

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 16, 2021**

The March 16, 2021 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 (ABSENT)
Liz Smith, Commissioner

Matthew Birnie, County Manager
Melanie Bollig, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY LOCAL LIQUOR LICENSE AUTHORITY:

CALL TO ORDER: Chairperson Houck called the Gunnison County Local Liquor License Authority meeting to order at 8:32 am.

THREE RIVERS SMOKEHOUSE LIQUOR LICENSE #03-06291: Moved by Commissioner Smith, seconded by Commissioner Houck to approve the liquor license renewal for Three Rivers Smokehouse as presented. Motion carried unanimously.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Smith to adjourn the Gunnison County Local Liquor License Authority. The Gunnison County Local Liquor License Authority adjourned at 8:33 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:33 am.

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

MINUTES APPROVAL: With no changes needed by the Commissioners, it was moved by Commissioner Smith, seconded by Commissioner Houck to approve the Regular Meeting minutes for January 12, 2021 as presented. Motion carried unanimously.

1. January 12, 2021 Regular Meeting

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

1. Amendment #1; To Plan Document Dated September 1, 2017 and Restated January 1, 2020, Gunnison County, Colorado Employee Medical Benefit Plan, Cost Plus Plan
2. Contractor Agreement; Coal Creek Watershed Coalition; Site-specific water quality standards for Coal Creek; 01/01/2021 through 12/31/2021; \$18,300
3. Grant Application for Continuation Funding for Health and Human Services Early Childhood Coalition staff for Systems Building, Colorado Shines Quality Improvement, and Expanding Quality Infant Toddler Care, addressing quality early childcare; \$74,700
4. Acknowledgement of Approval to Submit Grant Application for Health Resources Service Administration's Rural Communities Opioid Response Planning
5. Restorative Justice Grant Application; Gunnison County Juvenile Services Department; \$9,933
6. Corrected Application for Federal Assistance SF-424; Federal Aviation Administration; Airport Terminal Project; \$1,153,208
7. Gunnison County Assistant County Attorney Employment Agreement; Alex San Filippo-Rosser; Beginning May 24, 2021; \$99,983
8. Amended Contract; Communities that Care; COVID-19 Response; \$100,000
9. Resolution Authorizing the Board to Purchase Real Property; 711 N Colorado St, Gunnison, CO 81230
10. Resolution Adjusting Ground Rent for Use of Premises at the Gold Basin Industrial Park
11. Ratification of Approval to Submit; FY 2021 March 1 EIAF Tier I Grant Application Cloned 1/26/21; Compressed Natural Gas Fleet Vehicles
12. Acknowledgment of County Manager's Signature; Contractor Agreement; Walter A. Sorrentino; County Board of Equalization Hearing Officer; term to be 9/15/2021 – 11/01/2021; \$65/hr plus expenses
13. Acknowledgment of County Manager's Signature; Western Regional Emergency Medical & Trauma Advisory Council (RETAC); Regional Systems Development Application
14. Engagement of Balcomb & Green, P.C.; Water Rights Associated with County Whetstone Property

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated, with no changes or additions to the schedule posted online.

COUNTY MANAGER’S REPORTS:

1. Overall progress: CM Birnie informed the Board that several of the County projects are still in the intermediate stages of “plugging away”, with specific mention of:
 - a) Library – final guaranteed maximum price signed
 - b) Airport – several goals progressing
 - c) Shady Island – great progress made; poured the jetties last week

Commissioner Houck noted that the “plugging away” gave soft undertones when talking about some incredibly large projects – Library, Airport and Strategic Plan Projects – that have been going on before and during the entire COVID response. Both Commissioners Houck and Smith noted that other counties had projects that have ground to a halt during response to COVID; they expressed thanks to CM Birnie, recognizing the preparation and amount of work it has taken to keep these moving forward.

DEPUTY COUNTY MANAGER’S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion.

1. Grant of Temporary Easement to Jan & Teresa Bryniarski; Real Property located at 656 Camino del Rio, Gunnison, CO 81230. DCM Marlene Crosby had wanted, but was unable to, include three temporary easements under this one easement topic. Because there are two more ready to be signed, and at least another two yet to come, DCM Crosby asked the Board for approval of a delegation of authority to CM Birnie, in order to sign any other temporary easements that were not included on the agenda. **Moved** by Commissioner Smith, seconded by Commissioner Houck to approve the grant of temporary easement to Jan & Teresa Bryniarski. Motion carried unanimously. Further **moved** by Commissioner Houck, seconded by Commissioner Smith to grant delegation of authority to CM Matthew Birnie to sign, on behalf of the Board, grants of temporary easement for the additional residents and Dos Rios Golf Club, related to this specific infrastructure extension project, as documents are prepared and ready and upon legal review. Motion carried unanimously.
2. Suggestion from the Family and Friends Group as to what could be done as a memorial for Linda Nienhueser. One idea was for a nice tree outside the office; after looking at the existing trees, it was decided a better alternative might be a table with benches so that people could sit on the south side and reflect. CM Birnie mentioned that a large contribution had already been made to a scholarship fund on behalf of the County, but that this alternative would be a nice memorial to Linda. He affirmed that they could get with Sustainable Operations Director, John Cattles, to see what could be done with this alternative idea. DCM Crosby also mentioned that the family and friends group would like a memorial plaque with one of Linda’s sayings added onto the table. Commissioner Houck expressed his support of the more permanent, visual memorial in addition to the scholarship work, as a reminder of their appreciation for Linda’s years of contribution and service. CM Birnie suggested no formal approval would be needed; Commissioner Houck added that—once this memoriam was ready to be put into place—it would be appropriate to contact the family and friends and have a more formal dedication service held outside in recognition of Linda’s contributions to the County. Commissioner Smith added her support to this idea as well.
3. Marble Town Council requested to visit with the Board of County Commissioners at one of their work sessions. April 13th was put forward as the best date with an hour available for the meeting; both Commissioner Houck and Commissioner Smith approved the meeting and date, contingent on final approval from the Marble Town Council.
4. An item needing involvement from the County Attorney’s Office – time to renew or sign new leases for the two historic buildings that the County owns. Both buildings are used by non-profits who share in the upkeep:
 - a) Marble City State Bank; used by a non-profit group called The Hub; wanting to be open May 15, 2021.
 - b) Old Town Hall Building in the Town of Ohio City; a newly-remodeled historic building, used by the non-profit Quartz Creek Valley Improvement Association for their meetings; not needing to be open all the time.

DCM Crosby asked for confirmation from the Board — for approval in moving forward to prepare the new leases, and also for continuing to work with the two non-profits. Issues discussed were: timelines for new leases; upgrades made to both buildings; county insurances covering both buildings, and extent of changes needing to be made to both leases. It was decided that changes to dates and some maintenance revisions were the major changes; both Commissioner Smith and Commissioner Houck gave assent to go forward with preparing the new leases.

LOT CLUSTER AGREEMENT; CHAD SMITH AND JENNIFER CENEDELLA; BUCKHORN RANCH LOT M3-45 AND LOT M3-46: Presented by Administrative Services Manager Beth Baker. For consideration in the lot cluster agreement are two adjacent lots in Buckhorn Ranch. The agreement was reviewed by County Attorney’s Office and Community Development Director; Home Owner’s Association and all utility companies each approved their own part; taxes were found to be current with no lien on the lots. **Moved** by Commissioner Smith, seconded by Commissioner Houck to approve the lot cluster agreement for

Buckhorn Ranch, Lots M3-45 and M3-46, as presented. With no further discussion, the motion carried unanimously.

TOURISM AND PROSPERITY PARTNERSHIP (TAPP) APPOINTMENT, CRESTED BUTTE MOUNTAIN RESORT REPRESENTATIVE (CBMR), BILL MCFARLANE: Commissioner Houck introduced the recommendation by CBMR that Bill McFarlane be their new representative on the TAPP Board, then deferred to John Norton, Executive Director of TAPP, to discuss Bill's qualifications. Mr. Norton expressed TAPP's enthusiastic support for Bill McFarlane.

RECESS: At 8:55 am, Commissioner Houck called a recess of the Gunnison County Board of County Commissions Regular Meeting, in order to make the TAPP appointment as the Gunnison River Valley Local Marketing District.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

CALL TO ORDER: Commission Houck called to order the Gunnison River Valley Local Marketing District Special Meeting at 8:55 am.

Tourism and Prosperity Partnership (TAPP) – Crested Butte Mountain Resort (CBMR) Representative Appointment: Absent is Commissioner Mason; joining the CBMR representative appointment discussion is TAPP's Western Colorado University Representative, Gary Pierson.

Mr. Pierson thanked Kelley Baer, Director of Sales at CBMR, for her contributions, and expressed full support for Bill McFarlane as the new CBMR representative. With both Commissioners also expressing their support, it was **moved** by Commissioner Houck, seconded by Commissioner Smith to accept the nomination of Bill McFarlane to replace Kelley Baer as the Crested Butte Mountain Resort representative to the TAPP Board. Present to vote were the Commissioners on the Local Marketing District Board, and TAPP's Western representative, Gary Pierson. Motion carried unanimously. Congratulations were made to the new CBMR representative, Bill McFarlane, who was also present via remote access.

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Smith, to adjourn the Gunnison River Valley Local Marketing District Special Meeting. The Gunnison River Valley Local Marketing District Special Meeting adjourned at 8:59 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

RECONVENE: At 8:59 am, Commissioner Houck reconvened the Gunnison County Board of County Commissions Regular Meeting.

LETTER OF SUPPORT; 2021 UPPER GUNNISON RIVER RESTORATION & IRRIGATION INFRASTRUCTURE IMPROVEMENT PROJECT; UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT: Commissioner Houck introduced presenter Sonja Chavez, General Manager of the Upper Gunnison River Water Conservancy District.

Sonja Chavez stressed that a Letter of Support from the Gunnison County Board of County Commissioners would be an important part of the grant application project titled, "Partnership Funding Proposal: 2021 Upper Gunnison River Restoration & Irrigation Infrastructure Improvement Project." This funding proposal is being submitted to the Colorado River Water Conservation District; the project proposal seeks to coordinate with three willing agricultural water right holders to combine their two Gunnison River diversions into a single point of diversion with shared and modernized irrigation infrastructure, and to restore a degraded section of the Upper Gunnison River. This degraded section's location is downstream of Almont, and just upstream of the road that goes out by Rocky River Resorts.

Numerous project benefits were emphasized: Pre-compact water rights; agricultural productivity and local economy; improvement of agricultural water supply; improvement of irrigation water management and efficiency; restoration of a degraded river channel (currently narrowed and incised); creation of safer recreational experiences for both rafting and angling; as well as restoration of the aquatic community and fishery.

Sonja Chavez then introduced Craig Ullmann, from Applegate Group Engineering, to help further explain the proposed scope of work. His comments were:

1. First project goal: To eliminate significant "pinch" or narrowing in the river by removal of lower wing placed at this point; also, to plug the ditch bank between the River and the ditch, then locate a second head gate for that ditch in the Gunnison Tomichi channel, so that both ditch flows will be coming down the same channel.
2. A second goal: The side channel has no bypass back to the River; so propose to put a return or spill structure through the bank, back to the river, so that in the winter they will be able to open it up and let water continuously flow through the channel, almost as if it were a side channel of the main River, thereby not allowing it to freeze.
 - a. Added benefits were highlighted:

- i. When the fishery releases Kokanee Salmon, the juveniles will not be caught in this side channel as before, without access back to the River.
 - ii. Additional capacity for flood flows is also added with the side channel – up to several hundred cubic-feet-per-second capacity in the side channel to dump water back to the river, rather than the only path being over the river banks, as is currently the situation.
 - iii. Ditch users will see steadier head pressure on their gates, resulting in steadier diversions for them.
 - iv. Removing the lower wing will also open up the channel even further, yielding higher capacity for flood flows.
3. The last goal: Harden part of an essential wing which has constantly needed reinforcing, by utilizing the larger boulders and concrete materials from the lower wing that is needing to be removed. In addition, some excess material may be used to firm up the Gunnison Tomichi channel, as well as help to fill up a substantial scour hole located in the main river channel; the scour hole should continue to fill once the narrow pinch in the river is alleviated.

Sonja Chavez then closed with total projected costs:

1. Four major tasks – Engineering, Contracting, Construction, and Project Management – bring a total projected cost of \$153,900 for the project; \$47,241 of that being contributed by Partner Funds, and \$106,659 in Matched Contributions.

One question posed by Commissioner Houck at the end of the presentation: Would it lend any more weight to revise the letter to include all the Board of County Commissioners' signatures? When assured that the one signature of the Chairperson would be adequate, and with no further questions, it was **moved** by Commissioner Houck, seconded by Commissioner Smith to approve the letter of support for the Upper Gunnison River Restoration & Irrigation Infrastructure Improvement Project, authorize the Chairperson's signature; to be executed that same day – March 16, 2021. Motion carried unanimously.

Commissioner Houck expressed his thanks to all those presenting and those present via remote access, lending their support for the project; emphasis was made on his appreciation for the partner list showing all the people working together, with all the multiple benefits – indicative of how Gunnison County best works together as a Headwaters county. He also asked that the group let the Board know if they can be of any future help as the project progresses, in order to keep the project moving forward.

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

COMMISSIONER ITEMS:

Commissioner Smith:

1. Attended a meeting with Tourism and Prosperity Partnership (TAPP) the week before. Several topics of note were:
 - a. Possibility of raising rates on hotel rooms in the valley, as they are well below the industry average right now.
 - b. TAPP is working on rolling out an innovative app to reduce carbon consumption of traveling and trail visitors; a contribution will be made to offset their carbon consumption in getting to the valley. Looking into partnerships at this time.
 - c. Ski Fever Tension Act legislation under discussion again. Past opposition was that 75% of reinvestment goes to ski projects rather forest lands. Interest in revisiting this plan, if some of those details were reconsidered.
2. Met with the Community Health Coalition of Gunnison Valley. Topics discussed were:
 - a. Strategic Plan; well underway.
 - b. Examined legislation around the Behavioral Health Administration (BHA); going to be formed with the State, and has the potential to affect rural areas greatly. The Coalition is working to identify at-risk programs in that transition process and advocate for those resources and programs as they are now, if there is no equivalent or ability to shift under the new BHA structures.
3. Attended the end of Club 20's Winter Conference. Proposed amendments to resolutions that had passed which should be of benefit to Gunnison County.

Commissioner Mason:

1. ABSENT for 3/16/2021 Meeting

Commissioner Houck:

He noted that most of his time the week before was spent with Colorado Counties, Inc. (CCI), Counties and Commissioners Acting Together (CCAT), and National Association of Counties (NACo).

1. Commissioner Houck represented Gunnison County and the Colorado contingency on the Public Lands Steering Committee at NACo; this year a virtual meeting with over 3100 counties in the U.S. One of the subcommittees is a Resorts, Tourism and Gateway Communities working group, chaired by Supervisor Bob Gardner from Mono County, California. Mono County is on the eastern side of the Sierra – geographically the same size as Gunnison County, with roughly

the same population – and both are skiing and ranching areas. Mono County is also one of the eastern access portals to Yosemite, wilderness, and public lands in the area. Commissioner Houck was asked to present to this working group what Gunnison County is doing with the STOR (Sustainable Tourism and Outdoor Recreation) Committee. The working group was particularly interested in how STOR achieved the level of “nimbleness” and “connectivity” with so many members involved in providing direction, leading up to and through COVID; i.e., “How do you get that many people to the table in a collaborative framework of decision-making?” Commissioner Houck shared some struggles, but also explained positive examples; notably, of how STOR was able to direct some funding in collaboration with the Crested Butte Avalanche Center; how to get folks educated, knowing there would be an increase in back country use; and how to respond to heavy land use – whether up at Hartman Rocks, or in the drainage areas around Crested Butte. Commissioner Houck has had a steady flow of emails and requests for more information since his presentation of the past week.

- 2. One NACo suggested position came to Commissioner Houck through the Public Lands Steering Committee. Commissioners were trying to reach back to let him know that – with the ability for private citizens to sell lands to the federal government (often as an inholding in a park or in a national forest – that this could not happen with the land-water conservation funds, unless the Board of County Commissioners signed off on it. Most of the Colorado delegation, including Commissioner Houck, took the position that private property rights ... are rights. Some took the position that when these private properties are sold – because counties lose on the revenue end – then counties should be able to say no. Commissioner Houck and most of the Colorado delegation see those type of in-holding or adjacent properties as typically not developed properties, often with agriculture-related tax status, and so the County’s lost tax revenue is made up in economic generation of a community with well-managed lands.
- 3. Reminder – and thanks to Marlene Crosby for working to make it happen – that there will be a CDOT in-person open house in Gunnison for the Little Blue Project, held on March 24. An in-person meeting will also be held in Montrose – Commissioner Smith will be attending virtually – that evening, March 16.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Smith to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of County Commissioners meeting adjourned at 9:32 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, 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: 2021 - 4

A RESOLUTION AUTHORIZING THE BOARD TO PURCHASE REAL PROPERTY

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(b), Gunnison County has the legal authority to purchase 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--any such contract may, by its terms, exceed one year, and be binding upon the parties thereto as to all of its rights, duties and obligations; and

WHEREAS, The Board of Trustees of Gunnison Valley Hospital, Board of Trustees for Gunnison Valley Hospital and Gunnison Valley Hospital (collectively, "GVH") is a duly created, established, organized, and existing public hospital created by Gunnison County pursuant to Title 25, Article 3 of the Colorado Revised Statutes; and

WHEREAS, GVH has requested that Gunnison County acquire the real property described in this Resolution for the primary purpose of providing transitional housing for GVH staff; and

WHEREAS, pursuant to Colo. Rev. Stat. § 25-3-304, GVH has exclusive control and responsibility for the supervision, care, and custody of any grounds, rooms, or buildings on which it operates and which is also owned by Gunnison County;

WHEREAS, the Board of County Commissioners of the County of Gunnison desires to purchase certain real property located at 711 North Colorado Street, Gunnison, Colorado, more fully described as:

Unit 4, Elk Crest Condominiums, according to the Plat thereof recorded June 16, 2006 as reception No. 566088 and re-recorded June 19, 2006 as reception No. 566110 and the declaration of Elk Crest Condominiums pertaining thereto recorded June 16, 2006 as reception No. 566089, County of Gunnison, State of Colorado ("Property");

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that County Manager Matthew Birnie is authorized to execute all necessary documents and perform all actions necessary to effectuate the purchase of the Property, and, to the extent necessary, for GVH Chief Executive Officer Robert Santilli and GVH Vice President – Administrative Services Wade Baker to execute all necessary documents and perform all actions necessary to effectuate the purchase of the Property as limited agents for the Board of County Commissioners for this sole and limited express purpose and for no other purpose, unless otherwise expressly authorized by this Board.

INTRODUCED by Commissioner Smith, seconded by Commissioner Houck, and adopted this 16th day of March, 2021.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – absent, Smith – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 21-5**

**A RESOLUTION ADJUSTING GROUND RENT FOR USE OF PREMISES AT THE GOLD BASIN
INDUSTRIAL PARK**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado owns and operates the Gold Basin Industrial Park located in the County of Gunnison, State of Colorado and as legally described as 38.79 acres in NE4NW4. Section 11 49N1W #499861 and portions of 21.28 acres in SE4SW4. Section 2 49N1W #499861; and

WHEREAS, the Board of County Commissioners wants to adjust the ground rental rate where such an adjustment is not precluded by a current written lease; and

WHEREAS, the Board of County Commissioners is taking this action in order to better fund the operation and maintenance of the Gold Basin Industrial Park; and

WHEREAS, the Denver-Aurora-Lakewood Consumer Price Index for All Urban Consumers, as published by the United State Department of Labor Bureau of Labor Statistics, for 2020 was 272.207, a 1.95% increase from 2019.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that effective on April 1, 2021:

1. The ground rental rate shall be in the amount of \$3,206 per annum per acre of premises occupied.
2. Premises occupied will be rounded to the nearest thousandth of an acre (x.xxx acres).

BE IT FURTHER RESOLVED THAT these rates shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Smith, seconded by Commissioner Houck, and adopted this 16th day March, 2021.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – absent, Smith – yes.