MINUTES OF A REGULAR BOARD OF COUNTY
COMMISSIONERS MEETING
GRAND COUNTY, COLORADO

James L. Newberry – Commissioner District 1; Nancy Stuart – Chairman – Commissioner District 2; Gary Bumgarner, – Commissioner District 3; Lurline Underbrink Curran, County Manager; Anthony J. DiCola, County Attorney; and Sara L. Rosene, County Clerk and Recorder.

June 16, 2009

The Regular Board of County Commissioners’ Meeting was called to order at 8:30 a.m.

Department heads present for the Board Business portion of the meeting was Ken Haynes, Kris Manguso, Scott Penson, and Rod Johnson.

General Business

Commissioner Newberry moved to approve the minutes of the Regular Board of Commissioner’s meeting of May 26, 2009.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2009-6-1, “A RESOLUTION GRANTING FINAL ACCEPTANCE OF THE SUBDIVISION IMPROVEMENTS FOR THE GROGAN ESTATES MINOR SUBDIVISION, LOCATED IN THE SE1/4SW1/4 SECTION 34, TOWNSHIP 2 NORTH RANGE 76 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO AND DIRECTING THE GRAND COUNTY TREASURER TO RELEASE ESCROW FUNDS IN THE AMOUNT OF $473.00 BEING HELD AS WARRANTY SECURITY FOR THE SUBDIVISION IMPROVEMENTS”

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2008-10-48, “A RESOLUTION APPROVING THE RENEWAL OF AND AMENDMENT TO THE SPECIAL USE PERMIT FOR THE EVANS HOLDING INC. GRAVEL PIT, NOW KNOWN AS THE OVERLOOK MINE, LLC GRAVEL PIT, LOCATED IN THE WADSWORTH OUTRIGHT EXEMPTION IN PART OF THE S1/2NE1/4 OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 79 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO” and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2009-5-41, “A RESOLUTION APPROVING THE TOTH OUTRIGHT EXEMPTION FINAL PLAT, A FIVE-ACRE PARCEL OF LAND LOCATED IN A PART OF THE E1/2SE1/4 OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 78 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO” and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Newberry moved to approve Resolution No. 2009-5-42, “A RESOLUTION DENYING AN AMENDMENT TO THE ELLIE AND DAISY’S ADVENTURE PARK, LLC DBA COLORADO ADVENTURE PARK SPECIAL USE PERMIT, WHICH PERMITS THE OPERATION OF A COMMERCIAL OUTDOOR RECREATION AREA LOCATED IN THE SE1/4 OF SECTION 19 AND THE NE1/4 OF SECTION 30 TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, GRAND COUNTY, COLORADO”

The motion passed unanimously.

Ms. Manguso stated that she was contacted by an individual from Hospice. They are going to hold a fundraiser that will allow people to pledge money for people swimming across Grand Lake. The County does not require a permit for this activity.
General Business

The Sheriff’s Office has contacted local companies for a bid for flat work at the Grand County Animal Shelter and in particular the forming, pouring and finishing of concrete for Phase 1, Phase 2 and Phase 3.

Commissioner Newberry moved to approve the Construction Contract between Grand County and T & C Concrete, Inc. for the flat work at the Grand County Animal Shelter in the amount of $8,711.

The motion passed unanimously.

Commissioner Newberry moved to approve and authorize the Chair to sign the Construction Contract between Grand County and Tolin Mechanical Systems Company in the amount of $18,855 for the heating and cooling in the Sheriff’s Building.

The motion passed unanimously.

Scott Penson stated that F & D put together a cost estimate for remodeling of the kitchen in the jail. Mr. Penson stated that he spoke with Mr. Ficken last week and Mr. Ficken is aware that the total cost cannot exceed what was allowed by the Commissioners.

Commissioner Bumgarner stated that the Board wants Mr. Penson to look at what is being done at the jail so the County does not have to do things that are not required by law. Mr. Penson stated that he has not seen the final tally. Mr. Penson noted that Todd and Teri Ficken have spoken with the State Health Department regarding the requirements for the hand sink.

Mr. Penson stated that he understands that a new exhaust hood is being installed. The hood will have a fire suppression system in it.

Granby Heating and Sheet Metal will be providing an estimate on supplying makeup air for the exhaust hood.

Jim Campbell is the contact person from the Sheriff’s Department.

General Business

Public Health Nurse Administrator Tina Strang presented the Board with the Community Services Block Grant – Regular Funds. The Status of the grant is that Grand County is receiving carry-over/additional funds from 2008 – 2009. Following is the synopsis from Ms. Strang:

- There are two contract amendments
- The first one shows the amount spent in the 08-09 budget
- The second one shows the increase in the 09-10 award
- Three copies of each contract amendment need to be signed

Fiscal information:

- We had carry-over funds of $20.89 from the 08-09 budget
- We have an increase in the 09-10 budget of $946.89

Ms. Strang recommended that the Board sign the Amendments. One amendment is for $13,230.89 and the other is $11,929.41.

Commissioner Newberry moved to authorize the Chair to sign the Contract Amendment with the Department of Local Affairs and Grand County.

Discussion: Commissioner Newberry noted that this is a total contract change of $20. He wondered how much paperwork and time the County puts in for a $20 change. He added that there is something wrong with the system.

The motion passed unanimously.
Ms. Strang presented the Board with the PPS Plus Software’s ICD-9 coding and OASIS review services. The synopsis and fiscal information is as follows:

Synopsis:
- With new staff there is a lack of expertise in coding
- Training is not offered until September
- These two months of services will be used as training sessions for staff. Information received will be retained for future training of staff
- This will increase our OASIS accuracy

Fiscal:
- This service is $300 per month for six assessments
- We will only have this service for two months

Ms. Strang recommended that the Board approve the contract.

Commissioner Newberry moved to authorize the Chair to sign the contract between Grand County Home Health and PPS Plus Software for coding in the amount of $300 per month.

The motion passed unanimously.

Commissioner Newberry reported that he attended the Regional Advisory Committee Meeting for the Council On Aging. Commissioner Newberry stated that Commissioner Stuart has been appointed to a committee regarding transportation issues.

General Business

Adam Gosey of the East Grand Fire District presented the Board, for the Board’s review, a proposed list of names to serve on the Grand County Fire Code Adoption and Revision Commission. Commissioner Newberry stated that he believes that there should not be two Commissioners on the Fire Code Adoption and Revision Commission. Commissioner Bumgarner stated that he does not see a member of the public on the list. Mr. Gosey stated that there is one person and the Commissioner would represent the public.

Commissioner Bumgarner stated that just because the Commissioner is going through the process, it does not mean that a Code will be adopted. Mr. Gosey stated that he understands that the Commission is to review the code and make a recommendation to the Board of Commissioners.

Mr. Gosey stated that notice of the meetings will be made in accordance with the open meetings law.

The proposed representatives are:

Scott Penson, Kris Manguso, Gary Bumgarner, Mike Conger, James Cautrel, Jason Allen, Brad White, Adam Gosey, and Toney Tucker.

Commissioner Newberry moved to approve the representatives to the Grand County Fire Code Adoption and Revision Commission appointing Gary Bumgarner as the County’s representative and Nancy Stuart and James Newberry as alternates.

The motion passed unanimously.

Road and Bridge Update

Bill Clark provided the Board with a Services Contract with James Enterprises Inc. for Board approval.

Commissioner Bumgarner moved to enter into a Services Contract between Grand County and James Enterprises Inc. to acquire an Archaeological Survey for a segment of County Road 402 in an amount not to exceed $1,000.

The motion passed unanimously.
Commissioner Bumgarner moved to approve out-of-state travel for five truck drivers for five trucks for a salt run to Utah in an amount not to exceed $1,210.

The motion passed unanimously.

Mr. Haynes stated that the Road and Bridge along with the County GIS have 95 percent of the roads in the County with the centerline data complete.

Mr. Haynes stated that it appears that Mr. Bergquist is moving material in accordance with the 60-day timeframe.

Mr. Haynes stated that he asked the County Engineering for a drainage plan for the Bergquist Hill.

The County Road 1 survey is underway. It does not appear that the road is settling a lot. The heavy shoulder is falling away.

CDOT has asked Mr. Haynes for the $50,000 for the sand shed at the Granby shop. Mr. Haynes is waiting for an invoice from CDOT. The County Attorney is reviewing the contract.

The Durablend product seems to be working on County Road 1. Mr. Haynes stated that it does not seem to be washing away with all the rain. Mr. Haynes stated that it does not appear to be slick.

**Board Business**

Commissioner Newberry moved to authorize the Board to sign the letter to Judge Michael O’Hara describing the items that have been completed at the Judicial Building and inquiring about recycling containers and the installation of a vending machine.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign the Request for Military Aerial Support to allow a Black Hawk Helicopter to fly into the Fly-In Pancake Breakfast on July 11, 2009 at 7:00 a.m. at the Kremmling Airport.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign the Additional Insured Listing Form for the Fat Tire Classic July 17 through July 19, 2009.

The motion passed unanimously.

The Board received a letter of thanks from the Town of Grand Lake thanking the Board for all of the leadership that it has shown in the protection of water. In the letter, the town thanked the County for offering $50,000 toward the Bureau of Reclamation scoping study. The town is offering $5,000 toward that effort.

Ms. Underbrink Curran stated that she is concerned over how the MOU is going. She will keep the Town of Grand Lake in the loop regarding the MOU.

Commissioner Newberry stated that he attended a meeting yesterday with the West Slope Proposal Group and there seems to be an issue on the timing on the Stream Management Plan.

Commissioner Bumgarner asked about the proposed growth boundaries for the Town of Hot Sulphur Springs. Ms. Manguso stated that she has sent the Town several requests asking what they would like to see with regard to the growth boundaries. She has heard nothing from the Town. Because she has heard nothing from the Town, she is recommending that the growth boundaries remain the same as they are today.

The Board received a letter from Juanita Straight, President of the Rollins Pass Restoration Association. She is asking the Board to send a letter to of support to open the Needles Eye Tunnel. Ms. Underbrink Curran will look into the matter.
Commissioner Bumgarner stated that at CCI there was a discussion of the outward appearance of government spending and putting constraints on people taking County vehicles home. Mr. Underbrink Curran stated that the only people that do that who work for Grand County are involved in public safety.

Ms. Underbrink Curran stated that Windy Gap pumping started on the 10th. As of yesterday at 12 a.m., the County pumped 2,100-acre feet. The County has budgeted $70,000 for pumping. The County can pump at 3,400-acre feet. The County has 401-acre feet left from last year. If Granby fills and spills next year, Grand County’s water is the first water to go. The County has almost 3,900-acre feet of water to either move or pay another 10 percent shrink. The Board would like to pump 3,400-acre feet.

Board Business

Chairman Stuart noted that the Board received the monthly report for the Building Permits. Chairman Stuart mentioned that year-to-date the County has issued 14 building permits. For the same period of time in 2008, the County issued 48 permits. The dollar valuation for permits year-to-date is $7,109,216 and was $17,811,450 for the same period in 2008.

Calendar

<table>
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<th>Event</th>
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<tr>
<td>June 16</td>
<td>Open House at 6:00 p.m. at the Granby Fire Station</td>
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<tr>
<td>June 17</td>
<td>Meeting in Idaho Springs at 8:00 a.m.</td>
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<td>June 18</td>
<td>Builders Association meeting at SilverCreek at 5:30 p.m.</td>
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<td>Meeting with Ted Armstrong at 9:00 a.m.</td>
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<td>June 19</td>
<td>Stream Management Plan meeting at 1:30 p.m. at the Idaho Springs City Hall</td>
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<td>June 19/20</td>
<td>Colorado West Mental Health</td>
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<td>June 20</td>
<td>Selling Tickets at the Mud Bog at 1:00 p.m.</td>
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<td>June 21</td>
<td>BBQ at the Kremmling Town Square at noon</td>
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<tr>
<td>June 24</td>
<td>Meeting to discuss the 2010 DA Budget at 11:00 a.m. – Routt County Courthouse</td>
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<tr>
<td>June 25</td>
<td>Irrigators meeting from 1:00 p.m. to 3:00 p.m. at the Extension Hall in Kremmling</td>
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<td>July 10</td>
<td>Workshop at Road and Bridge Office in Granby at 7:00 a.m. to discuss 7-day schedule, landfill building, landfill slough</td>
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<tr>
<td>July 23 – 24</td>
<td>Colorado Water Workshop in Crested Butte</td>
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<td>August 13/14</td>
<td>Water tour for Aurora</td>
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Remodel Issues

Mr. Ficken reported that the abatement work started today and will take three to four weeks. They have always been ahead of schedule, so it may not take four weeks.

The County received two audio/visual proposals. Mr. Ficken will be sending the proposals to the County Manager next week.

The texturing is being done today on the first floor of the west wing. After that, the painting and flooring will be done. That area should be ready in approximately three weeks.

Mr. Ficken stated that the work has been done on the front steps. There is brick work to be done along the side of the steps. When the brick work is done for the windows, the steps will be fixed.

Mr. Becker is keeping track of the warranty logs on the Judicial Building. Mr. Ficken would like to gather up the warranty work for the Judicial Building and have all the work done in one day. This would not apply to critical issues. Ms. Underbrink Curran asked Mr. Ficken to look into the matter of the surge protector. There continues to be a problem with the electrical system.

Mr. Ficken stated that surge protector has a test function. The test function indicates that the surge protector is working correctly. Ms. Underbrink Curran stated that the metal detector was “fried” by the electrical system. Mr. Ficken will look into the matter further.
Mr. Ficken stated that he is reviewing the square footage that is complete. Mr. Ficken stated that the interior remodel is 67 percent complete based on a financial standpoint. Ms. Underbrink Curran stated that she does not believe that the work is 67 percent complete; it is much less. Commissioner Bumgarner concurs with Ms. Underbrink Curran.

Mr. Becker stated that he should have a better understanding at the end of next week as to when the project will be complete.

Mr. Ficken is working on PCOs for the next meeting.

Mr. Becker stated that the work on the Judicial Building floor will take place on July 17. That date has been confirmed with the Court Clerk.

Mr. Becker stated that he will get information from Custom Environmental as to the cost of the abatement on the final phase.

Mr. Becker stated that Big Valley is in the process of removing all of the construction material from the west end of the building.

Treasurer’s Report

Commissioner Bumgarner moved to approve Resolution No. 2009-6-2, “A RESOLUTION AUTHORIZING THE GRAND COUNTY TREASURER TO INVEST IN CDARS (Certificate of Deposit Account Registry Service)”

The motion passed unanimously.

County Treasurer Christina Whitmer provided the Board with the monthly Treasurer’s report.

Ms. Whitmer stated that foreclosures are up another 128 percent.

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on June 17, 2009, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Bumgarner moved to approve and sign the General Warrants and Social Services Warrants to be paid on June 17, 2009.

The motion passed unanimously

Attorney Items

Commissioner Bumgarner moved to authorize Elwin Crabtree and Brian Reynolds as arbitrators for the 2009 Board of Equalization hearings.

The motion passed unanimously.

Mr. DiCola stated that the IRS is auditing Grand County. The Sheriff’s office paid some employees as independent contractors for the Lake Granby boat patrol. One of the County’s employees complained to the IRS. The County is being audited on all of its contracts and how the County pays people. Mr. DiCola recommended that the auditor for the County be present for the audit. Ms. Underbrink Curran stated that the employee did not get assigned to the duty. The employee volunteered for the work. The hourly wage for the contract was significantly higher than the employee would make at their regular job.

Commissioner Newberry moved to authorize the Chair to sign the Amendment to the Service Contract between Grand County and Organizational Development Services for the extension of time to complete the salary survey to complete by July 30, 2009.

The motion passed unanimously.
Commissioner Newberry moved to authorize the Chair to sign a Construction Contract between Grand County and Dillon and Daughters, Inc. to build the Board table in the amount of $8,235.

Discussion: This includes labor and materials.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign a Construction Contract between Grand County and Gregory Electric, Inc. to install sensor lighting in the Judicial Center basement in the amount of $950.

The motion passed unanimously.

Commissioner Bumgarner moved to authorize the signature of the Chair on Construction Contract between Grand County and Precise Stripping, LLC for Kremmling-McElroy Airfield Fog Seal and Restriping in the amount of $52,398.

Discussion: Most of the funds being expended are from a Federal grant.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to execute a Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey for monitoring on Grand Lake.

Discussion: The County’s portion of the contract comes from the Water Quality Fund in the amount of $2,153 and U.S.G.S. is putting in $1,347.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign Amendment #1 to Memorandum of Agreement for Algal Toxin Monitoring program between Grand County and the Bureau of Reclamation.

The motion passed unanimously.

Commissioner Bumgarner moved to authorize the Chair to sign the Grant Agreement for project number 3-08-0034-10 for McElroy Field for the counterpoise system in the amount of $69,000.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign the Payment Application No. 9 in the amount of $159,183.72 to Big Valley Construction.

The motion passed unanimously.

Ms. Underbrink Curran stated that Northern has tied the extension of the County’s contract on the gravel pit near Willow Creek on the water deal.

Ms. Underbrink Curran reported that she sent in the CIP Plan for the two airports last week. The grants from the state will be based on the CIP. The CIP was sent to the Airport Advisory in advance asking for comments. Ms. Underbrink Curran reported that she received no comments from the Airport Advisory.

The Town of Winter Park has asked if the County would waive the requirement in the Special Use Permit for Denver Water’s maintenance facility on County Road 72 for road fees. Ms. Underbrink Curran stated that the only thing she could find in the permit is the condition that says if the County ever applies Magnesium Chloride to the road, Denver Water is subject to paying its proportional share. The County has never charged Denver Water anything. Now Winter Park wants the County to waive that out of the Special Use Permit because Winter Park is trying to get an easement with Denver Water for a tank.

Ms. Underbrink Curran stated that if the County were to waive that fee, the County would need to hold a public hearing.
Attorney Items

Mr. DiCola stated Jerrod Bistra, Charlie Carol, Chris Bergquist, and Gary Redfield are willing to serve on the Community Board for Tabernash Meadows Water and Sanitation District. Mr. DiCola stated that the County will need to fund Mr. Sheppard as a consultant for the Community Board for 2009. Mr. DiCola would like to find one more member.

Mr. DiCola stated that with regard to Tract M, Mr. Hogan wants a $1,382,810 deduction for making a donation to the County. Mr. DiCola does not believe that a donation to the residents is tax deductible. It is not a donation to the County.

Mr. DiCola stated that he reviewed the contract with the State for the sand barn. Mr. DiCola stated that the County is putting $85,000 of in-kind service into the building and $50,000 in cash. The contract from the state says that the state can terminate the contract at any time, kick the County out, and pay the County $1,000 per year for 50 years to get the $50,000 back. The County would not be able to recoup the $85,000. Mr. DiCola is making changes to that contract.

Mr. DiCola stated that in the Trestle, the Defendants filed a motion to join the HOA. Mr. DiCola did not object to that.

Mr. DiCola stated that the County has various EEOC Claims going on right now. There will be depositions in the next couple of weeks.

Mr. DiCola stated that he has appealed some unemployment cases.

Mr. DiCola stated that at this time, the County has a 5 percent local bidder preference with regard to contracts. The Road and Bridge Department would like to change that to 2 percent for larger contracts.

Social Service Update

Commissioner Bumgarner moved to approve childcare payroll for April and May 2009.

The motion passed unanimously.

Commissioner Bumgarner moved to enter into a Contract for Legal Services with Anthony J. DiCola for Child Welfare in the amount of $125 per hour.

The motion passed unanimously.

Commissioner Bumgarner moved to enter into a Contract for Legal Services with Robert Franek for Child Welfare in the amount of $125 per hour.

The motion passed unanimously.

Mr. Chambers stated that both attorneys do a very fine job for Social Services.

Commissioner Bumgarner moved to enter into a Social Service contract for supervised parenting time with Routt County Supervised Visit-Safe Exchange in the amount of $45 per hour for supervised parenting time and $35 per hour for case management with a total contract amount not to exceed $1,500.

The motion passed unanimously.

Commissioner Bumgarner moved to enter into a Social Service contract for intensive family therapy with Jamie Viefhaus-Zak for facilitation at $75 per hour and care coordination at $35 per hour with a total contract amount not to exceed $3,500.

The motion passed unanimously.

Commissioner Bumgarner moved to enter into a Substance Abuse Treatment Services Contract with Redwood Toxicology Laboratory with U.A. testing at $25 each and mouth swabs at $12.50 each.
The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for Intensive Family Therapy with Amy Thomasson for individual counseling at $85 per hour, family counseling at $90 per hour, group therapy at $40 per hour per client, care coordination at $35 per hour, and court testimony for a total contract amount not to exceed $12,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for intensive family therapy with Martha (Chris) Drake Young for individual counseling at $85 per hour, family counseling at $90 per hour, group therapy at $40 per hour per client, care coordination at $35 per hour, and court testimony at $80 per hour with a contract amount not to exceed $3,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for mental health services with Kathleen Henken for individual counseling at $100 per hour, family counseling at $100 per hour, court testimony and authorized preparation time at $76 per hour, parent-child interactions at $100 per hour, psychological testing at $100 per hour with a contract amount not to exceed $5,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for life skill services with Kenna Clements for life skill services at $35 per hour and care coordination at $35 per hour in an amount not to exceed $5,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for intensive family therapy with Mary Entrican for individual counseling at $85 per hour, family counseling at $90 per hour, group therapy at $40 per hour per client, care coordination at $35 per hour, and court testimony at $80 per hour with a total contract amount not to exceed $10,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for life skill services with Annette Joy Fish Dugwyler for life skill services at $35 per hour and care coordination at $35 per hour for a total contract amount not to exceed $5,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract for core services with Richard R. Boersma for psychological assessment/intervention at $80 per hour with a total contract amount not to exceed $900. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract with Arapahoe/Douglas Mental Health Network for individual and family assessment for $210 for 2 hours, psychiatric evaluation at $160, individual and family counseling at $105 per hour, group therapy at $45 per hour per client, medical management at $80 per hour, care coordination at $35 per hour with a total contract amount not to exceed $5,000. The motion passed unanimously.

Commissioner Bumgarner moved to enter into a contract with Mike Haas and Mary Haas for core services for individual counseling at $85 per hour, family counseling at $90 per hour, psychological exam at $76 per hour, care coordination at $35 per hour, court testimony at $80 for a total contract amount not to exceed $25,000. The motion passed unanimously.
Commissioner Bumgarner moved to enter into an Intergovernmental Agreement between Grand County, Jackson County, Moffat County, Rio Blanco County, and Routt County concerning Joint Cooperation for Child Welfare Substance Abuse and Mental Health Core Services.

The motion passed unanimously.

Mr. Chambers stated that he presented the Jackson County Commissioners with a proposed Purchase of Service Agreement between Grand and Jackson Counties. The proposal from Mr. Chambers to Jackson County will double the amount Jackson County will need to remit to Grand County for services. Mr. Chamber stated that the Jackson County Board will review the proposal.

Mr. Chambers presented the Board with the Grand County statistical report.

From January through April 2009 collected $297,654.54 and have 274 cases open, up 11 percent over last year.

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<th>Income Maintenance</th>
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<td>Adult Medicaid</td>
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<td>Adult Financial Assistance</td>
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<td>Family Med.</td>
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<td>Workforce Development</td>
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<td>Employment First</td>
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Caseloads up 51.1 percent  Total: 559 cases

March 2009 Food Assistance issued in Grand County: $35,643
March 2009 Medicaid services reimbursed in Grand County: $65,219.38
LEAP benefits paid to Grand County residents thru March 2009: $58,193.28
Colorado Works expenditures July 2008-March 2009: $89,477.58
Child Care Assistance July 2008 – March 2009: $72,087.87

Child Welfare: In process of licensing three to four new foster homes. The County is down to one who only took infants. There have been a lot of referrals. There was a shelter hearing for two children (siblings) yesterday who were placed in kinship care. We have recently placed at least 6 children in adoptive placements, five of which are in relative homes.

Housing Authority

The Board convened a special meeting of the Grand County Housing Authority.

Meyeraan Subdivision Exemption Sketch Plan

The following is all or part of staff’s Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on June 16, 2009.

RE: Meyeraan Subdivision Exemption – Sketch Plan
APPLICANT: Circle M Holdings, LLC a Colorado limited liability company – Charles Meyeraan
LOCATION: A Tract of land in the North1/2 of Section 28 Township 2 North, Range 76 West of the 6th P.M., Grand County, Colorado
ZONING: Forestry and Open (F)
APPLICABLE CODE: Subdivision Exemption Regulations, Zoning Regulations and Master Plan
STAFF CONTACT: Lori Clement
REQUEST: The applicant is requesting approval of a Subdivision Exemption to split 5.04 acres from a 75.78 acre parcel of land.

DISCUSSION

The Applicant is requesting to split 5.04 acres from a 75.82 acre parcel of land located north of Granby off of Hwy. 34. The title to this 75.82 acre property is currently vested in Circle M Holdings, LLC, a Colorado limited liability company by virtue of the Warranty Deed from Joe M. Ramsey and Doris M. Ramsey recorded October 23, 2006, at Reception No. 2006011295 of the Grand County, Colorado real property records.

Charles Meyeraan (“Applicant”) is the registered agent for Circle M Holdings, LLC. The purpose in creating the 5.04 acre parcel, which includes an existing single family home, is to sell the property to his son and family. The single family home is separated from the majority of the remaining parcel by a large and steep hillside. The Applicant has future plans of building a retirement home beyond the steep hillside where the property levels out.

The plat shows two (2) existing wells on the remaining 70.78 acre parcel, one (1) being a stock well, Permit No.36972. The other well is a domestic well, Permit No. 36973, which serves the existing single-family home on the proposed Subdivision Exemption. The plat shall indicate that Permit No. 36972 is a Stock Well and Permit No. 36973 is a Domestic Well. An easement has been shown on the plat for the waterline and domestic well and a draft easement has been provided. All legal documents shall be reviewed by the Grand County Attorney’s office.

Access to the property is through a private easement that comes off Highway 34. This easement was dedicated on August 28, 1937, recorded at Book 85 Page 44, and dedicated on December 11, 1967, at Book 159 Page 188. The recorded easements do not indicate a specific width; however, the plat dedicates twenty-five (25) feet for that part of the easement which traverses the Subdivision Exemption parcel.

In Staff’s opinion, this Subdivision exemption request would not create excessive impacts to the surrounding area. The single family home already exists, and therefore the area would remain low-density with no further impacts.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

This property is zoned Forestry and Open (F) as defined by the Grand County Zoning Regulations and located outside of a growth boundary. The purpose of this zone district is to protect lands suitable for agricultural and related uses. Low density, single-family residential uses are permitted in this zone district. The minimum lot size outside of a growth boundary in Forestry and Open is five (5) acres. The proposed Subdivision Exemption parcel is 5.04 acres in size, in compliance with the minimum lot size.

COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

This property is not located within any Growth Areas designated within the Master Plan. The general goal for areas excluded from growth boundaries is to continue to promote areas where rural development may occur, but only when accomplished in a manner where natural resources are preserved. This Subdivision exemption request will divide one (1) single-family residential lot from an existing 75.82 acre parcel. Areas outside of designated growth areas are not restricted from any further residential development, however, said development must be low-density and in accord with the surrounding environment. In Staff’s opinion, this request is in compliance with the intent and purpose of the Master Plan, as low-density residential development will result.

COMPLIANCE WITH THE SUBDIVISION EXEMPTION REGULATIONS

Section 2.3 LOTS

(2) As a minimum requirement, Lot dimensions shall conform to applicable zoning or other land use requirements. In addition, each Lot shall have a minimum area of two and four tenths (2.4) acres.

The proposed Subdivision Exemption parcel consists of 5.04 acres in size, therefore, this request meets the minimum Lot size requirement of 2.4 acres as required within the Grand County Subdivision Exemption Regulations.

3.2 SKETCH PLAN
(2) The sketch plan shall contain or be accompanied by the following information:

(a) Proposed name of the exempted tract.
This request is named:

Meyeraan Subdivision Exemption
A Tract of Land in the North One-Half of
Section 28, Township 2 North, Range 76 West of the 6TH P.M.
Grand County, Colorado
Ownership Recorded At Reception No. 2006-011295

(b) A correct legal description of the entire property to be divided.
A correct legal description has been provided.

(c) The names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any.
The applicant has provided proper contact information.

(d) Date of preparation, scale and north sign (designated as true north).
A scale, date of preparation, north sign and vicinity map are shown on the Sketch Plan.

(e) Location and approximate dimensions for all proposed street rights-of-way, easements and lot line.
There is a proposed waterline easement shown on the plat. Dimensions of the waterline easement shall be noted on the plat.

(f) Location and principal dimensions for all existing streets, alleys, easements, water courses, and other important features within and adjacent to the tract to be divided.
Twenty (20) foot utility easements are shown on the rear and side property lines. The twenty (20) foot Mountain Parks Electric Easement as dedicated by Reception No. 94010591 is shown. A right-of-way easement for Mountain Parks Electric dedicated by Book 388, Page 284 is shown. The access easement as dedicated by Book 85 Page 44 and Book 159 Page 188 is shown as well as the twenty-five (25) foot access easement per the plat.

(g) The names of abutting subdivision and the names of the owners of abutting unplatted properties.
The names of the abutting property owners are shown on the sketch plan as required.

(h) Approximate acreage of all Lots to be created by the division of land.

Subdivision Exemption Lot – 5.04 acres

The Subdivision Exemption Regulations require a minimum lot size of 2.4 acres, therefore, this request is in compliance.

(i) Relevant site characteristics including the existence of any special natural or man made hazards.
The plat shows the existing single family home, storage shed and wells. There are no special natural or man made hazards in association with this property.

(j) Certified notice that the mineral estate owner has been notified pursuant to C.R.S. 24-65.5-101 et al.
The Applicant has provided the required certificate of notice to mineral estate owners.

(k) A current title insurance commitment.
The Applicant has provided a current title commitment with an effective date of March 31, 2009. The plat shall indicate the correct date of the Title Commitment “March 31, 2009”. The title is currently vested in Circle M Holdings, a Colorado limited liability company. There are two (2) Deeds of Trust indicated in the title work. One (1) for Joe M. Ramsey and Doris M. Ramsey to Circle M Holdings, LLC, dated October 16, 2006 and recorded at Reception No. 2006-011297. The second Deed of Trust is for Grand Mountain Bank, FSB to Circle M Holdings, LLC, dated April 21, 2008 and recorded at Reception No. 2008-004034. Signature blocks for both lien holders are shown on the plat. A modified Deed of Trust or release of Deed of Trust shall be required prior to recording.

STAFF COMMENTS

Grand County is concerned about the impact of development on water quality and quantity within the county. Because there is a single family home on the property the development impacts already exist and therefore the water quality fees for this development are waived.

County Subdivision Exemption Regulations designate the following formula to be used to calculate school fees in lieu of dedication of land areas. Per acre price has been determined by using an average of comparable lots in size to the proposed five (5) acre parcel. Those specific lots and purchase prices are listed below.

5.6 acres for $70,000.00
5.7 acres for $55,000.00
5.9 acres for $102,000.00

The average for the above acres is: 5.73 acres

The average price for the above acres is: $75,666.00

Therefore, the average price per acre used in the calculation below shall be: $13,205.24

1 lot
1 x .50 = 0.5
0.5 x .0691 = 0.0346
0.0346 x $13,205.24 per acre = $456.00 in school fees.

School fees in the amount of $456.00 shall be paid at the time of Final Plat recording.

Emergency impact fees are required if a new lot is created through the Subdivision Exemption process. Fees in the amount of $677 for Grand Fire Impact Fees shall be paid prior to recording any Final Plat.

A certificate showing taxes paid, both past and present, shall be provided with any final plat recording.

A modified Deed of Trust or release of Deed of Trust for both liens shall be provided prior to recording the final plat.

PLANNING COMMISSION COMMENTS

The Planning Commission unanimously approved the Meyeraan Subdivision Exemption per Resolution No. 2009-5-1.

There was discussion regarding the location of the well serving the Subdivision Exemption being outside of the parcel. There was concern that future disputes may occur as to how the easement is used and what repairs could be done.

STAFF RECOMMENDATION

Staff recommends approval of the Meyeraan Subdivision Exemption with the following conditions to be met prior to recording the final plat:

1. A plat note shall be added that only one (1) solid fuel burning device is allowed on the property.
2. Dimensions of the waterline easement shall be noted on the plat.
3. The plat shall indicate the correct date of the Title Commitment, “March 31, 2009”.
4. The plat shall indicate that Permit No. 36972 is a Stock Well and Permit No. 36973 is a Domestic Well.
5. A modified Deed of Trust or release of Deed of Trust shall be required prior to recording.
6. Fees in the amount of $677 for Grand Fire Impact Fees shall be paid prior to recording any Final Plat.
7. School fees in the amount of $456.00 shall be paid prior to recording any Final Plat.
8. The Applicant shall provide tax statements showing current taxes paid.
9. An electronic disc in AutoCAD.dwg or AutoCAD.dxf which contains the physical features of the Subdivision exemption parcel shall be provided.

All legal documents are subject to the review and approval of the County Attorney.

[End of Staff’s Certificate]

The applicant has no additional information or any questions.

Commissioner Bumgarner moved to approve the Meyeraan Subdivision Exemption Sketch Plan as presented by staff.

The motion passed unanimously.

C Lazy U Ranch, Inc. – Liquor License Renewal, Manager Registration, and Entity Name Change

Chief Deputy County Clerk and Recorder Sandra Renfroe provided the following information:

The following items are being submitted for approval by today:

1. Renewal of Tavern Liquor License (late renewal fee of $500 payable to Grand County has been received)
2. Entity Name Change – C Lazy U Ranch, Inc. now known as M Double Bar Ranch, Inc. The trade name of C Lazy U Ranch will remain the same.
3. New Manager Registration – Chris Koch is being replaced by Dale Heckerson
4. Report of Corporate Changes – Clark O Murray, Margaret O Murray and Jack D. Burton are now deceased. The current officers/directors of M Double Bar Ranch, Inc. are Brian D. Murray, Director/President/Sec/Chairman of Board; Craig R. Murray, Director/V-P and Michael C. Murray, Director.

All fees have been paid to the State and to Grand County and all supporting documentation is in order; therefore, I would like to recommend approval of their request along with the entity name change, new manager registration and report of corporate changes.

[End of Staff’s Report]

Mr. DiCola stated that as part of the Sheriff’s letter, Mr. Heckerson forgot to advise this Board that he got a DWAI several years ago. Mr. Heckerson corrected the application and Mr. DiCola stated that he feels that Mr. Heckerson has now resolved the matter.

Commissioner Newberry moved to renew the Tavern Liquor License, approve entity name change from C Lazy U Ranch, Inc. to M Double Bar Ranch, Inc., accept the report of Corporate Changes, and approve the Manager Registration.

The motion passed unanimously.

Board Business

Commissioner Bumgarner moved to convene an Executive Session at 1:30 p.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is the County Road 55 and two EEOC claims.

The motion passed unanimously.

Commissioner Newberry moved to reconvene the regular meeting at 1:40 p.m.
The motion passed unanimously.

I, Nancy Stuart, hereby attest that the portion of the executive session during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

I, Anthony J. DiCola, hereby attest that the portion of the executive session during which the Recorder was directed to take no minutes constituted a privileged attorney-client communication.

County Attorney DiCola presented the following resolutions for Board approval:


Resolution No. 2009-6-5, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE SUMMIT COUNTY DETOXIFICATION AND CRISIS INTERVENTION SERVICES AND FACILITY AGREEMENT”


Resolution No. 2009-6-7, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE USE OF A GENERATOR BY THE TOWN OF KREMMLING DURING THE 2009 KREMMLING DAYS CELEBRATION”

Resolution No. 2009-6-8, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE DISQUALIFICATION OF KELLY GRIESECH AS A GRAND COUNTY 2009 BOARD OF EQUALIZATION REFEREE”

Resolution No. 2009-6-9, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT BY AND BETWEEN CUSTOM ENVIRONMENTAL SERVICES, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR HAZARDOUS MATERIAL ABATEMENT”

Resolution No. 2009-6-10, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT BY AND BETWEEN SPURLIN ELECTRIC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE..."
INSTALLATION OF ELECTRICAL SUPPLY TO THE WATER FEATURE AND THE IRRIGATION SYSTEM AT THE GRAND COUNTY JUDICIAL CENTER”

Resolution No. 2009-6-12, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CHILD SUPPORT ENFORCEMENT PURCHASE OF SERVICES AGREEMENT BY AND BETWEEN MAXINE LABARRE-KROSTUE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2009-6-13, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN GRAND COUNTY WATER INFORMATION NETWORK AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR WATER SAMPLING”

Resolution No. 2009-6-14, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN HIGH VALLEY LANDSCAPE, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PROVISION OF VARIOUS PERENNIALS FOR THE GRAND COUNTY JUDICIAL CENTER LANDSCAPE PROJECT”


Resolution No. 2009-6-16, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE PROPOSAL TO USE COMMUNITY SERVICES BLOCK GRANT/AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS FOR JOB READINESS CLASSES”

Resolution No. 2009-6-17, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING THE EXECUTION OF A SERVICES CONTRACT BETWEEN SUNRISE ENVIRONMENTAL, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ASBESTOS CONSULTING SERVICES”


Commissioner Newberry moved to approve Resolution Nos. 2009-6-3 through 2009-6-10 and 2009-6-12 through 2009-6-18 as presented by the County Attorney.

The motion passed unanimously.

Weber Subdivision Exemption Sketch Plan

The following is all or part of staff’s Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on June 16, 2009.

RE: Weber Subdivision Exemption – Sketch Plan and request to allow for driveway installation prior to final plat

APPLICANT: Joel V. Weber

LOCATION: A 54.62 acre tract of land being a portion of the S½ of Section 13, Township 1 North, Range 77 West of the 6th p.m. (Approximately 2 miles west of Grand Elk)
ZONING: Forestry and Open District (F)

APPLICABLE SECTION OF CODE: Grand County Subdivision Exemption Regulations, Master Plan, Zoning Regulations and Road and Bridge Standards

EXHIBITS: Letter of Application; Partial Survey Map; GIS Vicinity Map; Planning Commission Resolution No. 2009-5-2

STAFF CONTACT: Kristen Manguso

REQUEST: The Applicant is requesting approval of a Subdivision Exemption in order to divide 17.07 acres from a 54.62 acre parcel of land. The Applicant is also requesting the ability to begin installation of the driveway.

DISCUSSION:
The Applicant is the owner of approximately 54.62 acres of land known as Tract 11, Orr Survey, recorded at Reception No. 287080 and accessed via CR 566. This request is to divide 17.07 acres from this parcel of land leaving a residual parcel of 37.55 acres in size. Given that the residual parcel is over 35 acres, it will not be a part of this request. Since the 37.55 acre parcel is not included in the Subdivision Exemption, it shall be relabeled as such and the 17.07 acre parcel shall be labeled as Lot 1.

According to title work, this parcel of land is owned by Joel V. Weber and was originally deeded to Joel V. Weber and Kathleen Weber from Alta R. Orr on September 23, 1993 at Reception Number 93010258. Kathleen Weber quit-claimed her interest in the property on February 13, 2007 at Reception No. 2007001765.

The Applicant is also requesting to be allowed to begin driveway construction prior to final plat approval. Section 2.1 (6) of the Grand County Subdivision Exemption regulations states that once submittal of a sketch plan has been made, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners. However, the Board of County Commissioners may authorize site disturbance or installation of required improvements prior to final plat approval. Staff has visited the site and believes that no adverse impacts will result if the Board approves the installation of the driveway prior to final plat.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS:
This tract of land is located within the Forestry and Open Zone District. The minimum Lot size for this zone district outside of a growth boundary as designated within the Grand County Master Plan is five (5) acres, and the intent of the district is for low density single-family residential uses. The proposed Subdivision Exemption parcel is 17.07 acres in size, in compliance with the minimum Lot size.

COMPLIANCE WITH GRAND COUNTY MASTER PLAN:
This tract of land is not located within a rural or urban growth boundary as designated by the Grand County Master Plan. The general goal for the future use of those areas outside of adopted growth areas is to continue to promote these areas as areas where rural development may occur, but only when accomplished in a manner where natural resources are preserved as well. Building architecture is to be compatible with location and the environment, colored to blend in with the surrounding vegetative cover. New developments shall preserve and enhance community appearance and design. In support of this, the following note has been placed on the sketch plan: Earthen tone colors and materials that blend with the natural environment are to be used on the exterior of all structures, including but not limited to, facades, roofs, doors, and trim.

It is also a goal of the Master Plan to ensure that new development is not out of character with the surrounding area with respect to uses and Lot size. The surrounding properties consist of metes and bounds land and subdivision exemption parcels that are similar in size, character and use to this request. With the above in mind, it is Staff's opinion that this development request is not out of character with the surrounding Lot sizes and that the density and use of this subdivision exemption request is consistent with the goals and objectives of the Master Plan.

COMPLIANCE WITH GRAND COUNTY SUBDIVISION EXEMPTION REGULATIONS:
Section 2.3 LOTS

(2) As a minimum requirement, Lot dimensions shall conform to applicable zoning or other land use requirements. In addition, each Lot shall have a minimum area of two and four tenths (2.4) acres.

The proposed Subdivision Exemption parcel consists of 17.07 acres in size, therefore, this request meets the minimum Lot size requirement of 2.4 acres as required within the Grand County Subdivision Exemption Regulations.

3.2 SKETCH PLAN

(2) The sketch plan shall contain or be accompanied by the following information:

(a) Proposed name of the exempted tract.

This request is named "WEBER SUBDIVISION EXEMPTION". The title shall read as follows:

WEBER SUBDIVISION EXEMPTION
A PORTION OF TRACT 11 OF THE ORR SURVEY RECORDED AT RECEPTION NO. 287080
A PORTION OF THE S ½ OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 77 WEST OF THE 6TH P.M
OWNERSHIP RECORDED AT RECEPTION NO. 2007001756

(b) A correct legal description of the entire property to be divided.

A correct legal description has been provided.

(c) The names, addresses, and telephone numbers of the Applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any.

The Applicant has provided proper contact information.

(d) Date of preparation, scale and north sign (designated as true north).

A scale, date of preparation, north sign and vicinity map are shown on the sketch plan.

(e) Location and principal dimensions for all proposed street rights-of-way, easements and Lot lines.

There is a twenty (20) foot easement dedicated to Mountain Parks Electric along the eastern property line and a fifty (50) foot access and utility easement which provides access to Tract 10 of the Orr Survey. The Grand County Subdivision Exemption Regulations require that easements of not less than twenty feet (20') in width shall be provided along rear or side Lot lines for utilities. The location and size of the existing utility easements contained within or adjacent to this property is in compliance with the requirement.

Subdivision Exemption Regulations require that all extension of utility services be placed underground. The following note shall be added to the final plat: All extension of utility services shall be placed underground.

Domestic well permit number 208679 exists on the property. Domestic wells allow for fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the irrigation of not more than one (1) acre of home gardens and lawns, and the watering of domestic animals. In order to retain the ability for horse and livestock watering, the Applicant is requesting approval of a well sharing agreement instead of surrendering the domestic well for two (2) household use only wells. Considering the Weber Subdivision Exemption will result in the well being used to serve two (2) Lots, the well sharing agreement would be within the allowable uses of the existing well. A draft well sharing agreement shall be provided with any final plat submittal. The County Attorney shall review and accept the well sharing agreement prior to recording of any final plat.

The location of the existing well is approximately 1600 feet from the new building site. During the Planning Commission, Staff required the Applicant to provide engineered construction plans and cost
estimates for the necessary upgraded pump and the cost to stub a water line to Tract 1 and any other improvements as required by the engineer. The Applicant has submitted a request for an exemption of this requirement, as well as a written cost estimate which provides for Mr. Weber to do the work himself.

This can be accomplished by a Board of County Commissioners Resolution restricting the Tracts from sale until such time as the improvements are fully completed, then inspected, approved and released by Grand County and any applicable public agencies, or by providing 110% of the total cost of the required improvements through a letter of credit or escrow funds. Complete and comprehensive engineered construction plans and cost estimates, identifying all required improvements, shall be provided prior to recording of any final plat.

(f) Location and principal dimensions for all existing streets, alleys, easements, water courses, and other important features within and adjacent to the tract to be divided.

ROADS

Access to the proposed Lot 1, which is vacant, will be by a private driveway off of County Road 565. Staff has spoken with the County Road and Bridge Department on the status of this County Road and has been informed that the road is a County maintained eighty (80) foot right-of-way and in “excellent condition”. They are requesting no road improvements in conjunction with this request.

The Applicant has platted a building envelope on Lot 1 for the proposed building site which is located on a bluff. Staff has visited the site with the Applicant and discussed that no construction is allowed on slopes of 30% or more. This shall be included as a note on any final plat.

(g) The names of abutting subdivisions and the names of the owners of abutting unplatted properties.

The names of the abutting property owners are shown on the sketch plan as required.

(h) Approximate acreage of all Lots to be created by the division of land.

Lot 1 – 17.07 acres

The Subdivision Exemption Regulations require a minimum Lot size of 2.4 acres, therefore, this request is in compliance.

(i) Relevant site characteristics including the existence of any special natural or man made hazards.

The site predominantly consists of meadows and sagebrush, with a fairly steep, rocky slope on the eastern portion of the site, which levels out where the proposed building envelope is located. The surveyor has shown any slopes in excess of 30% on the sketch plan, and correctly designated this area as unbuildable. The Applicant has provided a driveway design which complies with County driveway standards. Surveyed plans and profiles and cost estimates will be required to be submitted with any final plat that ensures that the proposed driveway to Lot 1 is able to meet county driveway standards.

An erosion/sedimentation and revegetation plan, designed in compliance with applicable County Standards is required to be implemented in conjunction with the construction of the water line and any single-family dwelling and associated disturbance, which must be provided with any building permit application for Lot 1 of the Weber Subdivision Exemption.

An irrigation ditch crosses the southern part of this property, and is shown on the plat. The seasonal drainage ditches run north to south, and tie into the existing irrigation ditch. Mr. Weber has informed me that this ditch is abandoned, however, we have no legal record of this and the irrigation ditch shall continue to be treated as if it is active, including all requirements such as a thirty (30) foot setback from the high water mark. This shall be noted on the final plat.

The proposed twenty (20) foot water line easement for the shared well will cross the drainage ditch, not the irrigation ditch. Grand County has specific regulations regarding the crossing of irrigation ditches, but not drainages. The purpose behind ensuring that irrigation ditch crossings are done properly is due
to the maintenance and cleaning that must take place. Drainage ditches are not subject to such maintenance. Staff would caution the Applicant to ensure that the drainage ditch remains unencumbered though.

A note has been added stating that “Tract 11 is subject to an easement of reasonable width for the operation and maintenance of the existing irrigation ditch”. This is the same language taken from the original Orr Survey plat, and is acceptable. ✓ An additional note shall be placed on the final plat stating that “No impedance of the irrigation ditch or drainage ditch or impedance of the water within the irrigation ditch or drainage ditch is allowed”.

(j) Certified notice that the mineral estate owner has been notified pursuant to C.R.S. 24-65.5-101 et al.

The Applicant has provided the required certificate of notice to mineral estate owner(s) and the name and address of the mineral estate owner.

(k) A current title insurance commitment

A title insurance commitment dated June 1, 2009 has been provided. The commitment shows four (4) Deeds of Trust encumbering the property. The submitted plat has signature blocks for all lien holders as required. If this request is approved, the legal description of the encumbered property will be amended by this request, which requires that either proper releases or amendments to the Deed of Trusts be provided. ✓ Modifications of all Deeds of Trust shall be provided prior to recording any final plat.

STAFF COMMENTS:

✓ In order to address water quality concerns for the long term, if this proposal is approved, the Applicant will be required to provide $1000.00 per Lot, for a total of two (1) Lot. The Applicant will be required to enter into a wastewater water quality agreement as well.

✓ The standard septic system design detail, as approved by Grand County, shall be included on any final plat.

✓ The Applicant will be required to assure and guarantee construction of all required improvements through a Subdivision Improvements Agreement with Grand County. This includes, but is not limited to, utilities, water line improvements and driveway construction. This can be accomplished by restricting the Tracts from sale until such time the improvements are fully completed, then inspected and approved by Grand County and any applicable public agencies, or by providing 110% of the total cost of the required improvements through a letter of credit or escrow funds. ✓ Complete and comprehensive cost estimates, identifying all required improvements, shall be provided with any final plat submittal.

✓ A certificate showing taxes paid, both past and present, shall be provided with any final plat recording.

✓ A 11” x 17” address map showing the address for proposed Lot 1 shall be provided prior to any recording of any approved final plat.

✓ An electronic copy of the final plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any final plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Database should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

✓ The Board of County Commissioners has determined that all land divisions impact the schools in Grand County, therefore, with any final plat approval, and prior to recording of any final plat, the Applicant will be required to provide school fees in the amount of $1,645. This figure was calculated using the formula found in Section 2.10 (6)(2)(a) and (6)(3) as follows:

School Fees Formula Calculation
1 Lots x .50 = 1
.5 x .0691 = .0691 assessable acres
.0691 assessable acres x $11,899.53 per acre = $822.58 per Lot
Total School Fees = $822.58
The per acre price was calculated using assessors data based on sale price for two (2) Lots in the Homestead Subdivision Exemption.

**STAFF RECOMMENDATION:**

Staff recommends approval of the driveway installation prior to final plat submittal in accordance with Section 2.1 (6) of the Grand County Subdivision Exemption regulations.

Staff recommends sketch plan approval of the Weber Subdivision Exemption with the following conditions to be met or sufficiently addressed with any final plat submittal:

1. Since the 37.55 acre parcel is not included in the Subdivision Exemption, it shall be relabeled as such and the 17.07 acre parcel shall be labeled as Lot 1.

2. The title shall read as follows:
   
   Weber Subdivision Exemption
   Tract 11 of the Orr Survey Recorded at Receipt No. 287080
   A portion of the S 1/2 of Section 13, Township 1 North, Range 77 West of the 6th P.M Ownership Recorded at Receipt No. 20070017
   
3. Surveyed plans and profiles and cost estimates will be required to be submitted with any final plat that ensures that the proposed driveway to Lot 1 is able to meet county driveway standards.

4. Complete and comprehensive cost estimates, identifying all required improvements, shall be provided with any final plat submittal.

5. A draft well sharing agreement shall be provided.

6. The standard septic system design detail, as approved by Grand County, shall be included on any final plat.

7. A final plat in compliance with Section 3.3 of the Grand County Subdivision Exemption Regulations shall be submitted.

8. The following additional notes shall be contained on any final plat:

   - No construction is allowed on slopes of 30% or more
   - Only one (1) single family dwelling and incidental structures shall be allowed per Lot.
   - All extension of utility services shall be placed underground.
   - An erosion/sedimentation and revegetation plan, designed in compliance with applicable County Standards is required to be implemented in conjunction with the construction of any single-family dwelling and associated disturbance, which must be provided with any building permit application for Lot 1 of the Weber Subdivision Exemption.
   - There is a 30 foot setback from the high water mark of any ditch.
   - No impedance of the irrigation ditch or drainage ditch or impedance of the water within the irrigation ditch or drainage ditch is allowed.
   - All windows shall have low emissivity glass with no exterior reflective coating. Window specifications shall be submitted with any application for a building permit, subject to the approval of Grand County.
   - One (1) approved solid fuel burning device is allowed per single family residence.
   - Noxious weeds shall be controlled in compliance with the Grand County Noxious Weed Management Plan on file with the Grand County Department of Natural Resources in perpetuity.

9. All final plat requirements are met.

All legal documents are subject to review and acceptance by the County Attorney.
[End of Staff’s Certificate]

Mr. Weber stated that he is pleased with the process. He will be putting his current home up for sale in the very near future. Mr. DiCola stated that Mr. Weber could put the home on the market, but cannot close until this process is complete.

Mr. DiCola reminded Mr. Weber that if he sells, he needs to reserve an easement for the water line. Ms. Manguso stated that the easement is on the plat.

Commissioner Bumgarner moved to approve the Weber Subdivision Exemption Sketch Plan and allow for the request to allow for driveway installation prior to the plat.

The motion passed unanimously.

Ms. Underbrink Curran stated that prior to final plat, the applicant needs to let the Planning Department know that the driveway has been approved.

Todd Hammerlund, ATH Excavating- Grand County Lot on Grand Ave., Grand Lake

John Enochs of Diamondback Engineering & Surveying stated that at the corner of Jefferson and Grand Avenue in Grand Lake, there is a 30-foot by 200-foot piece of land that the County owns. Mr. Hammerlund has a contract on adjacent lots on Jefferson. Mr. Hammerlund would like to take the commercial property (owned by the County) and export a lot of the material. In doing so, it would eliminate the hazardous trees and rocks. The intent is to bring the grade level down to that of Grand Avenue.

If this all works out, Mr. Hammerlund will build a bench several feet down and 12-feet wide along the top of the cliff. The bench would be brought down in front of the other two lots.

Mr. Hammerlund would like to purchase the property from the County. Commissioner Newberry stated that the County needs to determine if it can sell the property. The County may be able to convey the property to the town and then the town can do with it what they see fit. The Town of Grand Lake is in the process of rezoning the County’s property from commercial to public.

Board Business

Mr. DiCola stated that there is an issue with two mobile homes in Moraine Park. Years ago the County divided one lot into two pieces. One of the property owners allowed the other to have a fence, awning, and shed on the other’s property and granted that person an easement. Staff has looked at the property and determined that since this has been divided into lots there is a side yard set back and a backyard set back. Staff does not recognize the easement and is requiring a variance. Mr. DiCola stated that Mr. Newton is asking that the Board of Adjustment fee in the amount of $1,000 be waived for this variance.

Commissioner Newberry moved concerning Lot 49, Moraine Park, that if the variance is taken before the Board of Adjustment, the fee be waived.

Discussion: Mr. DiCola stated that the person who owned Lot 49 came into the Commissioners in 1992 and asked to have the lot divided into Lot 49A and Lot 49B. The Board of Commissioners at that time allowed the division. In 2008, a resolution was done approving this division. Staff expressed a concern with the encroachment.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign the Notice of Award to Acme Electric, Inc. for the McElroy Airfield in the amount of $49,169.50.

The motion passed unanimously

Commissioner Newberry moved to authorize the Chair to sign the Grant Agreement for Granby-Grand County Airport in the amount of $3,800,000, Project No. 3-08-0075-08, Contract No. DOT-FA09NM-1111. The motion passed unanimously.
Commissioner Newberry moved to authorize the Chair to sign the Notice of Award for the Granby Airport in the amount of $3,986,187.50 to PaveTec, Inc.

The motion passed unanimously.

The Board has now been informed that the property in Grand Lake that Todd Hammerlund was asking about was deeded from the property owner to the County. Mr. Hammerlund can make the County an offer and the County can decide if it wants to accept the offer.

There being no further business to come before the Board, the meeting was adjourned at 3:42 p.m. Minutes were taken and prepared by Sara L. Rosene, County Clerk and Recorder. Approved this _____ day of July 2009.

Nancy Stuart, Chairman

ATTEST:

Sara L. Rosene
Grand County Clerk and Recorder

[NOTE: UNLESS OTHERWISE NOTED, ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE ON FILE AND MAY BE REVIEWED IN THE CLERK AND RECORDER’S OFFICE.]