

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 3, 2021**

The August 3, 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
Liz Smith, Commissioner

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

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

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

PUBLIC HEARING; CHANGE OF OWNERSHIP; LIQUOR LICENSE TRANSFER; ALMONT FBF HOLDINGS LLC DBA ALMONT RESORT: Gunnison County Clerk and Recorder Kathy Simillion was present to answer any questions.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 8:31.
- 2.
3. Public Notice Confirmation. County Clerk Kathy Simillion confirmed that the Public Hearing had been properly public noticed.
4. Identify Ex Parte Communications. There were no ex parte communications identified.
5. Staff Presentation. Chairperson Houck noted that the proper state and county officials had all reviewed and signed off on the transfer; County Clerk Kathy Simillion added that this license transfer only lacked the opportunity for public input or objection before being approved, and that she had received no public communication regarding this transfer application.
6. Applicant Presentation. The applicant was not present for the public hearing.
7. Board Questions. There were no questions from the Board members.
8. Public Comments. Chairperson Houck opened the Public Hearing to comments at 8:32 am. There were no public comments made, either in the room or via Zoom.
9. Acknowledge Correspondence Received. No additional correspondence was identified.
10. Applicant Response. The applicant was not present for the public hearing.
11. Close Public Hearing. Chairperson Houck closed the Public Hearing at 8:32 am.

Moved by Commissioner Smith, seconded by Commissioner Mason to approve the change of ownership in the liquor license transfer as presented that morning. Motion carried unanimously.

ADJOURN: **Moved** by Chairperson Houck, seconded by Commissioner Smith to adjourn the meeting of the Gunnison County Local Liquor Licensing Authority. Motion carried unanimously, and the meeting was adjourned at 8:34 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the Gunnison County Board of County Commissioners Regular Meeting to order at 8:34 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve both the May 4th and the May 18th, 2021 minutes, as presented. Motion carried unanimously.

1. May 4, 2021 Regular Meeting
2. May 18, 2021 Regular Meeting

SCHEDULING: There were no additions or changes to the schedule. Chairperson Houck reminded the Board that the Mayors & Managers meeting hosted by the Library District on August 5th would be a split meeting, starting at the Old Miner restaurant from 12 noon to 1 pm, and then reconvening at the project site after that for a walk through. County Manager Matthew Birnie reminded them to bring appropriate shoes for the construction site.

CONSENT AGENDA: With no questions or concerns by the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the Consent Agenda as presented. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Agreement Between BOCC and Boeing; for Authorization of Flight-Testing Activities, Use of Helicopter Tether Test Pad, and Provision of Airport Rescue Fire Fighting (ARFF) and Other Airport Services; 7/27/2021 to 9/15/2021; use of tether test pad, \$5,000; "Standby Station" ARFF Services, \$200 per hour; Tether Pad Testing ARFF Services, \$500 per hour
2. Grant Application Approval; Caring for Colorado; Gunnison County Juvenile Diversion Program; for the Family Advocacy and Support Team (FAST) Partnership; to convene multi-agency partners and provide family support services that increase parent and youth advocacy skills; \$95,903
3. Grant Agreement; Caring for Colorado / Colorado Centennial Fund; Gunnison County Department of Health and Human Services for Gunnison County Vaccine Equity Effort; 7/23/2021 to 2/22/2022; \$32,650
4. Grant Agreement; Community Foundation of the Gunnison Valley, 2021 Community Grants; Gunnison County Juvenile Services; for the Gunnison County Substance Abuse Prevention Project's Choice Pass Parent Education; 7/01/2021 to 5/01/2022; \$2,375
5. Grant Application Approval; Daniel's Fund; Gunnison County Juvenile Serves; for Gunnison County Substance Abuse Prevention Project, Choice Pass; 12-months; \$50,000
6. Letter of Support; Colorado River Water Conservation District; Crested Butte Land Trust Grant Application; funding for the Rozich Ditch Relief Culvert Installation and Headgate Replacement Project
7. Grant Agreement Approval; Region 10 League for Economic Assistance and Planning, Inc; Gunnison County Department of Health and Human Services; for a Senior Resource Office (SRO), Information and Assistance; 7/01/2021 to 6/30/2022; \$53,000
8. Acknowledgment of County Manager Signature; Agreement for the Conveyance of a Reversionary Interest; City of Gunnison; "Old Nursing Home Parcel"

COUNTY MANAGER'S REPORTS: County Manager Matthew Birnie was present for discussion.

1. County Forest Payment Funds Distribution. CM Birnie explained that the County would be eligible this year for Forest funds, and because the budget this year could allow for it, he wanted to recommend that 100% of these funds – in the amount of \$613,513 – be given to the school district, with a recommendation to have this go toward putting geothermal in the schools. CM Birnie asked the Board for a motion to approve the 100% allocation of Forest payment funds to the school district. It was **moved** by Commissioner Mason, seconded by Commissioner Smith to approve the full distribution of the County's current Title I forest payment funds to the Gunnison County School District. Motion carried unanimously.

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

1. Closure Request, County Road #4; Temporary Road Use Agreement; Elk Run 5K; 7:00 am to 1:00 pm; 9/25/2021. DCM Crosby advised the Board, that relative to the expected number of participants for this year's Elk Run 5K event, she felt it would be best to close the road. **Moved** by Chairperson Houck, seconded by Commissioner Smith to approve the County Road #4 Temporary Road Use Agreement for the Elk Run 5K. Motion carried unanimously.
2. Request to put Stream Gage on Erickson Springs Bridge; over Anthracite Creek on Kebler Pass. DCM Crosby introduced Mike Kohn from US Geographical Survey (USGS) – Colorado Water Science Center, as being present via Zoom to answer any questions, adding that Mike had been the one to come to her with the proposal to put a stream gage on the Erickson Springs Bridge. DCM Crosby then outlined that the County had gages on several bridges and also had a similar agreement for the County Rd #32 McCabe Lane installation. She further noted that the USGS would be putting gages on some of the Forest Service bridges as well, and the County would be able to gain good information from areas not yet collected from. Mike Kohn then added that they would be putting snow pack gages on Forest Service land above the Anthracite Creek gage, and from this they should be able to gather good information on the correlation between snow pack and stream flows. With the Board adding their support, it was **moved** by Chairperson Houck, seconded by Commissioner Smith to approve the request for the stream gage to be placed on Erickson springs Bridge over Anthracite Creek, and to authorize the County Manager's signature on the document. Motion carried unanimously.

DISCUSSION; POTENTIAL HOUSING PROJECT IN THE CITY OF GUNNISON: Community and Economic Development Director Cathie Pagano and Facilities Director John Cattles were present for discussion. Chairperson Houck introduced the item by noting the opportunity for housing which has been a priority for Gunnison County for quite a while. Facilities Director John Cattles then outlined that after a review of county-owned land, or land possibly available for county acquisition, they had narrowed the selection down to a very eligible piece of property for the next housing project. Staff had ranked the potential for housing based on access to utilities, zoning, what could be done more quickly vs. what would take more planning and development time. The area they concluded would best meet this criteria was the property where the carnival has been held every year, just west of the Fairgrounds. The area would allow for a maximum of 40-42 units at its maximum density based on the zoning. A landscape architect was also hired to help answer whether the loss of this area could be negated by other areas re-allocated within the

Fairground lands, and they were presently working on this answer with Cattleman's Days Committee, 4-H, Roping Club, Extension Service and other Fairground committees all collaborating in the design process.

Facilities Director Cattles asked the Board for direction in the project. He expressed that the next step would be creating the Request for Proposal (RFP); they would want the RFP to be fairly open, in order to see what creative solutions might be offered in the process. Timing also would be faster than usual, but they wanted to proceed with minimum impact on the Fairgrounds, probably starting after next year's Cattleman's Days.

After several minutes of exploring various options and strategies to accomplish affordable housing for the project, Chairperson Houck then **moved** that the Board would direct staff to pursue this housing opportunity adjacent to the Fairgrounds on county-owned property, giving authority to County Manager Matthew Birnie to execute documents, RFPs and contracts related to getting the development moving forward. Commissioner Smith seconded, reiterating the Board's ongoing support of the Fairgrounds and investment in their future as well. The motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; LOTS 8 AND 9, TOMICHI CREEK SUBDIVISION; STEVE AND LA SAL MILLER: Presented by Community and Economic Development's Administrative Services Manager, Beth Baker. She outlined to the Board that the owners of these two lots, Steve and La Sal Miller, were asking to change the boundary lines for the lots, so that a pre-existing shed and house were together on one lot 9, rather than the shed being on lot 8. Administrative Services Manager Baker explained this was a reasonable, functional-type of request and it met all the criteria and requirements. With no questions from the Board, it was **moved** by Chairperson Houck to approve the boundary line adjustment of lots 8 and 9 in Tomichi Creek Subdivision, as presented, and to authorize the Chair's signature on the plat. Commissioner Mason seconded, and the motion carried unanimously.

PERMIT EXTENSION AND POSSIBLE RESOLUTION; RIVERLAND REMEDIES, 80 BUCKLEY DR, RIVERLAND INDUSTRIAL PARK; FOR MARIJUANA CULTIVATION LICENSE EXTENSION: Presented by Community and Economic Development's Administrative Services Manager, Beth Baker, who explained that Riverland Remedies inadvertently let their permit expire, possibly because the State's permits expire every year, but the County's were once every 3 years. She stated that if the County permit expires, then the State would shut them down until the County permit could be obtained. Therefore, she was asking for this permit extension to prevent their shut-down, noting that the owners do have the renewal in process and they were in good standing with the County, Sheriff's Office, Crested Butte Fire District and their Homeowner's Association. County Attorney Matt Hoyt then recommended that they could have an extension in the form of a resolution, suggesting that they might want to modify policy to allow for a procedure to grant extensions in future situations.

Rob VanAernem and Rob Carney, owners of Riverland Remedies, were also present via Zoom. They confirmed that the 3-year permit allowed them to overlook the timing for renewal. They discovered it had gone over when they went to renew the State permit.

Chairperson Houck noted the fact Riverland Remedies was in good standing with the County and the various area authorities, emphasizing that this was a very important factor. Solutions for changing overall future processes were discussed by the Board, as well.

For this single issue, it was then **moved** by Chairperson Houck, seconded by Commissioner Smith, to approve Resolution No. 2021-22, A Resolution Granting Request for Administrative Continuance of the Marijuana Cultivation License Renewal Process for Riverland Remedies, LLC as present that morning, and to authorize the Board's signatures on the resolution.

DISCUSSION; LETTER OF SUPPORT TO THE COLORADO FOREST LEGACY PROGRAM (FLP); TRUST FOR PUBLIC LAND; PRESERVATION OF HIGHER GROUND RANCH PROPERTY: Chairperson Houck introduced the discussion by noting that the Board has a long-standing commitment to land preservation, as does Chaffee County Commissioner Greg Felt, who initially reached out to the Board to apprise them of this conservation opportunity. Commissioners Smith and Mason both added their support to the letter, adding that they saw no down sides to support this endeavor for preservation. Commissioner Smith also offered to develop the support letter. It was then **moved** by Commissioner Mason, seconded by Commissioner Smith to approve the letter of support to Colorado Forest Legacy Program Trust for Public Land in the preservation of the Higher Ground Ranch property, which is partially located in Gunnison County. Motion carried unanimously.

APPOINTMENT TO GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE: Chairperson Houck introduced this appointment by explaining to those in the room or via Zoom that he will be, for the next few years, working on the Technical Working Group of the Wolf Reintroduction Committee. This working group meets on the third Wednesdays of the month, in conflict with the meetings of the Gunnison Basin Sage-grouse Strategic Committee. As a result, Commissioner Smith had volunteered to take his place as a voting member on the Sage-grouse Strategic Committee, with Chairperson Houck then taking over the alternate role, per Commissioner Mason's full approval.

It was then **moved** by Chairperson Houck to change the County's appointments to the Gunnison Basin Sage-grouse Strategic Committee, making the regular voting member Commissioner Smith and the alternate member Commissioner Houck. Commissioner Smith seconded the motion. Motion carried unanimously.

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

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Commissioner Smith:

1. Early Childhood Council was awarded the Workforce Innovation Grant. Commissioner Smith explained that first meetings were now being held to develop strategies and an action plan.
2. Beginning introduction to Gunnison Basin Sage-grouse Committee. Commissioner Smith met with Greg Peterson last week, and he had been able to go over the committee, talk about Sage-grouse, and suggest additional reading materials for her introduction into the preservation of the Sage-grouse.
3. Attended second Whetstone site walk-through. Commissioner Smith noted she had not been able to attend the first, but noted that on this second site walk, there had been good questions put forward by the attendees, and so far, the introduction process seemed to be working well.
4. Visited beetle-kill project sites with CSU and Forest Service. Last week, Commissioner Smith was able to see some of the beetle kill and fire mitigation projects going on, and she noted that she found this very educational and helpful in understanding how they managed these projects in the climate the area was currently dealing with.
5. Met with a friend who works for a hipcamp. Commissioner Smith explained a hipcamp as a place where private owners rent out camp sites on their properties, and these are run like Airbnbs. Currently, a group of these owners are interested in working with Chaffee and Gunnison Counties to decide what policies are good for this and looking at future licensure. Commissioner Smith just wanted to keep the Board informed of this new development and possible policy creation. Chairperson Houck noted that there is a policy for camping on private property and it accommodates sanitation, etc. He believed that these landowners would be subject to policy and Land Use Regulations already in place, and that if they are charging for hipcamp locations on their land, they would be subject to taxes. Commissioner Smith revealed that these camps were currently being operated without any regulations, but she believed that this would be a trend shift which travelers would be looking for in the future – to pay for a assured, secure area, rather than go and find all the choice locations taken on public forest lands.

Commissioner Mason:

1. Attended a Region 10 meeting last week. Commissioner Mason noted that he had been told the internet connection over Cottonwood should be complete by the end of September this year, and understand that it would be the fall. He had let the board members of Region 10 know that the Town of Pitkin also wished to start adding internet to their community, and a meeting was taking place that day to talk with some of the residents and the mayor to explore what options could be made available. Commissioner Mason mentioned Visionary Broadband as one of the options which was working in Lake City and Marble.
2. Attended the Gunnison Regional Housing Authority board meeting. Commissioner Mason noted that the county's representative, Scott Cox, resigned and they would need to choose a new member. Also, Commissioner Mason attended a special meeting of the Housing Authority Board on Monday August 2nd, to deal with an issue regarding an injunction filed against the Housing Authority Director, Jennifer Kermode, to cease and desist from all activities involving brokering new transactions. At the meeting, the board unanimously voted to defend what they felt does not fall under the Division of Real Estate's control over what Jennifer does. The board concluded that there were existing exemptions which they believe Jennifer's actions fall within. The County is not part of the litigation, but County Attorney Matt Hoyt also noted that he was surprised to see this litigation, because the statutory process for licensing real estate agents contains an express exemption for public officials engaged in the performance of their public duties. He felt that Jennifer had quite a good argument for this. Commissioner Mason also noted that the 2-3% fee charged for her services goes directly into the general housing fund, and not to her salary.

Commissioner Houck:

1. Attended the Fairgrounds housing meeting. Very productive meeting, trying to find solution together with a strong sense of community.
2. Working with Elizabeth Lawrence, commissioner from Summit County. Chairperson Houck said he is working on a strategy where the LMD tax might be permissive to use a percentage to go towards a housing fund with a sunset clause.
3. Met with Gunnison Public Lands Initiative (GPLI) and staff in preparation for a meeting with Senator Bennett's office.
4. Met with staff from Congresswoman Boebert's office. Chairperson Houck shared some of the issues that he felt the Congresswoman need to lean into. He also reiterated an invitation meet here in Gunnison County with informed constituents and the Board.
5. Attended GMUG Forest Plan revision meeting with representatives from the counties involved. Chairperson Houck informed the Board that they would be seeing more modules and drafts to review.
6. Attended the Wolf Reintroduction open-house at Western Colorado University. Very well attended. Chairperson Houck noted insightful, difficult, meaningful questions were presented by Gunnison County attendees.

RECESS: Chairperson Houck recessed the regular meeting at 10:01 am, in order to go into an executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. 24-6-402(4)(e)(I), FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS RELATED TO THE MT. EMMONS/RED LADY MINE, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND PURSUANT TO C.R.S. 24-6-402(4)(b) CONFERENCES WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO THE MT. EMMONS/RED LADY MINE:

Commissioner Houck then **moved** to go into Executive Session, pursuant to C.R.S. §24-6-402 (4) (e) (I), for determining positions relative to matters that may be subject to negotiations related to the Mt. Emmons/Red Lady mine, developing strategy for negotiations, and instructing negotiators, and pursuant to C.R.S. 24-6-402(4)(b) conferences with the County Attorney or Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to the Mt. Emmons/Red Lady mine. The participants in the Executive Session were the full Board of County Commissioners, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby, and County Attorney Matthew Hoyt. No contemporaneous record of the meeting would be kept. Commissioner Smith seconded the motion, and the motion was carried unanimously.

The Board went into executive session at 10:06 a.m. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *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 §24-6-402 (4) (E) (I) and §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

At 10:56 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck, on behalf of the Board, then directed Gunnison County Attorney Matthew Hoyt and the staff of the Gunnison County Attorney’s Office to continue negotiations pursuant to the 2016 and 2021 Memorandum of Understanding documents which were established around the subject.

ADJOURN: Moved by Commissioner Smith, seconded by Commissioner Mason, to adjourn the Gunnison County Board of Commissioners Regular Meeting. Motion carried unanimously. The meeting was adjourned at 10:56 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 – 22

A RESOLUTION GRANTING REQUEST FOR ADMINISTRATIVE CONTINUANCE OF THE MARIJUANA CULTIVATION LICENSE RENEWAL PROCESS FOR RIVERLAND REMEDIES, LLC

WHEREAS, pursuant to CRS § 44-10-201 *et seq.* and other Colorado law, the Gunnison County Board of County Commissioners enacted Resolution No. 2014-18, A Resolution Creating Licensing Regulations for Marijuana Cultivation, Manufacturing and Testing Facilities (“Regulations”);

WHEREAS on June 19, 2018, Gunnison County, pursuant to the Regulations; issued to Riverland Remedies, LLC, located at 80 Buckley Drive, Riverland Industrial Park, Gunnison County, Colorado (“Riverland Remedies”), a Conditional Marijuana Facility License for marijuana cultivation (“License”);

WHEREAS, per the express terms of the License and Sections 3-109 and 4-101(A) of the Regulations, the License was valid for three years from the date of its approval, or until June 19, 2021;

WHEREAS, Section 4-101(B) of the Regulations required Riverland Remedies to submit its renewal application, along with all renewal and operation fees, at least 45 days before June 19, 2021;

WHEREAS, due to inadvertence, Riverland Remedies failed to submit its renewal application before the aforementioned deadline;

WHEREAS, Riverland Remedies has since engaged in efforts to correct its mistake and has now submitted an application under Section 4 of the Regulations, which remains pending and under review by the County;

WHEREAS, according to information available to the County, Riverland Remedies remains in good standing with Gunnison County, the Gunnison County Sheriff’s Department, the Crested Butte Fire Protection District and the Riverland Property Owners’ Association;

WHEREAS, because Riverland Remedies’ application was untimely under Section 4 of the Regulations, both the licensee and the County require additional time to complete the process set forth for renewal of licenses as provided in Section 4 of the Regulations;

WHEREAS, Riverland Remedies has requested an administrative continuance of the Section 4 process in order to provide it and the County sufficient time to process its renewal application; and

WHEREAS, it is within the authority of the Board of County Commissioners, under the powers granted to it under Colorado law, to grant Riverland Remedies’ request;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby FINDS Riverland Remedies’ request well taken and is hereby GRANTED. The deadline to complete the Section 4 process as to Riverland Remedies’ renewal application is hereby administratively continued until October 1, 2021.

INTRODUCED by Commissioner Houck, seconded by Commissioner Smith, and adopted this 3rd day of August 2021.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

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