

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 2, 2024**

The July 2, 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
Matt Hoyt, County Attorney
(Absent) Matthew Birnie, County Manager
Holly Perry, Deputy County Clerk
Assistant County Manager John Cattles
Others Present as Listed in Text

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Commissioner 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 as presented. Motion carried unanimously.

- 1. Alcohol Beverage License #05-29384-0002; Crested Butte Nordic Council dba CBNC Magic Meadows Yurt; 9/15/2024 to 9/15/2025

ADJOURN: Commissioner Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:30 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

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

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

MINUTES APPROVAL: Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the minutes for June 18, 2024 and June 25, 2024 as presented. Motion carried unanimously.

- 1. June 18th, 2024 Regular Meeting
- 2. June 25th, 2024 Regular Meeting

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 as presented. Motion carried unanimously.

- 1. Acknowledgement of County Manager’s signature; Professional Service Agreement; Vega Architecture; 6/21/2024 to 12/31/2024; \$80,000
- 2. Contract Amendment #7; Contract No. 21 IHIA 159833; Health and Human Services; 7/1/2024 to 6/30/2025; \$83,955
- 3. Colorado Health Foundation Grant Application; Health and Human Services; 24 months; \$130,294
- 4. Professional Services Agreement; Dennis Swain; 6/24/2024 to 8/30/2024; \$9,000
- 5. Food and Beverage/Retail and Concession Lease Agreement; Jermaine Rodney dba Bar 78; Gunnison-Crested Butte Regional Airport; 8/1/2024 to 7/31/2026; 5% gross revenue first year; \$5,000 annual rent after initial
- 6. Maintenance Service Agreement; Cummins; Gunnison County Courthouse; One year; \$1,763.36
- 7. Ratification of Commissioner Houck’s Signature; Contract Amendment #2; Contract No. 24 IBEH 183800; Juvenile Services; 7/1/2024 to 6/20/2025; \$688,484
- 8. Small Dollar Grant Award; Homeless Prevention Services; Health and Human Services; 7/1/2024 to 6/30/2025; \$20,000
- 9. Maintenance Service Contract; HID Global Corporation; Gunnison-Crested Butte Regional Airport; 6/1/2024 to 5/31/2025; \$1,053
- 10. Grant Agreement; Colorado Centennial Fund; Choose When; Health and Human Services; 7/1/2024 to 6/30/2025; \$10,000
- 11. Ratification of Commissioner Houck Signature’s; Intergovernmental Grant Agreement; State and Local Recovery Funds; CTGG1 NLAA 202400004217; 6/21/2024 to 9/30/2026; \$800,000
- 12. Audit Extension Request; Finance; December 31, 2023
- 13. Amendment #2; ADS-B WAM Radio Site Facility and Tower Sublease Agreement; Expiration 9/30/2025; Extension of 5 years to 9/30/2030

COUNTY MANAGER’S REPORTS: Assistant County Manager for Operations and Sustainability John Cattles reported in CM Birnie’s absence.

1. Sawtooth – ACM John Cattles relayed they are pouring concrete for Sawtooth. He also noted there were some hiccups with transformers, but they have been figured out. However, due to delays in the spring, the anticipated move in date is looking to be late November to December. Commissioner Smith noted in August, many state commissioners are coming in and are interested in the sawtooth project and geothermal technology that is being used.
2. Carnival – ACM John Cattles stated that the carnival will be starting tomorrow at the fairgrounds, and this is before the rodeo instead of doing it concurrently. Commissioner Houck mentioned parents providing positive feedback for separate times.
3. Sawtooth Phase 1 – ACM John Cattles expressed that he received early data late last week from the solar arrays on Sawtooth Phase 1 and for the last three months they have been at virtually net zero energy. He stated there are a few problems that need to be ironed out, but they are working through them.

GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS:

1. 7th Judicial Community Corrections Board; Fill One Vacancy for a Two-Year Term (6/26/2024 to 8/26/2026)
 - Applicant: Susan Coykendall
Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint Susan Coykendall as our 7th Judicial Community Corrections Board Representative. Motion carried unanimously.

PUBLIC RECORDS REQUEST POLICY REVISION Deputy County Attorney Alex San Filippo-Rosser was present for discussion.

CA Hoyt relayed that the law changed to where the County can increase the fees that are charged for the time, effort, energy, and cost of producing public records beyond a certain point, however this increase is not an increase that matches with what the true cost is. DCA San Filippo-Rosser noted the number comes from a statewide number that reflects inflation which is \$43.17 after the first hour. He also relayed the redline changes are meant to accurately reflect the process and there are no fundamental changes. The fee starts after the first hour, and an estimate of time spent will be sent along with asking for 50% down before the process starts. After completion, the final bill will be determined. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the policy revision as presented this morning. Motion carried unanimously.

LETTER OF SUPPORT; CRYSTAL RIVER AUGMENTATION NEED; COLORADO RIVER DISTRICT; WEST DIVIDE WATER CONSERVANCY DISTRICT Ed Olszewski was present on zoom for discussion.

Mr. Olszewski relayed this letter of support is for grant funds from the Colorado River Water Conservation District to be provided to West Divide Water Conservancy District for an augmentation program to address a shortage of legal water supply in that basin for various water users. He stated the shortage was brought to light in 2018 when a call was placed on the Crystal River Basin that called out several junior water rights. He informed the Board that their augmentation program will rely on releases from Ruedi Reservoir and other water sources identified by the district. However, none of those sources will be on channel sources. Mr. Olszewski is requesting Gunnison County support to a grant application submitted by West Divide to the Colorado River District to further some ongoing studies to establish that augmentation program. Commissioner Puckett Daniels asked for clarification on whether the letter is for the study, and not the processes itself and Mr. Olszewski confirmed. Commissioner Smith asked if they have had conversations with the Pitkin County Board of County Commissioners or any other members and participants of those groups about this proposal to which Mr. Olszewski replied that he has not but Engineer Wendy Ryan is on the stakeholder group for the Crystal River Wild and Scenic and Other Alternatives Feasibility Collaborative Steering Committee. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the letter of support for the Crystal River Augmentation Phase 2 grant proposal and authorize the Chair's signature. Motion carried unanimously.

PARTICIPATION FORM; NEW NATIONAL OPIOIDS SETTLEMENT: KROGER; AUGUST 12, 2024 Assistant County Attorney Sammy Obaid was present for discussion

Commissioner Smith relayed that the State of Colorado has secured over \$750 million dollars in opioid settlements from various entities and those settlements have not been happening simultaneously. This Kroger one has been expected and has reached it's finalization stage. ACA Obaid relayed that the County must sign this in order to get the funds. He also expressed the Settlement Memorandum of Understanding is about 700 pages long and has been reviewed by the Colorado Attorney General. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the settlement as presented, and authorize the Chair's signature as the representative of the County. Motion carried unanimously.

A RESOLUTION ADOPTING THE GUNNISON COUNTY ATTORNEY SETTLEMENT AUTHORITY POLICY

CA Hoyt noted this is an efficiency measure. He relayed that there have small claims asserted or litigated against the County with some falling below the insurance deductible which therefore becomes a decision on whether to compromise or litigate on behalf of the County. He noted that delegating some modicum of

settlement authority to the County Attorney prevents bureaucracy of having to take every settlement to the Board for approval. In that regard, CA Hoyt has found that the small dollar case process has been inefficient. He also stated that there is a \$75,000 limitation and he would informally confer with each commissioner and if there were any issues or concerns noted he would not exercise this authority and bring it to the Board. Also, he relayed he would bring any issues resolved to the Board for ratification. Lastly, CA Hoyt emphasized this was only for settlements in dollars. The Board expressed they were grateful for the explanation and CA Hoyt confirming that if there are any questionable cases coming through, he will still come to the Board for discussion. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution #2024-26, a Resolution Adopting the Gunnison County Attorney Settlement Authority Policy, and authorize the signatures of the full Board. Motion carried unanimously.

COMMISSIONER ITEMS: (This discussion began earlier than scheduled due to a break in the schedule)

Commissioner Puckett Daniels:

1. Counties & Commissioners Acting Together (CCAT) – Commissioner Puckett Daniels and Commissioner Smith attended a couple different meetings. Commissioner Puckett Daniels informed the Board of Initiatives 50 and 108 that will be on the ballot in the fall and will dramatically impact property taxes and the County’s ability to do their work. She encourages everyone to get in contact with anyone who is impacted by the collection of public funds for public goods because these funds could be dramatically reduced as well as having major impacts on highway user tax funds for road and bridges departments. Commissioner Puckett Daniels also informed the Board that the public schools have finally been fully funded and Colorado has been in the bottom five for school funding in the nation for the last 15 years and she doesn’t want to see us going backwards in that regard.
2. Climate Forum – Commissioner Puckett Daniels attended, and ACM John Cattles spoke as a representative of the County. She relayed the Towns of Crested Butte and Mt. Crested Butte are engaged in planning for climate action and sustainability plans and are accepting public feedback.
3. Public Policy Forum – Commissioner Puckett Daniels and Commissioner Houck attended in Crested Butte. She stated this was a good community conversation about how planning city zoning affects the housing market.
4. Summer Water Quality/Quantity Committee (QQ) Meeting – Commissioner Puckett Daniels has been in discussion with CA Hoyt about transitioning the QQ representation to her going forward. She plans on participating in the fall meeting in person.
5. Gunnison Valley Regional Transportation Authority (RTA) – Commissioner Puckett Daniels relayed that the RTA is collecting feedback for their strategic plan and there is a summer survey out that is slightly different from their winter survey. These two together will create a robust body of feedback about how the RTA is serving the community and how it could serve the community going forward.
6. Gunnison Valley Regional Housing Authority – Commissioner Puckett Daniels reminded everyone that the household survey is happening now and is open until the end of the month.
7. Verzuh Ranch Dedication – Commissioner Puckett Daniels relayed that Ryan and Wynn Martens have previously used the 40-acre parcel next to their home for science and restoration on the property. They were partnered with Pat Magee who has been doing a bird survey there for years. The Martens have decided to give the property to Western Colorado University which will be a key parcel for the university’s Master’s in Environmental Management Program.

AMENDMENT TO GOLD BASIN INDUSTRIAL PARK REGULATIONS REQUEST; H&H TOWING

Assistant County Manager for Public Works Martin Schmidt and Assistant County Manager for Community and Economic Development Cathie Pagano were present for discussion.

Commissioner Houck relayed H&H Towing would like to lease the parcel that FedEx previously held because it is secured by fencing for storing vehicles that have been abandoned, wrecked, or impounded. They were originally denied due to a provision saying no junkyards. Commissioner Houck noted they were also agreeable to work through the process with screening the fences so you cannot see in there. However, their branded vehicles would be outside the area. H&H is asking for the Board to approve their request to begin the process of starting an amendment. Planning Director Hillary Seminick clarified this came to the Board instead of as an application through the Community and Economic Development Department because a sublessee cannot propose an amendment and it has to come through the Board in this case. Commissioner Houck expressed he is not interested in going through a process for the sake of going through a process but will be hard pressed to find reasons not to be able to get to a successful finish for H&H Towing providing they have met the pieces of the process. Commissioner Smith and Commissioner Puckett Daniels agreed. **Moved** by Commissioner Houck, seconded by Commissioner Smith to initiate, as outlined in the current rules and regulations, an amendment to the Gold Basin Industrial Park Regulations to hear H&H’s request to be able to utilize the park and have the staff initiate that process with them at the Board’s direction. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT:

1. Country Meadows – Commissioner Smith prefaced the conversation stating that she has been in dialogue about Country Meadows for years and she has continued to have conversations with

possible resources for them. Elizabeth McGee is the President of the ONE Association, which was formed the summer of 2021, and a resident of County Meadows. Ms. McGee stated that in February of 2024, electricity management became a problem in 13 homes with power surges to other homes, blowing out lines, and having dangerous temporary solutions. Then on June 21st, the current owner listed the park for sale for \$5.7 Million. Ms. McGee wants a long-term substantial solution for the park and would like to pursue community ownership of the land. She stated that residents are asking for continued attention to the electrical issues, and for municipal investments in the land. Annie Beall commented on community ownership, Proposition 121, the Federal Preservation and Reinvestment Initiative for Community Enhancement (PRICE) Fund. However, Ms. Beall commented that the next PRICE Fund grant application deadline is July 10th, which is too soon, but would like to start establishing more of a readiness to apply for these grants and loans. Kevin Donovan has been on the Valley Housing Fund and would like to encourage the commissioners to do their best to investigate plans as well as community ownership.

Commissioner Smith expressed that she has looked at this since 2021 and has testified twice in 2022 for improvements to the Mobile Home Park Protections Act. She relayed that while she can't guarantee a different outcome, she can say they are in a different place than in 2021 in regard to first refusal for opportunity to purchase with more reasons to disincentivize the displacement of people from mobile home parks. Commissioner Smith emphasized she would like to continue to work with them on this and recognizes that they are central to the community. Commissioner Puckett Daniels noted the challenge is who can do what and who can do what by when. Commissioner Houck commented that this is a community issue, and the Board and their partners are committed to keep working on this issue.

COMMISSIONER ITEMS (continued):

Commissioner Smith:

1. Counties & Commissioners Acting Together (CCAT) – Commissioner Smith relayed she participated on two subcommittees: short term rentals and policies and county revenue. The first is focusing on conversations for the upcoming legislative session and preserving recreational opportunities. The second is focusing on Initiatives 50 and 108. Department of Revenue Executive Director Mark Ferrandino had a PowerPoint showing the possibilities if Initiative 108 were to pass. Commissioner Smith commented that she has talked to CFO Solheim and CM Birnie about models for the County if Initiative 108 were to pass. She also suggested a strong Board position with these Initiatives with what is at stake.
2. Gunnison Valley Regional Transportation Authority (RTA) – Commissioner Smith stated that the Air Planners contract is coming up for renewal and that they worked with them over 20 years before the Tourism Association was formed. Commissioner Smith advocated beginning a procurement process since it has never been done. Commissioner Puckett Daniels agrees on going forward with the procurement process.
3. Opioid Meetings – Commissioner Smith attended a meeting with Attorney General Phil Weiser and a meeting with some leadership from the Southwest Colorado Opioid Regional Council and the Mayor of Montrose to discuss how the process has been working and what challenges they are facing. She also stated there is a leadership change at United Way of Mesa County, which manages the Southwest Colorado Opioid Regional Council's grants. Commissioner Smith explained she has also had conversations with Western Colorado University and the Gunnison Valley Hospital regarding an expansion of peer support for the nursing program and services such as detox.
4. Cole Cooper – Commissioner Smith had a meeting with GRASP Co-Coordinator Cole Cooper who has identified a program and grant opportunity to work with Strong Minds which can train local individuals to lead supervised group counseling.
5. Administrative Withdrawal Celebration – Commissioner Smith attended a celebration with Secretary Deb Haaland and Senator Bennet to celebrate the imminent conclusion of the administrative withdrawal of mining rights on Mount Emmons and the Land Exchange.

Commissioner Houck:

1. River Festival – Commissioner Houck attended on Saturday the 22nd. He stated there were a lot of folks celebrating and it showed how important water is in the Upper Watershed.
2. Upper Gunnison River Water Conservancy District – Commissioner Houck attended the 65th Anniversary.
3. Drought Contingency Task Force – Commissioner Houck relayed that they wrapped up the first phase and they are starting community outreach.
4. Senator Hickenlooper – Commissioner Houck explained that all Commissioners met with Senator Hickenlooper on the 26th. ACM Schmidt and Commissioner Houck did an inspection on County Road 26 and were able to plainly express the frustration with the lack of Federal infrastructure money to support the bridge.
5. Chamber Meeting – All the Commissioners attended and noted the Chamber did outreach to the business community with a survey.
6. Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) – Commissioner Houck relayed that they had the final meeting of cooperating agencies, and the plan is signed. CA

Hoyt and Commissioner Houck are looking at the plan and have noticed some recommendations from the County were modified.

- 7. Judge Patrick’s Retirement – Commissioner Houck attended on behalf of the County Commissioners and the County Attorney’s office staff attended.
- 8. Administrative Withdrawal Celebration – All Commissioners attended with Secretary Deb Haaland and Senator Bennet for the administrative withdrawal coming to a completion. Commissioner Houck referred to the Colorado Outdoor Recreation and Economy (CORE) Act which was to withdrawal from oil and gas development from mining and geothermal exploration and it is lucky that Mt. Emmons was built into that. Commissioner Houck also noted that he spoke on behalf of Gunnison County in the celebration in Carbondale.
- 9. Gunnison Valley Journal – Commissioner Houck noted this is written and put together by folks in the community and it focuses on creativity and how the community defines themselves with the last one coming out after Covid. Commissioner Houck proposed a \$1,500 commitment from discretionary funds to help it happen this year. **Moved** by Commissioner Houck, seconded by Commissioner Smith to commit \$1,500 from our discretionary funding to the publication and development to the newest Gunnison Valley Journal and ask staff to follow through on making sure that connection is made for those funds to be delivered, and that we ratify that as a consent agenda item on our next regular meeting. Motion carried unanimously.

ADJOURN: Commissioner Houck adjourned the meeting at 10:40 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

Note: For all the details of each resolution including any exhibits, please refer to gunnisoncounty.org

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2024-26**

**A RESOLUTION ADOPTING THE GUNNISON COUNTY ATTORNEY SETTLEMENT AUTHORITY
POLICY**

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, the Gunnison County Board of County Commissioners finds that authorizing the County Attorney, the Deputy County Attorney, and/or the Assistant County Attorney to compromise smaller civil claims against the County will result in increased operational and business efficiency;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the attached Gunnison County Gunnison County Attorney Settlement Authority Policy (Exhibit A) is adopted, effective on July 2, 2024.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 2nd day of July 2024.

July 2, 2024

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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