

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 21, 2023**

The November 21, 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
Elizabeth Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Sammy Obaid, Assistant County Attorney

Matthew Birnie, County Manager
Katherine Haase, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

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

PUBLIC HEARING; COLORADO LIQUOR RETAIL LICENSE APPLICATION; RED, WHITE & BOOZE LLC DBA RED MOUNTAIN LIQUOR, 81 GILLASPEY AVE, CRESTED BUTTE, COLORADO: County Clerk and Recorder Kathy Simillion was present for discussion.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 8:30.
2. Public Notice Confirmation. Clerk Kathy Simillion confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. Commissioner Houck confirmed with the Board that no ex parte communication had been received.
4. Staff Presentation. CCR Simillion confirmed that this hearing was required due the store being under new ownership and the new owner applied for the liquor license.
5. Applicant Presentation. The applicant was not present, and Commissioner Houck noted that the applicant was not required to attend.
6. Board Questions. The Board had no questions.
7. Public Comments. Chairperson Houck opened the hearing for public comments at 8:31, though no comment was provided.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A
10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 8:33.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:33 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:33 am.

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

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Approval for a Colorado Department of Public Health & Environment (CDPHE) Purchase Order; Gunnison County Health and Human Services, on behalf of the West Central Public Health Partnership; to improve public health capacity; 11/02/2023 - 6/30/2024; \$54,000
2. Approval for the Third Supplemental Condominium Declaration for Stallion Park Condominiums; part of the process for the BOCC-approved Townhomes Plat; Stallion Park Condominiums, Elk Valley 65 and Elk Valley 85 Buildings; Situated in the E 1/2 of Section 7, Township 14 South, Range 85 West of the 6th Principal Meridian, Gunnison County; Gunnison County, Applicant; Approved 11/07/2023
3. Approval for Resolution 2023-23; A Resolution of the Board of County Commissioners ("BOCC") of Gunnison County, Colorado, Adjusting Landing Fees and Other Fees for Air Carriers at the Gunnison-Crested Butte Regional Airport ("Airport")
4. Approval for Resolution 2023-24; A Resolution Authorizing the County Manager to Sell Lots EM2 and EM3, Larkspur Subdivision in Crested Butte, Colorado, to the Crested Butte Fire Protection District

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar previously informed the Board that she would not be available today. The Board was provided the October 2023 Treasurer's report and an investment report dated October 31, 2023 for discussion and acceptance. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Houck to accept the Treasurer's report and authorize the Chair's signature on the Treasurer's report. Motion carried unanimously.

VOUCHERS AND TRANSFERS APPROVAL: Chief Financial Officer Perry Solheim presented the voucher approval report dated November 21, 2023 and the cash transfer authorization dated October 2023 for discussion and approval.

1. **Vouchers.** **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Houck to approve the vouchers in the amount of \$5,220,230.07. Motion carried unanimously.
2. **Cash Transfer.** **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Houck to approve the cash transfer in the amount of \$8,582,102.76 (Commissioner Puckett Daniels amended her motion to reflect the corrected amount as shown, Commissioner Houck seconded the amended motion). Motion carried unanimously.
3. **Purchasing Card Reports.** The September and October 2023 Purchasing Card Reports were available for review, and the Board didn't have any questions.
4. **Sales Tax – LMD Reports.** The report was discussed. Commissioner Puckett Daniels noted that the trends were continuing, and Commissioner Houck said that it would be interesting to see the next report. Commissioner Smith felt that amounts were not keeping up with inflations. CFO Solheim stated that he is pleased with the trend.

APPROVAL FOR A MEMORANDUM OF UNDERSTANDING AMONG THE U.S. DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, UNCOMPAHGRE FIELD OFFICE AND GUNNISON COUNTY; FOR DEVELOPMENT OF THE UNCOMPAHGRE FIELD OFFICE RESOURCE MANAGEMENT PLAN AMENDMENT AND ENVIRONMENTAL IMPACT STATEMENT: Commissioner Houck explained that BLM's Uncompahgre field office touches the northern portion of Gunnison County, and that the main portion of Gunnison County is in the BLM's Gunnison field office. He stated that he worked with County Attorney Matthew Hoyt on this MOU, and that it would need to be executed and submitted if Gunnison County wants to participate in the plan amendment process. The Board agreed that it would be valuable for Gunnison County to participate in the process. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Memorandum of Understanding and to participate as a cooperating agency in the BLM RMPA process and to approve the Chair's signature. Motion carried unanimously.

FUNDING REQUEST; SHORT-TERM RENTAL LEGISLATION: Chief Financial Officer Perry Solheim was present for discussion. Commissioner Houck thanked Commissioner Smith for following this important legislation, which proposes that short-term rentals pay commercial property tax instead of residential property tax, so that the short-term rental industry has appropriate parity with the commercial lodging industry. It is important to note that this legislation would likely not impact primary homeowners who rent part/all of the property for periods of time while they are away, though a limit may be placed on the number of days that the property can be rented. Commissioner Smith requested that the Board allocate up to \$5,000 of discretionary funds to be paid in additional dues to Counties & Commissioners Acting Together (CCAT) so that CCAT can further the discussions about potential solutions. This would be a one-time addition to the annual fees paid. Many impacted Counties across Colorado have expressed support for this legislation, and there has been a great deal of opposition expressed from the short-term rental industry.

The Board agreed that action would be needed to address this issue, with delineation between those who rent their homes and those who purchase properties for the sole purpose of renting them to others on a short-term basis.

CM Birnie and CFO Solheim stated that sufficient funding was available to meet this request for up to \$5,000 from the Board's discretionary funding. **Moved** by Commissioner Houck, seconded by Commissioner Puckett Daniels to approve, from our discretionary funds, the expenditure of up to \$5,000 of funding for work on the short-term rental legislation through our partnership and membership with CCAT. Motion carried unanimously.

MARBLE CRYSTAL RIVER CHAMBER (MCRC); 2024 BUDGET OVERVIEW: CFO Solheim and MCRC representatives Christy Villalobos and Cindy Fowler were present for discussion.

Ms. Villalobos stated that the MCRC spent quite a bit on event funding, their website and print materials, including maps and the Marble history book. Proceeds from book sales to go the Marble Visitor's Center, Hub and Chamber.

The MCRC requested \$49,000 in 2024 funding, which is higher than normal by about 25%. Also, the MCRC Requested quarterly disbursement of all Local Marketing District taxes generated in Marble, instead of the semi-annual payment schedule that has existed. The MCRC feels that a quarterly schedule would better allow them to carry out their mission and pay for expenses on a timely basis. CFO Solheim explained that the County only had LMD tax collection information through the end of August to inform the discussion, which totaled \$9,447.00 and is substantially lower than in years past. Historically, to determine what will be provided to the MCRC during the following year, the County makes an educated guess as to what will be collected for the remainder of the calendar year. At this time, CFO Solheim estimated the 2023 collections for 2024 disbursement would be approximately \$13,000. CM Birnie also explained that the funding agreement states that whatever the Board approves will be limited by whatever amounts are actually collected.

The drastic reduction in collections was discussed, and Ms. Villalobos stated that the Inn at Raspberry Ridge had changed ownership. A remodel to include a café and the dedication of a cabin for employee housing have resulted in a decreased number of rentable rooms. Also, one of the Air BnB properties was sold to a private individual who is using it as a secondary home.

CFO Solheim suggested that the County maintain the two-payment schedule, and that the final payment for a year should be sent to the MCRC in the beginning of the following year after all taxes are known and have been collected.

Ms. Villalobos requested a list of all tax remitters to help them make better decisions, and CM Birnie informed the group that taxpayer information cannot be shared with the public. Further, he explained that the County contracts with a vendor that scours the internet to locate short-term rentals and make sure that relative taxes are being paid correctly. Lastly, he said that the County can verify taxes are being paid for specific properties if the MCRC would like to provide information about any that they suspect are not paying. Commissioner Smith added that, due to recent legislative changes, campgrounds that do not provide amenities no longer collect LMD taxes. CFO Solheim suggested that collection information be shared with the MCRC on a monthly or quarterly basis going forward, so that timely information can be shared between the County and the MCRC.

CFO Solheim recommended a funding approval of \$20,000 for CY 2024, based on collection projections. Commissioner Houck asked CFO Solheim to load \$20,000 into the budget and work to improve reporting to the MCRC. A contract will be crafted for LMD and MCRC signature.

UNSCHEDULED PUBLIC COMMENT: No one was present for discussion.

COMMISSIONER ITEMS:

Commissioner Houck:

1. US Forest Service GMUG Forest Plan Revision. Commissioner Houck and CA Hoyt have been finalizing documents.
2. Basin Roundtable Meeting. Commissioner Houck attended this meeting last night. He opted to save the update until the next water report to the Board.
3. Forest Service Meetings. Commissioner Houck has been meeting with representatives from the Forest Service to work on relational dynamics, such as roads, plowing, etc.
4. Crested Butte Mountain Resort Kick-Off. Commissioner Houck plans to attend this event at the Grand Lodge tonight.

Commissioner Puckett Daniels:

1. CCI and CCAT Housing Recommendations for the Legislative Session. Commissioner Puckett Daniels contributed to some of the proposed white papers.
2. Energy Elevated Symposium. Commissioner Puckett Daniels attended this inaugural event at Western Colorado University. Energy experts were brought in from all over the country to discuss the energy transition into the future.
3. Gunnison Valley Health Board of Trustees (BOT) Evaluation Matrix. Commissioner Puckett Daniels met with a BOT member last week to discuss this matrix. The findings should be in the BOT's December report. She felt that this would be helpful to the Board when appointing BOT members in the future.
4. Crested Butte Mountain Resort Kick-Off. Commissioner Puckett Daniels also plans to attend this event at the Grand Lodge tonight.

Commissioner Smith:

1. CCAT and CCI Meetings. Commissioner Smith attended meetings while in the Marble/Redstone area last week. CCI asked her to testify on a bill regarding property tax proposals, and she did that last Friday. She felt that they were able to elevate some of the issues.
2. Eric McPhail, Extension Field Director for all Districts. Commissioner Smith stated that Eric was recently promoted to this new position. This leaves a vacancy, and EFD McPhail asked her to participate on the committee to review candidates. This process should be completed by the beginning of January.
3. Crystal River Stakeholder Working Group Meeting. Commissioner Smith attended this recent meeting in Marble. Progress is being made toward enhancing protections on the Crystal River. Discussions included what the Wild and Scenic option could look like and what other state and local interventions might be accomplished. An IGA among local counties and governments may be pursued to memorialize protections against mainstream dams and trans-basin diversions. The decision-making process will wrap up in December.

ADJOURN: Commissioner Houck adjourned the meeting at 10:07 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