

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

The March 5, 2024 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson
Elizabeth Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Matthew Hoyt, County Attorney

Matthew Birnie, County Manager
Holly Perry, Deputy County Clerk
Others Present as Listed in Text

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT MEETING:

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

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

1. Marble Crystal River Chamber of Commerce; January 1, 2024 to December 31, 2024; \$30,000

ADJOURN: Commissioner Houck adjourned the Gunnison River Valley Local Marketing District Meeting at 8:31 am.

GUNNISON COUNTY BOARD OF EQUALIZATION MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:31 am.

MINUTES APPROVAL: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the minutes for the August 22, 2023, October 31, 2023, November 7, 2023, and December 19, 2023 meetings with the corrections noted on the record. Motion carried unanimously.

1. August 22, 2023
2. October 31, 2023
 - a. On page 1 in the first paragraph that states "Commissioner Smith noted opined", and Commissioner Smith would like it to say "noted."
 - b. On page 1 at the end of paragraph 2, "or denial" was written twice. (Note: This was later determined to be correct, and no modification was needed.)
3. November 7, 2023
4. December 19, 2023

ADJOURN: Commissioner Houck adjourned the Gunnison County Board of Equalization meeting at 8:34 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:34 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the minutes for the November 7, 2023 Regular Meeting with corrections and additions noted. Motion carried unanimously.

1. November 7, 2023 Regular Meeting
 - a. Commissioner Smith noted on page 3 under her commissioner items number 5 stated Southwest Opioid Regional Council and it needs to be Southwest Colorado Opioid Regional Council (SWCORC). Also, on page 5 item d, "the" needs to change to "he" in "...these codes will not substantially change what the does...".
 - b. Commissioner Puckett Daniels stated on page 3 under her commissioner items number 2c "Commissioner Smith volunteered" and it needs to be changed to "Commissioner Puckett Daniels".

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated. Commissioner Houck will not be in attendance on March 12th. Commissioner Smith will be participating virtually on April 2nd.

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

1. Acknowledgement of Gunnison Basin Sage-grouse Strategic Committee Appointment; U.S. Fish and Wildlife Service; Whit Blair as a Regular Member and Nathan Darnell as an Alternate Member
2. Department of Local Affairs (DOLA); Summary of Small Dollar Grant Award Terms and Conditions; DLG Portal Number EIAF-A00284; \$25,000
3. Contract Amendment #7; Colorado Department of Public Health and Environment; Contract number 2020*0248; Contract Expiration June 30, 2024; Additional \$40,000
4. Colorado Department of Early Childhood; Statement of Work; July 1, 2024 to June 30, 2025; \$83,955
5. State of Colorado, Office of the Governor, Colorado Energy Office; Grant Awards; POGG, EFAA, 202400003079, February 12, 2024 to December 31, 2024, \$90,000; POGG1, EFAA,202400003044, February 2, 2024 to December 31, 2024, \$61,500
6. ~~DELETED: Acknowledgement of Gunnison Basin Sage-grouse Strategic Committee Nomination; Western Colorado University; Pat Magee as an Alternate Member~~
7. Acknowledgment of Sustainable Tourism and Outdoor Recreation (STOR) Committee Appointment; Colorado Parks and Wildlife; Brandon Diamond
8. Acknowledgment of Sustainable Tourism and Outdoor Recreation (STOR) Committee Appointment; Town of Mt. Crested Butte; Roman Kolodziej
9. Acknowledgement of Gunnison Basin Sage-grouse Strategic Committee Appointment; National Park Service; Theresa Childers as a Regular Member and Brinnen Carter as an Alternate Member
10. Acknowledgement of Gunnison Basin Sage-grouse Strategic Committee Appointment; Bureau of Land Management; Jon F. Kaminsky as a Regular Member and Kathy Brodhead as an Alternate Member
11. Colorado Department of Law; Opioid Response Strategic Impact Grant; \$1,000,000

BOARDS AND COMMISSIONS DISCUSSION:

Commissioner Houck asked CM Birnie for input. CM Birnie stated on boards such as Gunnison Basin Sage-grouse Strategic Committee and Historic Preservation Commission some members' terms expire before new appointments will be made. He doesn't think it'll pose a huge quorum issue and it is up to the discretion of the Board through Resolution 2024-7 if they would like to extend the terms until the reappointment date of March 19th, 2024. CM Birnie also asked the Board to give information to his staff regarding the interviewing and appointing process. **Moved** by Commissioner Smith, and seconded by Commissioner Puckett Daniels to extend the currently occupied seats that are not reappointed for the Gunnison Basin Sage-grouse Strategic Committee until March 19th, 2024.

Commissioner Houck asked for CA Hoyt's input regarding stating specific seats or being a blanket extension, which CA Hoyt recommended an amended motion for clarification.

Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels as an amended motion extension of terms for the Public At-Large Alternate Member, Development At-Large Regular Member, Saguache County Regular Member and Alternate Member, Research and Education At-Large Regular Member and Alternate Member, and the Gunnison County Stockgrowers Association Regular Member and Alternate Member for Gunnison Basin Sage-grouse Strategic Committee. Motion carried unanimously.

Commissioner Smith referred to item number 3a on Resolution 2024-7 and Commissioner Houck asked CA Hoyt for interpretation on language flexibility. CA Hoyt recommended an amended resolution to add additional flexibility. Commissioner Smith added that she would also like item number 2a to include social media for broader applications on the amended resolution.

A RESOLUTION AUTHORIZING TEMPORARY SEASONAL CLOSURE AND WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD 38 ALSO KNOWN AS GOLD BASIN ROAD: Assistant County Manager for Public Works Martin Schmidt was present for discussion.

ACM Schmidt informed the Board that road maintenance is difficult due to both roads being in drainages and thawing at different rates. The weight restriction is meant to bridge the gap between winter and summer to help the roads be more stable. A gate is present on County Road 38 with a combination given to residents to limit traffic. ACM Schmidt changed the term closure to be up to 90 days based on weather instead of specific dates. Public notice will be given once a decision is made to residents as well as Saguache County. ACM Schmidt noted that it only affects those with larger vehicles not the normal homeowner. Commissioner Puckett Daniels inquired about the amount of notice given, and CA Hoyt noted that notice isn't legally required, only a courtesy. ACM Schmidt stated that optimally a week's notice is given. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution No. 2024-9 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.

A RESOLUTION AUTHORIZING TEMPORARY WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD 734 ALSO KNOWN AS SLATE RIVER ROAD: ACM Schmidt was present for discussion.

ACM Schmidt stated in the previous resolution discussion that the main difference between the two roads is County Road 38 has a gate, and Slate River Road does not. **Moved** by Commissioner Puckett Daniel, seconded by Commissioner Smith to approve Resolution No. 2024-10 A Resolution Authorizing Temporary Weight Restriction for A Portion of County Road 734 Also Known as Slate River Road. Motion carried unanimously.

RARE EARTH SCIENCE; BASELINE DOCUMENTATION SUPPLEMENT; RIDGELINE PROPERTY CONSERVATION EASEMENT; 2024: ACM Schmidt was present for discussion.

ACM Schmidt explained that Gunnison County is the landowner, but Crested Butte Land Trust manages the property. The property documentation was found insufficient for current baseline documentation and as the owner Gunnison County needs to sign the easement for Crested Butte Land Trust. CA Hoyt stated there was nothing in the report that would harm the County's interest. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve and accept the Baseline Documentation Supplement for the Ridgeline Property Conservation Easement and authorize the Chair's signature. Motion carried unanimously.

GUNNISON VALLEY LAND PRESERVATION FUND, GRANT AGREEMENT; AVLTS MARBLE BASECAMP; \$100,000: Assistant County Manager for Operations and Sustainability John Cattles, and Aspen Valley Land Trust (AVLT) Stewardship Director Bud Tymczyszyn and Conservation Director Erin Quinn from were present via zoom for discussion.

Mr. Tymczyszyn stated that AVLT would like to purchase and protect the 43-acre Colorado Outward Bound property and the 80-acre Back 80 adjacent property to create 170 protected acres for Outdoor Education. Commissioner Houck, Commissioner Smith, and Commissioner Puckett Daniels stated their support of the project. Commissioner Puckett Daniels asked about the strip of Forest Service land between the properties that is public land. AVLT does not intend to purchase it but may if the opportunity arises. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve funding from the Gunnison Valley Land Preservation Fund in the amount of \$100,000 for the support of the conservation easement for the former Outward Bound property and 80-acre addition to the Aspen Valley Land Trust Marble Basecamp youth educational campus and execute the grant agreement. Motion carried unanimously.

GUNNISON VALLEY LAND PRESERVATION FUND, GRANT AGREEMENT; HIGHER GROUND; \$150,000: ACM Cattles and Trust for Public Lands representatives Starr Woods and Wade Shelton were present via zoom for discussion.

Mr. Shelton stated that Higher Ground intersects Montrose, Delta, and Gunnison Counties. Trust for Public Land and Higher Ground has put together almost \$4,000,000 in funding from all entities for conservation work in the area. Ms. Woods stated Trust for Public Land has their Mineral Assessment Report, Title Commitment, and Baseline Report for this project. Commissioner Puckett Daniels inquired about the Forest Legacy program. Ms. Woods stated that Forest Legacy is from the U.S. Forest Service that funds conservation easements for properties with at least 75% forested land. She hopes Higher Ground is a catalyst for other conservationists and land trust projects in the area. **Moved** by Commissioner Smith, seconded Commissioner Puckett Daniels to approve the Grant Agreement for Higher Ground Ranch in the amount of \$150,000 from the Gunnison Valley Land Preservation Fund. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT:

1. Betty Barkman and Jared Heal – Ms. Barkman asked for an update on the information she provided two weeks ago. Commissioner Houck stated he feels uncomfortable inputting opinion and doesn't believe it's within scope of work or in their responsibilities for the commissioners. Commissioner Puckett Daniels is not comfortable making a statement and having not adequately reviewed the information given. Commissioner Smith stated the Board doesn't typically engage with these types of matters that don't directly affect the County and encouraged other avenues. Ms. Barkman asked for impartial investigation. Commissioner Houck informed Ms. Barkman that the Board can't override another elected official. CA Hoyt said the court process was completed and it hasn't been appealed. Commissioner Houck recommended to them to pursue other avenues. Jared Heal asked for the Board to have an internal investigation of the County.
2. Jeff Hurd – Mr. Hurd is a candidate for the 3rd Congressional District. Mr. Hurd wished to introduce himself to the Gunnison County Commissioners and noted if elected he intends to be a partner with the Board.

COMMISSIONER ITEMS:

Commissioner Smith:

1. Crystal River Steering Committee – Commissioner Smith attended the final facilitated meeting last week. A subcommittee that Commissioner Smith is a part of is moving forward with an IGA to prevent out-of-basin diversions and dams. Another subcommittee is looking into peaking and steam flow protections. A third subcommittee is pursuing what a wild and scenic

designation for the Crystal would look like. The community has some concerns and Commissioner Smith hopes that the concrete work from the committee will help ease their concerns. The committee meets in person biannually, but Commissioner Smith will continue to focus on the IGA.

- 2. Legislative Issues – Commissioner Smith states there have been construction defects that have been a main topic of discussion. There are three different legislations from three different places and all the organizations are pursuing amendments. She doesn't think they are headed in a harmful direction.
 - a. Home sales bill – Commissioner Smith will be testifying for a bill that requires Wildland Urban Interface (WUI) mitigation for sale of homes in communities that have already implemented that. She will be opposing it.

Commissioner Puckett-Daniels:

- 1. Gunnison Valley Regional Housing Authority – The Executive Director candidates are in town this evening and tomorrow for finalist interviews. There will be County perspectives on candidates going forward.

Commissioner Houck:

- 1. Gunnison Sage-grouse Resource Management Project – Commissioner Houck has been touching base with BLM Field Manager Jon Kaminsky. The BLM has been receptive with issues presented.
- 2. Annual Taylor Park Adaptive Management Group (TPAMG) Meeting – Commissioner Houck participated in the meeting. The TPAMG has been using some of the same strategies as the Spruce Beetle Epidemic & Aspen Decline Management Response (SBEADMR) projects to address issues within Taylor Park. There will be a combo public hearing on Thursday.
- 3. U.S. Forest Service Objection Hearings – Commissioner Houck and CA Hoyt participated and provided information for their consideration. There were concerns about the requests for additional data and background research potentially delaying the final ruling, but Commissioner Houck stated Gunnison County would rather wait and get it right.
- 4. White River National Forest Planning Process (WRNF) – CA Hoyt indicated that the WRNF would begin a planning process soon, and he intends to recommend that Gunnison County become a participating agency. Commissioner Houck would also for the Town of Marble, as a Municipal Government, to get a seat at the table as a cooperating agency, and he suggested that the Board reach out to the Marble Town Council members to share related information.

ADJOURN: Commissioner Houck adjourned the meeting at 10:05 am.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Holly Perry, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 24-9**

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; and

WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, Colo. Rev. Stat.§§ 42-1-102(43) and 42-4-106 authorize Gunnison County to prohibit the operation of identified vehicles on any road open to use of the public for purposes of vehicular travel for a total period not to exceed ninety (90) days in any one calendar year, whenever roads within the County will be seriously damaged due to the use of certain vehicles;

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; and

WHEREAS, that certain portion of County Road 38 that has deteriorated is located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 38, a temporary closure to the public and weight restriction to all users has been recommended during winter thaw and spring runoff; and

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, adjacent property owner(s) and occupant(s) of adjacent lands shall be exempt from the closure 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; 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); and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that a certain portion of County Road 38 located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line shall be and hereby is temporarily closed to the public, with an exception for adjacent property owner(s) and occupant(s) of adjacent lands AND be it further resolved that County Road 38 shall have a 10 ton weight restriction imposed on that portion of County Road 38 during the spring season as determined by the Assistant County Manager for Public Works, not to exceed 90 days in a calendar year.

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 24-10

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; and

WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, Colo. Rev. Stat. §§ 42-1-102(43) and 42-4-106 authorize Gunnison County to prohibit the operation of identified vehicles on any road open to use of the public for purposes of vehicular travel for a total period not to exceed ninety (90) days in any one calendar year, whenever roads within the County will be seriously damaged due to the use of certain vehicles;

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; and

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; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 734, a temporary weight restriction has been recommended during winter thaw and spring runoff; and

WHEREAS, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restrict of a 15 ton load limit per vehicle for that portion of County Road 734; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that a certain 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 for that portion of County Road 734 during the spring season as determined by the Assistant County Manager for Public Works, not to exceed 90 days in a calendar year.

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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