

MEETING MINUTES
GRAND COUNTY BOARD OF COMMISSIONERS
GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES
GRAND COUNTY HOUSING AUTHORITY

April 26, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 – Chair
Commissioner Merrit Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 2
Clerk and Recorder Sara L. Rosene
County Attorney Alan Hassler
Interim County Manager Ed Moyer
Finance Director Curtis Lange
Road and Bridge Superintendent Chris Baer

Those present recited the Pledge of Allegiance.

Minutes

The Board convened a Special meeting of the Grand County Housing Authority for the purpose of approving minutes.

Commissioner Linke moved to approve the minutes of the Special meeting of the Grand County Housing Authority of February 2, 2016

The motion passed unanimously.

Commissioner Linke moved to approve the minutes of the Special meeting of the Grand County Housing Authority of February 9, 2016

The motion passed unanimously.

The Board convened a Special meeting of the Grand County Board of Social Services for the purpose of approving minutes.

Commissioner Linke moved to approve the minutes of the Special meeting of the Grand County Board of Social Services of February 9, 2016

The motion passed unanimously.

The Board reconvened the Regular Board of Commissioners meeting.

Commissioner Linke moved to approve the minutes of the Regular meeting of the Grand County Board of Commissioners of February 2, 2016, with corrections.

The motion passed unanimously.

Commissioner Linke moved to approve the minutes of the Regular meeting of the Grand County Board of Commissioners of February 9, 2016

The motion passed unanimously.

The Board convened a Special meeting of the Grand County Housing Authority for the purpose of approving checks.

Finance Director

Finance Director Curtis Lange, presented the Warrant Register and Expenditure List to be paid on April 27, 2016 for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve checks presented on April 26, 2016 for payment on April 27, 2016, for Grand County Housing Authority on April 26 2016 for payment on April 27, 2016.

The motion passed unanimously.

The Board convened a Special meeting of the Grand County Board of Social Services for the purpose of approving warrants.

Finance Director

Finance Director Curtis Lange, presented the Warrant Register and Expenditure List to be paid on April 27, 2016 for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve vouchers presented on April 26, 2016 for payment on April 27, 2016, for Grand County Department of Social Services as presented.

The motion passed unanimously.

The Board reconvened the Regular meeting of the Board of Commissioners.

Finance Director

Finance Director Curtis Lange, presented the Warrant Register and Expenditure List to be paid on April 27, 2016 for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve vouchers and wire payments presented on April 26, 2016 for payment on April 27, 2016, for Grand County as presented.

The motion passed unanimously.

Road and Bridge Update

Superintendent Chris Baer has chosen Zack Broady as the District 2 Foreman. There were five very good applicants. He stated it was reassuring that there were a lot of good people who are interested in being a part of the County.

Mr. Baer sent over the Winter Park Horseman's letter requesting the use of a motor grader for one day to spread sand that was donated. They will pay for the fuel and provide the operator who is a Road and Bridge operator out of Parshall.

Commissioner Tollett asked whether the County had done this for the horseman's group before. Mr. Baer thought the County has helped them some in the past. He also stated that he was comfortable allowing the use of the grader because they would be using one of the County's good operators. Commissioner Linke stated that, while he did not want this to set a precedent, he felt this was a special case. The Winter Park Horseman's Association has done a lot of good community service throughout the County. It is fair and right to reciprocate. All three commissioners were fine with the decision to allow the use of the grader.

Roads are improving, things are slowly getting better. They get a couple of days of good weather days and then a couple of days with too much moisture and the crews could not do much.

Mr. Baer reminded that anyone who takes a County vehicle out of the County puts over 500 miles on it needs to call in and update the mileage. If they don't they won't be able to get fuel at any of the county sites. Mr. Moyer asked Mr. Baer to email that to Rosalie for distribution to all employees.

Flying Heels is open but there is no water yet. Mr. Baer will probably wait toward the end of May before placing the water, but it is dependent upon weather temperatures.

Mr. Baer reminded that Road and Bridge will be going to four 10's next week. All four districts will be on the Monday through Thursday 6:30 a.m. to 5:00 p.m. The foremen will pick up the extra day on call. The office at Granby will be closed daily from 11:30 to 12:30 daily to allow for lunches. He has also begun to encourage staff to get up from their desks and walk around occasionally.

General Public Comments

Commissioner Tollett noted that everyone gets a three minutes of time to address topics not on the consent agenda or the Board's regular agenda. Any comments expected to be longer than three minutes will be scheduled in the future as an agenda item. Starting today the Board will do a brief summary at the end of public

comments about resolution of comments that they have received. This will be done so that commenters feel that the Board is listening and understanding what the issue is.

Andy Miller asked about the agenda. He noted the Board has the afternoon is off, but there will be a budget workshop tomorrow instead of today. He also asked to verify that there would be no live streaming during the workshop.

Eden Recor addressed the public comment time period. He noted that previous Board meeting agendas have read that comments MAY be limited to three minutes and it would be dependent upon how many people wanted to speak. Now comments are limited to three minutes. He stated that the Board has a communication problem. It does not want to take public comment and therefore it has decided to limit the public comments to three minutes. He believes that is a bad idea and he wants the Board to consider changing back.

Mr. Recor spoke to a letter that Commissioner Tollett sent to the newspaper. The final sentences were read: "Your faith in me strengthened my resolve to fight for this job, the people of Grand County Government, and all the people of Grand County. Also, we will not let negativity and hating bring us down. Grand County can be and will be so much more than that." Mr. Recor said that her first job was to handle the people of Grand County, not the people of County government. He stated that is a bad priority. Mr. Recor also stated he has not done anything negative or indicated any hate to anybody on the Board of County Commissioners – especially at any Board meeting. He said that Commissioner Tollett told him that he was one of those people after a formal meeting one day. He said that he may not like some of the decisions that the Board makes, but he does not hate them.

Mr. Recor next spoke about an annual report that he found on the Grand County Transparency site on the web. His focus was on revenue, spending and fund balances. He noted that property taxes only make up 1/3 of the County's revenue. The other sources of revenue are sales tax, intergovernmental transfers, charges for services and "other." He found two items of note in spending. First, there are Public Health and Public Welfare items. Public Health grew an average of 11.2 percent between 2000 and 2014. Public welfare grew 15.74 percent. "Other" grew 53.4 percent. He noted that Grand County is not in line with inflation.

Mr. Recor also stated that he reviewed fund balances for the same time period by adding revenues and subtracting expenses from the previous balance to compare with the ending balance for each year. He noted that in 2007 the County started adding additional information including proceeds from sales of capital assets and "transfer in of special revenue funds." That made it look like the fund balances were not decreasing. Without those transfers, we would now have \$2,720,000 at the end of 2014 instead of \$21,000,000. He also found that in some years the ending fund balance was not carried forward to the beginning fund balance of the next year. Lastly, Mr. Recor showed that in 2007 and 2008 the County's spending jumped from \$25,000 to \$40,000. He felt that the Board should look at the numbers and note that we have had a big jump in spending but have not seen an increase in income.

Mr. Recor did give a copy of the spreadsheet to the Finance Director.

Carl Wood of Parshall noted that he had quite a bit of history of dealing with the deficit. He applauds the efforts to put the manager search on hold. He spoke to the history of the county manager position. He remembers when the county hired the first manager. The commissioner positions were not paid to be full time jobs. The County was fairly small. Major functions were carried out by the elected positions such as Assessor, Treasurer, and Clerk. As things grew, the manager position appeared to make sense because the Commissioner positions had remained part time jobs.

Now there are several more department heads and a Board that is committed to working full time. Mr. Wood felt that if the Board were to empower and put forth a clear set of expectations to the department heads they and the Commissioners might well be able to manage the County without a manager. That would be one position that might provide some reduction in expenditure.

Commissioner Tollett summarized public comments:

Last week there was a comment from Richard Cimino about weeds. Commissioner Manguso said that she answered his concerns. The County does not spray on private property under any circumstances. It does spray on State highways and BLM property. The noxious weed program pays for itself with these contracts. The County is also required to spray on County property by State statute. It also provides for an herbicide giveaway program on Fridays between 9 a.m. and noon to help private individuals control their own weeds. Commissioner Linke reiterated and wanted it in the record that the County does not spray on private property.

Andy Miller had comments about recordings and not streaming budget workshop this week. Commissioner Tollett researched 54 of the 64 county web sites. She listed on a spreadsheet how often the commissioners meet, how they document their work meetings, do they have and document staff meetings and how do they handle special meetings. Quite a few counties have both minutes and audio and some video recordings of their regular work meetings. Very few counties record or take minutes of staff meetings. She noted that one web site had a library of video recordings that were titled. Examples of titles were "LEPC Update" and "Outside Burning Update". She thought that was a good idea. One example of a good recording to save for Grand County was Katherine Morris's recent update on the water program. The positive to that would be that the public would not have to sift through eight hours of meeting notes and recordings to find it. She thinks the idea of documenting things that are very educational for the public is a good idea. She is still up in the air on working meetings. The Board will look at that in the future.

Commissioner Tollett acknowledged Mr. Recor's financial spreadsheet and noted that it will be discussed during the meeting later with Finance.

Commissioner Tollett told Carl Wood that the Board is currently split on stopping the search for a new county manager. The search has actually not been stopped at this point. DOLA is continuing to look at candidates.

Departmental Contracts, Comments and Issues

Home Care Administrator Tina Strang came to the Board with the proposal of the Public Health Medicare Application 855b to ensure that the department has permission from the Board to move forward with the application and for Brene Belew-LaDue to sign the application. This application does require that a specific person is listed as director and some very personal and private information is required. Ms. Strang is listed as a delegated official. She wanted to see if the Board had any questions regarding the application and to get permission from the Board to move forward.

This application is for certification to provide flu shots for Medicare patients. Commissioner Tollett noted that the County does need the certification. It is a revenue stream. Ms. Strang added that Home Health had its own certification to administer shots under Medicare. With the closure of Home Health the County will not be able to bill Medicare for the shots without a new certification. It takes several months for the application to get through Medicare so Public Health would like to start working on it now in order to be able to start immunizations by the end of August.

Commissioner Tollett noted that she saw a lot of blank spaces on the form. She wanted to know if the application was complete. Ms. Strang said it was now complete even though there were some blank items and that it was ready for signature from the Board.

Commissioner Manguso noted that the County administered the shots, collected money from Medicare and was legally and financially responsible for any outstanding debt owed to CMS. She would like to know what the dollar amount is estimated to be.

The letter at the front of the application states that the County will pay for what is not covered and that was presented to Board. Ms. Strang said that that information was in the presentation that Ms. Belew-LaDue gave when the group decided to do flu vaccines in 2016. Mr. Moyer added by saying that the Commissioners already made the decision to approve Public Health to conduct Flu shots in 2016. In order to bill Medicare, Public Health needs a Medicare license. What is uncollected from Medicare is on the County. That was the information that Ms. Belew-LaDue provided at a previous meeting. Mr. Moyer sees this as being no different than the program the County has been doing the entire time. The only difference is that before it was under Home Health's Medicare license.

Commissioner Manguso noted that seven towns were listed on the application and that she thought the program was to be reduced from what occurred in previous years. Ms. Strang stated that they did not want to be restricted to a small set of locations. Not all locations would be used, but they wanted to include any possible locations so that the application would not have to be re-visited in the event that a new location was to be added or taken out. So, it is a generalized statement not saying that immunization clinics have to be in any of the towns, but that they could be.

Commissioner Linke stated that he was good with the application. It was only a reapplication for a license and it is something they need to do in order to continue the program.

It was noted by Commissioner Tollett and Ms. Strang that the program would not cover the general public who could go to other outlets with their insurance to obtain a shot. This program was to provide shots to senior citizens and those at greater risk who could not easily obtain flu shots on their own. The County will also provide flu shots to employees.

Eden Recor stated that he was concerned that the cost of administration of the shots would add to the budget problems for little value because people can easily obtain flu shots in several locations. He asked whether we could simply give the flu shot away if the cost to recover money from Medicare was too great. Ms. Strang said there were a lot of regulations including one requiring the billing of a flu shot recipient. It is also illegal for them to give a person a flu shot and collect money for that from the person directly.

Mr. Moyer assisted with the motion: "This would be to authorize the Director of Public Health to execute the Medicare re-application 855b and also authorize the Board to sign the CMS letter outside the meeting". Ms. Strang added that there are additional Medicare forms that Ms. Belew-LaDue would need to sign. One is called the Electronic Funds Transfer Authorization Agreement. She stated that since Medicare has required the 855 Electronic Funds Transfer Authorization Agreement the Treasurer has been the recipient of all Medicare revenue.

Commissioner Manguso moved to authorize the Director of Public Health to execute the Medicare re-application 855b and also authorize the Board to sign the CMS letter outside the meeting. In addition, Ms. Belew-LaDue is authorized to sign the wire form and associated documents.

The motion passed unanimously.

Grand County Veterans Service Office Duane Dailey stated that a veteran contacted him on April 12th via a 12:45 phone call wanting to know what was taking so long on his process. Commissioner Linke intervened at this point to say that he thought this was something that might not appropriately discussed in the Board meeting. Commissioner Tollett said that she has discussed the situation with Mr. Dailey and that it is a complicated situation. She said that she believes that the County is working toward resolution for this veteran. From what Mr. Linke understands, Mr. Dailey is on top of it. Mr. Linke thinks that the Board should state that the County is working on it and addressing the issue. Commissioner Manguso stated that it was good enough for her that the interim County Manager was directed to work with this individual. Mr. Moyer responded by stating that he contacted the individual and put him in contact with Mr. Dailey. They have resolution on the matter. Mr. Moyer pointed out that the request was for medical records and that Mr. Moyer wanted everyone to be clear that neither the County's VSO nor the State's Veterans Association have medical records. It is the federal Veterans Administration that has the medical records.

Mr. Daily would like to set up a workshop with the Board so that they fully understand the process. A fully developed claim through the VA will be resolved in approximately 180 days. Unfortunately there are three dozen cases in the County where this is an ongoing process. He stated that the veteran usually drops the ball by not providing additional evidence in a timely manner. It is not unusual for an ongoing case to take eight to ten years. Commissioner Manguso said she did not need to know the details and did not think they needed to have a workshop. Commissioners Linke and Tollett felt that one was warranted because the public has an interest in the process. They felt that this workshop could be recorded and encapsulated on the website so if the public has a question on the process, they can access the information easily. It was decided to set the workshop as a regular Tuesday afternoon workshop so that it does get streamed.

Commissioner Linke moved to approve Resolution No. 2016-4-13, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO PROCLAIMING THE YEAR 2016 AS THE COMMEMORATION OF THE 50TH ANNIVERSARY OF THE VIETNAM WAR"

The motion passed unanimously.

Brett Hanlon of Community Development presented Resolution No. 2016-4-27, "A RESOLUTION GRANTING A ONE (1) YEAR EXTENSION OF THE RECORDING REQUIREMENTS OF THE FINAL PLAT FOR THE NELSON OUTRIGHT EXEMPTION"

Commissioner Manguso moved to approve Resolution No. 2016-4-27 as presented.

The motion passed unanimously.

Mr. Hanlon presented a request for a modification for the Red Hawk Ranch Water and Sanitation District Service Plan. The service plan was approved by the Board in 2012. The service plan limits the activities of Red Hawk Ranch to negotiating with Tabernash Meadows Water and Sanitation District. They have not reached an agreement so they are requesting an extension of time. This notice is for information purposes only to outline what has happened in the past. It will be scheduled on the agenda as a public hearing.

Mr. Moyer stated that there is another document in the drop box from Community Development regarding a short term rental in Scanloch. There are parking issues there. The applicant may be proposing an amendment to zoning regulations to change the parking standards. This is also only a notification. No decision has been made yet.

Katherine Morris, Water Quality Specialist, spoke to a letter and memo in the drop box. The letter comes with a complete lab report from Test America. The memo has a revised version that was put in the box yesterday.

The memo is regarding a reclamation grant opportunity and Ken Fucik's proposal to start a watershed organization.

Commissioner Tollett stated that she had concerns with this. Originally, the Board was okay with him getting the reclamation grant to look at proposals. Now he wants to start a new group, a lab, and an education center and that sounds like duplication with what GCWIN is doing. Commissioner Tollett stated she would prefer to take a step back and determine what the County does want from a watershed plan. Commissioner Manguso is not in favor of a watershed plan for Grand County at this time. Commissioner Linke is also not in favor of a watershed plan. The County will be backing off from this. Ms. Morris stated that Mr. Fucik was going to ask GCWIN to be the applicant for the grant. He has now selected Shadow Cliff to do that and was asking GCWIN to provide a letter of support. Ms. Morris will share with the GCWIN that the County has changed its mind. The Board is not in support of the project as presented.

The second item of business is a letter to Colorado Department of Public Health and Environment (CDPHE) regarding the Union Pacific spill of August 2015. Ms. Morris is asking the Board to approve and sign the letter.

The purpose of the letter is to accomplish three things and to make two requests:

1. To provide the County's account of the unpermitted discharge
2. To comment on the railroad's report that details this spill to CDPHE and the results of their lab tests
3. To submit results that Grand County, East Grand Water Quality Board and the Town of Winter Park collected and had analyzed.

The requests are:

1. That CDPHE take action as appropriate to address the accumulation of years of contaminated sediment into the Fraser River
2. That Union Pacific Railroad be required to thoroughly and comprehensively monitor and disclose all constituents that have a reasonable potential to be present in the aqueous discharge adsorbed to comprising in their entirety total suspended solids that are in that discharge and be responsible for settled particulates or downstream sediments. This would include volatile organic carbons, semi-volatile organic carbons, diesel range organics and Mercury at a minimum.

Commissioner Tollett asked whether this is something that legal should review. Mr. Hassler stated that he looked at the letter. It was a statement of facts that the County knows. He does not feel that it goes into personal opinion. It does not advance anything on what should be done other than "take this information and go forward with it." Commissioner Tollett also did not see any speculation in the letter. It was a stating of the facts and asked CDPHE for help.

Ms. Morris added that the Upper Fraser River is on the list of Threatened and Endangered Rivers for aquatic life which is measured by macro invertebrates. This contaminated sediment most likely directly affects macro invertebrates and the tests that were done would not indicate the presence of any of these things. She feels that the County needs to hold the Railroad accountable and test for what can reasonably be expected to be in their discharge.

Ms. Morris stated that there was still time. Commissioners could take time to re-read the letter prior to sending it. Commissioners agreed to take a week. The Commissioners thanked Ms. Morris for documenting the incident so completely.

Manager and Attorney Items

Interim County Manager Ed Moyer presented three letters for the Board to approve and sign:

1. Letter to Northern American Title Company requesting payment of the local share of the Highway 9 project in the amount of \$7,943.22.
2. Letter to the Board of Directors of Grand Foundation requesting payment of the local share of the Highway 9 project in the amount of \$1,850.67.
3. Letter to Summit County government requesting payment of the local share of the Highway 9 project in the amount of \$496.45.

Commissioner Manguso moved to approve and sign the letters as presented by Interim Manager Moyer. The motion passed unanimously.

Mr. Moyer said that he received a phone call from one individual and an email from the County Attorney from another individual asking about the six acres that the County owns east of Hot Sulphur Springs. The individual wants to purchase the land. Mr. Moyer is bringing it to the Board to see if it had any interest in selling County property at this time.

Commissioner Manguso expressed an interest in selling the property. It was initially purchased for the transfer station. Now that the County will not be using it for that, it might make sense to sell it. There was talk about possibly using the land for a sheriff's facility or an animal shelter.

Mr. Moyer stated that he would like to see what people wanted to pay for the land and compare that with what the County paid for it. Commissioner Tollett suggested that this be run by the County departments to see if the land might fit in short or long term plans. Commissioner Linke said he would like to look at holding on to the property in case a need arose in the future. It was mentioned that getting water and sewer to this location would be expensive.

It was agreed that departments would be asked. Commissioners also agreed that it would be a good idea to have a realtor appraise the property.

Mr. Moyer presented a Grand County Landfill well package for filing with the water referee. It is the well's change to an augmentation plan. It takes the original uses for the landfill well and allows multiple uses. It is backed by the 15-acre feet that the County has with Middle Park. The amounts that are used by the well come out of the Middle Park water. The application is ready and due April 27th. Mr. Moyer asked that the Board authorize the County Water Counsel to file with the Division Engineer the package which includes a letter of explanation signed by him. Mr. Hassler said that the application had been revised to better describe the potential uses of the water are and how they are beneficial uses.

Mr. Moyer asked the Board to make a motion to authorize the County's water counsel to file the package.

Commissioner Linke moved as described by Mr. Moyer.

The motion passed unanimously.

The High Altitude Sports Riders Club represented by Joe Kelly asked to re-open the dirt bike track that is adjacent to the Granby Landfill. The County has conditions in the special use permit that require the Board to discuss the opening and to inspect the dirt bike track to make sure it is not muddy or has snow on it every year. Mr. Moyer will work with the club to insure that the track is in order and also receive its insurance and ensure that there is a decibel enforcement schedule created. Mr. Moyer asked that the Commissioners approve the High Altitude Sports Riders Club to commence operations conditioned on the above items. The board is fine with that.

Mr. Moyer spoke to the draft investment policy that the County Attorney emailed to the Commissioners and the Treasurer. He spoke with the Treasurer yesterday. He suggested that the County schedule a workshop to review the resolutions in the policy as a group and go over comments from the Attorney and the Treasurer. It was agreed to schedule the meeting for May 2nd in the afternoon.

The term limit ballot question is ready to be put on the agenda for discussion. Still to be discussed is whether the limit is for 2 or 3 terms. A second potential ballot question is a marijuana tax. Mr. Hassler asked the Board for direction on what proposals to entertain. Two concepts are an excise tax on grow and/or a sales tax on the

final sale to the consumer. The sales tax affects the ultimate consumer. The excise tax is tax on a producer. Medical marijuana is not subject to retail tax because it is considered a pharmaceutical under state sales tax law. The Board is in favor of doing a separate ballot question for each taxing concept. Mr. Hassler thanked the Clerk for sending him example of ballots from other counties. Commissioner Tollett noted that other counties are taxing marijuana.

Consent Agenda

Resolution No. 2016-4-15, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A TRACK AGREEMENT BETWEEN ENVIROTECH SERVICES, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE SUBLEASE OF RAILROAD TRACK"

Resolution No. 2016-4-16, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A TRACK AGREEMENT BETWEEN GMCO CORPORATION AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE SUBLEASE OF RAILROAD TRACK"

Resolution No. 2016HA-4-17, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY, REMOVING DOWN PAYMENT ASSISTANCE LOAN #CMHC 80421 AS AN ASSET IN THE ACCOUNTING RECORDS OF THE GRAND COUNTY HOUSING AUTHORITY"

Resolution No. 2016-4-18, "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 GRANBY HEATING & SHEET METAL, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION OF AN AIR CONDITIONING UNIT"

Resolution No. 2016-4-19, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AWARD OF CONSERVATION TRUST FUND MONIES TO THE BITS N SPURS GYMKHANA"

Resolution No. 2016-4-20, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AWARD OF CONSERVATION TRUST FUND MONIES TO THE GRANBY ELEMENTARY SCHOOL AND ITS PARENT-TEACHER ASSOCIATION FOR THE REPLACEMENT OF PLAYGROUND EQUIPMENT"

Resolution No. 2016-4-21, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONTRACT BY AND BETWEEN THE STATE OF COLORADO, DIVISION OF YOUTH CORRECTIONS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING COST REIMBURSEMENT OF SENATE BILL 94 PROGRAM REQUIREMENTS"

Resolution No. 2016-4-22, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AMENDMENT TO THE TELEPHONE SYSTEM/SERVICE AGREEMENT BETWEEN LEGACY LONG DISTANCE INTERNATIONAL, INC. D/B/A LEGACY INMATE COMMUNICATIONS, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-4-23, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CAPITAL EXPENDITURE BY THE GRAND COUNTY SHERIFF TO PURCHASE METAL DETECTORS FOR COURT SECURITY USE"

Resolution No. 2016-4-24, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN COLORADO

COMMUNITY REVITALIZATION ASSOCIATION INC., DBA DOWNTOWN COLORADO INC., AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE ASSIGNMENT OF ONE (1) VISTA VOLUNTEER”

Resolution No. 2016HA-4-25, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY, TO EXECUTE A 2015 GRAND FOUNDATION GRANT FINAL REPORT”

Resolution No. 2016-4-26, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE PROPOSALS FROM BOWMAN COLORADO GROUP LLC AS THE PRIMARY ENGINEERING FIRM AND JVA, INC. AS THE SECONDARY ENGINEERING FIRM FOR THE PROVISION OF CIVIL ENGINEERING SERVICES ON AN AS-NEEDED AND AS-REQUESTED BASIS”

Commissioner Manguso moved to approve the consent agenda.

The motion passed unanimously.

The State Land Board will have a meeting in Vail on May 12, 2016. Commissioners have been invited. Commissioner Linke will be going and sharing information with the Board when he returns.

Board Business/Correspondence/ Calendar/Meeting Reports

Commissioner Tollett wanted to clarify her reasons for making the decision she did on the future Henderson Mill taxation decisions. She stated that the goal was to ensure a smooth transition should the Mill and the Mine close. By keeping the Mill open longer they could keep people working and staying longer in their homes in the community. Her reasoning was that by allowing the averaging period to go from the five- to three- year period the County was giving Freeport a tax relief to help the financial picture of the Mill. She said they were getting better at communicating issues, but it is a learning process. Last week they gave a citizen a voice on the agenda and they will continue to do that. It was a tough decision but it has been made and the Board of Commissioners is sticking with their decision. Commissioner Linke agreed that it was a controversial decision. It could have been handled differently but it was done. His reasoning was that keeping the Mill open another year would offset any drop in revenue that they got by going to a three year averaging. It was a compromise from what the Mill asked originally.

Commissioner Manguso stated that she did not believe that changing the averaging would make a difference in how long the Mill would stay open. Clear creek stayed with a 10-year averaging and she hoped Grand County would do the same. She nonetheless stands behind the Board decision. It was a two to one decision but it was a Board decision that staff can use to move forward and act on. In the end the vote has been made. Based on legal advice the Board decided not to go back and redo the original vote.

The Board is planning to have Mr. Hassler and Mr. Moyer draft an explanation for the lay person that will contain a concise view of Mr. Hassler’s legal explanation of the issue. There are still some final numbers that are expected to come from the Assessor’s office later in the week.

Commissioner Linke noted that the County Treasurer and the County Assessor both weighed in on the decision and agreed with what the Board did. He thinks that the Assessor stands behind the 3-year decision.

Mr. Moyer spoke to a BLM comments letter describing a BLM land exchange with Blue Valley Ranch. When the proposal was previously brought forward there was controversy over the 400 acres of land that provides approximately 0.3 miles of walk-in access to fish the Blue River. The land exchange did not go anywhere because of the controversy surrounding the parcel. He noted that the revised exchange proposal results in BLM and the public gaining nearly a mile of Blue River frontage near the confluence of the Colorado River plus an additional 1.66 miles of river frontage that is currently inaccessible except by floating. In return, the BLM would trade the 400-acre parcel that only had 0.3 miles of walk-in fishing on the Blue River. He stated that he sees this as a win for the public. They will be providing a public take out at the Spring Creek Bridge.

Commissioner Manguso said that they will also be providing several improvements to the river such as stream, fishery habitat, and trail improvements. She stated that she thinks the Board should send a letter in support of the exchange and the other Commissioners agreed. Mr. Moyer stated that he will draft comments in support of the exchange on behalf of the Board. The County Attorney mentioned to Mr. Moyer in a separate meeting that

the access to those additional properties should be a perpetual easement or at least an understanding that there are not going to be any issues such as access in the future.

Commissioner Manguso suggested that the County could start working with Headwater Trails to try and get a trail from Kremmling to this part.

Calendar

- April 27 Department Heads Meeting at 8:30 a.m. at the County Administration Building
Commissioner's Budget Workshop at 1:30 p.m.
Grand Enterprise Initiative Management Team conference call at 4:00 p.m.
Ethics Committee meeting to review comments received
- April 28 Colorado Workforce Board in Steamboat Springs at 10:00 a.m.
Veteran's Dinner at 5:00 p.m. at Extension Hall in Kremmling
Transportation Planning Region meeting with CDOT in Steamboat Springs from 10a.m. to 2a.m.
- April 29 CCI Steering Committee starting at 9 a.m.
- April 30 9 Health Fair at Granby Elementary
- May 2 Community Development Workshop at 10:00 a.m. regarding BLM 2.0 Planning
Broadband and Economic Development Workshop at 1:00 p.m.
Investment Policy Workshop at 3:00 p.m.
- May 3 Annual Town of Winter Park council meeting
- May 5 Law Day
- May 6 EMS Incident Training
- May 12 State Land Board meeting in Vail

Meetings Reports

Commissioner Tollett gave an update of meetings in Washington. In December Lurline Underbrink Curran, Jeff Dreger from Northern, Peter Fleming from the River District and Mely Whiting went to Washington D.C. to meet with congressional delegates, officials from Bureau of Reclamation, Department of Interior to ask for help funding the Windy Gap Bypass. Congressman Jared Polis offered to make a request to the House Appropriations Committee to appropriate funds. Getting funds specifically for the project cannot be made because it violates Congressional rules against earmarks. But they did ask for \$4,000,000 of funding for a program within Reclamation called Cooperative Watershed Management which fits in with what they are trying to do with the Windy Gap Bypass. They did get signatures in support for this and then last week the House Appropriations Committee appropriated \$2.5 million for this watershed management program. Assuming the funding remains intact in the final version of the budget bill, they can then apply for these funds to get them from Reclamation in 2017. Commissioner Tollett is not sure that the County will get the whole amount, but even \$1 million would be great toward trying to get the last \$4 or \$5 million that is needed for the Windy Gap Bypass.

Commissioner Tollett next spoke to a letter in the Denver Post from Mely Whiting about the lien project that the County was getting involved in. A good point she made was that you simplify permitting when you get the right people together in the room from the very beginning. Through a lot of letters and arguing we did get Lane Wyatt as part of the lien permitting to help make sure that local governments' voices do not get left out of State and Federal permitting and that we do not get brought in further on down the process.

Last week, there was a Governance meeting for Learning by Doing. The key thing is to have Learning by Doing running well by the time the permits are done and the money comes through. Commissioner Tollett stated that it was helpful to have a Governance meeting in between the Learning by Doing meetings and not 10 to 15 minutes at the end of a four-hour technical meeting.

The Governance Committee is really more responsible for the directional Learning by Doing; setting up the structure and making sure the right projects are being worked on. They did talk about giving more direction to the Monitoring committee which was helpful and making sure that the parameters are worked into the monitoring plan. Commissioner Tollett stated that the monitoring committee has mainly focused on taking all of the monitoring parameters out and put them in one package. What they are being asked to do as the next step is to make a spreadsheet so they can see what monitoring parameters came from where. Then they will go forward and decide where they go with that. Paula Daukas from Denver Water and Don Carlson from Northern will put together a matrix of how much funding is coming from the firming projects, when the funding can be expected and limitations on spending. Right now it is not clear. It will be helpful for understanding the funding of it. They are still going to have Governance meetings after the technical committee meetings. They will

allow an hour for the Governance committee so that they can have a good discussion related to governance items such as leadership, the direction, the focus, making sure the technical committee is heading in the direction it needs to be.

Commissioner Manguso noted that it seems like there was an issue between two parts to the Fraser River Project. There was some issue with the private getting done first and promises made to the private.

Commissioner Tollett replied that a lot of the private is being funded by the Fanchs but some of the arguments were that the public should be done first to provide a public view that this is what Learning by Doing can do. There is probably more private access along that section of the river than public. So that is still being discussed because the public does not have the funding from Fishing is Fun. The point of dividing by two with planning this year and implementation next year was to allow for the split in funding. They have enough to get it started but not to be completed. Commissioner Tollett stated that Lurline Underbrink Curran made a good statement that this is going to be the first project done by Learning by Doing and it needs to be done well and without controversy. The monitoring requirements need to be a model for monitoring the rest of the grants. It needs to be done right so they should take their time. Commissioner Tollett thought that splitting it into two years helps that. She is hoping the funding will come in. If it doesn't then they will have to look for funding elsewhere and maybe the project gets delayed by a year, but perhaps that is okay.

Commissioner Manguso went to an Interagency Oversight Group (IOG) meeting. Deb Ruttenberg is the head of this one for House Bill 1451. There is always a big discussion about how to handle the kids and how to find funding. There is a memo of understanding that will be going to the Board to sign. The Board does it every year. The County provides in-kind services not cash. It is pretty standard material. They are trying to make sure that every kid that needs help in this County gets it. It is a good group. Grand Beginnings, Social services, Probation, the Judge, Juvenile Services and the schools are all involved. It groups everyone together to make sure there is no overlap and they are doing everything they can to help the kids.

Commissioners Linke and Tollett attended the legislative breakfast at Carver's. County commissioners from Gilpin, two Clear Creek, Summit and Grand were there. It was Grand County's turn to host. It was really an informal open forum conversation with other counties about how they handle certain issues. Commissioner Linke said that Henderson and some differences that Clear Creek was experiencing compared with what Grand was experiencing came up in conversation. Commissioner Tollett said that there was also discussion on basic management came up. Sometimes it is helpful just to discuss the mechanics of the commissioner jobs. There are obviously some common themes among the counties, but they also do many things differently.

Commissioner Linke spoke to a Grand Enterprise Resource meeting that he recently attended. That is where Grand Enterprise talks about the numbers of clients that they are helping. The main purpose of the GE is to connect people who need services with resources.

Grand Enterprise has had some requests to expand into Jackson County as a result of a Mountain Parks Electric board member asking about service in Jackson County. The Grand Enterprise members said they would have no reason to say no to anyone from Jackson County asking for help. Commissioner Linke spoke with a Jackson County commissioner and said that they were very interested in hearing about Grand Enterprise and might include them on their agenda to give a presentation. Jackson County might be able to provide some funding if they could commit one or two days a month to do some work in Jackson County.

Colorado Parks and Wildlife – Conservation Easement, seeking a concurrence letter

Lyle Sidener stated that Parks and Wildlife is pursuing a conservation easement on a portion of the Peak Ranch. Part of the process within the system is that they have to go before the capital development committee of the legislature that oversees the process because they are spending State money on the easement. One of the things the committee has asked for in the past is a concurrence letter from County Commissioners and also from the local legislators. The easement is approximately 2700 acres. They are interested in the conservation easement because it has a significant wildlife habitat. It is a big game transition and summer range and it is also within the Greater Sage Grouse habitat. Commissioner Manguso asked whether they were going to tie the water rights to it. Mr. Sidener said yes. The ranch has retained some building envelopes that are minimal. The owners have no intention of building on one of the historic homesteads, but they wanted to be able to restore it if needed so that is part of the language of the easement.

Commissioner Tollett asked why the owners didn't grant the easement to the Land Trust instead of Parks and Wildlife. Mr. Sidener stated that Parks and Wildlife are actually purchasing the easement.

Mr. Moyer stated that he spoke to County Assessor about any changes that this transaction would do to the tax structure. His interpretation was that the property would remain agricultural and there would not be a tax change. Commissioner Linke stated that his biggest concern was that he hears from the public that the CPW takes over properties and takes them off the tax rolls and he sees that that is not the case. Mr. Sidener said that, in this case, the CPW is more like a partner and the property is privately owned and will continue to be ranched. There will not be any public access for hunting and no additional building will occur beyond the four envelopes.

The Board is fine with this. It is and will remain private property and will remain on the tax rolls. They will write a letter of support for this easement. Mr. Moyer will draft a letter by next Tuesday for Commissioners' signatures.

Middle Park Fair Centennial Update

Larry Banman, representing the 100th anniversary of the Middle Park Fair, stated that participation at the Fair last year was up in every event. The entry fees increased in every event because of that. They had an overall net increase of approximately \$7500 from the Fair. They also instituted new accounting procedures to increase accountability and transparency. They brought their bidding procedures and contract guidelines in line with County policy and practice. Currently the fair board has no debts or outstanding invoices. They collected every single one of their accounts payable. Every person who said they would do something did.

Looking at the Centennial:

They looked at cutting expenses by approximately 10 percent knowing that they would probably be raising more money for the Centennial celebration – which they have.

The Founders Day lunch is Saturday Aug 13th. Commissioners will be riding in on horseback to the Founders Day Lunch. The Menhennett and McElroy families will be brought in by stage coach as an honor to the great, great, great grandparents of Tim Menhennett and Linda Galogly.

The Fair schedule will be:

- Saturday will start with kid's games.
- Founder's Day luncheon will follow. This will be by invitation only. The committee is doing what they can to include all past fair board officers, superintendents, royalty, citizens of the of the year. It will have wine and beer which is being donated. A liquor license will not be needed because it is by invitation only. That has been cleared with the town.
- They will then move into mini broncs. The mini broncs will then be used for a "wild horse race" which involves kids catching little horses for those who have graduated from mutton busting but aren't quite ready for broncs.
- There will then be a ranch rodeo concert that night. At intermission there will be two flame throwers providing entertainment.
- The sale that people are used to seeing on Saturday will occur on Friday.
- It looks like there will be a Ferris wheel on site. The owner will provide it for free, but they do not mind if it is used as a fund raiser. They will consider doing this.

The Grand Foundation through a fundraiser at the Grand Gala will be sponsoring the gate admission.

Sunday will include the Antique tractor drag race, the draft horse team feed race, the rodeo and the BBQ lunch. There will be a charge for the BBQ.

In the past, when the County made an effort to get the fair board back on its feet. The County Commissioners agreed to take money at the gate at items like the mud shuffle and the demolition derby. Commissioners agreed to continue doing that. Mr. Banman said that will save the Fair Board approximately \$750. He will ensure that the internet connection is working so that they can take credit cards.

The Fair Board is working within budget. Their budget for the Centennial Committee is approximately \$52,000. The board designated \$23,000 of its entertainment budget to that. All of the other money has been raised from sources other than normal contributors to the 4H programs.

The Fair is unique in that so much of their revenue comes during that week. An example he gave was that last year the demolition derby netted \$16,000. If that event were to be cancelled due to weather, they would have to dip into their reserves. They have looked into a policy that insures cancellation. The cost would be \$2,025.

That would reimburse the expenses plus the anticipated revenue. The committee has not made a decision on that yet, but it is a difficult amount to commit funds.

The fair book has already been paid for by the number of advertisements sold. They hope to publish the book within the next two weeks and out on the streets by the end of May.

Commissioner Tollett asked Mr. Banman what his major concerns for the Fair were. He indicated that scheduling was the most concerning. That is what causes the most frustration. He also thinks about the money, but sponsorships are coming in at a good pace. People continue to be generous. There are a lot of “moving parts” but he feels that they have been covered well. He noted that his biggest hope is that people have a good experience. For some this is the only experience that forms their opinion of how Grand County government works.

There are approximately 10 vendors, not counting entertainment. There will be about five or six food choices and five or six informational booths. Mr. Hassler commented that if the number of vendors gets to approximately 20 the insurance company would like the County to consider an additional policy to cover vendors. This policy would protect the vendor and would add another layer of protection for the County. The insurance cost could be added into a vendor fee.

Mr. Banman stated that he would recommend some County oversight. The most valuable part of his position has been as a center point for communication. With a volunteer board contacts change. It would help with continuity if a coordinator could be employed. It could be one of the Commissioners or a staff member who could provide oversight for the Fair Board. He recommends that it could be a staff person to continue what he has been doing. The consequences of not doing so would be a repeat of the past. There is a lot that goes on and a great deal of money that passes through the Fair Board. Mr. Moyer suggested that the County should consider several options for a point person as part of the 2017 budget.

Commissioners and Mr. Moyer thanked Mr. Banman for his efforts and appreciate all the efforts of the Centennial Committee.

Tabernash Meadows Water & Sanitation District – IGA

Mr. Moyer stated that last Tuesday Commissioners approved the amended and re-stated Inter Governmental Agreement between Tabernash Meadows Water and Sanitation and the Board of County Commissioners, County of Grand for the operation and maintenance of the wastewater treatment facility and wastewater collection system conditioned upon final editing and legal review. That editing and legal review did occur and he now has a clean version that is ready for execution. He reiterated his gratitude with the Tabernash Meadows Water and Sanitation board and staff for all their hard work.

Commissioner Tollett commended Mr. Moyer for keeping the project moving and for being such a wealth of information. Commissioner Tollett said the County and Sanitation Board could not have done this without him.

The agreement was executed.

There being no further business to come before the Board, the Regular meeting was adjourned at 11:29 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of June 2016.

E. Jane Tollett, Chair

Attest:

Sara L. Rosene, Clerk and Recorder