

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 2, 2021**

The March 2, 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
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.

MINUTES APPROVAL:

1. February 23, 2021 Special Meeting. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the February 23, 2021 Special Meeting minutes as presented. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. Finance Director Discussion. County Manager Birnie requested delegated authority to negotiate an employment agreement with Interim Finance Director Juan Guerra to remain in the position for two years. He stated that IFD Guerra has integrated well with his teams, and that he is a talented professional. CM Birnie will then seek a long-term solution during the final six months of IFD Guerra's contract. **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve giving our County Manager the authority to negotiate a contract for the Finance Director position. Motion carried unanimously.
2. Compressed Natural Gas (CNG) Grant Application. Sustainable Operations Director John Cattles was present for the discussion. CM Birnie informed the Board that this item was still going through the agenda approval process, so he requested a motion allowing submission of the grant in order to meet the grant application's deadline. Approval would be ratified on a future agenda. SOD Cattles stated that these grant funds would enable the purchase of four Sheriff's Office vehicles, and obtaining these vehicles will meet the strategic goal outlined in the Board's strategic plan. These four vehicles will replace five current vehicles, resulting in a reduction in the number of fleet vehicles. County Attorney Matt Hoyt indicated that the agreement is legally sufficient. **Moved** by Commissioner Houck, seconded by Commissioner Smith to authorize the application of the grant through staff for the CNG and have it later on a consent agenda to ratify. Motion carried unanimously.

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

1. Resolution; Authorizing Temporary Weight Restriction for a Portion of County Road 734 Also Known as Slate River Road. DCM Crosby explained that public outreach would begin after adoption of the resolution, and that the restrictions would remain in place from 3/15/21 to 5/15/21. Restrictions may be lifted sooner than 5/15/21, but only if viable. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve Resolution #2021-2, a Resolution Authorizing Temporary Weight Restriction for a Portion of County Road 734 Also Known as Slate River Road. Motion carried unanimously.
2. Resolution; Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 Also Known as Gold Basin Road. DCM Crosby explained that there weren't any weight restrictions placed on this road last year, and that was problematic. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve Resolution #2021-3, a Resolution Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 Also Known as Gold Basin Road. Motion carried unanimously.
3. Dos Rios Water Line Extension, Notice of Award, Notice to Proceed and Contractor Agreement; All Weather Earthworks, Inc.; 3/2/2021 thru 4/30/2021; \$54,300.80. DCM Crosby informed the Board that four bids were received, and the value of the bids ranged from \$54,300 to \$170,000. She requested approval to contract with the lowest bidder, and she confirmed that the lowest bidder could meet the project scope. She stated that small local contractors often cannot meet the County's insurance requirements, so she asked that CM Birnie be allowed to sign the documentation as soon as the insurance requirements have been vetted. CA Hoyt said that the Board would need to decide whether or not to contract accepting coverage under the amounts set by governmental law and released annually by the Secretary of State. DCM Crosby stated that the insurer can only issue policies in increments of \$1,000,000, and CA Hoyt noted that \$1,093,000 is the amount set by governmental law. CM Birnie agreed that it would be difficult, on smaller projects, for

contractors to meet the \$1,093,000 requirement. CA Hoyt noted that umbrella policies, which would be sufficient in these cases, are available for a lower cost than an additional \$1,000,000 in coverage. Commissioner Houck suggested that a work session be scheduled to discuss the policy issue. CA Hoyt stated that his office evaluates insurance on a case-by-case basis, but that the type of work being completed should also be considered. **Moved** by Commissioner Houck, seconded by Commissioner Mason to authorize approval of the Dos Rios Waterline Extension Agreement with All Weather Earthworks, Inc. That approval is pending receipt of the appropriate certificates of insurance, and we authorize the County Manager to sign that contract when all pieces are complete. Motion carried unanimously.

4. **Somerset Leach Field Project.** DCM Crosby informed the Board that there is a 2021 Request for Allocations from the Water Quality Control Division. She noted that the application is lengthy and that she is not sure whether or not her office can complete it by the 3/12/21 deadline, but she asked the Board if it was supportive of the application. Funds would be used for the improvement of the collection tanks and leach field system that serves approximately 23 homes in the area. **Moved** by Commissioner Houck, seconded by Commissioner Smith to approve the application for the Somerset wastewater system that we serve and allow staff to put the application together and apply on behalf of Gunnison County. Motion carried unanimously.
5. **Employee Recognition.** DCM Crosby informed the Board that 16 employees qualify for service awards for between 10-40 years of service. She opined that it is important for recipients to have face-to-face contact with the Board, but she also questioned how this might safely occur during the pandemic. CM Birnie noted that Gunnison County recently moved into the Blue level, so Health and Human Services Director Joni Reynolds is working to provide updated guidance. The event may be scheduled for the summer when it can safely occur outdoors.

GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS: **Moved** by Commissioner Houck, seconded by Commissioner Smith to appoint the following individuals for the following terms to the following Boards.

1. Environmental Health Board:
 - Lynn Cudlip, Alternate Member, One-Year Term
 - Corey Bryndal, Alternate Member, One-Year Term
2. Region 10 Committees:
 - Vincent Rogalski, Transportation Committee Member, Two-Year Term
 - David Assad, Business Loan Fund Committee Member, Two-Year Term
3. Sage-grouse Strategic Committee:
 - Mike Babler, Public At-Large Alternate, Two-Year Term
 - Burt Guerrieri, Gunnison County Stockgrowers' Association Representative, Two-Year Term
4. Sustainable Tourism and Outdoor Recreation Committee
 - Deanna Greco, National Park Service Representative, Two-Year Term
 - Jim Lovelace, Bureau of Land Management Representative, Two-Year Term
 - Scott Borden, Western Colorado University Representative, Two-Year Term

Motion carried unanimously.

The remainder of AJ Cattles' term on the Gunnison County Planning Commission needed to be filled, and the appointee would serve the remainder of that term, expiring on 2/1/2022. **Moved** by Commissioner Houck, seconded by Commissioner Mason to appoint Melanie Miller to the regular seat on the Gunnison County Planning Commission. Motion carried unanimously.

Moved by Commissioner Mason, seconded by Commissioner Smith to select Julie Baca for the alternate member for a one-year term and Beth Appleton for the alternate member for a one-year term to the Planning Commission. Motion carried unanimously.

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 A PROPOSED AMENDMENT OF AN EXISTING CONSERVATION EASEMENT BETWEEN GUNNISON COUNTY AND SOPRIS 715 LLC LOCATED ON REAL PROPERTY IN GUNNISON COUNTY, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND PURSUANT TO C.R.S. 24-6-402 (4) (B) CONFERENCES WITH THE COUNTY ATTORNEY AND/OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SUCH NEGOTIATIONS: **Moved** by Commissioner Houck, seconded by Commissioner Mason to enter an executive session, the participants will include the full Board of County Commissioners, County Manager Matthew Birnie, Community & Economic Development Department Director Cathie Pagano, County Attorney Matt Hoyt, Deputy County Attorney Emilee Gaebler and Hillary Seminick from Community Development. Motion carried unanimously.

The board went into executive session at 9:46 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)(e)(I).

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)(e)(I) 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)(e)(I).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 10:17 am. **Moved** by Commissioner Houck, seconded by Commissioner Smith to come out of executive session, the executive session remained on topic, all parties stated to be in attendance were, in fact, in attendance, and no decisions were made. Motion carried unanimously. Commissioner Houck stated that the Board's position was to decline the proposal and not entertain further action on this matter.

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. Club 20 Winter Policy Committee Meeting. This meeting took place last month. Many issues were discussed, including:
 - a. Broadband. She agreed to touch base with Commissioner Mason on those details.
 - b. Hospital Impacts from COVID-19. Gunnison Valley Hospital (GVH) CEO Rob Santilli was present for this discussion. Montrose Memorial Hospital has suffered more than GVH.
 - c. Hwy 50 Little Blue Canyon Project. This discussion was contentious, and potential compromises were discussed. The project is currently set to finish by November 2022, but it may be pushed to October 31, 2023 if additional openings are allowed each day. Most meeting attendees were in favor of the shortest timeframe, which would also save approximately \$10,000,000 over the course of the project. Commissioner Houck intends to reach out to the Governor's office to relay Gunnison County's concerns and desire to stick with the two-year schedule, particularly because the idea of adding a year to the schedule does not appear to address any of the stated concerns.
2. Marble Area Resident Concerns. Commissioner Smith stated that there is perceived inaction from the Board. She is working on possible solutions related to the influx of OHV use in that area.
3. Climate Initiatives. Commissioner Smith asked the other commissioners if they might support a more formalized climate action plan. She would like to create a brochure or similar as a public communication piece. CM Birnie noted that the Board's strategic plan includes climate-related results, and that there was no current staff capacity to take on a communication project or the creation of a separate plan.

Commissioner Mason:

1. Marble Area Resident Concerns. Commissioner Mason and DCM Crosby met at a staff level with other interested parties on 2/22. The Marble Mayor was in attendance for this informational meeting to discuss steps being taken this year, as well as potential actions and programs. Another meeting will take place near the end of March. An additional patrol deputy will be working in the Marble area in the near future.
2. Region 10. Commissioner Mason informed the Board that the broadband project between Gunnison, Crested Butte and Mt. Crested Butte is projected for completion by mid-2022.
3. CCI Transportation Funding Letter. Commissioner Mason indicated that CCI shared a letter that will be sent to the to the legislation, and he let the Board know that he will confirm Gunnison County's agreement with the content of the letter.

Commissioner Houck:

1. Legislative Season. Commissioner Houck stated that he may schedule a discussion to update the Board on pending bills.
2. Wolf Reintroduction. Commissioner Houck met with the Gunnison County Stockgrower's Association last night to discuss the wolf reintroduction.
3. COVID-19 Relief Bill. Commissioner Houck stated that this bill made it through the House, and that provisions for local governments are included in the language.
4. CORE Act. Commissioner Houck informed the Board that the Act made it through the House for the third time. It will go to the Senate next.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Smith to adjourn the meeting. Motion carried unanimously. The Board of County Commissioners meeting adjourned at 10:46 am.

GUNNISON COUNTY LOCAL MARKETING DISTRICT SPECIAL MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 10:46 am.

TOURISM AND PROSPERITY PARTNERSHIP (TAPP) FUNDING REQUEST: Interim Finance Director Juan Guerra and TAPP Executive Director John Norton were present for discussion, and TAPP ED Norton noted that Western Colorado University Dean of Students Gary Pierson was in full support of this request. TAPP ED Norton explained that, when TAPP requested annual funding, all of the information wasn't available yet. Calendar year 2020 revenues ended 11.5% up from was projected, so TAPP requested additional funding from the reserves held by the County. TAPP ED Norton stated that the \$350,000 surplus would be spent in all four key areas identified by TAPP. CM Birnie emailed a financial analysis to the Board, and he noted that approval of this request would still leave just under \$1,000,000 in reserves, which would be operationally sufficient.

If approved, \$140,509 would be spent on winter-related marketing, \$150,000 would be spent on signage referred to as "placemaking" at/near the airport, \$10,813 would be spent on ICELab activities, and \$48,678 would be spent by the Sustainable Tourism and Outdoor Recreation (STOR) Committee. A full breakdown was included in the presentation within the meeting packet, and conversations related to signage at the airport will take place in the future. TAPP hoped to receive and begin spending the additional funding in May.

IFD Guerra stated that this would be a fiscally healthy approval decision, and that nothing indicates that this would be a bad decision. The Board asked CM Birnie to work with TAPP ED Norton on amending the contract for future consideration by the Board.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Smith to adjourn the Local Marketing District Special Meeting. Motion carried unanimously. The Gunnison County Local Marketing District meeting adjourned at 11:12 am.

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. 21-2**

**A RESOLUTION AUTHORIZING TEMPORARY WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD
734 ALSO KNOWN AS SLATE RIVER ROAD**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (hereinafter the "Board") has the legal authority to regulate and control the use of certain highways and roads in Gunnison County, Colorado;

WHEREAS, pursuant to C.R.S. § 42-4-106 the Board has the authority to impose restrictions as to the weight of vehicles operated upon highways under the Board's jurisdiction for a period not to exceed ninety (90) days in any one calendar year;

WHEREAS, pursuant to C.R.S. § 42-4-111 the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions;

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 734 also known as the Slate River Road (hereinafter "County Road 734"), that has deteriorated and there is resource damage;

WHEREAS, that portion of County Road 734 that has deteriorated is located from the intersection of CR 734 and CR 317 (Gothic Road) to the end of winter maintenance at the CR 734 trailhead;

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 734, a temporary weight restriction has been recommended for the season beginning March 15, 2021 through May 15, 2021, or sooner if conditions allow;

WHEREAS, the Board acknowledges that it is necessary to ensure there is noninterference with the rights of property owners(s) and occupant(s) of adjacent lands; and

WHEREAS, such weight restriction will not adversely affect health and safety nor will it cause substantial injury to, or impermissibly interfere with the rights of, the owner(s) or occupant(s) of adjacent land(s).

NOW, THEREFORE, BE IT RESOLVED, that a portion of County Road 734, located from the intersection of CR 734 and CR 317 (Gothic Road) to the end of winter maintenance at the CR 734 trailhead, is subject to the road weight restriction of a fifteen (15) ton load limit per vehicle beginning March 15, 2021 through May 15, 2021, or sooner if conditions allow; and

RESOLVED, that adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a fifteen (15) ton load limit per vehicle for that portion of County Road 734, located from the intersection of CR 734 and CR 317 (Gothic Road) to the end of winter maintenance at the CR 734 trailhead, beginning March 15, 2021 through May 15, 2021, or sooner if conditions allow.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 2nd day of March, 2021.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Mason – yes; Smith – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 21-3**

**A RESOLUTION AUTHORIZING TEMPORARY SEASONAL CLOSURE AND WEIGHT RESTRICTION FOR A
PORTION OF COUNTY ROAD 38 ALSO KNOWN AS GOLD BASIN ROAD**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (hereinafter the "Board") has the legal authority to regulate and control the use of certain highways and roads in Gunnison County, Colorado;

WHEREAS, pursuant to C.R.S. § 42-4-106 the Board has the authority to prohibit the operation of vehicles and impose restrictions as to the weight of vehicles operated upon highways under the Board's jurisdiction for a period not to exceed ninety (90) days in any one calendar year;

WHEREAS, pursuant to C.R.S. § 42-4-111 the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions and close a street or portions of it temporarily;

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 38 also known as Gold Basin Road (hereinafter "County Road 38"), that has deteriorated and there is resource damage;

WHEREAS, that certain portion of County Road 38 that has deteriorated is located beyond the end of the asphalt beginning at the shooting range and stretching south to the Saguache County line;

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 38, temporary closure to the public has been recommended for the season beginning March 15, 2021 through May 15, 2021, or sooner if conditions allow;

WHEREAS, the Board acknowledges that it is necessary that property owner(s) and occupant(s) of adjacent lands are able to access their land; and

WHEREAS, closure of County Road 38 will not adversely affect health and safety nor will it cause substantial injury to the owner(s) or occupant(s) of adjacent land(s).

NOW, THEREFORE, BE IT

RESOLVED, that a portion of County Road 38, located beyond the end of the asphalt beginning at the shooting range and extending south to the Saguache County line, shall be, and hereby is, temporarily closed to the public beginning March 15, 2021 through May 15, 2021, or sooner if conditions allow;

RESOLVED, that a portion of County Road 38, located beyond the end of the asphalt beginning at the shooting range and extending south to the Saguache County line, shall be, and hereby is, subject to the road weight restriction of a ten (10) ton load limit per vehicle beginning March 15, 2021 through May 15, 2021, or sooner if conditions allow; and

RESOLVED that there shall be, and hereby is, an exception for adjacent property owner(s) and occupant(s) of adjacent lands who are exempt from the closure to the public of that portion of County Road 38, however, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 2nd day of March, 2021.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Mason – yes; Smith – yes.