

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
August 18, 2020**

The August 18, 2020 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  
Roland Mason, Vice-Chairperson  
Liz Smith, Commissioner

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.

**CONSENT AGENDA:** **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the Consent Agenda. Motion carried unanimously.

1. Memorandum of Agreement; Project Hope; \$11,000
2. COVID-19 Emergency Assistance Request; State of Colorado; Gunnison County Department of Health & Human Services
3. Request for Approval to Submit Grant Application; Protect Our Neighbors; West Central Public Health Partnership; \$50,000

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

**COUNTY MANAGER'S REPORTS:**

1. Discussion: 2013 Certificates of Participation Refunding. CM Birnie explained that this COPs were the mechanism used to build the courthouse facility. Attractive rates were used to finance these COPs at the time, but interest rates continue to decrease. Refinancing would likely save more than \$50k annually, for a total of approximately \$1M over the course of the financing. If CM Birnie ends up recommending a refinance after evaluating this opportunity, documents will be placed on a future agenda for approval. **Moved** by Commissioner Houck, seconded by Commissioner Smith to direct County Manager Matthew Birnie to work with bond council to review the 2013 Certificates of Participation to look for possible cost savings to the County and then, if feasible, bring that forth to the Board for decision, and to allow County Manager Birnie to sign any related documents. Motion carried unanimously.
2. EMPG Special Project Grant Application. CM Birnie confirmed that the County was awarded slightly more than \$11k. It required a 50% match, and the County and all municipalities voted to match that grant with unallocated Cares Act funding. The grant funds will enable improved data management related to COVID-19. The contract is not yet ready for signature, so he asked for authority to sign when it becomes ready. **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the scope of work and authorize County Manager Matthew Birnie to sign the contract and any related grant documents on behalf of the Board. Motion carried unanimously.
3. Contract to Buy & Sell Estate; Gunnison Valley Hospital (GVH). GVH CEO Rob Santilli was present for discussion via telephone. CM Birnie confirmed that any funds spent would come from GVH and that no County funds would be used to purchase this real estate. CEO Santilli confirmed GVH's intent to purchase the office space that it is already renting next to the GVH facilities. **Moved** by Commissioner Mason, seconded by Commissioner Smith to authorize the transaction as stated with the property at 707 N. Iowa Street, and also authorize the County Manager to execute any documents for that transaction. Motion carried unanimously.

**BREAK:** The meeting recessed from 8:55 to 9:00 am for a short break and then from 9:00 until 9:25 am in order to call to hold the below public hearing.

**PUBLIC HEARING; PETITION TO VACATE CERTAIN PORTIONS OF WASHINGTON STREET AND ALDER STREET WITHIN THE TOWNSITE OF TINCUP, COUNTY OF GUNNISON, COLORADO:** Deputy County Manager Marlene Crosby and Attorney Jacob With were present for the discussion.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 9:00 am.
2. Public Notice Confirmation. DCM Crosby confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. DCM Crosby stated that this request first came to the Board in 2017. Issues related to utilities led to the withdrawal of the application at that time. The utility providers are now in agreement with this request. The owner of the adjacent property has had signage indicating

that this portion of land is private property, so this vacation, if approved, with formalize current understandings.

5. Applicant Presentation. Attorney With stated that, without the vacation, motorists inadvertently end up confused and traveling, at times using excessive speeds, down into a cul-de-sac with no exit. He also noted that the vacation would decrease setbacks and enable neighboring properties to become compliant with wastewater regulations.
6. Board Questions. Commissioner Houck asked if, in addition to motorized nuisances, there are issues with pedestrian traffic in the area. Attorney With indicated that there has been some foot traffic in the area when pedestrians get turned around and/or lost and end up going through this land. Commissioner Houck also requested additional explanation as to what the benefit to the public would be if this vacation were approved, and Attorney With explained that many of the lots in the area are owned by just a few people who could cluster them together. Commissioner Mason and Commissioner Houck both expressed concern over the loss of pedestrian connectivity if the vacation were to be approved.
7. Public Comments. Chairperson Houck opened the Public Hearing to comments at 9:19 am, though no comments were provided.
8. Acknowledge Correspondence Received. No additional correspondence was identified, though Commissioner Houck noted that some responses might be supplied in time for the continuation of this hearing.
9. Applicant Response. Attorney With agreed to converse with his clients to determine the amount of pedestrian traffic in the area.
10. Close Public Hearing. **Moved** by Commissioner Houck, seconded by Commissioner Mason to continue the public hearing for the Petition to Vacate Certain Portions of Washington Street and Alder Street in Tincup to October 6, 2020 at 9:00 am to happen here in the Board of County Commissioners meeting room. Motion carried unanimously. Commissioner Houck then immediately reconvened the Gunnison County Board of County Commissioners Meeting.

**GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS:**

1. Historical Preservation Commission. **Moved** by Commissioner Houck, seconded by Commissioner Smith to appoint Kathleen Curry to the Historical Preservation Commission. Motion carried unanimously.
2. Sustainable Tourism & Outdoor Recreation Committee. **Moved** by Commissioner Mason, seconded by Commissioner Houck to appoint Matt Reed to the Sustainable Tourism and Outdoor Recreation Committee. Motion carried unanimously.
3. Tourism and Prosperity Partnership. **Moved** by Commissioner Mason, seconded by Commissioner Smith to appoint Erica Rasmussen to the TAPP Board. Motion carried unanimously.

**DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** DCM Crosby was present for discussion.

1. Somerset Park. The Somerset Waterworks District has asked the County to turn over ownership of the park, because the District believes locals may step up and handle the upkeep if it were locally owned. DCM Crosby located a lease agreement from July 2007 that indicates the responsibility for upkeep falls on the District, and there is a current need for \$2,700 to repair the irrigation system. The Board agreed to allow repair of the irrigation system with County funds. The lease would also need to be corrected with regard to designation of the Lessee and Lessor.

**DISCUSSION; STAGE 1 FIRE RESTRICTIONS & POSSIBLE RESOLUTION:** Undersheriff Scott Jackson was present for discussion, and he informed the Board that the Bureau of Land Management, Park Service and Forest Service land managers will all be entering Stage 1 restrictions at 12:01 am on Thursday morning. Emergency Manager Scott Morrill, also present for the discussion, concurred with the request to enter Stage 1 restrictions. **Moved** by Commissioner Houck, seconded by Commissioner Smith to approve Resolution #2020-29; a Resolution Implementing Stage 1 Fire Restrictions, those restrictions will be as of 12:01 am on Thursday, August 20, 2020, and they will stay in place until they are rescinded by this Board. Motion carried unanimously.

**VILLANUEVA LAND CONSERVATION COVENANT INTERPRETATION:** Senior Planner Hillary Seminick and a representative from the Villanueva Family Trust were present for discussion. The Trust requested an interpretation of the conservation easement in place, specifically whether or not a 50' x 200' berm may be constructed. County Attorney David Baumgarten noted that the conservation easement does not specifically address berms, so he suggested that the Board must decide whether or not to allow it. He felt that the Board, if desired, should consider amending the land conservation easement with any desired specifications regarding any berm allowed. The Board requested that CA Baumgarten work with the Trust to determine the specifics of this request for future Board consideration.

**APPROVAL OF GUNNISON COUNTY LAND USE RESOLUTION AMENDMENTS:** The amendments were discussed at length during a previous work session. **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve Resolution #2020-30, the approval of the amendments to the Gunnison County Land Use Resolution. Motion carried unanimously.

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated August 18, 2020 and the cash transfer authorization dated July 2020 for discussion and approval. **Moved** by Commissioner Houck, seconded by Commissioner Mason to approve the vouchers in the amount of \$1,480,113.21. Motion carried unanimously. **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the cash transfer amount of \$3,206,348.79. Motion carried unanimously.

**GUNNISON COUNTY 2019 AUDIT PRESENTATION; MCMAHAN & ASSOCIATES, LLC:** McMahan & Associates, LLC representatives Paul Backes and Matthew Miller presented the 2019 Gunnison County financial audit that was included in the meeting packet. **Moved** by Commissioner Smith, seconded by Commissioner Mason to accept the audit as presented. Motion carried.

**TREASURER'S MONTHLY REPORT:** County Treasurer Debbie Dunbar presented the July 2020 Treasurer's report for discussion and acceptance. **Moved** by Commissioner Houck, seconded by Commissioner Mason to accept the Treasurer's report and authorize the Chair's signature as presented.

**BOCC LETTER OF SUPPORT; SEASONS SCHOOLHOUSE:** Commissioner Smith presented the letter of support that she crafted for Board consideration. **Moved** by Commissioner Houck, seconded by Commissioner Smith to authorize the signature of the full Board on the letter of support for Seasons Schoolhouse in pursuit of their enterprise zone designation. Motion carried unanimously.

**COMMISSIONER ITEMS:**

**Commissioner Mason:**

1. North Valley Broadband Meeting. Commissioner Mason attended this meeting at the beginning of the month. Region 10 has applied for and received approximately \$5.4M in grant funding, and local matches of about \$540K will be required. Much of the conversation during the meeting was related to how the municipalities and the County will be able to assemble those matching funds. The next meeting is scheduled for September 1, 2020.
2. RTA Meeting. Commissioner Mason attended this meeting near the start of the month. We are in line for a grant to purchase another CNG bus. The bus will cost \$757K, and the RTA will match 20%. Also, Commissioner Mason was nominated to take John Messner's position in the Air Command group.
3. Mountain Express. Commissioner Mason attended a joint meeting with Mountain Express immediately after the RTA meeting. Discussions were primarily focused on how people are going to travel from Crested Butte to Mt. Crested Butte during the ski season if the busses are limited to a specific number of riders per trip. He will work with DCM Crosby to develop an MOU that will help to keep roads as safe as possible for busses to travel between Crested Butte and Mt. Crested Butte during winter months.
4. Gunnison Valley Regional Housing Authority. Commissioner Mason attended this meeting on August 13<sup>th</sup>. The 2020 Housing Guidelines were approved. Also, there is still \$65k in the emergency mortgage assistance fund that hasn't been used yet.

**Commissioner Smith:**

1. RTA Meeting. In addition to the above information, the group also discussed creative ways to increase parking capacity. Reservation systems were discussed as options to help equitably ferry riders between Crested Butte and Mt. Crested Butte during the height of the ski season. Bus capacity has not yet been determined.
2. Early childhood Council. Commissioner Smith attended this meeting on August 13<sup>th</sup>. Stress and mental health issues are increasing, as is food insecurity. Parenting support groups are assembling to assist parents who opt to homeschool their children due to COVID-19.
3. Crested Butte Town Council Work Session. Commissioner Smith attended this work session last night, and the main topic of discussion was related to the Black Lives Matter movement. Conversations are ongoing.

**Commissioner Houck:**

1. Weekly All County Call. Commissioner Houck participated in this call, and he noted that it appears as though the CDC Foundation may provide funding and resources for hiring epidemiological support staff for the region.
2. Gunnison Sage-grouse Strategic Committee. The next meeting will take place tomorrow. He has been working with Colorado Parks and Wildlife to consider an integrated approach to wildlife issues.

**UNSCHEDULED CITIZENS:** There were no Unscheduled Citizens present for discussion.

**POSSIBLE EXECUTIVE SESSION; PURSUANT TO C.R.S. 24-6-402(4)(B):** Commissioner Houck explained that this executive session was scheduled to give the Board an opportunity to receive an update from the County Attorney’s Office on pending litigation that impacts Gunnison County. **Moved** by Commissioner Houck, seconded by Commissioner Smith to go into executive session pursuant to Colorado Revised Statute 24-6-402(4)(b) that allows consultation with our attorney on legal matters and to receive an update and advice, the participants in that executive session will be the full Board of County Commissioners, County Attorney David Baumgarten, Deputy County Attorney Matt Hoyt, and County Manager Matthew Birnie.

The board went into executive session at 11:39 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)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

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

\_\_\_\_\_  
Matthew Hoyt  
Gunnison County Attorney (Deputy County Attorney on the date of this executive session)

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)(b).

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

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

The Board came out of executive session at 12:05 pm. **Moved** by Commissioner Houck, seconded by Commissioner Smith that the Board come out of executive session, the participants in the executive session were those who were read into the record, we received advice and input from the County Attorney and Deputy County Attorney, and no decisions were made in the executive session.

**ADJOURN:** **Moved** by Commissioner Houck, seconded by Commissioner Mason to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:06 pm.

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

\_\_\_\_\_  
Roland Mason, Vice-Chairperson

\_\_\_\_\_  
Liz Smith, 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. 2020-29**

**A RESOLUTION IMPLEMENTING STAGE 1 FIRE RESTRICTIONS**

WHEREAS, the Board of County Commissioners of Gunnison, Colorado previously has adopted Ordinance No. 8a., An Ordinance Establishing a Permanent Process to Periodically Ban Open Fires Within the Unincorporated Areas of Gunnison County, Colorado, (“Ordinance No. 8a.”); and has adopted Ordinance No. 14, An Ordinance Amending Ordinance No. 8 Establishing A Permanent Process to Periodically Ban Open Fires Within the Unincorporated Areas of Gunnison County, Colorado, (“Ordinance No. 14”); and

WHEREAS, pursuant to Ordinance No. 8a and Ordinance No. 14, the Board of County Commissioners of Gunnison County, Colorado has power at any meeting, by resolution, to ban open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of Gunnison County where the danger of forest or grass fires is found to be high based on competent evidence; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has determined that currently the danger of forest or grass fires in all of unincorporated Gunnison County is high at this time and fire restrictions are necessary and appropriate in all of unincorporated Gunnison County to reduce the danger of wildfires in Gunnison County;

NOW, THEREFORE, it is resolved that as of August 20, 2020 Stage 1 fire restrictions, as defined as follows, will be in place in all of unincorporated Gunnison County until further notice.

The following are prohibited:

- 1. FIRES/BURNING: Fires that are not contained within permanently constructed devices, open fires/burning, agricultural burning, and the burning of trash or debris.
- 2. COOKING: Charcoal grills, hibachis, and coal or wood-burning stoves on federal lands.
- 3. CAMPFIRES: Building, maintaining, attending or using a campfire not within designated signed campgrounds or developed recreation sites with provided fire grates.
- 4. FIREWORKS: The use of fireworks or explosives. Including all incendiary devices on public or private lands, including explosive targets.

The following are permitted, with the described limitations:

- 1. FIRES: Fires in chimineas, fire pits, and tiki-torch type manufactured devices on private property.
- 2. COOKING: Cooking on manufactured charcoal grills, petroleum-fueled stoves or lanterns that use gas, jellied petroleum or pressurized liquid fuel.
- 3. CAMPFIRES: Campfires with flame length not exceeding two feet in height within pre-fabricated concrete/metal fire enclosures in established campgrounds (USFS, NPS, privately owned).
- 4. SMOKING: Smoking outdoors is allowed ONLY within enclosed vehicles, buildings or developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.
- 5. WELDING & ACETYLENE TORCHES: Welding or operating acetylene torches with flame is allowed ONLY in cleared areas of at least 10 feet in diameter and where the operator is in possession of a chemical-pressurized fire extinguisher with a minimum rating of 2A.
- 6. CHAINSAWS: Operating a chainsaw is allowed ONLY if the device includes a USDA Forest Service or SAE approved spark arrester, and where the operator is in possession of a chemical-pressurized fire extinguisher with a minimum rating of 2A.

This Resolution has immediate effect upon its passage by the Board of Commissioners without further action necessary.

INTRODUCED by Commissioner Houck, Seconded by Commissioner Smith, and adopted this 18<sup>th</sup> day of August, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Houck -yes; Mason – yes; Smith – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 2020-30**

**A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION***

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* (“the *Resolution*”), Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, the Planning Commission on May 29, 2020, forwarded its written recommendations to

the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments August 4, 2020; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;

Changed conditions, including the economy of Gunnison County; Effect of the proposed amendments on the natural environment; Community needs;

Development pattern;

Changes in applicable law;

Public health, safety and welfare; and

Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted on this 18<sup>th</sup> day of August, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Houck -yes; Mason – yes; Smith – yes.