

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 19, 2021**

The October 19, 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 Local Liquor Licensing Authority meeting to order at 8:31 am.

Alcohol Beverage License; Almont FBF Holdings, LLC, dba Almont Resort; License #03-14906; Effective 9/29/2021-9/29/2022: With no questions from the Board, it was **moved** by Commissioner Smith to approve the Alcohol Beverage License for Almont FBF Holdings, LLC dba Almont Resort, License #03-14906, as presented. Seconded by Commissioner Mason. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the Local Liquor Licensing Authority meeting at 8:32 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 8:32 am.

AGENDA REVIEW: No changes were needed.

MINUTES:

1. July 20, 2021 Regular Meeting Minutes – **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the July 20, 2021 Regular Meeting minutes, as presented. Motion carried unanimously.

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. Release of Landscaping Improvements Agreement for the Gallegos Corp. - Conger Harvesting Area; LUC Change Permit No 2018-00053
2. Release of Landscaping Improvements Agreement for Swiss Holdings, LLC and Alpha Mechanical Solutions, LLC; LUC Permit No 2018-00025
3. Acknowledgement of County Manager Signature; Airport Terminal Lease Agreement; Arinc Incorporated; 10/1/2021 – 9/30/2024; \$3,600
4. Ratification of Correspondence; Colorado Department of Transportation (CDOT) Proposed Rulemaking Governing Statewide Transportation Planning Process and Transportation Regions; 2 CCR 601-22
5. Amendment to the Agreement Establishing the Choice Pass Community Support Fund; Community Foundation of the Gunnison Valley

SCHEDULING: Chairperson Houck noted that he needed to make sure who would be attending the November 4th Mayors & Managers meeting, as he could not. Both Commissioner Smith and Commissioner Mason confirmed they would be attending. Chairperson Houck then noted the joint Planning Commission meeting on November 5th at 9 am. Commissioner Smith noted that they also had an RTA meeting that day and so both Commissioners Smith and Mason decided that one would go to the Planning Commission meeting, while the other attended the RTA meeting at the same time.

COUNTY MANAGER'S REPORT AND PROJECT UPDATES: County Manager Matthew Birnie was present for discussion.

1. Disposition of Gunnison Valley Health Vehicles. CM Birnie informed the Board that Gunnison Valley Health (GVH) was looking to sell some of the EMS vehicles which the County had the titles for. CM Birnie asked the Board to delegate signing authority to GVH Vice President of Administrative Services, Wade Baker, in order to finalize each sale.

County Attorney Matt Hoyt noted that there could be some liability in the disposition itself, if there is any circumstance which might bring harm to the party to whom it is disposed. He also recommended that a motion to engage in the appropriate steps to make that authority happen would be appropriate that day. With some discussion regarding how to make appropriate wording, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to delegate to County Manager

Matthew Birnie, subject to Attorney approval, those steps necessary to delegate to GVH the disposition of Gunnison Valley Health vehicles, so that it might not be necessary to come again before the Board, if the County Manager and the County Attorney are able to determine that it does not require further, formal Board action. Motion carried unanimously.

2. Contractor Agreement; Vaccination Events in Montrose and Delta Counties; Tri-County Health Network; \$127,000. CM Birnie explained that this contract had not been ready to put on the consent agenda for the Board's approval; however, he had been able to get the needed signatures by the actual agenda meeting. As this was just over the amount he was authorized to be able to sign, he asked the Board for their approval to sign. Chairperson Houck then **moved** to authorize approval of the Contractor Agreement for Vaccination Events in Montrose and Delta Counties with the Tri-County Health Network for the amount of \$127,000, and to authorize the signatures of the Board. Commissioner Smith seconded. The motion carried unanimously.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was absent for the meeting, so no report was available.

VOUCHERS and TRANSFERS: Chief Financial Officer Juan Guerra was present for reports on Vouchers and Transfers reports.

1. September 2021 Accounts Payable Report – **Moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the Vouchers Transfer for \$4,141,920.14. Motion carried unanimously.
2. August 2021 Purchase Card Report
3. August 2021 Cash Transfer Report – **Moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the cash transfer in the amount of \$7,471,013.27. \$5,669,624.41. Motion carried unanimously.
4. September 2021 Cash Transfer Report
5. Sales Tax - LMD Reports – The Board noted that the 2021 sales tax report was extremely strong still into October. CFO Guerra noted that in 2020, steps were taken to control the budget, as no one knew where everything would be headed; however, 2021 was still experiencing record building, restaurant and lodging sales tax revenues.

CHANGE TO AGENDA - DRAFT 2022 MEETING SCHEDULE: This item was inadvertently skipped on the agenda earlier, so the Board added it back to the agenda at this point, since they were ahead of schedule and able to fit it in.

Chairperson Houck explained to those present that this was for scheduling purposes at this point in the year; the 2022 Meeting Schedule would actually formally ratified by the Board at the first meeting in 2022. While Commissioner Smith stated that notice of specials meeting was appreciated for her planning purposes, Chairperson Houck explained that these often had to added a little closer to the times when holidays or other special circumstances made it necessary to add the special meetings. Commissioner Mason asked about the departmental strategic planning meetings which usually took place in February, and CM Birnie explained that they did not show on this very basic outline of dates for 2022 meetings. The Board then had no further questions and comments; no action other than a review was required at the time.

TREASURER'S REPORT: County Treasurer Debbie Dunbar was present via Zoom for discussion and to answer any Board questions.

With no comments or questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to accept the Treasurer's Report and authorize the chair's signature. Motion carried unanimously.

CHANGE OF AGENDA: As the agenda was ahead of schedule for the 9:05 am item, Chairperson Houck elected to jump to Commissioner Items.

COMMISSIONER ITEMS:

Commissioner Smith

1. Follow-up on Mobile Home Park Legislation Efforts. Commissioner Smith informed the Board that she had discovered State Representative Andrew Boesenecker was working with Larimer County to make improvements to the Mobile Home Park Act, specifically regarding the opportunity to purchase, for the 2022 legislative session. She had also been informed that there were weekly coalition stakeholder meetings, and she was currently working on connecting with several different people to see if she could become involved in the stakeholder meetings. Commissioner Smith also noted that she was happy to see there were many efforts already underway, that Gunnison County had not needed to be the instigators of these legislation efforts.

County Attorney Matt Hoyt then joined in to inform the Board that approximately 10 days before, the Colorado Department of Local Affairs (DOLA) had a rulemaking hearing encompassing proposed regulatory changes which the Commissioners had earlier authorized the Attorney's Office to submit. Deputy County Attorney Emilee Gaebler had attended and reported back that generally positive changes were proposed at the hearing – friendly to the residents of mobile home parks. CA Hoyt remarked that it appeared their submitted comments had carried quite a bit of weight;

the Gunnison County Attorney's Office had repeatedly been mentioned as providing helpful comments as to the rulemaking DOLA was considering.

2. Opioid Regional Group. Commissioner Smith reported that things were coming together for this regional group, being formed to handle settlement funding which the State would soon be distributing. She explained that she was about to reach out to all of the group's municipalities to ensure that they were signing the State Memorandum of Understanding regarding distribution of settlement funds, which had a signing deadline of January 22, 2022. Commissioner Smith noted that there had been earlier confusion for some in the group – wondering whether, if one municipality did not sign, if this then compromised all of the group's funding. She explained that this was not the case; that a municipality's not signing actually meant they would cede their allocation to the regional group, and the total funds to the regional group would not be reduced.

CA Matt Hoyt cautioned that Colorado could fail to receive funds if a threshold of 95% local government participation was not met; therefore, it was important to make sure the group's municipalities did sign on. Commissioner Smith noted, as well, that it would not be any risk for the local municipality to sign on – if they did not wish to handle the distribution of funds, they could then cede their funding portion back to the group to redistribute. She further explained that some in the group were still going through the process of appointing their representatives, so not much more could be done as a group until all had appointed members.

3. Counties & Commissioners Acting Together (CCAT) Transportation call. Commissioner Smith participated in this call, wherein CCAT was putting together a letter to the Board of Transportation concerning greenhouse gas emissions. As there had been an extension in the submittal deadline, Commissioner Smith reported that CCAT would have more time to include many of the comments that she had submitted on behalf of the Board, ensuring rural communities' needs were also represented.
4. Colorado Counties Inc. (CCI) Legislation call. Commissioner Smith noted that Commissioner Houck had also been on this call, but wanted to express that she felt the big news on this call was Senator Hansen pushing a short-term rental tax bill that would accomplish what Gunnison County had been pressing for back in 2019 – getting short-term rentals to be taxed at the commercial rather than the residential rate. She also noted that those in the meeting acknowledged this does not fix all the issues, but does assist to even the field for residences operating like businesses and competing directly with more traditional lodging establishments.

The Board, CA Hoyt, CM Birnie discussed further issues needing addressed with short-term rentals, highlighting needs for a threshold of *x* amount of days to establish residential vs commercial boundaries; hosted vs non-hosted stays, platform transparency needs, and enforceability.

Colorado Opioid Settlement Memorandum of Understanding: Commissioner Smith and County Attorney Matt Hoyt were present to introduce this item to the rest of the Board.

CA Matt Hoyt provided background by disclosing that settlements were reached with three large opioid distributors, as well as one large opioid manufacturer – Johnson & Johnson. Thousands of lawsuits filed over the country in the last few years had all been consolidated into one single federal court case, currently pending in the middle district of Ohio. In that case, the parties came to a global settlement agreement, setting the case for all local and state governments in the United States, whether they participated in the class or not. For Colorado to become part of this opt-in class settlement, Colorado would have to have 95% of all local governments in Colorado, those eligible to receive settlement funding, agree to the settlement. There were four agreements which Gunnison County needed to agree to, in order to receive settlement funding: a) the Colorado Memorandum of Understanding (MOU) – an agreement between all local governments in Colorado and the Attorney General representing the State – about how funds in Colorado would be distributed. This would be a mix of direct funding to local Counties and municipalities within the County, and to regional councils generally based on judicial districts within the State; plus b) three settlement documents (two participation documents plus one escrow agreement) that are part of the multi-district litigation. CA Hoyt recommended that the County agree to these three settlement agreements along with the MOU in order to participate in the settlement. He added that municipalities may not receive very large amounts of funding, but it was important to encourage them to sign on as well, because they would receive some funds, and the County and region would as well.

After several minutes of discussion regarding the ways in which different regions might best receive and distribute their funding, along with the direct funding to the County and municipalities, it was **moved** by Commissioner Smith, seconded by Commissioner Mason to authorize the Chair to sign the following four documents: 1) Subdivision Settlement Participation; 2) Colorado Subdivision Escrow Agreement; 3) the Settlement Participation, and 4) Colorado MOU. Motion carried unanimously.

UNSCHEDULED CITIZENS:

1. Dave Taylor – Dave stated that he knew there would be a discussion of the Tourism & Prosperity Partnership (TAPP) budget at 1:00 pm during the Board Work Session. He noted that TAPP was asking for a \$1.1 million increase, and questioned why, stating that currently Gunnison County does not have the monies to service all the people already coming to our community. He pointed out that \$800,00 was earmarked to go to Western Colorado University, with \$300,00 of that funding going into a video or product for Blister to market Western. He suggested to the Board that if Local Marketing District funding was going to Western, that it should go directly from the County rather than through TAPP. He also asked the Board to consider that a great deal of the \$300,000 earmarked for Blister should go instead to Gunnison Promise – a local initiative to send any resident of the

Gunnison School District to Western and top off whatever their tuition needs would be after scholarships and Pell grants are applied. He proposed that this was the wrong time to be using fund balance in a tourism economy that is very strong, while at the same time does not have enough employees to support the tourists that are coming to the area. Dave offered another suggestion that the County should leave the fund balance alone, and suggest to TAPP that if they want to support WCU, it should come out of their budget. He also noted that there should be a way that is not considered a capital improvement, for some of this funding to go to affordable housing as well. He concluded by requesting the Board to please look at these other ways to support Western.

COMMISSIONER ITEMS:

Commissioner Mason

1. Attended a waste disposal subcommittee meeting. Commissioner Mason reported the Forest Service is still interested in consolidating their campus at the Gunnison Rising; they looked at what properties might be available to sell which would work for another dump station. Commissioner Mason let the Board know that the Forest Service expressed preference to selling property to local government or municipalities first before it would go on the general market.
2. Attended the Counties & Commissioners Acting Together (CCAT) Transportation subcommittee meeting. Commissioner Mason felt that Commissioner Smith had covered this well, but wanted to report on two other possibilities covered at the meeting: 1) to use Mountain Express Lane cameras on I-70 for ticketing when the express lane is closed, and 2) development of state-wide traffic codes for bicyclists, as they treat vehicle signs and traffic lights differently than motorists, i.e., stop signs are treated as yield signs.
3. Attended a Lead King Loop working group meeting last week. Commissioner Mason remarked that the meeting had been well attended, and they had discussed the facilitation contract signed with Western Colorado University and the Forest Service. The contract was sent out to all members of the Lead King working group, as there were many questions being asked about it. They also discussed how effective enforcing hunting and fishing license permits had been. The group noted that it was a little less busy than the year before; an officer will be in the area until October 24th. Commissioner Mason also expressed that he will be reaching out to Sheriff Gallowich to learn how helpful it was to have the two deputies working with a small office in Marble this past visitor season. Commissioner Mason also let the Board know that the Town of Marble had outlawed trailer parking on the side of the roads for this year, and they would only allow parking for trailers in 20 spots of the mill site parking area. The quarry was allowing overflow parking, but had let the town know they would be stopping this for the next year, due to liability issues. Commissioner Mason stated that parking would definitely have to be addressed by the Town of Marble for next year's season, and he was hoping the upcoming facilitation process would also help in identifying parking areas.

Commissioner Houck.

1. Discussion with Kathleen Curry. Chairperson Houck let the Board know that there would potentially be seven pieces for water legislation coming soon, and part of his conversation with Kathleen had been centered around how to work through those. He expressed the need for Gunnison County to understand what their stance is on this legislation, and proposed a work session to discuss this in the future with Kathleen, requesting the Board to take a look at these upcoming interim bills.
2. Working extensively on the Forest Service's Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forest Plan draft revisions. Chairperson Houck noted he was preparing comments to the Forest Service plan from Gunnison County. He believed the deadline for these comments was set for November 12th, but wanted draft comments prepared for a 30-minute discussion at the Board's regular meeting on November 2nd.
3. Attended the Human Resources Director, candidate open-house. Chairperson Houck expressed appreciation for the open-house and getting to meet the candidates. When asked about how long the selection process should take, CM Birnie let the Board know it should be finalized in one to two weeks.
4. Reminder that the County Board of Equalization Board would be meeting the next week to hear recommendations from the Hearing Officer. Chairperson Houck discussed how to make decisions based on the Hearing Officer's findings. CM Birnie and CA Hoyt advised that the point of the hearing officer (HO) process was to hear the recommendations of the HO and ask questions of the HO, not to re-hear the petition. If there was anything that they did not understand or if they disagreed with a recommendation, they could spend more time on these cases. Chairperson Houck then directed the Board that this was usually a second stop in the process of appeal; the first stop in the appeal process was with the Assessor's Office.

BREAK: Chairperson Houck called a recess in the meeting from 9:56 am to 10:00 am.

CONTINUED PUBLIC HEARING; TINCUP STREET VACATION REQUEST; THAT PORTION OF LAUREL STREET ADJACENT TO LOTS 18024, BLOCK 14, AND LOTS 1-7, BLOCK 13, TOWN OF TINCUP; SALLY KUISLE AND LYLE & CHERYL RIEGER (HUMMING BIRD PROPERTIES, LLC)

1. **Resolution; A Resolution Vacating a Certain Portion of Laurel Street Lying Within the Town of Tincup, County of Gunnison, State of Colorado** - Chairperson Houck noted that this

hearing was continued and would need to be continued to November 2nd at 9 am. When consulted about the sufficiency of this, CA Hoyt suggested a motion.

At that point, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to continue the Public Hearing for the Tincup Street Vacation Request – That Portion of Laurel Street Adjacent to Lots 18024, Block 14, and Lots 1-7, Block 13, Town of Tincup; Sally Kuisle and Lyle & Cheryl Rieger (Hummingbird Properties, LLC) – to November 2nd at 9:00 am. Motion carried unanimously.

ADJOURN: Moved by Commissioner Smith, seconded by Commissioner Mason to adjourn the Gunnison County Board of County Commissioners Regular Meeting. The meeting was adjourned at 10:02 am

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING: This separate meeting was held from 10:02 am to 10:30 am. Please refer to separate agenda and meeting minutes on record for the Gunnison/Hinsdale Board of Human Services.

GUNNISON COUNTY BOARD OF HEALTH REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the Gunnison County Board of Health Regular Meeting to order at 10:30 am.

Health and Human Services Director Joni Reynolds, Early Child Care Program Coordinator Margaret Wacker, and Coalition Coordinator Kyle Tibbett attended in person to present and answer any Board questions. Also present was Medical Health Officer, Dr. John Tarr.

HHS Director Joni Reynolds began the meeting by informing the Board that they were working toward having a booster clinic available the first week of November with the added Moderna and Johnson & Johnson boosters; currently, they were waiting on CDC formalization of these two, which would probably come by the end of the week. She noted that Johnson & Johnson and Moderna boosters were already available by appointment at the hospital clinic, doctor's offices, City Market, Walmart and Clark's Market.

Dr. Tarr covered the differences and advantages in the mix and match of vaccinations and boosters. He advised that mixing rather than matching may be an advised way forward; some data shows that this may be advantageous for immunity.

HHS Director Joni Reynolds let the Board know that tomorrow they would be holding a clinic in Crested Butte at the Community School where people could walk in, get both their COVID booster for Pfizer, and their flu vaccination as well. Next week, the same thing would be offered at the Fred Fieldhouse in Gunnison, where walk-ins will also have the same option of getting their Pfizer booster and flu vaccination together. This walk-in clinic would be offered on Tuesday, October 26th, from 4:30 pm to 6:30 pm. HHS Director Reynolds also mentioned that the school clinics had very low participation numbers, but with several clinics offered, the numbers became more significant, and parents who wanted this option were very grateful.

When questioned about how many brought their vaccination records with them, HHS Director Reynolds noted that for the first booster walk-in clinic, they had 200-300 people participate with only 3-4 people who did not have their vaccination record cards with them. She added that the MyColorado app for your phone could be used for your vaccination records now as well. The intent of the State was to use this system to show proof at any venue requiring proof.

Navigator Position Update; Coalition Coordination and Community Health Coalition Update: Behavioral Health Services Update: Suicide Prevention and Substance Abuse Prevention (Tobacco): HHS Director Joni Reynolds asked Dr. Tarr if he had any comments on the Coalition for the Board, and he responded that the federal resources available, as administered through Gunnison County Substance Abuse Prevention Project (GCSAPP) – and which could be devoted to the Coalition – were now substantially improved. He attributed this in great part to Jennie Birnie, Community Well Being Liaison for Gunnison Valley Health. He felt that community involvement, along with the health system's commitment to behavioral health, had greatly increased, and that this collaboration with all elements would continue to be strengthened.

Early Child Care Program Coordinator, Margaret Wacker, presented the Health Coalition update. She informed the Board that strategic planning had been completed in 2020, with an emphasis on developing the infrastructure of staffing, funding health equity and communication. As a result, she highlighted grants that helped to formalize their new staffing: a) a \$30,000 Colorado Department of Public Health and Environment (CDPHE) grant, and b) a \$16,500 Rocky Mountain Health foundation grant.

Margaret further explained that, in partnership with Juvenile Services, a Coalition Coordinator role was incorporated into the RCORPS (opioid prevention work), and Kyle Tibbett had applied for the position and been hired in June 2021. Rosa Hernandez Ros, had also been hired on as a Navigator in August 2021, and was being trained to assist clients in navigating to services for basic and medical needs. Margaret then stated that increasing the capacity for navigation services, as well as increasing coordination between organizations throughout the community was a top priority and the topic of their next Health Coalition meeting on November 18th. In closing, she noted that the Health Coalition was creating a Health Equity

Framework draft; they were currently working on development questions to ask for evaluation of the programming.

Behavioral Health Services Update: Suicide Prevention and Substance Abuse Prevention (Tobacco): Early Child Care Program Coordinator, Margaret Wacker, presented the Behavioral Health Services update, as well. She let the Board know that an RCORPS implementation grant was being used to help support the Health Coalition Coordinator role, and will allow the consortium to work on priorities such as enhancing recovery support, treatment options and harm reduction.

Margaret noted that, for suicide prevention, they still had approximately \$7,000 of funds from the Center for Mental Health and another foundation. Coalition Coordinator Kyle Tibbett and GCSAPP Program Coordinator Emily Mirza were working on putting together suicide prevention training for this winter.

Youth Development, ECC Program Coordinator Wacker reported, works on youth mental health counseling under the leadership of Juvenile Services. On October 20th, Gunnison Middle School would be hosting a Sources of Strength (SOS) training for 6th – 8th graders. Another program, Helping Kids Colorado Survey (HKCS), will be administered within the next couple of months and the data will be shared in the Spring for mental health measures for youth.

Tobacco Prevention in Gunnison County is still receiving regional tobacco prevention funding of \$33,181 per year. Margaret informed the Board that Kyle Tibbett is helping with this somewhat, though he has mainly taken on the role of Coalition Coordinator. HHS and Juvenile Services have discussed having Juvenile Services combine the tobacco prevention work with another position related to substance abuse prevention, but this position has yet to be hired. Continuing work with tobacco prevention includes workshops for the regional tobacco staff and providing media placements.

The Board then asked HHS Director Joni Reynolds if there were needs that the Board could address that day. She replied that she would be looking at planning for next year shortly, and would reach out to them at that point.

ADJOURN: Chairperson Houck adjourned the Board of Health Regular Meeting at 11:02 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk