MINUTES – REGULAR MEETING
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
February 10, 2015

Present:
Commissioner James Newberry, Commissioner District 1
Commissioner Merrit Linke, Commissioner District 2 - Chair
Commissioner Kris Manguso, Commissioner District

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 Treasurer Christina Whitmer
County Assessor Tom Weydert
County Engineer Tim Gagnon
EMS Chief Ray Jennings

Those present recited the Pledge of Allegiance.

Chairman Linke stated that we are one Nation under God and he asked that the Board get good information from the past to make good decisions now for a better future for Grand County.

Minutes

Commissioner Newberry moved to approve the minute of the Regular meeting of the Grand County Board of County Commissioners of January 6, 2015 with corrections.

The motion passed unanimously.

Commissioner Newberry moved to approve the minutes of the Special meeting of the Grand County Housing Authority of January 6, 2015, as presented.

The motion passed unanimously.

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on February 11, 2015, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Newberry moved to approve and sign the warrants to be paid on February 11, 2015.

The motion passed unanimously.

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

John Dickinson stated that he is present representing Citizens for Transparency. Mr. Dickinson stated that the group has asked for a fraud audit and at one time, the Board expressed an interest in doing that.

Mr. Dickinson stated that a fraud audit would be to look for oversight into expenses perhaps cell phone usage. It could be focused at a department. They are open to discussion on this. A scope of work might need to be prepared. Mr. Dickinson stated that with information that his group has, they could specify one or two departments and not make it an expensive blanket style issue.

Chairman Linke suggested that a workshop with the Board and the Citizens for Transparency to determine what needs to be considered for the scope of work.

Commissioner Manguso stated that she would like to find a way to do this in the least expensive manner.

Eden Recor stated that the Board of Commissioners tried to terminate both Scott Berger and Martin Woros out of the cold. Part of the blame for the theft in the Building Department was pointed at County Treasurer in an
open meeting. Executive sessions were held for both employees after motions were made to terminate them. Mr. Recor wondered if either one was allowed or were told that they could have legal representation in those executive sessions. Since were both heads of departments and the motion was made to terminate before the rest of the Board knew about, should not the procedure had to been to have executive sessions first without names and actions noted and then after executive session motions made.

Mr. Recor wanted to know the proper procedure to follow when terminating department heads. Mr. Recor asked how the Board should interact with other elected county officials.

Mr. Recor asked what legal representation is available to other elected officials or employees. Mr. Recor asked who pays for the legal representation. Should the County arrange for a local lawyer to represent them because the County Attorney would have a conflict?

Road and Bridge Update

Road and Bridge Supervisor Ken Haynes requested that the Chair sign the Services Contract between KRW Consulting, Inc. and Grand County for general services dealing with the County landfills. This is in the amount not to exceed $69,953.

Commissioner Manguso moved to approve the Services Contract between Grand County and KRW Consulting, Inc. in an amount not to exceed $69,953 as presented.

The motion passed unanimously.

Mr. Haynes would like to sell a trailer that is no longer being used. It is part of the County’s crusher fleet. The County received an offer of $1,000. The tires are rotting. Mr. Haynes stated that the money would go into the sale of assets account. The Board is fine with that.

Mr. Haynes reported that there has been no interest to purchase the D8. Mr. Haynes has placed it under consignment.

Mr. Haynes presented the Board with a Letter of Agreement with one of the hangar owners at the Granby Airport. The Letter of Agreement is between Grand County and William M. Fletcher is in the amount of $2,611.49.

Commissioner Manguso moved to authorize the Chair to sign the Letter of Agreement between Grand County and William M. Fletcher for a Grand County Airport Hangar Lease in the amount of $2,611.49 per year.

The motion passed unanimously.

Mr. Haynes stated that last year Corona Pass was opened because Excel Energy paid for it. Mr. Haynes stated that it was opened using a snow cat. The owner of Mountain State Snowcat asked Mr. Haynes if the County would be willing to set a date to open the road. The County has a contract with Mountain State Snowcat in the amount of $165 per hour. It is not to exceed 20 hours.

Commissioner Newberry would like to discuss this. Last year was a different circumstance. Commissioner Newberry stated that he would like to take a closer look at the benefit of keeping our Road and Bridge guys off of that project. Commissioner Newberry would like an analysis of what needs to be done and the cost.

Chairman Linke stated that he is leaning toward having Mountain State Snowcat do the work but he wonders if we should open this road because it gets very little use.

Commissioner Newberry stated that Road and Bridge is doing an excellent job on the roads.

Charlie LaBrake stated that he would like to resolve his problem with the County. Mr. LaBrake stated that he knows that the County is looking for $19,000 and he does not have it. If the County gets a judgment against him, Mr. LaBrake will have to declare bankruptcy.

The County has a chance to go after a settlement because it is a medical bill. The County would be paid first and the County can go after Bruce Kohlwey. Mr. LaBrake stated that the insurance was a mistake on this part. There was no intent to do something wrong. It was something that Mr. LaBrake did not know about. He found out after the fact and that is how the Board got involved.
Mr. LaBrake stated that he does not know how to resolve this. He is about broke because of this and is minus a leg. Chairman Linke stated that he would like to resolve this as well.

Mr. LaBrake stated that in the paper he was attacked as a trustee of the Town of Granby.

Commissioner Newberry stated that the answer is in what the County has been doing. The person that should be paying the bill is who the County is after. Commissioner Newberry stated that he understands Mr. LaBrake to say that if there is a settlement; Mr. LaBrake wants Grand County paid off.

Mr. LaBrake stated that he understands that all medical bills get paid in the settlement first. Commissioner Newberry stated that Grand County is in line to collect the money.

Commissioner Newberry stated that if there is not a judgment, the question is what happens then because the County is out $18,000. Commissioner Newberry stated that the County should deal with that when it happens.

Mr. LaBrake stated that he has over $200,000 in medical bills and the man will not pay. The only hope he has is a judgment.

Commissioner Newberry stated that he would like to get the attorneys together and come up with a global settlement.

Mr. LaBrake stated that his attorney is happy to have this resolved in any manner possible.

Mr. DiCola stated that his last conversation with Mr. Kohlwey’s attorney was that there is not that much money involved and there was a discussion of a joint settlement agreement. Mr. LaBrake’s attorney just filed his answer to the complaint on Friday. Mr. DiCola stated that Mr. LaBrake’s attorney told him that he already lost his court case. It appears that Mr. LaBrake has a pending case against Willow Creek Logging. Every case needs to be mediated and it makes sense to mediate this sooner rather than later to avoid attorney’s fees.

Commissioner Newberry would like to direct staff to move forward on some type of litigation. Commissioner Newberry stated that he wants to make it clear that this is not about Charlie LaBrake as a Granby Trustee. It had nothing to do with that. Commissioner Newberry stated that it was wrong that it was printed that way in the newspaper.

Mr. DiCola stated that the County talked about consolidating the two. The County can do a joint mediation.

Chairman Linke stated that this had nothing to do with Charlie LaBrake being a Granby Trustee. That did not come from this Board.

Mr. DiCola stated that there are at least four lawsuits regarding Mr. LaBrake’s injuries.

Commissioner Newberry stated that it is Grand County’s position that should have been paid by a Workmen’s Compensation. Mr. DiCola stated that Grand County’s self-insurance health insurance policy says that no amount will be payable for or in connection with any injury or illness arising out of or in the course of any employment for wage or profit. When Mr. LaBrake was hurt, Mr. DiCola contacted Mr. Kohlwey and let him know that Mr. LaBrake was working for him and Grand County’s insurance paid his medical bills. Mr. Kohlwey signed a promissory note, made a down payment to the County and then refused to pay the rest of the money.

Commissioner Newberry stated that he would like the County to do a press release saying that the lawsuit had nothing to do with Mr. LaBrake being a trustee.

Mr. DiCola stated that he has a letter for the County Commissioners:

Last June, I told the Assistant County Attorney and the County Manager that it was his intent to step down from my position as Grand County Attorney on July 1, 2015. Since then, Mr. Franek and I have been preparing for the transition. This letter will serve as notice in accordance with my contract that July 1, 2015, will be my last day as County Attorney.
Commissioner Newberry stated that for almost 35 years, Grand County has done well in legal issues. Commissioner Newberry stated that he would very much like to thank Mr. DiCola for his service to the people of Grand County for that time and respects his wishes.

Juvenile Services Director Kelly Friesen stated that she needs permission or direction to add the word “revised” into places in the contract for the Senate Bill 215 funds. The legal department has no problem with this.

Ms. Friesen stated that this is for clarification.

The Board is fine with that change.

County Sheriff Brett Schroetlin requested the Board to expend funds in the amount of $2,660 to Grand County Mortuary for the Memorial Service for Alicia Riggs.

Commissioner Manguso moved to expend $2,660 for the memorial service for Alycia Riggs to Grand County Mortuary.

Discussion: Commissioner Newberry stated that the memorial service was amazing. Commissioner Newberry stated that he has never been to a memorial service like that one; it was touching and from the heart. The service was very professionally done.

Commissioner Manguso stated that the service was truly a celebration of life.

Chairman Linke stated that logistics of the service was impressive.

The motion passed unanimously.

Under Sheriff Wayne Schafer presented an Agreement for Lexipol. Lexipol is a policy and procedure management company. Lexipol provides a living document on the internet for on-line policy and procedure manual. It allows for changes to the manual based on new laws, procedures, and best practices. It also provides daily training bulletins on policies.

Under Sheriff Schafer stated that it will provide continuous training for employees. All of the municipal law enforcement agencies in the county are on or going to Lexipol this year.

The first year pricing is $6,850 for patrol and $4,515 for detention for a first year total of $11,365. Second year pricing is $5,450 for patrol and $2,975 for detention for a total of $8,425. Under Sheriff Schafer stated that this is a two-year contract. The County Attorney has approved the contract with some changes. The contract charges will come out of schools and training line item.

Commissioner Manguso moved to approve the Lexipol contract between Lexipol and the Grand County Sheriff’s Department in the amount of $11,365 for the first year and $8,425 for the second year as presented by the Under Sheriff subject to annual appropriations.

Discussion: Mr. DiCola stated that if these are going to become polices, there needs to be something in the personnel manual to show that the deputies took the classes. Under Sheriff Schaefer stated the Lexipol tracks that. Sheriff Schroetlin stated that when someone completes his/her training bulletins, the Sheriff can see that information.

Commissioner Newberry asked if the Grand County Sheriff can adapt something to this policy. Sheriff Schroetlin stated that policies can be “tweaked” and the County Personnel Manual can be added to this policy.

Commissioner Newberry stated that there seems to be a misunderstanding between Human Resources and the Sheriff’s Office. It sounds like this will take the fuzziness out.

Commissioner Newberry stated that all employees are County employees and employees in the Sheriff’s office serve at the pleasure of the Sheriff.

County Attorney DiCola stated that the Sheriff is required by state statute that his employees have a little bit of due process. The Sheriff’s office needs to get squared away with the County’s HR office.

Ms. Manguso stated that she likes Lexipol.
The motion passed unanimously.

Under Sheriff Schaefer presented the Board with an Affidavit for Equitable Sharing Agreement. The Agreement is for asset forfeiture. This process keeps the County in compliance with the Federal government for asset forfeiture. Some of those things would be like the County getting items through a DEA investigation.

Mr. DiCola stated that the County has done this before. Under Sheriff Schaefer stated that the Agreement needs to be signed every year.

Commissioner Manguso moved to approve the Affidavit for Existing Participation for the Equitable Sharing Agreement and Certification authorizing the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved to convene an Executive Session at 9:20 a.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 a former employee of the Sheriff’s Office. The Sheriff and Under Sheriff are asked to participate in the meeting.

The motion passed unanimously.

Commissioner Newberry moved to reconvene the regular meeting at 9:31 a.m.

The motion passed unanimously.

I, Merrit Linke, 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.

________________________________________________

Clerk and Recorder Sara Rosene and Human Resource Director Colleen appeared before the Board.

Ms. Rosene sent the following memo to the Board:

Customer Service is job one in the Clerk and Recorder’s Office.

In order to provide that customer service, my employees must be specialist in many different areas. The face time that my employees have with the public is extraordinary between phone calls and customers at our window. In addition, our mail is considered into the last part of the day.

In order to assure that we are in the office when we have customers and that we can cover the frequent late customers, we have devised a modified work schedule that meets the needs of our customers and allows our employees the flexibility to work nine days in a two-week period.

I understand that the modified schedule I would like to use is different from flex schedules currently being used in some departments. The modified schedule will allow my employees to work 75 hours in a two-week period instead of only considering the hours worked in a week.

This schedule will:

1. Eliminate “extra” pay – over 37.5 hours.
2. Rotate through our office who stays with late customers. This allows our employees to schedule their daycare and family responsibilities without worrying about unscheduled evening hours.
4. Provide a benefit to the hardest working and some of the lowest paid employees in County government.
5. Provide work/life balance.
6. Cut down on sick time taken
7. Allow us to manage the late mail situation

My employees suggested a modified schedule to assure that the work is done and to help them have that important time off in an office that is always on the go.

My employees know that this is a privilege and know that they must have 75 hours every two weeks. If they are not willing to keep their hours at 75, they know that they will no longer be on this schedule.

Per the Human Resources Director’s request, I ask that you support my request to use this modified schedule. So that you can see how we must cover all the areas of my office, I have attached a copy of the schedule that we will be using for the next two weeks.

[End of memo]

Human Resource Director Colleen Reynolds stated that she received a memo that the County Clerk’s office will be doing this modified schedule.

Ms. Reynolds stated that her issue with this is because with a majority of the employees, the Human Resource office looks at them on a per week basis. The exceptions to that is law enforcement and EMS. The work week is Sunday through Saturday.

Ms. Reynolds stated that there have been employees that would not fulfill their full schedule. They would just work 30 hour and take a day without pay. Those employees were still getting their full accruals of sick time and vacation time. Ms. Reynolds stated that she looked at that and did not think it was appropriate. Starting in January 2014, Ms. Reynolds stated that she has been strict about people not fulfilling their full schedule. If they do not fulfill their full schedule, they will not get their full accruals. You have to have fulltime hours to get fulltime benefits.

What Ms. Rosene is proposing is that her employees will have a week where they will work 35 hours, which is less than the full normal 37.5 hours schedule. In the week where the employee works 40 hours, their accrual will not increase to accommodate.

Commissioner Manguso stated that she remembered that there were summer flex schedules for certain departments that allowed every other Friday off. Ms. Reynolds stated that there are departments where employees get their full hours in a week.

Ms. Underbrink Curran stated that the only way HR could accommodate this is to bring the question to the Board. Ms. Underbrink Curran stated that the Board has asked HR to be consistent.

Commissioner Manguso stated that department heads need the flexibility to do what they want to do.

Ms. Rosene stated that she understand consistency but needs to make schedules work for the public and the employees. Ms. Rosene stated that she believes that she owes it to the public and to the employees to have a flexible schedule.

Commissioner Newberry asked if this proposal would take care of problems in other departments. Ms. Reynolds stated that she believes that other departments would be interested in doing this.

Commissioner Newberry is in favor of having employees and departments be allowed to have some flexibility to make their jobs work for the public and the employees.

Ms. Reynolds stated that flex time can be a great tool. It can help the departments and help the employees. However, the County has rules in place. If the Board is ok with this change, Ms. Reynolds will allow the Clerk’s office to do this.

Chairman Linke stated that he believes that the Clerk’s office is unique. The Clerk’s office sees the highest number of people on a day-to-day basis and that is what makes the consistency thing not as valid as an argument.
Chairman Linke is fine with this request.

Ms. Underbrink Curran stated that she does not have the authority to approve this. Ms. Underbrink Curran tried to figure out how to make this work and told Ms. Rosene that she needed to present to the Board.

The Board is fine with the request. Commissioner Newberry wants to get the department heads together to explain how it will be working.

Chief Ray Jennings reported that he will be requesting replacement of two projectors.

Chief Jennings stated that he has had 130 high school kids go through the EMS class over the last ten years. Some of the kids have asked to take the class during the summer. Chief Jennings would like to allow seniors that will be graduating that year take the summer class if it is offered. Chief Jennings would like the kids to put in a $500 deposit and if they pass the class, the money will be returned.

Commissioner Newberry asked why the school cannot offer this in the summer to have grade on it with a credit.

Chief Jennings stated that the current policy is that they have to be a senior coming into the class.

The Board is fine with the request. Chairman Linke asked that Chief Jennings consider allowing kids between junior and senior years to take the classes.

Commissioner Newberry moved to accept the letter of resignation from Jack DiCola as County Attorney effective July 1, 2015.

The motion passed unanimously.

**Board Business**

Chairman Linke stated that he attended a meeting of the Stockgrowers. The Stockgrowers were concerned over the changes to some state lands. There are certain state lands that ranchers use for grazing. There is a change being requested by outside groups that have nominated parcels to become part of the Stewardship Land Trust Realignment Program.

One of the requesting agencies is [www.rockymountainwild.org](http://www.rockymountainwild.org). The two parcels up for consideration are Troublesome Monument Creek and Williams Fork Bull Run. Both of these are part of active grazing permits. The permit holders of both of these are adamantly opposed to this. Both feel that this is a taking because it puts the land at a higher standard of care. Some of things being requested are unmanageable.

The Stockgrowers are putting together a group to comment on the proposal. The final decision will be made on April 19. The comments are due February 28, 2015.

Chairman Linke attended the Grand County Rural Health Network meeting. Jane Harmon, principal at Granby Elementary, presented a presentation on the Kindergarten learning gap. That became important to the Rural Health Network because there are a wide range of kids coming into Kindergarten.

The Rural Health Network fundraiser will be on September 11, 2015. The fundraiser will be a celebration of first responders.

Freeport McMoRan hosted the Grand County Community Partnership Panel. Of all the presenters that were at the meeting, there were a number of community partnerships already going.

Chairman Linke stated that Freeport indicated that they are looking at closing by 2026.

Chairman Linke attended the Intergovernmental Oversight Group meeting for House Bill 1451.

Chairman Linke stated that with regard to aviation gas, the Kremmling Town Police are going to bust anyone that is caught on the airport grounds putting a fuel nozzle into a snow machine. There will be a warning first.

Eric Woog from Alpine Motor Sports in Kremmling said that he has a user group that he will inform about the use of aviation gas.
Commissioner Newberry stated that it sounds like people will still drive vehicles onto the property to get fuel.

Chairman Linke stated that there are too many regulations for anyone willing to take this on as a private business.

Commissioner Manguso stated that the Board is spending a lot of time on something that just is not that big of an issue.

Commissioner Newberry stated that this has been done in the past. No one is really supposed to be purchasing fuel at the airport for snow machines. It sounds like it is going to continue.

Chairman Linke stated that he is proposing that the County allow someone to go in and fill up a jug and use the fuel in the manner that they would like to do. Neither the County nor the FBO will be following people out of the airport to see how they are using the fuel.

Chairman Linke stated that the County will not allow people to go onto the airport to fill up snow machines.

Commissioner Newberry stated that he is not comfortable with the solution.

Commissioner Newberry would like to discuss an alternative solution with the people involved.

Commissioner Newberry is very much in support of the businesses in Kremmling to continue to be able to operate. Commissioner Newberry stated that he has always been support of keeping public lands open for them to run trails. This has more to do with the County’s liability in running an airport.

Commissioner Newberry asked if the Manager needs direction on the request from the town of Winter Park regarding driver’s education.

Commissioner Newberry stated that if Mountain Parks Electric and Town of Winter Park want to continue paying for driver’s education, he is fine with that. The County is not interested in participating in paying for driver’s license training.

Commissioner Newberry stated that Grand County was able to retain the Driver License service in Grand County even though the state was going to take it away.

Commissioner Newberry is interested in having a conversation with the schools to find out why they no longer provide driver’s education in the school.

County Manager Underbrink Curran stated that the Forest Reserve Payments, the County gets 25 percent, the school gets 25 percent and then the school and the County gets together and decide how to divide up the rest of the money.

According to the law, when the state gets under $6 million, three people from the school and three people from the County must get together and decide where 100 percent of the Forest Reserve funds go. This year the Forest Reserve Funds for Grand County will be $951,925.70. If this goes to the school, it will be allocated between the two districts on a per pupil basis. If by September 30, 2015, no determine has been made, any amount in the County’s possession will likely count against the subsequent years’ PILT payment June 2016.

Chairman Linke stated that the National Association of Counties is working on secure rural schools, PILT funding, and forest reserves. Commissioner Newberry asked if the School Board Association would be willing to participate in legislation regarding the federal funding.

The Board received a letter of thanks from the Rural Health Network for the County’s financial contribution and in-kind contributions.

The County is receiving an impact assistance grant from Colorado Parks and Wildlife. The money goes to the school districts and the County in the total amount is $6,203.89. The money is allocated $2,573.56 to West Grand School District and $261.72 to East Grand School District.

Commissioner Newberry moved to allow the Chair to sign the Colorado Parks and Wildlife Impact Assistance Grant application.
The motion passed unanimously.

Commissioner Newberry stated that the County has received a Facility Use Fee Waiver for the CSU Extension Hall by Middle Park Medical Center for staff education.

Commissioner Newberry moved to approve the Facility Use Fee Waiver for the CSU Extension Hall for the Middle Park Medical Center continuing education program.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Board to sign the following letters acknowledging the work done by staff for the Clerk and Recorder’s Office to receive the 5-Star Award from the Colorado Department of Public Health and Environment:

1. Jordan Graybeal  
2. Sheena Darland  
3. Jane Reed  
4. Janette Fudge  
5. Sosey Luke  
6. Patty Brown  
7. David Stahl  
8. Teri Hertel  
9. Alex Meyer

The motion passed unanimously.

Commissioner Newberry moved to authorize the Board to sign the letter for acknowledgment to Sara Rosene for receipt of the 5-Star Award.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Board to sign a letter to the Tabernash Community regarding updates from Tabernash Meadows Water and Sanitation District.

Discussion: Commissioner Newberry stated that the number one issue for him in the update is the district is no longer seeking a re-rating of the plant. The County has not heard from the Tabernash Meadows Water and Sanitation District confirming that they are not seeking changes to the plant.

Commissioner Newberry moved to table the motion.

The motion passed unanimously.

**Calendars**

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<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>February 12</td>
<td>UCC meeting in Kremmling at 7:30 a.m.</td>
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<tr>
<td>February 13</td>
<td>CCI meetings in Denver</td>
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<tr>
<td>February 16</td>
<td>Winter Park Community meeting at 9:00 a.m. – this is a presentation from WPRA</td>
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The Board received and reviewed the Clerk’s Fees for January 2015.

**Treasurer’s Report**

County Treasurer Christina Whitmer confirmed that the Board received the Treasurer’s Report.

County Treasurer Christina Whitmer presented Resolution No. 2015-2-2, “A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW ‘COLORADO RIVER CA ESCROW’ ACCOUNT” for work completed by GEI Consultants, Inc. in the amount of $26,357.01.

Commissioner Manguso moved to approve Resolution No. 2015-2-2 as presented.
The motion passed unanimously.

Manager and Attorney Items

County Manager Underbrink Curran stated that there is a site in the Grand Lake area that the Bureau of Reclamation owns the tower and there has been some discussion over who owns the land. The County does not need the site right now but will likely need it in the future. In order for the County to obtain the property in the most efficient manner, the County needs to apply for a lease for the tower.

Commissioner Manguso asked if the County tries to help people get on a site.

Ms. Underbrink Curran stated that there was a local provider that wanted to get on the Denver Water site. Grand County helped get that person on the site. One of the things that are coming up is a building that was on the site. There was a building on the property. A private enterprises’ equipment got put into the same building as the state and county equipment.

Ms. Underbrink Curran stated that there is a concern over a private entity having access to a building that houses county equipment.

Commissioner Newbery stated that Grand County was one of the first counties that required colocation of equipment.

County Attorney DiCola stated that the Court of Appeals had remanded both the charitable case and the religious case for the YMCA to the Board of Assessment to make a decision. The Board of Assessment Appeals only made a decision on the religious case. Grand and Larimer Counties filed an appeal to the Court of Appeals for the religious decision and filed on the fact that the BAA will not rule on the charitable decision.

The YMCA said that because the religious exemption is a final order, they do not need the charitable exemption. The County agrees that the charitable exemption should go away.

Mr. DiCola stated that the County won the religious trial. The Court of Appeals said to the Board of Assessment Appeals, “you have to take at face value the YMCA saying that their property is used solely and exclusively for religious worship.”

Assessor Tom Weydert stated that Sunset Ridge in 2006, the original developer sold a portion of land to the HOA. The Assessor picked up that deed and recognized it. Typically, that happens for an undevelopable piece of land. The value gets absorbed into the other property. What the Assessor did not pick up is that they also filed an amendment to their covenants and declarations making the land a developable piece for up to five individual homesites. On one hand, the Assessor made it non-taxable because it should have been. Mr. Weydert believes that the land is taxable and they will be sending a special notice of value to the Homeowners Association that they have taxable property.

Mr. Weydert stated that the County can go back at least two years for omitted property. They might be able to go back six years.

Mr. DiCola stated that the County Attorney’s Office brought this information to the attention of the Assessor.

Mr. DiCola stated that upon authorization of the Board of County Commissioner’s the Assessor may review petitions for abatement or refund and settle by written mutual agreement any such petition for abatement or refund in an amount of $10,000 or less per tract, parcel, or lot of land or per schedule of personal property.

Mr. Weydert stated that previously, the Board has allotted $1,000. The state’s limit $10,000. Mr. Weydert stated that he would like to have the settlement amount to be more than $1,000. This request is to help the Assessor’s Office from a convenience standpoint.

Mr. Weydert stated that in 2009, Grand County received 2,000 protests. In 2011, there were 910 protests and 821 protests in 2013. Of those, the following went to the County Board of Equalization:

2009 246
2011 427
2013 337
Mr. DiCola stated that CBOE is where somebody appeals their property taxes in the normal Board of Equalization manner.

Mr. Weydert stated that people protest to his office first. If the Assessor agrees, it is settled at the Assessor level. If there is a disagreement, it goes before the CBOE. The Grand County Board of Commissioners has elected to use referees who are licensed local appraisers. They are the hearing officer for CBOE. If a property owner disagrees with that determination, the property owner can go to the Board of Assessment Appeals, District Court, or Arbitration.

Mr. Weydert stated that for 2013, his office processed 122 abatements for a total of $120,000. Grand County had a high number of abatements but the dollar amount was a lower amount than the state average.

Mr. Weydert stated that from August 1, 2012 through July 31, 2013, there were 12 abatements over $1,000. Of the 12 abatements, all the abatements brought before the Board, the Assessor was not in disagreement with the property owner. People are holding off in filling their protest because they would rather file an abatement. If the property owner wins and they paid their taxes, the property owner will get 12 percent interest.

Mr. Weydert stated that it takes a lot of staff time to prepare the cases for the Board of Commissioners with a vast majority of the cases the Assessor agrees with the petitioner.

Mr. Weydert stated that the limit is set by the Board annually.

Commissioner Manguso stated that she would like to receive a quarterly update on abatements.

Commissioner Newberry moved to allow the abatement authorization amount for the County Assessor be at $5,000 pursuant to CRS 39-1-113(1.5).

The motion passed unanimously.

**Weber Subdivision Exemption Final Plat Recording Extension**

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 February 3, 2015.

**Project Name:** Weber Subdivision Exemption – Sketch Plan  
**Applicant:** Joel Weber  
**Location:** 2-miles west of Grand Elk off of CR 566, Tract 11 – Orr Tracts, being a part of the s1/2 of Section 13, Township 1 North, Range 77 West, Grand County  
**Applicable Regulations:** Subdivision Exemption Regulations  
**Exhibits:** Letter of Request to Extend Final Plat Approval, Proposed Final Plat from 2009, Certificate of Recommendation – Final Plat March 2, 2010  
**Staff Planner:** Bill Gray, County Planner  
**Request:** One year extension of Final Plat

**Discussion**

Joel Weber is request a one year extension of the final plat for Weber Subdivision Exemption. The subdivision exemption was granted final plat approval with conditions on March 2, 2010. Weber Subdivision Exemption is one-lot subdivision exemption. It subdivides a 17.07 acre lot from Orr Tract 11 that is 54.62 acres in area and leaves a remaining 35.55 acre parcel. It is located west of the town of Granby on County Road 566.

This request represents the 5th extension for this application. Based on the request the Applicant desires to have a buyer first before meeting conditions of approval and recording the final plat. The county has been patient with the Applicant and his financial needs and desires. Staff sees no real reason to change course at this time.

For recollection purposes, a copy of the final plat and staff recommendation has been provided.

**Recommendation**

Staff recommends approval of the one year extension request for Weber Subdivision Exemption – Final Plat.
Commissioner Manguso to approve the one-year extension request for the Weber Subdivision Extension Final Plat to March 2, 2016.

The motion passed unanimously.

Bill Gray presented for approval Resolution No. 2015-2-3, “A RESOLUTION TERMINATING THE DUNN SPECIAL USE PERMIT FOR A MOBILE HOME BEING LOCATED IN THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 79 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO AND AUTHORIZING THE COUNTY TREASURER TO RELEASE THE TWO HUNDRED FIFTY DOLLAR DEPOSIT CURRENTLY BEING HELD IN ESCROW”

Commissioner Manguso moved to approve Resolution No. 2015-2-3 as presented.

The motion passed unanimously.

Attorney Items

Colleen Reynolds stated that a former employee qualified for the retiree medical plan and his questions was, “could I enroll in the insurance and if I find a better deal, can I change over to the $500 per month?”

Mr. DiCola stated that Safeway has moved to consolidate the case in Denver. Mr. DiCola filed a brief and the County does not want to consolidate.

Mr. DiCola stated that the County received an Open Records Request for matters regarding Commissioner Newberry. Mr. DiCola stated that Commissioner Manguso would like a copy of what is being produced. Mr. DiCola would like to get to give copies to all three Commissioners.

Mr. DiCola stated that he would like to give a copy of everything to Commissioner Newberry’s attorney.

Chairman Linke stated that he would like to fulfill the request as made.

Mr. DiCola stated that if he put this on a disk, he would like to give it to the Board. The Board has no objection to this.

Commissioner Manguso moved to convene an Executive Session at 1:34 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 update on negotiations and litigation with David Taussig and Barbara Green.

The motion passed unanimously.

Commissioner Manguso moved to reconvene the regular meeting at 2:33 p.m.

The motion passed unanimously.

I, Merrit Linke, 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.

Attorney Items

County Attorney DiCola presented the following Resolutions for Board approval:
Resolution No. 2015-2-4, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ADMINISTRATIVE SERVICES CONTRACT BY AND BETWEEN CIPLA HEALTH AND LIFE INSURANCE COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2015-2-5, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN APPLICATION FOR GROUP POLICY BETWEEN LIFE INSURANCE COMPANY OF NORTH AMERICA AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”


Resolution No. 2015-2-7, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE BID FROM PREMIER EARTHWORKS & INFRASTRUCTURE, INC. FOR PHASES 1 AND 2 OF THE COUNTY ROAD 804 PROJECT, WATER MAIN CONSTRUCTION AND STORM SEWER CONSTRUCTION”

Resolution No. 2015-2-8, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CAPITAL EXPENDITURE BY THE GRAND COUNTY CLERK AND RECORDER TO PURCHASE NEW COMPUTERS”

Commissioner Manguso moved to approve Resolution Nos. 2015-2-4 through 2015-2-8 as presented.

The motion passed unanimously.

Mr. DiCola stated that with regard to records, the Assistant County Attorney Franek let Mr. DiCola know that the County has made a policy of keeping the commissioners in the loop with regard to all Open Records Request. The Attorney’s Office is not going to change that. Mr. DiCola stated that they will e-mail all the information to all County Commissioners.

Commissioner Manguso stated that this has been a volatile situation from day one.

Mr. DiCola stated that if Commissioner Newberry requests a disk of the information, there will be a charge.

County Attorney DiCola wants to be careful with the information they receive.

Public Hearing (Continued) – RM Concepts LLC Retail Marijuana Product Manufacturing for deliberation and adoption of resolution as appropriate

Mr. DiCola stated that he met with the applicant and told him that with record to odor emissions, Mr. DiCola has advised him that if there is a problem with odor emissions, he gets a notice and will have a hearing. The County will not immediately go in and lock the door.

Chairman Linke stated that if there is a continued problem, this will be a strong consideration when this permit comes in for renewal.

Attorney Brian Tannenbaum stated that a skunk smells a lot like marijuana.

Mr. Mick stated that the only push back is if there is some database and if there is a way to measure the olfactory sensory process. Otherwise, people can make the opinion that “this smells.”

Mr. DiCola stated that the applicant has right to due process between the renewal periods. If it comes up at renewal, Mr. DiCola believes that the County would have heard complaints.
Mr. DiCola stated that there may be some point in time that they want signage on the building. Mr. DiCola stated that they will need to come back and ask.

Mr. Mick stated that he does not need signage with regard to marijuana. Mr. Mick stated that it makes sense that they have a sign that says RM Concepts.

Mr. Mick stated that with regard to a safety issue, he is fine with putting up a sign that says “RM Concepts.” The actually have a logo. Mr. Mick stated that he does not want any sign with a marijuana leaf. Mr. Mick stated that he attends to be a good neighbor.

Commissioner Newberry stated that he would not put any sign up. The address could be put up in bold numbers. If Mr. Mick wants to come in at renewal and ask for a sign, he could do at that time.

Mr. Tannenbaum wondered if a business with a good sign would cause suspicion. Commissioner Manguso noted that there has never been a sign there.

Commissioner Newberry had a call concerning parking. Commissioner Newberry stated that he did not listen to the call and did not follow up with the person.

Mr. DiCola stated that the Board heard evidence regarding parking during the hearing.

Commissioner Manguso stated that she received a complaint regarding parking in that general building in Tabernash. Commissioner Manguso sent an email to the Planning Department because there are three businesses going in there.

Staff found that there was no problem.

Mr. Mick stated that parking will be an issue in that area. Mr. Mick stated that an issue of concern regarding his segment of the building is because the auto repair shop is growing and has cars all over the place. Mr. Mick stated that Community Development and the Building Department requested that they put in spaces for ten cars and he did that. Has talked with auto repair to limit the amount of cars that are there. Mr. Moyer stated that was part of the original review.

Mr. DiCola stated that the hearing is technically still open. The Board should not be receiving evidence outside of the hearing. Mr. DiCola stated that what Commissioner Newberry did was fine but what Commissioner Manguso did is interesting causing her own investigation to be made with regard to the area. Commissioner Manguso received information that the other two are not privy to and the applicant was not privy to.

Commissioner Manguso stated that she received a complaint on the building because there were parking issues with three businesses in the building. Commissioner Manguso stated that the person complaining did not specifically mention marijuana in any way. Commissioner Manguso typed up an email and forwarded to the other two commissioners and the Planning and Zoning Department. After verifying her email, Commissioner Manguso stated that she was mistaken and that at the time she sent the email she did know that it was a marijuana business.

Brian Munroe stated that he has two buildings. One has RM Concepts, a glass shop, and one other business. There is another building that has a carpet guy, a roofing company, and an auto repair. The carpet guy is leaving and the auto repair is going to be taking that spot. Mr. Munroe stated that he spoke with the auto repair guy to work on limiting the amount of cars that he has there and do a better job of not having the cars for an extended period of time.

Mr. DiCola stated that Commissioner Manguso received an anonymous complaint and then acted upon it. The Board should not be doing that because it is sitting as the judge. Commissioner Manguso stated that she received the call from Carl Prather. Mr. DiCola stated that Mr. Prather owns a competing auto repair place right down the street.

Mr. Mick stated that they started with gravel around the building with no issue about parking. Mr. Mick stated that as a lessee and a developer, he went and spoke with all the neighbors. He gave all the neighbors his commitment to be a good neighbor. That dialogue ensued and has continued to as recently as today. Mr. Mick stated that he drew up legal parking units for his part of the building.
Commissioner Manguso stated that if she has done something inappropriate, she should probably recuse herself. Mr. DiCola stated that it is not necessary because he has made a good record on this.

Commissioner Newberry moved to approve 2015-1-60, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSE TO RM CONCEPTS, LLC, LOCATED AT 60 COUNTY ROAD 820, UNITS 1 AND 3, TABERNASH, COUNTY OF GRAND, STATE OF COLORADO” as presented by the County Attorney.

The motion passed unanimously.

Commissioner Newberry moved to close the public hearing.

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 3:18 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _______ day of March 2015.

______________________________________________________________________________
Merrit Linke, Chair

Attest:

______________________________________________________________________________
Sara L. Rosene, Grand County Clerk and Recorder