

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 3, 2023**

The October 3, 2023 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 (Remote)	Matthew Birnie, County Manager (Absent)
Elizabeth Smith, Vice-Chairperson (Acting Chair)	Katherine Haase, Deputy County Clerk
Laura Puckett Daniels, Commissioner	Others Present as Listed in Text
Assistant County Manager for Public Works Martin Schmidt	

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Commissioner Smith called the Gunnison County Local Liquor Licensing Authority meeting to order at 8:30 am.

CONSENT AGENDA: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Houck to approve Alcohol Beverage License #42-95237 for 456 Entertainment doing business as Tully's. Motion carried unanimously.

1. Alcohol Beverage License #42-95237-0000; 456 Entertainment LLC dba Tully's; 282 Elcho Avenue, Crested Butte, Colorado; 10/18/2023 - 10/18/2024

ADJOURN: Commissioner Smith adjourned the meeting of the Local Liquor Licensing Authority at 8:32 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Commissioner Smith called the Gunnison County Board of County Commissioners regular meeting to order at 8:32 am.

AGENDA REVIEW: The County Manager's portion was removed from the agenda since he was out of the office attending the ICMA Conference.

SCHEDULING: The upcoming meetings calendar was discussed and updated.

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

1. Approval for Motorola Solutions Quote #2174375 / Contract #19860-NASPO 00318; Gunnison County Sheriff's Office; for new Pack set handheld radios to replace entire current fleet of old equipment, along with Warrantees, Support Equipment, Services, and 3-year Subscription fees; Quote Expiration 12/26/2023; \$89,906.60
2. Approval for Room Rental Agreement; Gunnison County Health and Human Services, and Center for the Arts; for Rental of rooms at Steddy Theater & House; Gunnison County Flu Shot Clinic 10/25/2023; 7.5 hours x \$40.00/hr
3. Approval for Professional Services Agreement; Gunnison County Juvenile Services and Dusty Sylvanson; Recovery support for GRASP Consortium; Effective date of signing - 10/05/2024; Up to \$23,000
4. Approval for Provider Agreement; RE1J School District; for Expelled and At-Risk Student Services (EARSS) grant funding – to serve youth who become expelled (but served), and/or are at-risk of being expelled, and/or are chronically absent; 8/15/2023 - 6/30/2024; \$55,000
5. Acknowledgment of County Manager's signature; Tyler Technologies Quote; Gunnison County Clerk & Recorder; to add an upgrade to County's Recording software, making historical data available online for a fee; Year One - Software Total \$1,600 + Maintenance Total \$384
6. Approval for Epidemiology and Laboratory Capacity (ELC) 2.1 Grant Statement of Work; Gunnison County Health and Human Services; to receive CDC and EDC funding support for the transition from COVID-19 pandemic response to routine operation – incorporating COVID-19 surveillance and investigations into routine local public health agency (LPHA) activities; 8/01/2023 - 4/30/2024
7. Approval for Colorado Sexual Health Initiative (CoSHI) Grant Application renewal; Gunnison County Substance Abuse Prevention Project (GCSAPP); In partnership with the RE1J School District, to co-facilitate the Get Real comprehensive sex education program; \$24,958
8. Approval for Professional Services Agreement; Petar Simic; for professional services regarding Cheatgrass and Habitat Restoration; Effective date of signing - 9/30/2025; first 12-month term, up to \$95,004; for months 13-24, up to \$105,000; plus reimbursements up to \$5,000 per year for specified items
9. Acknowledgment of County Manager's signature; U.S. Department of Housing and Urban Development (HUD) Project-based Section 8 Housing Assistance Payments, Full Mark-to-Market Renewal Contract; Colorado Housing and Finance Authority and Gunnison County Housing Authority; for Mountain View Apartments funding; Effective 11/01/2023, to run for a period of ten years

APPROVAL OF WHETSTONE INDUSTRIAL PARK COVENANTS AMENDMENT; LUC-23-00033; SECOND AMENDMENT AS RECORDED AT RECEPTION NUMBER 658375; APPLICANT WHETSTONE INDUSTRIAL PARK LOT OWNERS ASSOCIATION, INC: Planner I Sean Pope and Attorney Jacob With were present for discussion.

Planner I Pope stated that this would be the second amendment to the covenants, and that this would allow for fences to be constructed outside of the designated building envelopes. Attorney With agreed that this was necessary. Commissioner Houck noted for the audience that Whetstone Industrial Park is separate from the Whetstone Housing Project that has been proposed. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Whetstone Industrial Park Covenants Second Amendment, LUC-23-00033. Motion carried unanimously.

APPROVAL OF THREE (3) GUNNISON-CRESTED BUTTE REGIONAL AIRPORT FACILITIES LEASE AND RENTAL CAR CONCESSION AGREEMENTS, THIRD AMENDMENT, FOR: 1) AVIS; 2) MICAR; AND HERTZ; 6/01/2012 - 5/31/2024; PAYMENT AS DESCRIBED FOR EACH IN "APPENDIX A AIRPORT FACILITIES LEASE AND RENTAL CAR CONCESSION AGREEMENT," AND RESOLUTION; ADOPTING THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT CUSTOMER FACILITY CHARGE: Airport Manager Rick Lamport and Chief Financial Officer Perry Solheim were present for discussion, and he explained that approval of the resolution would adopt the Customer Facility Charge (CFC) and allow an extension of the agreements to May of 2024. He also noted that the rental car companies would prefer that the County finalize the contract amendments before addressing new agreements that will take in account new space that is available in the terminal building. The CFC collections will allow for improvements and efficiencies in the rental car operation, and the rental car companies have expressed no issue with the new CFC. AM Lamport confirmed that the stated charges will address current concerns and anticipated needs that may arise in the future. The \$4/daily CFC collections will first be applied toward costs that the County incurred during renovations to the rental car area, which will take approximately 4-5 years based on current usage. After those costs have been recouped, collected funds will likely go toward a Quick Turn Around (QTA) facility. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Houck to approve Resolution #2023-19, a Resolution Adopting the Gunnison-Crested Butte Regional Airport's Facilities Lease and Rental Car Concession Agreements, Third Amendment. Motion carried unanimously.

APPROVAL FOR: A) GUNNISON COUNTY WATER AND SEWER DISTRICT SEWER RULES AND REGULATIONS; AND B) CONSTRUCTION STANDARDS FOR THE GUNNISON COUNTY WATER AND SEWER DISTRICT; OCTOBER 2023; AND RESOLUTION; ADOPTING THE GUNNISON COUNTY SEWER RULES AND REGULATIONS AND GUNNISON COUNTY CONSTRUCTION STANDARDS FOR THE UTILITY DEPARTMENT: Assistant County Manager for Public Works Martin Schmidt, Utilities Manager Robyn Zimmerman, Water/Wastewater Operator Jordan Brink and CFO Solheim were present for discussion.

This discussion was in follow-up to the 8/22/2023 work session. UM Zimmerman and ACM Schmidt confirmed that users were notified via the letter that was included in the meeting packet, and that none responded with concerns. ACM Schmidt also confirmed that no substantive changes were made to the regulation document since the Board's 8/22/2023 work session. CFO Solheim noted that having this document will be useful to the users and to his staff when users have questions or concerns. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Houck to approve Resolution #2023-20, a Resolution Adopting the Gunnison County Sewer Rules and Regulations and Gunnison County Construction Standards for the Utility Department. Motion carried unanimously.

COLORADO COUNTIES INC (CCI) LEGISLATIVE PRIORITIES: Health and Human Services Director Joni Reynolds was present for discussion to relay her thoughts on any HHS-related bills as she is the Board's proxy for those matters, and she noted that she is currently monitoring bills and will advise the Board as necessary. Commissioner Smith confirmed that Commissioner Houck will be the official person voting for Gunnison County, and Commissioner Puckett Daniels will serve as the alternate when CCI determines which proposals will move forward toward possible legislation.

Each commissioner briefly discussed the priorities that they felt should move forward, then Commissioner Houck agreed that he would advocate support of the priorities related to broadband fee elimination, real estate transfers, short-term rentals, healthcare, construction defects, open landfill funding, noxious weeds, and the continuum of healthcare. Commissioner Houck will attend the CCI meeting this Friday.

UNSCHEDULED PUBLIC COMMENT: There was no one present for public comment

COMMISSIONER ITEMS:

Commissioner Puckett Daniels:

1. One Valley Leadership Council Meeting. Commissioner Puckett Daniels attended this recent meeting, during which the OVRP draft product was presented. She felt that the meeting was very productive. Comments are still being collected, and another draft will be available soon and shared

with municipalities that were involved in the process to request endorsement. A celebratory event will be scheduled.

2. CB to CB South Trail Planning Process. Commissioner Puckett Daniels stated that she's been working hard to get information to the public about this process to increase participation. The survey will remain open until 10/8/2023. The Sustainable Tourism and Outdoor Recreation (STOR) Committee has recommended continuation of the trail planning process as-is while continuing to gathering information, and then revisit whether or not a highway right-of-way alignment should be considered. She noted that some people believe that a trail in the highway right-of-way will be too dangerous, while others believe that it will largely go unused, especially in the absence of year-round access, which will equate to a waste of money. Another, relative new option, is the development of a right-of-way on a strip of land (under a mile long) of private land that is being offered for purchase for \$1M. However, the landowner has stated some conditions for the sale, which include issues that would need to be decided during a separate land use process, so this option might not be viable. CA Hoyt noted that, even if agreement was reached with this property owner, the success of the project would still not be assured, because many other property owners may also be involved. Commissioner Houck reminded the Board that this trail has been a long-standing attempt, starting years ago with the now defunct Trails Commission. He also agreed that multiple property owners would need to agree in order to move forward, but that many have stated that they are not interested in moving forward with the project.

Commissioner Houck

1. Washington DC Trip. Commissioner Houck stated that he was in Washington DC last week, where he met with congressional offices and both Colorado senators to discuss the GPLI GORP Act, which Senator Bennet is expected to introduce later this year. They also discussed the GMUG plan. He was able to meet with the Assistant Deputy Chief of the Forest Service, the Office on Environmental Quality, Senator Bennet, Senator Hickenlooper's staff, Representative Lauren Boebert's staff, and Representative Brittany Petterson's staff.
2. GMUG Comments. Commissioner Houck noted that he and CA Hoyt are working to draft comments, which are due 10/30/2023.
3. Gunnison Sage-grouse Resource Management Plan Amendment (RMPA). Commissioner Houck and Wildlife Consultant Jim Cochran met with representatives from the Bureau of Land Management for a two-day work session. The goal is to ensure that the BLM understands that the Gunnison Sage-grouse issues in the Gunnison Basin are remarkably different than satellite populations.
4. Wildlife Corridor RMPA. Commissioner Houck stated that this is moving forward; and there have been no huge concerns in the proposals.

Commissioner Smith

1. Cheatgrass Habitat Restoration Coordinator Petar Simic Contract Renewal. Commissioner Smith thanked the Board for approving the contract renewal. She noted that there has been great participation from all stakeholders and a verbal commitment from the BLM for and additional \$25,000 this year and next year to be used toward Mr. Simic's work. She also stated that Mr. Simic has been able to do quite a bit in the time that he's been working on this effort. Discussions are moving forward with stakeholders, including the Forest Service, related to the future of the work and the position.
2. Colorado Department of Revenue Interim Executive Director Heidi Humphries. Commissioner Smith connected with Ms. Humphries to discuss sales tax issues, platform transparency issues related to short-term rentals, and the use of post office boxes in the north end of the valley creating concerns with location for taxation.
3. Counties & Commissioners Acting Together (CCAT) Ad Hoc Committee. Commissioner Smith stated that the Committee is engaging with Senator Hansen regarding short-term rental legislation.
4. Colorado Counties, Inc. Commissioner Smith stated that CCI has held a couple of meetings, one of which was regarding Proposition HH. CFO Solheim was able to attend that conversation to gather information related to how the passage of Proposition HH might impact Gunnison County.
5. Crested Butte Land Trust Conservation Partner Celebration. Commissioner Smith attended this celebration last week. She stated that it as nice to connect with people who care about conservation of public and private lands.
6. Monthly Opioid Data Workgroup. Commissioner Smith stated that this is moving forward to establish some sort of statewide data mechanism that helps connect and tap into data that the State is already collecting but has been inaccessible and unhelpful. She is pleased that the AG's office seems to be willing to support local efforts.
7. Southwest Colorado Opioid Regional Council (SWCORC). The Council's first in-person meeting will take place later today. The Council hopes that grants will begin to awarded by the end of the year.

ADJOURN: Commissioner Smith adjourned the Gunnison County Board of County Commissioners regular meeting at 10:01 am.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, 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. 2023-19**

A RESOLUTION ADOPTING THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT CUSTOMER FACILITY CHARGE

WHEREAS, the County of Gunnison, Colorado (County), is the owner, sponsor and operator of the Gunnison-Crested Butte Regional Airport (Airport), located one mile south of Gunnison, in Gunnison County, Colorado and has the authority to regulate commercial activities and is empowered to establish, fix, and collect fees and charges for its use and operation; and

WHEREAS, the County has entered into rental car concession agreements with Avis Rent A Car System and The Hertz Corporation for the purpose of providing automobile rental services at the airport; and

WHEREAS, the County has entered into lease agreements with Avis Rent A Car System and The Hertz Corporation for the purpose of leasing terminal facilities located on the Airport and park their rental cars; and

WHEREAS, those facility agreements will expire in 2023 and the County intends to ensure that quality rental car facilities will be maintained beyond that period of time; and

WHEREAS, the County desires to provide facilities to support and accommodate the growth of existing and additional rental car concessionaires at the Airport; and

WHEREAS, the County believes it to be in the best interest of the traveling public to provide adequate and modern airport facilities to permit the growth of existing and additional rental car companies to operate from and service and store their rental vehicles at the Airport.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby establishes a Customer Facility Charge (CFC) at the Airport to be recovered by a rental car concessionaire from its renters for each rental car transaction day at the Airport, to fund and maintain existing facilities, and finance the planning, design, and construction of expanded airport facilities to accommodate the operations of current and additional rental car concessionaires.

THEREFORE, BE IT RESOLVED THAT:

1. The County Manager is hereby authorized to establish the CFC in the amount of Four Dollars (\$4.00) per transaction day, and to periodically adjust the per transaction day amount, as County Manager deems advisable.
2. The CFC will be collected by the rental car concessionaires for all cars rented for twenty-four (24) or fewer hours for the first transaction day, and thereafter for every succeeding transaction day, or portion thereof.
3. The term "Customer Facility Charge" or "CFC" shall encompass within its meaning other similar terms that the Airport Director may authorize the rental car companies to utilize when disclosing the charge to its customers, and on its customer rental agreements, including but not limited to "customer facility charge."

4. The CFC shall be collected by all rental car companies operating at the Airport pursuant to a concession agreement between the County and said rental car companies.
5. The CFC collected by the rental car companies shall be held in trust by the rental car companies for the benefit of the Airport and shall be remitted monthly to the County in accordance with procedures established by the County's Chief Financial Officer.
6. Rental car companies and their agents shall hold only a possessory interest in the CFC revenue collected on behalf of the County, and no legal or equitable interest.
7. Collection of the CFC shall commence no later than sixty (60) days from the effective date of this Resolution.
8. The CFC may be collected in advance of future use and used to pay, or reimburse the County, for costs associated with the operation, management, improvement, enhancement, renovation, and expansion of the existing rental car facilities, rental car facility area and related transportation facilities, ground or common-use transportation facilities or equipment related to or used for the existing or future rental car facilities, and the planning, design, equipping, construction, development, acquisition, and other related costs of future phases of the rental car program at the Gunnison-Crested Butte Regional Airport. Any or all of the collected CFC revenue may be pledged to the punctual payment of debt service on obligations issued by or on behalf of the Gunnison-Crested Butte Regional Airport by the County for the cost of a consolidated rental car facility and related transportation facilities and equipment, and to create and maintain reasonable reserves.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that the Gunnison-Crested Butte Regional Airport Customer Facility Charge shall be and hereby is adopted.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Houck, and adopted this 3rd day of October, 2023.

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. 2023-20**

**A RESOLUTION ADOPTING SEWER RULES AND REGULATIONS AND CONSTRUCTION STANDARDS OF
THE GUNNISON COUNTY WATER AND SEWER DISTRICT**

WHEREAS, on March 21, 1977, by Resolution number 1977-9, the Board of Commissioners of Gunnison County ("Board") established the Gunnison County Sewer District ("District"), and naming the Board as the governing body of the District; and

WHEREAS, on June 4, 1991, by Resolution number 1991-20, the Board renamed the District the Gunnison County Water and Sewer District; and

WHEREAS, in order to promote the health, safety and welfare of the public, the Board finds it necessary to establish rules, regulations and standards for sewer systems as allowed under section 30-11-101 C.R.S.; and

WHEREAS, C.R.S. sections 30-20-401, et seq. grant the Board authority to enact rules for rates, connection, funding and delinquent accounts for sewer systems; and

WHEREAS, on August 22, 2023, the Board conducted a work session with the Department of Public Works to discuss and review the proposed Sewer Rules and Regulations and Construction Standards for the Gunnison County Water and Sewer District; and

WHEREAS, since that work session, the Gunnison County conducted outreach efforts seeking public input and providing opportunity for comments on the draft District Sewer Rules and Regulations and Construction Standards; and

WHEREAS, the Board seeks uniform County Sewer Rules and Regulations and Construction Standards to create consistency and predictability for new and existing sewer connections; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that the Board adopts the following Rules and Regulations and Construction Standards for the Gunnison County Water and Sewer District:

1. Gunnison County Water and Sewer District Sewer Rules and Regulations, effective the date of adoption of this Resolution and attached hereto as "Exhibit A"; and
2. Construction Standards for the Gunnison County Water and Sewer District, effective the date of adoption of this Resolution and attached hereto as "Exhibit B."

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Houck, and adopted this 3rd day of October, 2023.

Board of County Commissioners
of the County of Gunnison, Colorado

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