MINUTES – REGULAR MEETING
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
January 6, 2015

Present: Commissioner James Newberry, Commissioner District 1
Commissioner Merrit Linke, Commissioner District 2 – Chair after first Resolution was passed
Commissioner Gary Bumgarner, Commissioner District 3 – Chair at the beginning of the meeting

Also Present: County Manager Lurline Underbrink Curran
County Attorney Jack DiCola
County Clerk and Recorder Sara Rosene
Assistant County Attorney Bob Franek
Finance Director Scott Berger
Road and Bridge Supervisor Ken Haynes
County Planner Kris Manguso
Housing Authority Director Jim Sheehan
County Treasurer Christina Whitmer
IT Director Martin Woros
County Assessor Tom Weydert
EMS Chief Ray Jennings
Juvenile Services Director Kelly Friesen

Those presented recited the Pledge of Allegiance.

Minutes

Commissioner Linke moved to approve the Pole Creek Meadows Public Improvement District minutes from December 16, 2014.

The motion passed unanimously.

Commissioner Linke moved to approve the Minutes of the Regular meeting of December 16, 2014, with corrections.

The motion passed unanimously.

Commissioner Linke moved to approve Resolution No. 2015-1-1, “A RESOLUTION OF ACTIONS NECESSARY TO BEGIN THE WORK OF GRAND COUNTY FOR THE YEAR 2015”

The motion passed unanimously.

Commissioner Linke is now the Chair of the Board of County Commissioners based on Resolution No. 2015-1-1.

Commissioner Bumgarner moved to approve Resolution 2015-1-2, A RESOLUTION CREATING CERTAIN OFFICES FOR THE EFFICIENT MANAGEMENT OF THE BUSINESS AND CONCERNS OF GRAND COUNTY AND APPOINTING CERTAIN INDIVIDUALS TO SAID OFFICES TO SERVE AT THE PLEASURE OF THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY”

WHEREAS, Section 30-11-107 (n), Colorado Revised Statutes, authorizes and empowers the Board of County Commissioners to create by Resolution, the offices of County Manager or County Finance Officer or any other such office as may, in its judgment, be required for the efficient management of the business and concerns of the County;

AND WHEREAS, this Board previously adopted Resolution No. 1974-1-6, creating the office of County Manager;

AND WHEREAS, this Board has adopted Land Use Regulations pursuant to statutory authority relating to, but not limited to, such matters as zoning, subdivision of land, building of structures; and acting as the Board of Health for regulations pertaining to the installation of individual septic systems;
AND WHEREAS, the duties of the Planning Director and the Building Official have been assigned to the Assistant County Manager who is not an appointed official;

AND WHEREAS, Section 30-11-121, Colorado Revised Statutes, imposes upon the Board of County Commissioners responsibility for the maintenance of general accounting records and authorizes and empowers the Board of County Commissioners to appoint a person to maintain such records for purposes of utilizing computer or other record keeping facilities;

AND WHEREAS, Section 43-2-111, Colorado Revised Statutes, provides that the Board of County Commissioners shall appoint a County Road Supervisor to take charge of and be responsible for County roads, all as more fully set forth in the Statutes of the State of Colorado;

AND WHEREAS, Section 30-11-118, Colorado Revised Statutes, provides that the Board of County Commissioners, when the interest of the County requires, may employ an attorney;

AND WHEREAS, Section 26-1-117, Colorado Revised Statutes, provides that the Board of County Commissioners shall appoint a County Director of Social Services who shall be charged with the executive and administrative duties and responsibilities of the County Department;

AND WHEREAS, this Board has determined that it is necessary for the County to establish the office of Juvenile Services for providing appropriate intervention to juvenile offenders for screening and evaluation of individuals being considered for admission into the Diversion Program.

AND WHEREAS, this Board has created a position for Juvenile Services Director who shall be charged with the executive and administrative duties and responsibilities of the County Department.

AND WHEREAS, The Board of County Commissioners of Grand County has previously created the above mentioned positions and appointed persons to carry out the functions of said positions;

AND WHEREAS, the official record creating the positions and appointing the individuals to fill the various positions is set forth in the minutes and resolutions of this Board over the past forty (40) years;

AND WHEREAS, this Board deems it appropriate to adopt a Resolution consolidating and clarifying the previous actions of the Board and specifying the names of those persons previously appointed and now performing the duties of the various positions previously created, and identifying new appointments;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, AS FOLLOWS:

1. That the creation and/or continuance of the following described offices is necessary for the efficient management of the business and concerns of Grand County.

2. That all previous actions of this Board creating the hereinafter described positions, appointing and removing therefrom certain individuals, shall be and hereby are affirmed and ratified.

3. That there is hereby continued the following offices with the County of Grand, State of Colorado, said offices to be filled by persons appointed by the Board of County Commissioners of Grand County, all such persons to serve at the discretion and pleasure of the Board of County Commissioners of Grand County:

   a. County Manager
   b. Director of Finance
   c. Road Supervisor
   d. Human Services Coordinator (Director, Social Services)
   e. County Health Officer
   f. Public Health and Grand County Nursing Services
   g. County Attorney
   h. Emergency Medical Services Chief
   i. Veterans Officer
   j. Information Systems Director
   k. Director of Emergency Management
   l. Director of Juvenile Services
4. That the above created and/or continued positions may be abolished upon resolution of the Board of County Commissioners unless otherwise provided for by Statute.

5. That the following persons shall be and hereby are appointed to perform the statutory duties of the above offices as well as such other duties as may be assigned from time to time by the Board of County Commissioners of Grand County, all such persons to serve at the pleasure of the Board of County Commissioners of Grand County:

   a. Grand County Manager - Lurline Underbrink Curran
   b. Grand County Director of Finance - Walter Scott Berger
   c. Grand County Road Supervisor - Ken Haynes
   d. Human Services Coordinator (Director, Social Services) - Glen D. Chambers
   e. County Health Officer - Edward T. Moyer
   f. Public Health and Grand County Nursing Services - E. Bren Belew-LaDue
   g. County Attorney - Anthony J. DiCola
   h. Emergency Medical Services Chief - Ray Kenneth Jennings
   i. Veterans Officer - Duane E. Dailey
   j. Information Systems Director - Martin Woros
   k. Director of Emergency Management - Ray Kenneth Jennings
   l. Director of Juvenile Services - Kelly L. Friesen

6. If any clause, phrase, word or provision of this Resolution shall be determined invalid by a Court of competent jurisdiction, the Board of County Commissioners of Grand County specifically directs and states that it would have adopted this Resolution with any such provision, clause, phrase or word stricken therefrom and for that reason this Resolution shall be severable.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2015-1-3, “A RESOLUTION SETTING FORTH CERTAIN STATUTORY REQUIREMENTS BY THE BOARD OF COUNTY COMMISSIONERS, GRAND COUNTY, COLORADO, TO-WIT, ACTIONS CONCERNING MEETING DATES; BUILDING CLOSURE AND MEETING SCHEDULES FOR THE YEAR 2015; VENDOR PAYMENT SCHEDULE; LEGAL NEWSPAPER”

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2015-1-4, “A RESOLUTION AUTHORIZING THE COUNTY ASSESSOR TO REVIEW FOR ABATEMENT OR REFUND AND TO SETTLE BY WRITTEN MUTUAL AGREEMENT ANY SUCH PETITION FOR ABATEMENT OR REFUND IN AN AMOUNT OF ONE THOUSAND DOLLARS OR LESS PER TRACT, PARCEL, OR LOT OF LAND OR PER SCHEDULE OF PERSONAL PROPERTY”

Discussion: County Attorney DiCola stated that this allows the Assessor the right to settle abatement cases for $1,000. The statute allows up to $10,000. County Assessor Tom Weydert stated for the record that the state does not care on anything less than $10,000 but he would like the Board to consider something greater than $1,000. County Attorney DiCola said that the change does not have to be done today.

Commissioner Newberry would like a range of something that will work. Assessor Weydert will get on the agenda at a later date to discuss this.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2015-1-5, “A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO SET THE STANDARD MILEAGE RATE REIMBURSEMENT FOR 2015 AND TO SET THE MAXIMUM EMPLOYEE DAILY ALLOWANCE FOR MEALS AND INCIDENTAL EXPENSES FOR 2015”

Discussion: Grand County adopted the IRS mileage rate of 57.5 cents

The motion passed unanimously.
Commissioner Newberry moved to reappoint Melanie Zwick to the Grand County Planning Commission. Her term expired on December 31, 2014.

The motion passed unanimously.

Commissioner Newberry moved to appoint Scott Ledin as a representative to District 1 of the Grand County Economic Development Committee.

The motion passed unanimously.

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on January 7, 2015, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Bumgarner moved to approve and sign the warrants for Grand County to be paid on January 7, 2015.

The motion passed unanimously.

Mr. Berger explained that every year, the Chair is asked to sign a Form W9 for the County of Grand, which is a notification of the County’s Federal Tax ID number for anyone who requests it.

Commissioner Newberry moved to authorize the Chair to sign the request for Taxpayer Identification Number and Certification as presented by the Finance Director.

The motion passed unanimously.

The Treasurer’s report showed that Grand County finished the year with $21.2 million and began the new year with $22.4 million.

Housing Authority

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

General Public Comments/Issues by any member of the public wishing to address the Board

No comments from the General Public.

Departmental Contracts, Comments, Issues

Human Resources Director Colleen Reynolds requested a release of funds for a breathalyzer to replace Road and Bridge’s current unit.

Commissioner Newberry moved to authorize the release of capital for Human Resources in the amount of $2,280.75 as presented by the Human Resources Director

Discussion: This is in the Human Resource budget.

The motion passed unanimously.

Juvenile Services Director Kelly Friesen stated that the 14th Judicial District is one of four Judicial Districts in the Western Region that the Division of Youth Corrections lost the contract that was sent to them. Ms. Friesen asked the Board to re-sign the signature page. Commissioner Bumgarner signed the signature page.

IT Director Martin Woros came before the Board to discuss a reclassification of a position. The position is System Administrator. Mr. Woros would like to move the salary range into from $47,477 to $56,703.80 with an end range of $81,766. This would move the position to a journeyman level systems administrator as supplied by Lee and Burgess. Lee and Burgess performed the most recent salary survey for Grand County.

Ms. Underbrink Curran stated that Mr. Woros asked her about this. Mr. Woros has been trying to hire someone and has talked with other counties around Grand County and found that Grand County is no longer competitive.
Ms. Underbrink Curran had Colleen Reynolds survey the other counties. The information was sent to Lee and Burgess and asked if there was any validity to the information provided by the other counties.

Lee and Burgess reported back that yes, because technology is changing that certain job category have changed in the offering amount. Ms. Underbrink Curran told Mr. Woros that she does not have the authority to say “just do this” and told him to come to the Board.

Commissioner Bumgarner moved for a reclassification from an entry level systems administrator to a journeyman position. The starting salary will move from $47,477 to $56,703.80. The end range of the position is $81,766.

Discussion: Commissioner Bumgarner heard that El Paso and Colorado Springs are losing their people to the metro area because of the pay difference. It is important that we do this.

Commissioner Linke agreed that we need to be able to attract the best people for these positions.

Commissioner Newberry said that his concern is opening the floodgates for every other department. Commissioner Newberry stated that he is hearing this from every department.

County Manager Underbrink Curran said that it would be best to do another full salary survey rather than doing it on a case-by-case basis. It will be the same dated information that way. The cost for doing a salary survey is not in the 2015 budget. The cost was around $18,000 for the salary survey last year.

Commissioner Newberry asked to get with Human Resources and start looking at putting together a request for proposal for a salary survey.

County Manager Underbrink Curran will get more information and come back to the Board.

The motion passed unanimously.

Mr. Berger asked to have a staff meeting with the Commissioners on January 13, 2015.

Board Business

Commissioner Bumgarner moved to expend $10,000 out of the Colorado Trust Fund for the Ceriani Park playground equipment.

Discussion: Commissioner Newberry mentioned that they never see matching conservation trust fund monies from any of the towns and it is the Board’s understanding that they receive funds as well.

Commissioner Newberry amended the motion to $5,000 from District 3 and $2,500 each from Districts 1 and 2.

The motion passed unanimously.

Ed Moyer gave an update on the State sand and gravel lease. The County has received a Special Use Permit application for Kirkland Gravel for that gravel pit at Blue Valley. The mineral rights belong to the State. They have made application to the State Land Board for a mineral rights lease that will be heard in February. Due to the quasi-judicial nature of this gravel pit, the questionnaire that is part of the letter that came out can be signed by either Mr. Moyer or the County Manager.

Grand Fire Protection District has submitted an application for an Outright Exemption for an area across Highway 34 by Highland Marina and they have requested the Board to waive the fees.

Commissioner Newberry moved to waive the fee for Grand Fire Protection District #1 as presented.

The motion passed unanimously.

The County received no response from WAPA (Western Area Power Association) regarding its power line and WAPA is moving forward despite Grand County’s concerns.
Commissioner Bumgarner moved to approve the First Amendment to the contract between Warren Ward and Grand County regarding an extension of the date from January 9 to February 1, 2015. There will be no additional cost.

Discussion: It is hard to survey that area until spring.

The motion passed unanimously.

The Board received a response from Library District concerning the issue that was brought to the Board. The Library District’s next meeting is January 20 at 5:30 p.m. in Granby. County Manager Underbrink Curran got a call from the Library District. They want to talk with the Board of Commissioners individually before the Board goes to a Library Board meeting.

Chairman Linke stated that it seems like it would be better for the Library District to come to a Commissioner’s to talk with the Board.

County Attorney DiCola had conversation with Mr. Newton about the Library District and Mr. Newton believes that the District complies with the Open Records Act.

Commissioner Linke read the following letter to the Board.

Dear Grand County BOCC:

As Grand County’s representative to NACO, I am writing to request funding to attend the National Association of Counties (NACO) Legislative Conference, which takes place February 21-25, 2015 in Washington, D.C.

This annual gathering will attract approximately 1,500 county elected officials and staff from nearly every state in the country. It will be an opportunity to hear from key Administration officials and members of Congress on important issues that affect county government and residents. The conference includes a day of meetings on Capital Hill where attendees will advocate for counties’ federal policy priorities.

NACO is the only national organization that represents county government – rural, urban, large, small, and everything in between. A nonpartisan organization, NACO assists America’s 3,069 counties by amplifying their voices at the national level, connecting local and federal officials and providing tools to address some of the most pressing issues counties face. It promotes sound public policies, fosters innovation, encourages intergovernmental and public-private collaboration and offers solutions to save counties and taxpayers money.

In addition to meetings with lawmakers and other federal officials, the conference will offer exceptional education opportunities. It will provide practical information on a variety of topics including community and economic development, transportation, infrastructure, energy and the environment, justice and public safety, health, human services and financial administration.

The conference fee is $515 but can be reduced to $490 by registering online and before the early – bird deadline of January 9, 2015.

NACO’s Legislative Conference provides Grand County with a seat at the table for our voice to be heard at the federal level. The dynamic education sessions and networking opportunities add tremendous value to attending. The conference will help us work with federal officials and address local needs. It will support the county’s efforts to reduce costs, increase efficiencies and deliver better services to our residents.

[End of letter]

Commissioner Bumgarner moved to expend Grand County resources allowing Commissioner Linke to attend the NACO legislative conference in February, 2015 and expenses associated therewith.

The motion passed unanimously.

Commissioner Bumgarner pointed out that the County did receive a letter from WAPA dated January 6, 2015. Grand County can make its case but it is not going to do any good. The Board expressed its concern with the powerline.

The Board discussed the sale of fuel at the airports.
County Manager Underbrink Curran explained that there are two parts to it; the contract with City Service Valcon says the fuel is only for aviation use and we are not supposed to have any non-aviation vehicles out on the runway without calling in. There are two issues with regard to the sale of fuel.

County Attorney DiCola will look at the contract.

Commissioner Newberry asked if a vendor could buy aviation gas and sell as a private vendor.

County Attorney DiCola said that the contract does indeed state that the fuel shall not be sold to non-aviation users. We will be asking Valcon why that is in there. It is the County responsibility to keep the airport safe.

Commissioner Linke will contact Blackwell.

County Attorney DiCola stated that it may be a liability issue if we are allowing people to put this stuff in their snowmobiles.

Commissioner Linke expressed his appreciation for Commissioner Bumgarner’s service as a County Commissioner. Commissioner Linke added that Commissioner Bumgarner will be missed.

Calendar

January 7  Grand County Rural Health Network meeting at Mountain Parks Electric at 6:30 p.m.
January 9  Tabernash Meadows Water and Sanitation District Workshop at the Winter Park Christian Church at 7:00 p.m.
January 12  Arraignment for Brigid Irish at 1:30 p.m.
January 21  Marion’s legislative breakfast in Idaho Springs at 8:00 a.m.
January 28  Meeting with the Town of Kremmling at 6:00 p.m.
January 28  Pizza Party at the Sheriff’s Office.

County Attorney DiCola explained that if Ms. Irish takes the plea bargain, the County will get to respond twice.

Commissioner Newberry feels that there needs to be a position statement from the Board regarding Brigid Irish. County Attorney DiCola stated that he would write that up for the Board.

County Attorney DiCola said that he felt the Board’s position was that Ms. Irish should go to prison for as long as possible. Commissioner Newberry argued that that was not the Board’s position. The Board feels that Ms. Irish should be tried in front of a jury of her peers and there should be no plea bargain.

County Attorney DiCola said that it is silly for her to go to trial if she pleads guilty.

Commissioner Bumgarner stated that he is more concerned that the citizens of Grand County have their day in court and make the decision, not the District Attorney.

County Attorney DiCola explained that it would not be an appropriate position to take if she agrees to plead guilty to what she is charged with. Juries only determine guilty or not guilty and the judge always decides the punishment. If she is willing to plead guilty then the Board has no complaints and a demand for a jury trial would not be appropriate. One of the things that a judge looks at when sentencing somebody is whether they have admitted the crime and if they are remorseful.

When you say no plea bargain because you want her to stand trial and she could plead to all and be given probation.

The plea bargain did not have all of the charges on it which was a disagreement from the get go. The District Attorney has decided not to pursue every charge and decided not to discuss the case with the Board. Commissioner Newberry does not agree with what is happening here.

Commissioner Bumgarner stated that this was a public employee with public funds. This is not a run of the mill crime. It should be held to a higher level. It needs to be seen as public crime.

Mr. DiCola stated that the court applies that message at sentencing. The court considers three things:
1. Punishment
2. Rehabilitation
3. Needs of society

Commissioner Linke agrees that this is a public employee that stole public funds. It was all over the County and now it looks like this looks like a backroom deal.

The Board wants a trial. The public can see what is going on and it is transparent.

Commissioner Newberry said it might be more of a statement from the Board saying that they believe that the public has the right to know. The Board wants her to go in front of the court.

County Attorney DiCola said that if Irish pleads guilty and gets 20 years that is pretty damn transparent and goes a long way toward healing the problems that she has caused.

Commissioner Linke said that a position statement needs to be two parts; one part that outlines the Board’s position about transparency aspect of the trial.

County Manager Underbrink Curran stated that many other commissions do not always have the advice of very good criminal attorney. County Attorney DiCola can show the Board what is needed in the case.

County Attorney DiCola stated that the Board needs to think about the political climate in Grand County with Judge McClelland. Mary Hoak stands for retention in two years and is very aware of the community’s perception of what she does in various cases. The County Commissioners represent the people of this County. He believes that the judge is going to give an awful lot of weight with regard to the Board’s statement with regard to accepting a plea bargain but the other side of the coin is that the District Attorney could very well get up and dismiss charges.

Commissioner Bumgarner moved to approve a cafeteria plan with Rocky Mountain Reserve.

The motion passed unanimously.

The Accounting Department and Finance Director Berger have been awarded the Government Finance Officers Association award for high form of recognition for governmental accounting and finance accounting.

County Manager Underbrink Curran stated that she needed to discuss the Granby Airport SRE building. She stated that they are not able to heat the concrete to 40 degrees to pour. She asked to extend the contract to April 30 and the Board agreed. The County Attorney, County Manager, and Ed Moyer met with the contractors and got an agreement to extend article 3 of the contract which is the time frame with no additional money. The County laid out a list of things that needed to be done in order to get that contract extension. Ms. Underbrink Curran stated that she went over that in detail with the contractor. Ms. Underbrink Curran told the contractor that all construction material had to be stored in the designated phase 1 area shown on the construction plans. The steel is extended out onto the pavement and needs to be moved back. All the other material needed to be in that area. All the forms needed to be covered so they don’t fill with snow and rain. The contractor let Ms. Underbrink Curran know how that would be done. Ms. Underbrink Curran let the contractor know that all construction material had to be stored in compliance with the 60-06 area section of the contract and that the County would inspect to make sure that everything here had been done. In addition, the County required written verification from their bond counsel that they knew that the contract was being extended and an extension of their liability insurance to cover this time period.

The contractor was supposed to have the physical things done by yesterday. Kevin Cole went up to inspect yesterday and the forms are not covered like they were supposed to be. The contractor has been having a difficult time getting a forklift to move that steel. County Manager Underbrink Curran sent emails to the project manager, Bill Yackanicz. The last communication to the contractor was to have County Attorney DiCola give the Board some advice regarding the extension.

County Attorney DiCola stated that the contract that Armstrong drafted and signed that we never approved does provide that we have the right to terminate the contract. Mr. DiCola was surprised that with this project being bonded with a performance bond, that they were not more tenacious with regard to begging us for an extension of time. County Attorney DiCola stated that the contractor went to Indian Peaks and they cannot rent the warmer and the forklift because the staff onsite did not have a high enough limit on their credit card. County
Attorney DiCola wondered if we should terminate the contract. They are not treating the County like they should.

The contractor was originally supposed to have this done by November 15 but they supposedly ran into problems with their subcontractors. After JBlanco had signed the contract with Grand County, one of their subs pulled out because they didn’t bid it correctly. JBlanco worked with Diamond as a dirt contractor but Diamond moved to Denver in the winter.

County Attorney DiCola said that something else that would enter into the County’s thinking would be the cost of finishing the project. The bond is for the amount of the contract.

County staff can check at noon and see if they have done what they were supposed to do this morning.

If the guy in charge is up here today, the Board would like him in here this afternoon.

The Postal Service is now requiring bar codes on our mail. Any certified mail has to have this barcode on it. The Treasurer has the software package to do this. County staff is working on getting that software system for each department.

Jean Claude Cavalier came in to say that he is having drainage issues on his property. Road and Bridge looked at it but the road is privately maintained. Ms. Underbrink Curran sent the drawing to the Northern District to see if there is anything the District can do.

County Manager Underbrink Curran is going to a Fair Board workshop to decide what to offer with regard to the demolition derby. The Fair Board needs to decide how much to pay for this. The promoters will be at the next Fair Board meeting.

The money will have to run through Grand County. It is the County’s event run by the County’s Fair Board. Ms. Underbrink Curran stated that people were wondering about the accounting of the money coming through the gates.

The contract for this event would be like a contract with any other vendor.

**East Grand Fire Protection District Impact Fee Revision – Public Hearing**

The public hearing scheduled to begin at 11:15 a.m. was called to order by Chairman Linke at 11:18 a.m. County Attorney DiCola set the record.

The following is all or part of staff’s Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on January 6, 2015.

A. East Grand Fire Protection District No. 1 Fire Impact Fee Analysis, dated June 30, 2015
B. Public Notice – Middle Park Times, November 27, 2014
C. Proof of Publication – Middle Park Times, November 27, 2014
D. Map depicting Grand County Fire Protection District No. 4 Boundary
E. Certified Mailing List of Interested Parties, including Towns of Winter Park and Fraser
F. Certified Mailings to listed Interested Parties
G. Public Review Sheets (no signatures)
H. Grand County Board of County Commissioners Resolution No. 2001-10-3
I. Grand County Board of County Commissioners Resolution No. 2005-4-31
J. Grand County Planning Commission Resolution No. 2014-11-3

**RE:** Adoption of a Revised Fire Impact Fee
**APPLICANT:** East Grand Fire Protection District No. 4
**LOCATION:** East Grand Fire Protection District No. 4, County of Grand, State of Colorado
**ZONING:** Not Applicable
**APPLICABLE REGULATIONS:** Grand County Subdivision Regulations, Grand County Subdivision Exemptions Regulations, Grand County Rural Land Use Regulations

STAFF CONTACT: Marcus P. Davis

REQUEST: East Grand County Fire Protection District is requesting to increase their Fire Impact Fee for both residential and commercial structures.

DISCUSSION

The Board of County Commissioners held a public hearing to adopt a policy and procedure to collect Emergency Service Impact Fees for the East Grand County Fire Protection District (EGCFPD) on October 2, 2001 and the fees were enacted pursuant to Resolution 2001-10-3 as recorded at Reception No. 2001010176 of the Grand County Real Property Records. These fees were subsequently updated and adopted on April 5, 2005 by Resolution 2005-4-31 as recorded at Reception No. 2005007636.

The rationale for the policy was based on analysis of growth related costs incurred by the EGCFPD as part of the expanded population through residential and commercial development in Grand County. The original Fiscal Impact Study was commissioned in 2000 and adopted by Winter Park, Fraser, and the Board of County Commissioners in 2001. This first Fire Impact Fee was set at a rate of $254 per residential unit or its commercial equivalent. The subsequent 2004 study adopted by the towns and County in 2005 modified the Fire Impact Fee to $454 per residential unit or its commercial equivalent. These most recent fees were adopted by Town of Fraser Ordinance #309-2005 Series, Town of Winter Park Ordinance No. 353-Series 2005, and Grand County Resolution 2005-4-31.

The EGCFPD and its Board of Directors commissioned this most recent study to look at long-term residential and non-residential growth compared to the estimates of the associated capital necessary to support that growth. In this case, the study was over a 17 year period for the purpose of normalizing the cyclical growth cycles within this district. The proposed Fire Impact Fee was then calculated for the next five years (2014-2018) from this normalized data, with the intent to be reviewed again in another five years.

This 2014 update will continue to provide the EGCFPD the resources necessary to plan for the future, anticipate new cycles of growth, and strategically prepare to provide fire service within their boundaries for the next five years, through 2018.

FIRE IMPACT FEE ANALYSIS

Economic and Planning Systems, Inc. (EPS) conducted this most recent Fire Impact Fee Analysis. As stated above, this was a long-term analysis with the intention of normalizing the cyclical growth within the district by finding an average growth rate over the 17 year period studied. This average growth rate was then compared to the estimated capital (facilities and equipment) necessary to support such growth. The proposed Fire Impact Fee was calculated for the district over the next five years (2014-2018) and can be seen in the chart below, compared to relative historical fees.

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<th>2001</th>
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<tr>
<td><strong>Fee per Residential Dwelling Unit</strong></td>
<td>$254</td>
<td>$454</td>
<td>$483</td>
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<tr>
<td><strong>Fee per 1000 Sq. Ft. of Non-Residential Development</strong></td>
<td>$141</td>
<td>$252</td>
<td>$268</td>
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Staff has reviewed the study and believes that the fees established in this 2014 study have been determined in a fair and proportional manner by using a “rationale nexus” and “rough proportionality” as required by Senate Bill 15. Senate Bill 15 provides that a local government may impose an impact fee or other similar development charge to fund expenditures by such local government on capital facilities needed to service new development. This bill also requests that the impact fee or development charge is no greater than necessary to defray such impacts directly related to the proposed development. The standard that must be met in Colorado requires mitigation to be “directly related” to impacts, and this test has been used consistently in Colorado to establish impact fees that have not been legally challenged to date.

Residential Development: The writers of the Fire Impact Fee Analysis, EPS, used historic growth trends which show that between 2000 and 2013 the number of residential housing units within the EGCFPD grew at an average annual rate of 3.0%, or approximately 168 units per year. The study projects an average annual increase of 206 new housing units per year through 2030 within the District boundaries, representing a 2.4%
annual growth rate. The choice to utilize housing units instead of population is due to the high second home ratio for this district

Non-Residential Development: Assessor data was used to show that there was 530,000 square feet of non-residential space built within the District between 2000 and 2013, which equates to approximately 41,000 square feet per year, or 1.7% annual growth. The study estimates an average annual increase of approximately 71,000 square feet of non-residential space per year through 2030, for an annual growth rate of 2.2%. A key assumption for this increased annual growth rate calculation is that indications show employment growth will lead housing growth through the next 5 years, as there is currently a surplus inventory of vacant homes.

Capital Costs: East Grand County Fire Protection District currently has three established stations, the Headquarters located between Fraser and Winter Park, the Tabernash Station, and the Red Dirt Station. The Red Dirt Station is owned and jointly operated by East Grand Fire Protection District No. 4 and Grand Fire Protection District No. 1. The EGCFPD intends to establish a new South Station to better address needs associated with that end of their district. Estimated costs for the construction and equipping of this new station are approximately $1.2 Million. The district does not plan to add new engines as a result of this new station, but intends to reallocate existing equipment in order to better serve the district. Land has not been included in this $1.2 Million estimate as land may be available at little or no cost.

EGCFPD is budgeting for the replacement of 6 engines for an estimated Adjusted Cost (purchase price – 10% sales revenue from old equipment) of $2.466 Million. The writers estimated that the New Development Share attributed to the projected Residential and Non-Residential build out over the next 17 year period is 33%. Therefore, a 33% share of the estimated $2.466 Million capital goods replacement cost attributable to new development equates to $816,000.

Impact Fee Calculations:

**The Total Capital Costs used for the Impact Fee calculations is:**

\[ \text{Total Capital Costs} = \$1,200,000 + \$816,000 = \$2,016,000 \]

**The Fire Impact Fee for a Single Family Equivalent (SFE) is:**

\[ \text{Fire Impact Fee} = \frac{\$2,016,000}{4,172 \text{ SFE (2014-2018)}} = \$483/\text{SFE} \]

**The Fire Impact Fee per Sq. Ft. for Non-Residential development is:**

\[ \text{Fire Impact Fee per Sq. Ft} = \frac{\$483}{1,800 \text{ Sq. Ft per SFE}} = \$0.268 \text{ per Sq. Ft. for Non-Residential} \]

COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

It is a goal of the Master Plan to require new development to pay for the capital cost associated with its demand on services. The proposed Fire Impact Fee fulfills this master plan goal. It provides a rational system for identifying and mitigating growth related cost associated with growth and development and the expansion of fire protection services and facilities made necessary by land development activities.

STAFF COMMENTS

It is staff’s opinion that the updated rational nexus for the Fire Impact Fee is roughly proportional to the impacts that growth has on fire services.

Public notice was placed in the Middle Park Times on November 27, 2014, as required, and all Fire Departments and Towns of Grand Lake, Granby, Fraser, and Winter Park were notified by certified mail. No comments have been received.

PLANNING COMMISSION

The Grand County Planning Commission recommended approval of this Special Use Permit on November 12, 2014 by Resolution 2014-11-3.

STAFF RECOMMENDATION

Staff recommends approval of the increased Fire Impact Fee within the East Grand Fire Protection District No. 4 from $454 to $483 for residential dwelling units and an increase of $0.252 per square foot to $0.268 per square foot for the non-residential fee.

[End of Staff’s Certificate]
East Grand Fire District Chief Todd Holzwarth stated that this has been helpful to them. They can only pay for capital improvements with these fees. They do not use it for operational expenses.

Chairman Linke asked for and received no public comment.

Commissioner Newberry moved to approve the fee revision taking the price from $454 to $483 for residential dwelling units, an increase of .252 per square foot to .268 per square foot for the non-residential.

The motion passed unanimously.

Commissioner Newberry moved to close the public hearing.

The motion passed unanimously.

Commissioner Bumgarner moved to reopen the public hearing.

The motion passed unanimously.

The fee takes effect when the County decides.

County Manager Underbrink Curran suggested an amended motion to add the effective date.

Commissioner Newberry moved to amend the initial motion of the impact fee to add the start date of January 6, 2015 at 12:00 p.m.

Discussion: Planning and Zoning has stated that if a project is started under previous rules and regulations then it can remain under that until it is done but anything new from this point on falls under the new regulations. If anything is stamped by the fire department prior to today it is under the old regulations.

The motion passed unanimously.

Commissioner Newberry moved to close the public hearing.

The motion passed unanimously.

Board Business

Planning Director Marcus Davis presented Resolution No. 2014-10-50, “A RESOLUTION CHANGING THE PERMITTEE FROM PARSHALL 43, LLC TO JAMES AND TRACY FRAZIER AND GRANTING RENEWAL TO THE APPROVED SPECIAL USE PERMIT THAT ALLOWS FOR CONSTRUCTION BUSINESS AND HEAVY EQUIPMENT STORAGE, LOCATED IN SECTIONS 10 AND 11, TOWNSHIP 1 NORTH, RANGE 79 WEST OF THE 6TH P.M. COUNTY OF GRAND, STATE OF COLORADO"

Commissioner Bumgarner moved to approve Resolution No. 2014-10-50 and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Planning Director Marcus Davis presented Resolution No. 2014-10-51, “A RESOLUTION GRANTING A SPECIAL USE PERMIT THAT ALLOWS FOR A STORAGE AREA FOR A HEAVY EQUIPMENT STORAGE OPERATION ON TRACT M, BLUE VALLEY ACRES UNIT NO. 2, LOCATED IN NORTHWEST ¼, SECTION 34, TOWNSHIP 1 SOUTH, RANGE 80 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO”

Commissioner Bumgarner moved to approve Resolution No. 2014-10-51 and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Planning Director Marcus presented Resolution No. 2014-12-65, “A RESOLUTION GRANTING A ONE (1) YEAR EXTENSION TO THE SKETCH PLAN APPROVAL FOR GRAND LAKE, LLC SUBDIVISION
EXEMPTION, LOCATED IN THE SOUTHWEST ¼, SECTION 24, TOWNSHIP 4 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO”

Commissioner Newberry moved to approve Resolution No. 2014-12-65 as presented.

The motion passed unanimously.

Mr. Moyer stated that Marcus Davis’ last day as an employee of Grand County will be this Friday. The Board thanked him for his hard work for the County.

Mr. Moyer stated that the equipment for the SRE building at the Granby/Grand County Airport Emily Warner Field is on site. The workers showed up about 30 minutes ago and their superintendent will be at the Board meeting at 2:00 p.m. to provide the Board with an update.

Economic Development Update

Economic Development Director DiAnn Butler stated that she moved forward on the film documentary on the water with Jim Havey. The amount of the contract is $30,000 plus $2,500 for travel expenses.

Ms. Butler stated that Mr. Havey did sign the contract.

Commissioner Bumgarner moved to enter into a Services Contract with James Havey Productions Incorporated with an amount not to exceed $32,500 for the documentary on Grand County water.

The motion passed unanimously.

Ms. Butler sent an outline for Downtown Colorado Inc. for 2015. Ms. Butler stated that February 10, 2015 will be a meeting to bring the community together to discuss the idea of successful branding and everyone sharing their branding.

Ms. Butler stated that they are still looking at ways to get people to take Exit 232 off I70 to come to Grand County.

Ms. Butler stated that from the last quarterly DCI (Downtown Colorado Inc.) meeting which was the transportation summit, CDOT (Colorado Department of Transportation) liked that the group was collaborating. CDOT reached out to Downtown Colorado Inc. and the transit alliance and said that they wanted a regional discussion. Grand, Jackson, Moffat, Rio Blanco, and Routt Counties will be sending a representative to the discussion on February 9, 2015.

Ms. Butler stated that there are some vacancies on the Advisory Committee and she has received letters of interest.

Commissioner Newberry moved to appoint Mike Loomis to the Grand County Economic Development Advisory Committee.

The motion passed unanimously.

Commissioner Linke moved to appoint Gary Bumgarner to the Grand County Economic Development Advisory Committee.

Commissioner Newberry  aye
Commissioner Linke   aye

The motion passed.

Commissioner Bumgarner moved to appoint Joe Pandy to the Grand County Economic Development Advisory Committee.

The motion passed unanimously.

Dede Fay is stepping down from the committee and Jennifer Brown is interested in being on the committee.
Commissioner Newberry moved to appoint Jennifer Brown to the Grand County Economic Development Advisory Committee.

The motion passed unanimously.

Mr. Moyer stated that there will be a Sage Grouse discussion on January 23. Mr. Moyer stated that he would like to know if the County would like to be named in the challenge.

Commissioner Bumgarner stated that the listing decision on Sage Grouse has been put on hold for one year.

EMS Chief Ray Jennings stated that his staff has been very busy. They have had between five and six ambulances up every day.

Chief Jennings stated that there are a few EMTs and Paramedics leaving. Nowell Curran will be helping in Aspen during the X games.

Chief Jennings expressed his appreciation to working with Commissioner Bumgarner over the years.

Larry Norman of Granby stated that it has come to attention that there may need to be some collaboration between the school district and the County Commissioners with regard to not letting him do what he does. Mr. Norman stated that he works with young people and education.

Mr. Norman stated that he is not allowed to volunteer at the Middle School.

Mr. DiCola stated that Mr. Franek wrote a letter saying that Mr. Norman does not work for the County.

Mr. Norman stated that the District Superintendent has told him that the letter indicates that Mr. Norman was fraudulently putting himself out there as a County employee.

Mr. DiCola read the letter:

It has come to the attention of Grand County Juvenile Services that some agencies believe that Lawrence “Larry” Norman the owner of Grand County Center is an employee, agent, and or representative of Grand County and Grand County Juvenile Services.

I am writing to inform you that he is not.

Mr. Norman stated that the Superintendent will not allow him to volunteer at the school because she believes that Mr. Norman has been fraudulent based on the letter.

Mr. Moyer introduced Senior Planner Bill Gray.

Discussion – Severance Pay/Appointed & Elected Officials

Ms. Underbrink Curran stated that the Board had some questions about Elected and Appointed Officials and severance pay. The Board had expressed some interest in being involved in severance pay for Appointed Officials.

Ms. Underbrink Currans stated that, at one time, Human Resources was in her office. Ms. Underbrink Curran stated that when she was determining end of pay for someone that had been with the County for a long time, they had many hours of sick and vacation plus they got severance pay. This caused Ms. Underbrink Curran to think about the Elected and Appointed Officials and the fact that few of them take off sick and take very little vacation. Ms. Underbrink Curran felt that there was some discrepancy.

Ms. Underbrink Curran took the suggestion of severance pay to the personnel committee and the personnel committee recommended to the Board that the Elected and Appointed Officials be given four days per year of service as “severance pay.”

Ms. Underbrink Curran stated that hourly employees get two days per year of service as severance pay unless dismissed and then the person gets one day per year of service. The hourly employee can also cash in whatever
vacation they have and if they have over three months of sick time, the employee can cash it in two for one for vacation and cash in.

The severance pay for appointed and elected officials was an attempt to be consistent.

Mr. DiCola stated that the language in the personnel policy needs to be cleaned up because if there is a felony investigation pending, the County Manager should have the right to stop any severance pay.

Severance pay has been on the books for a long time. Mr. DiCola stated that he would hate to see the Board do a knee jerk reaction with regard to prior incidences.

Human Resource Director Colleen Reynolds stated that if someone is terminated, the County issues the final paycheck. Ms. Reynolds stated that she would need to know at the time of termination not to issue the severance pay.

Ms. Underbrink Curran stated that this conversation started when the Board received public comment about the severance pay for the Building Official. The Board asked Ms. Underbrink Curran why the Board had no say in that.

Sandy Doudna stated that severance pay was initially used when a company had no work for someone and to help out the employee, the company gave the employee money they did not earn. If it is money that they earned, it is called delayed compensation.

This will be discussed at the next Personnel Policy Review Committee meeting in February.

Ms. Reynolds stated that there is a provision in the policy that if an employee has been with the County for 15 years and their years of service plus their age equals 70 and they are not eligible for Medicare, they are offered the post-retirement insurance program. The employee can either receive $500 per month or they can stay on the County insurance at one-half the COBRA cost.

Commissioner Newberry stated that he is concerned that the County could be paying $500 per month for insurance to someone that is under investigation.

These items will be taken back to the Personnel Policy Review Committee.

Board Business

Mike Stick, project manager at the Granby Airport is present and his boss Bill Yackanicz will be calling in to discuss the work at the Airport.

Ms. Underbrink Curran met with Mr. Yackanicz and Mr. Stick on Friday. Ms. Underbrink Curran stated that the project should not continue forward this year. They are having too much trouble trying to heat the forms and trying to get it up to a temperature that would allow them to pour.

Ms. Underbrink Curran stated that Mr. Yackanicz and Mr. Stick agreed that the work should be delayed and JBlanco will request an extension of time. The request for extension is to April 30, 2015.

Ms. Underbrink Curran stated that she, with the help of the County Attorney, gave JBlanco a list of things to make sure that the County was covered and the site would be protected when construction was not happening.

Ms. Underbrink Curran stated that JBlanco was not sure that they could get the bonding company contacted in sufficient time.

Bill Yackanicz of JBlanco stated that he had also asked for time to mobilize equipment. Ms. Underbrink Curran stated that was not her recollection. Ms. Underbrink Curran stated County Building Official Kevin Cole has been keeping an eye on the work. There was a discussion about covering the forms properly. Mr. Cole took pictures yesterday and found that the forms were uncovered. No one started mobilizing to move equipment.

JBlanco had equipment and sandbags on the property today. Mr. Yackanicz stated that they are moving the building a substantial distance for no good reason. The building is out of everyone’s way.
Ms. Underbrink Curran stated that the County did not ask JBlanco to move the building pieces .25 mile but instead was asked to move it off the pavement and light it.

Mr. Yackanicz stated that the lighting was in place and forms were covered on Friday. There is no room off the pavement where they are at to store the entire building so the only other area is in the contractor storage yard outside the gate all the way at the other end of the airport.

Ms. Underbrink Curran stated that JBlanco signed a contract and agreed to that area.

Mr. Yackanicz stated that they are doing everything they can do meet the conditions of the extension. He kept his bonding company informed. He is working on the insurance aspect.

Mr. Stick provided a copy of the plans and what is being done.

County Manager Underbrink Curran stated that there was a discussion about the storage site when Armstrong was on the phone. Some of the steel is sticking out onto the asphalt surface. If they moved it off the asphalt surface back toward where the dirt pile was and put up the lights, it was fine to stay there.

Mr. Yackanicz stated that the entire area is asphalt. If they have to get it off the asphalt completely, the only other area is at the end of the airport.

Ms. Underbrink Curran stated that there is not asphalt behind the dirt pile and the construction material is in front of the dirt pile and sticking onto the asphalt.

Mr. Stick stated that after digging through snow, he found that most of the material is on the asphalt.

Ms. Underbrink Curran stated that if they are on the line with the foundation and they put up the lights, that is what was discussed.

Building Official Kevin Cole stated that when he was out there, it was his impression that the material was to be moved back beyond the line of the foundation wall.

Mr. Yackanicz stated that there is no room to move the material back.

Mr. Stick stated that there is room to move some of the items. Mr. Stick stated that with an additional 12 feet, he can store the items next to the building.

Ms. Underbrink Curran suggested that she go to the airport and take pictures for the Board and then come back and report.

Ms. Underbrink Curran asked if Mr. Stick is representing JBlanco and Mr. Yackanicz confirmed that he is. Ms. Underbrink Curran stated that if Mr. Stick agrees with a storage area, there will be no more discussion about mud. Mr. Yackanicz agreed with that.

Commissioner Newberry stated that everyone is in agreement that the County is stopping the construction because of the conditions. Ms. Underbrink Curran stated that after she comes back with the information, she would like to know if the Board will allow the extension.

Mr. Yackanicz stated that his liability insurance renews in February so he will not be able to provide that until he renews. He wondered if that could be contingent on remobilization. Mr. DiCola stated that they need the liability insurance in place. Mr. DiCola stated that there cannot be a gap in the liability coverage. Mr. Yackanicz said that there will be coverage but it will does not go through the extension at this time.

County Attorney DiCola stated that he spoke with the District Attorney at the beginning of the 1:30 p.m. item. The District Attorney said that his case is getting so much worse against Brigid Irish because the County recovered all the money. The more money that the County recovers, the less good the District Attorney’s case is.

Mr. DiCola told the District Attorney that was the dumbest thing that he has heard.

Commissioner Bumgarner stated that he understood that whether all was recovered or just one dime, the crime was still committed and she would be charged. Mr. DiCola stated that he agrees with the Board.
Mr. DiCola stated that he met with George Haas regarding the YMCA case. The Board of Assessment Appeals only ruled on the religious case. The Colorado Constitution says that property is used solely and exclusively for religious worship shall be exempt from taxes.

Safeway filed a motion to consolidate the cases in Denver. Safeway is saying that the Assessors in each County may have done it wrong. When they say it way, they are not challenging the Property Tax Administrators Manuals and there needs to be separate trials.

County Attorney DiCola presented the following Resolutions for Board approval:


Resolution No. 2014-12-68, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING OUT-OF-STATE TRAVEL FOR AN EMPLOYEE OF THE GRAND COUNTY DEPARTMENT OF INFORMATION SYSTEMS”

Resolution No. 2014-12-69, “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 DAVID L. ANDREWS D/B/A ANDREWS RADIO SERVICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION, PROGRAMMING, SERVICING, MAINTENANCE AND/OR REPAIR OF CERTAIN EQUIPMENT AND FOR MAINTAINING LEGAL ACCESS TO TOWER SITES AND BUILDINGS”

Resolution No. 2014-12-70, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN POWER TO THE PEOPLE, AN ELECTRIC SERVICE COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE REPLACEMENT OF LIGHT FIXTURES AT A GRAND COUNTY ROAD AND BRIDGE SHOP”


Resolution No. 2014-12-72, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO REQUIRING ALL CAPITAL EXPENDITURE RELEASES TO BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS”


COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PREPARATION OF A CENTERLINE SURVEY, MAP AND LEGAL DESCRIPTION OF AN ACCESS ROAD TO THE SAN TOY COMMUNICATION TOWER SITE”


Resolution No. 2014-12-76, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING AMENDMENTS TO SECTION 9.09 OF THE GRAND COUNTY PERSONNEL MANUAL”

Commissioner Bumgarner moved to approve Resolution Nos. 2014-12-66 through 2014-12-76.

The motion passed unanimously.

Commissioner Bumgarner encourages his fellow commissioners to meet with the District Attorney regarding Brigid Irish.

Road Hearings – Public Hearing continuation

County Attorney DiCola stated that the Board is hearing the continuation of the road hearings. Mr. Green stated that the Board is to consider:

2015 Road Maps
2014 HUTF Report

Mr. Green presented the 2015 Road Maps showing the changes made from the Road Hearings.

Commissioner Bumgarner moved to reconvene the Road Hearings.

The motion passed unanimously.


The motion passed unanimously.

Commissioner Newberry moved to close the Road Hearings.

The motion passed unanimously.

Manager Items

Chairman Linke stated that the County Manager looked at the Granby Airport.

Ms. Underbrink Curran stated that the County wants everything moved to one side. Mr. Stick stated that he can have that done by 5:00 p.m. on January 7, 2015. It is the responsibility for JBlanco to have the lights up, make sure the lights stay uncovered from the snow, that batteries stay in those things, and anytime the County goes up there the lights had better be flashing.

Bill Yackanicz said that he will make sure to let the County know if there lights will be at the airport.
Mr. Stick stated that he understands that the County wants the barricades put at the end of the pavement and the lights maintained and all equipment off the pavement.

Ms. Underbrink Curran stated that JBlanco needs to figure out a way to keep lights shoveled out.

Ms. Underbrink Curran stated that she will draw up a document describing what needs to be done and she will get it to Mr. Yackanicz. Ms. Underbrink Curran will ask the Board to give this a conditional approval. Mr. Stick stated that he could have the work done by 5:00 p.m. on January 7, 2015. If it is done by 5:00 p.m. on January 7, 2015, then she will ask the Board to approve the contract today contingent on that being done.

Mr. DiCola stated that JBlanco will get the County a letter from his bonding company acknowledging the extension of time. Mr. DiCola stated that there cannot be a gap in the coverage. If there is a gap, it will be a breach of the contract.

Mr. Yackanicz stated that he understands his responsibility for the lighted barriers.

Commissioner Bumgarner moved to conditionally approve the extension of time to April 30, 2015, to finish the SRE building project conditioned on having the work previously identified done by 5:00 p.m. and them meeting the items on the list and allow the Chair to sign outside the meeting if everything is done.

The motion passed unanimously.

Ms. Underbrink Curran stated that she understands that JBlanco will let the County know if the barricades cannot be installed.

Commissioner Bumgarner thanked the County Manager and Kevin Cole for going to the Airport.

County Attorney DiCola stated that the Commissioner Elect Manguso asked the Assistant County Attorney if she might serve on the Personnel Policy Review Committee. The language of the regulations say that “all elected officials with one or more years of county service as of the first Tuesday of April in each election year are eligible to serve as the elected official representative to the Personnel Policy Review Committee.” Since she has not been an elected official for a year, it is Mr. DiCola’s opinion that she cannot serve as the elected official representing the Personnel Policy Review Committee. Ms. Manguso has asked how she can challenge this.

Mr. DiCola stated that just like the County did with Mrs. Stuart, she can take it up with the other two commissioners when she takes her place on the Board. The other two County Commissioners can weigh in on that.

Mr. DiCola read the following with regard to Nancy Stuart: “upon ending her second term as a county commissioner, Ms. Stuart was once again hired as an employee. Mrs. Stuart then asserted that her accrued vacation hours should be calculated by counting her years in the Department of Planning and Zoning as a benefited employee and her years as County Commissioner as benefited employee. Based upon the advice of counsel and the pure language of the Personnel Regulations, a County Commissioner is not a county employee.”

When Ms. Manguso takes her place on the Board, she can take it up with the other two commissioners.

Ms. Manguso asked if this could be resolved today.

Mr. Franek stated that Ms. Manguso believes that the years of service are not specifically as an elected official.

Commissioner Newberry asked if there needs to be anymore follow up on the letter to the auditor.

Mr. DiCola stated that he did the research he was asked to do and he can report in the open meeting if the Board would like.

Commissioner Newberry asked if it should be in an open meeting or an executive session. Mr. DiCola stated that it should be in an executive session. Commissioner Newberry stated that he would like to do it next week so the new commissioner can be part of the executive session.
There being no further business to come before the Board, the Regular meeting was adjourned at 3:49 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this ______ day of February 2015.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Grand County Clerk and Recorder