LOT SUBDIVISION LOCATED AT THE PROPERTY COMMONLY DESCRIBED AS 426 LARKSPUR LOOP, PARCEL NO. 3255-120-35-009 AND LEGALLY DESCRIBED AS LOT R1, LARKSPUR, ACCORDING TO THE PLAT RECORDED AUGUST 21, 2006 AT RECEPTION NO. 568254, AND THE AMENDED PLAT OF LARKSPUR RECORDED JUNE 19, 2009 AT RECEPTION NO. 591518, COUNTY OF GUNNISON, STATE OF COLORADO.**

WHEREAS, the Applicant, Terraplen Holdings LLC proposes the subdivision of Lot R1, Larkspur, subdividing a 2.79-acre undeveloped parcel into six lots (Lot 1 – 0.31 acres, Lot 2 – 0.32 acres, Lot 3 – 0.37 acres, Lot 4 – 0.35 acres, Lot 5 – 0.28 acres, Lot 6 – 0.31 acres) with a 0.86 acre Open Space lot to be dedicated to the Larkspur Subdivision HOA ("Subdivision"). Public improvements include a 24ft x 24 ft picnic pavilion, a single-occupant restroom with electricity, 865 linear feet of trails for summer use, a 20ft x 10ft floating dock and 5 vehicle parking spots; and

WHEREAS, the parcels are subject to the Larkspur Subdivision’s existing Declaration of Protective Covenants, Reception No. 568253 and the Second Amendment to the Declaration of Protective Covenants, Reception No. 695886; and,

WHEREAS, the parcels will be served by East River Regional Sanitation District ("ERRSD"). The ERRSD provided letter stating the following:

The ERRSD is willing and able to serve Larkspur Lot R-1 in the proposed subdivided format. All properties located within the boundaries of the ERRSD will be served in accordance with and governed by the Districts Rules and Regulations; and,

WHEREAS, the Larkspur Community Association, Inc ("Association") is responsible for supplying water, both potable and non-potable, and for fire protection to all lands and dwellings within Larkspur and those other units that are constructed on the Association/Maintenance and Recreation Parcels. The Association provided a letter stating the following:

The Association has adequate capacity and can legally and physically provide both potable and non-potable water service to the six residential lots and has mainlines in the immediate vicinity to those lots such that connection is feasible. The Association is willing to provide these services upon construction of the required connection infrastructure and payment of the required fees; and,

WHEREAS, the parcels will be accessed by the existing Larkspur Loop road; and,

WHEREAS, the application was sent for referral to Colorado Geological Survey, Gunnison County Public Works, Gunnison Watershed School District, Crested Butte Fire Protection District and the Town of Crested Butte on April 30, 2024.

Responses were not received from the following departments/agencies: Gunnison County Public Works, Gunnison Watershed School District, and the Town of Crested Butte; and,

WHEREAS, pursuant to LUR Section 12-107 Fire Protection, the Crested Butte Fire Protection District provided a conditional approval letter on June 12, 2024 with comments as follows:

1. Access...as shown on the site plan submitted May 16, 2024...is compliant.
  - a. Currently part of the Larkspur subdivision-changing use from recreational to residential
  - b. Individual access to each new residential lot will be reviewed at the building permit stage
2. Water supply...as shown on the plans submitted May 15, 2023...is compliant with comments;
  - a. All fire hydrants are existing and the spacing is compliant
  - b. Current fire flows provide 1750 gpm as approved during the Larkspur subdivision approval
3. Gas Meters...will be approved at the building permit stage.

WHEREAS, Colorado Geological Survey provided comment as follows:

LUC-24-00020 Larkspur Subdivision infill site is not exposed to any geologic hazards or unusual geotechnical constraints that would preclude approval of the proposed 6-lot subdivision. The site is underlain by glacial till of variable engineering properties over potentially short distances, so lot-specific geotechnical investigations are recommended; and,

WHEREAS, a Planning Commission work session was held on July 11, 2024 and the Planning Commission directed staff to schedule the public hearing; and,

WHEREAS, Planning Commission found the application met the standards for an impact classification reduction from Major to Minor pursuant to LUR 3-111:B on July 18,, and,

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on September 19, 2024. The Gunnison County Planning Commission approved a Recommendation of conditional approval of the Subdivision and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on , 2024, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's September 19, 2024 recommendation, with the following Findings and Conditions of Approval:

**FINDINGS:**

The Board finds that:

1. This application is consistent with the standards and requirements of this Resolution.
2. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

**Conditions of Approval:**

1. A mylar subdivision plat, in compliance with Section 6-105, Gunnison County Land Use Resolution, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
2. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

6. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.
8. Enter into a Development Improvement Agreement pursuant to Section 16-118 Development Improvement Agreement Required.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. LUC-24-00020 is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 5th day of November 2024.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

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