

MINUTES – REGULAR MEETING

GRAND COUNTY BOARD OF COUNTY COMMISSIONERS

October 20, 2015

Present: Commission Merrit Linke, Commissioner District 2 – Chair
Commissioner Kristen Manguso, Commissioner District 3
Absent: Commissioner James Newberry, Commissioner District 1
Others Present: Clerk and Recorder Sara L. Rosene
Acting County Manager Ed Moyer
County Attorney Alan Hassler
Finance Director Scott Berger
Road and Bridge Superintendent Ken Haynes
Sheriff Brett Schroetlin

Those present recited the Pledge of Allegiance.

Commissioner Linke stated that as always we are one nation under God and we ask for God's help to learn from the past to make good decisions today for the best future for Grand County possible. In God we trust.

Commissioner Linke stated that Commissioner Newberry is absent today because he is at River District.

Finance Director

Corinne Lively for Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on October 21, 2015, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Manguso moved to approve and sign the vouchers and wire payments to be paid on October 21, 2015 for Grand County.

The motion passed.

Housing Authority

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

Road and Bridge Update

Road and Bridge Supervisor Ken Haynes stated that the county roads were affected by a recent rainstorm which tore up some connector roads like County Roads 3 and 1. Those roads will need to be bladed.

County Road 5 is about 75 percent complete and it will be pushing to have pavement by next week and then restore back to normal. Mr. Haynes stated that he did not get the pipe until the morning of the 17th. It should be ready for pavement by Friday.

Jensen Drilling completed their job on County Road 1 last Friday. The cost was approximately 100 loads of gravel hauling. There was a need of 200 loads last year.

The pavement on County Road 804 looks adequate from the intersection of Highway 40 into the Safeway intersection. Paving from the Safeway intersection to the County line will begin tomorrow. It looked like the drain pans were all in for the County section of the road except where the cross culvert needs to be installed.

Mr. Haynes is hoping to have the contract for 14S plowing with Hammer Industries in by Friday.

Acting County Manager Moyer emailed the Board information on the elected officials' salaries. The Board does not have the ability to defer that decision until sometime in 2016. Commissioner Manguso wants this on the agenda since a decision has to be made by the end of December at the latest. The Board will put this on the agenda for December 8 for a final decision.

Acting County Manager Moyer will be attending the Windy Gap Bypass October 21, 2015 meeting in Keystone. He will be at a Wild and Scenic Stakeholder Group meeting October 30, 2015 in Keystone and a Grand County Mutual Ditch meeting October 28, 2015 in Granby.

County Attorney Hassler presented the following Resolutions on the consent agenda:

Resolution No. 2015-10-6, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SECOND AMENDMENT TO THE 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. 2015-10-7, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE FIRST AMENDMENT TO THE CONSTRUCTION CONTRACT BY AND BETWEEN JENSEN DRILLING COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE INSTALLATION OF HORIZONTAL DRAINS NEAR COUNTY ROAD 1”

Resolution No. 2015-10-8, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE CONSTRUCTION CONTRACT BY AND BETWEEN PRO DOOR AND HARDWARE LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION OF ADA SINGLE SWING OPERATORS FOR THE GRAND COUNTY JUDICIAL BUILDING”

Resolution No. 2015-10-9, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE FIRST AMENDMENT TO THE SERVICES CONTRACT BETWEEN SHANNON & WILSON, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE DESIGN OF A CYLINDER PILE WALL AT THE GRANBY LANDFILL”

Resolution No. 2015-10-10, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE FIRST AMENDMENT TO THE CONSTRUCTION CONTRACT BY AND BETWEEN EVERIST MATERIALS, LLC DBA MORROW & SONS CONSTRUCTION, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING PHASE 2 OF THE COUNTY ROAD 804 PROJECT”

Resolution No. 2015-10-11, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE CHANGE ORDER #4 FROM EVERIST MATERIALS, LLC DBA MORROW & SONS CONSTRUCTION, INC. FOR THE COUNTY ROAD 804 PROJECT, PHASE 3”

Resolution No. 2015-10-12, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A PAYMENT REQUEST FORM FOR PURCHASE AGREEMENTS FROM EVERIST MATERIALS, LLC DBA MORROW & SONS CONSTRUCTION, INC. FOR THE COUNTY ROAD 804 PROJECT, PHASE 3”

Resolution No. 2015-10-13, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AGREEMENT BY AND BETWEEN THE COLORADO RIVER WATER CONSERVATION DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE MANAGEMENT OF THE COLORADO RIVER COOPERATIVE AGREEMENT GRAND COUNTY FOREST RESTORATION FUND, NUNC PRO TUNC MARCH 26, 2014”

Resolution No. 2015-10-14, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A LETTER DESIGNATING A SETTLEMENT ACCOUNTING OPTION FOR THE REFUND OF AN OVERPAYMENT OF COUNTY ADMINISTRATIONS FUNDS TO THE COLORADO DEPARTMENT OF HUMAN SERVICES”

Resolution No. 2015-10-15, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE RESCHEDULING OF A MEETING OF THE BOARD FROM NOVEMBER 3, 2015 TO NOVEMBER 2, 2015”

October 22 Work Force Development Board Go to meeting 10:00 am to 11:30 am
October 23 Council on Aging Spaghetti dinner at the Sagebrush from 5:00 pm to 7:00 pm
October 26 1177 roundtable in Glenwood Springs
November 4 Fall Networking Luncheon at 12:00 pm to 2:30 pm at the Commons Dining Hall at the YMCA of the Rockies.

Commissioner Linke asked someone to participate on October 28, 2015 in the Greater Sage Grouse Cooperative Agency Meeting in Silt at 10:00 am. Commissioner Manguso feels that someone from the Department of Natural Resources should attend since that is their specialty.

Acting County Manager Moyer asked what level the County is or should be involved with the project. The main goal of not being listed was accomplished but the County needs to continue being informed.

Departmental Contracts, Contracts, Comments, Issues

Public Health Nurse Brene Belew-LaDue gave an update on a meeting with the Council on Aging, IOG and Collaborative Management, Horizons, and National Sports Center for the Disabled. They discussed Respite Care and it sounds like Cliffview Assisted Living is offering a type of adult day care. Cliffview may be looking at expanding into Granby but there might be licensing issues involved. Cliffview does take Medicaid and private pay.

The National Sports Center for the Disabled is offering Respite Care for children over the age of four and adults year round. They will take private pay and are applying for Medicaid. Alice Hartman is the person in charge and she is working with individuals and the high school. There is a transition work program at East Grand High School for disabled children to make transition out of high school.

The County does a Home Health License that is renewed every year. County Attorney Hassler and the Board need to review the license before it is signed off.

Community Development Director DiAnn Butler stated that Larry Banman made the Disney Way happen for three days. There were 96 attendees and with the revenue after the reduced rate, the County netted \$3,633. Fifteen people attended from out of the county so there was an economic impact with those people staying three days in the county. This is the beginning of a vision. There was over \$8,000 of in-kind services provided and 25 county employees attended at no cost.

There was a survey and from the people who responded 57 percent would actively promote, 31 percent were extremely likely to attend the next Disney Way, and 36 percent were very likely to attend.

Next week, Ms. Butler will be at the John Schaller Boot Camp with 18 businesses. She is trying to get matching grants and support with USDA, Climax, and other organizations.

Grand County Sheriff Schroetlin presented a memo and letter for signature asking for an extension to the DOLA grant.

Commissioner Manguso moved to authorize the Chair to sign an extension letter to DOLA for funding of dispatch consoles in the amount of \$200,000. This will allow DOLA grant funds to be extended.

The motion passed.

In April 2015, the BOCC was presented with the Annual Fire Operating Plan and part of the process at that time the Sheriff should have reviewed and signed a Cooperative Agreement with the Division of Fire Protection. There was an error on the part of the Division of Fire Protection and the agreement was not received until now. The agreement has been reviewed by his office and Assistant County Attorney Franek reviewed and is ready to be signed.

Commissioner Manguso moved to authorize the Chair to sign the agreement for Cooperative Wild Fire Protection between Grand County, Grand County Sheriff acting by and through the Department of Public Safety for the benefit of the Division of Fire Prevention and Control.

Discussion: Commissioner Manguso wondered if not having it signed affected what happened at the rifle range fire. Sheriff Schroetlin stated that it was properly noticed.

The motion passed.

Lieutenant Gore submitted a request for a grant application for the Judicial Center Funding. It has been reviewed, approved, and needs Board review and approval. Sheriff Schroetlin is asking for imaging devices for the Judicial Building. In addition, the watcher scanner needs replaced. It is a grant funded by the State to improve courthouse security. Sheriff Schroetlin stated that he is asking for \$31,606 and there is not a match.

Commissioner Linke wondered if IT should be involved and would IT be responsible for any maintenance. The response is that IT is not involved.

Commissioner Manguso moved to authorize the Chair to sign via email a Court Security Grant in the amount of approximately \$32,000 and the amount will be provided in the actual resolution that will be signed.

The motion passed.

Undersheriff Schafer stated that during budget hearings he brought up the fact that they had ordered three vehicles that were being built. Two are in Denver and one is arriving from the plant. For the three vehicles, Undersheriff Schafer is requesting release of capital for a 2016 patrol interceptor in the amount of \$39,040, Search and Rescue truck in the amount of \$28,576, and a replacement for the Animal Control truck in the amount of \$27,606 for a total of \$95,222.

The vehicles are complete except for striping which they are trying to have done locally. For the striping there will be a different order estimated to be \$2,500.

Commissioner Manguso moved to authorize release of capital in the amount of \$95,222 for Sheriff's vehicles that were already ordered.

The motion passed.

Undersheriff Schafer requested a release of funds through the Northwest Post Grant which does not cost the County money. The County will be reimbursed in the amount of \$6,795.61 for training ammunition for the Grand County Sheriff Office, Kremmling Police Department, Granby Police Department, and Fraser/Winter Park Police Department.

Commissioner Manguso stated that the Board does not to sign this document.

Undersheriff Schafer presented the 2015 Justice Assistance Grant for final signing that Sargent Macchione presented to the Board earlier in the year. It was sent to the state and the Sheriff's office received grant funding of \$33,590 to buy tactical equipment for the ERT team. County Attorney Hassler informed the Board that there are many federal requirements attached to the grant and it needs good administration to maintain compliance.

Commissioner Manguso moved to authorize the Chair to sign the finalized JAG Grant and the contract in the amount of \$33,590 to purchase tactical equipment for the combined Middle Park Emergency Response Team. There is no cost to Grand County.

The motion passed.

Martin Woros, IT Director, followed up on the Motorola Console and presented the contract continuance with the E911 Solutions who is the group that did the contract review. They are now moving forward on the project management portion and would like the contract signed.

Commissioner Manguso moved to authorize the Chair to sign a contract with 911 Solutions Inc. in the amount not to exceed \$9,975.

The motion passed.

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

Grand County Internet Services owner Eden Recor stated he has moved his equipment out of the building on San Toy. He was promised back up power to be taken from the building and he received a letter from the Sheriff's Department stating they had to get a separate meter. That was not part of the original conditions discussed during a workshop in March where he said he would not require the County to move the building back up but he still needed the power. Mr. Recor received a letter stating that he has to disconnect from the building.

County Attorney Hassler stated that the Bureau of Land Management has told the County that if it exercises its' right to sublease or assign any part of the facilities on the site, the BLM will charge the County the market rate for the lease. Selling electricity to other tenants will cause that sublease or assigned clause and advises that the estimated annual payment would go to \$2,400 per year. Mr. Recor offered a counter proposal to stay there for the winter and then arrange to get power and back-up power and the cost will be somewhere between \$4,000 and \$5,000 and he will bill the County for that.

Sheriff Schroetlin stated that this took place before he took office. The issue was the physical separation of the equipment so there was never a chance of the issue of the County supporting private business, private business supporting the County plus the safety and security features involved. The County needs to keep the infrastructure separate from local entities.

Commissioner Manguso questioned why the County did not put up its own building.

Mr. Andrews stated that the building was put up by the Forest Service in 1981 and in 1984 it was abandoned by the Forest Service and the title passed back to the BLM. The BLM did not use it until Mr. Andrews was able to acquire it under a grant to put the County radios in. Mr. Andrews had the west repeater in there for many years and then the internet equipment was put in. Mr. Andrews did this work as a contractor with Grand County.

Moving forward, Grand County's plan for public safety in communication is to have adequate access in the County's name to each of these communication sites and have all equipment in an area that is maintained and operated by Grand County.

County Attorney Hassler said that the original offer may have been made under false assumption of facts. This change in facts makes the underlying offer invalid and can be revoked by the County.

Ed Recor stated that if they need to disconnect from the Sheriff's building they will not be able to get a contractor in there to put underground power in, solar, or anything for backup power before the snow flies. Mr. Recor would stay in there until he can get in there next spring and then he would put in an electric meter, go underground and he will charge the County since he was forced out of his building.

The agreement with the Sheriffs' Office was with Todd Holzwarth who got the grant. Todd does not represent the Sheriff Office. After Jim Campbell left Bob Florquist took over radios and the agreement was that Mr. Andrews would do whatever it took to maintain the radio system for the County.

It was suggested that a meeting be held with Mr. Andrews and Mr. Recor to sort through and document what has historically happened.

Acting County Manager Moyer stated that Senate Bill 152 states that local government shall not purchase, lease, construct, maintain or operate any facility for the purpose of providing cable television service, telecommunication service, or advance service to one or more subscribers.

Mr. Recor stated that he is trying to move the building with the help of Road and Bridge from Fraser over to the pole yard. Mr. Recor stated he has a letter from the County Attorney stating he needs to indemnify the County if there is any damage to the building and that he needs written permission from the owner of the land. The owner of the land will not allow anyone on his property unless they are with Mr. Recor. Mr. Recor does not want to indemnify the County if there is damage to the building.

Commissioner Linke stated that all parties involved need to meet.

Commissioner Manguso moved to convene an executive session at 10:15 a.m. This is in compliance with CRS 24-6- 402 (4)(f), which states, "Personnel matters, unless the employee asks for an open meeting (if multiple employees are involved, they must all request the open meeting), this provision does not apply to discussion concerning any member of the local public body, any elected officials, or the appointment of a person to one such offices, nor does it apply to discussions of personnel policies generally.

County Attorney Hassler stated that the following should be included in the meeting: Commissioners Linke and Manguso, Interim County Manager Ed Moyer, County Attorney Alan Hassler, and County Clerk Sara Rosene.

The motion passed.

Commissioner Newberry moved to reconvene the regular meeting 10:30 a.m.

The motion passed.

I, Merrit Linke, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

Preliminary Budget Determination

Commissioner Newberry is requesting by email that for the record he would like further deliberations regarding the 2016 Budget. Commissioner Manguso and Commissioner Linke agreed with Commissioner Newberry.

Finance Director Berger stated that he looking at a staff preliminary \$4,000,000 deficit. The purpose of a preliminary determination is to give the department heads an opportunity to start planning for their operation next year. This will allow the outside organizations that receive County funding to work on their budgets.

County Attorney Hassler stated that the statutory requirements are that the Board have prepared budget that was presented to the Board within the statutory deadline in September. The next statutory deadline for the Board is to set mill levies by December 22, 2015 which depends on all the local governments submitting their levy requests by that date. The Board has to adopt a final budget by no later than December 31, 2015.

The rebuttals were due October 23, 2015 and those were to be heard on November 2, 2015. By pushing the deliberations back one week, the Board can move the rebuttals back.

Treasurer's Report

Grand County Treasurer Christina Whitmer presented the Treasurer's report.

Ms. Whitmer stated that interest income is doing very well because there were a lot of securities. The securities are being called and the County is down to \$11,000,000 which is a concern to her with the fund balances going down. Next year, the County will not receive much in interest income and it will be tight in operations.

Ms. Whitmer stated that the expenditures in the capital has been high. There has been \$1.1 million spent in the last three months. There will be additional expenditures in the next couple of months.

Clerk and Recorder's Report

County Clerk and Recorder Sara Rosene presented the Clerk and Recorder's October revenue report.

Amended Final Plat, Lot 40 and 41 (combining 2 lots into 1) – Grand View Park Subdivision

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 October 20, 2015.

APPLICANT: Tina & Ted McMurdo
LOCATION: 510 and 538 County Road 4571
APPLICABLE
REGULATIONS: Zoning Regulations and Subdivision Regulations
EXHIBITS: Amended Final Plat, Letters of Approval from the Utility Companies, Vicinity Map
STAFF PLANNER: Brett Hanlon
REQUEST: The Applicants are requesting an amended final plat to combine Lot 40 (.23 acres) and Lot 41 (.25 acres) of the Amended Final Plat Grand View Park Subdivision and vacate a portion of the existing utility easement.

I. DISCUSSION

The Applicants are requesting an amended final plat to vacate the lot line and the 10-foot utility easement that currently bisect Lot 40 and Lot 41 of the Amended Final Plat Grand View Park Subdivision—thus combining the two lots. The Applicants recently purchased Lot 40, which is located to the north of their existing lot—Lot 41. The acquisition of this lot will enable the Applicants to build an addition onto the north side of their existing home and it will ensure that Lot 40 to the north remains open space. Lot 40 is .23 acres and Lot 41 is .25 acres. When combined, the new lot, which will be known as Lot 41A, will be .48 acres (20,908 square feet) in size.

II. REGULATIONS

A. ZONING

Both of the lots are located in the Mobile Home Zone District.

- (a) The single family home that is currently on the property is allowed in this zone district.
- (b) This zone requires 30’ minimum front yard setbacks, 5’ minimum side yard setbacks and 20’ minimum rear yard setbacks. The proposed amended final plat is consistent with the Mobile Home Zoning District Setbacks.
- (c) The Applicants’ home is served by public sewer but not public water. The minimum lot size for a home in the Mobile Home District that is served by public sewer and not public water is 15,000 square feet. When combined, the Applicants’ property will be 20,908 square feet. Therefore, this new property will meet the minimum lot area requirement in the Mobile Home District.

B. SUBDIVISION REGULATIONS – 4.3 Final Plat

The amended final plat shall contain or be accompanied by the following information:

- (a) Title (which shall include the phrase “Amended Final Plat”), bar scale, North arrow and date).
This requirement has been met.
- (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.
This requirement has been met.
- (c) Primary control points, or descriptions, and ties to such control points, to which dimensions, angles, bearings, and similar data on the plat shall be referred.
This requirement has been met.
- (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.
This requirement has been met.
- (e) Names and right-of-way width of each street or other right-of-way.
This requirement has been met.
- (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.
Label where all of the easements on the plat are recorded (Reception # 97005037).
- (g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre, and a statement that all lots shall be used for single-family residences only.
This requirement has been met.
- (h) Purpose for which sites, other than residential lots, are dedicated or reserved.
This requirement has been met.
- (i) Location and description of monuments.
This requirement has been met.
- (j) Current title commitment.
This requirement has been met.

(k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

The dedication statement shall be amended to read:

“KNOWN ALL MEN BY THESE PRESENTS: That Ted T. McMurdo and Tina L. McMurdo are the owners and EverBank Wholesale Lending is the Lienholder of that real property situated in Grand County, Colorado, more fully described as follows: Lots 40 and 41, Amended Final Plat Grand View Park Subdivision. That they have caused said real property to be laid out and surveyed as Amended Final Plat, Lots 40 and 41, Amended Final Plat Grand View Park Subdivision, and do hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat to the Grand View Park Homeowners Association, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

The signature lines are to remain as they are currently on the plat.

Do not underline the text, “AMENED FINAL PLAT, LOT 40 AND 41, AMENDED FINAL PLAT GRAND VIEW PARK SUBDIVISION”.

(l) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final plat, to be in substantially the following form.

Do not underline the text, “AMENDED FINAL PLAT, LOT 40 AND 41, AMENDED FINAL PLAT GRAND VIEW PARK SUBDIVISION”.

(m) Certificates for approval by the Planning Commission and the Board of County Commissioners.

Amend the Planning Commission Certificate to reads as follows:

PLANNING COMMISSION CERTIFICATE

Approved this ____ day of _____, 20____ by the Grand County Planning Commission, Grand County, Colorado.

(n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

Not applicable

(o) A two and one-half by three inch (2 2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

This requirement has been met.

(p) Documented proof of legal access.

Not applicable

(q) A vicinity map.

This requirement has been met.

(r) The subdivider shall provide storm drainage plans, property survey, proof of ownership, sanitary sewer plans.

This requirement was met with the approval of the Grand View Park Subdivision

(s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.

This requirement was met with the approval of the Innsbruck – Val Moritz Subdivision.

(t) No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted.

□ This requirement was met with the approval of the Grand View Park Subdivision.

(u) Major Activity Notice

Not applicable

(v) Each month the Board of County Commissioners shall submit copies of the notice of filing.

Not applicable

(w) A 14" x 18" black-line mylar with approved addresses and road number as required.

This will need to be provided.

(x) Statement of taxes due showing current taxes paid

This will need to be provided.

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

This will need to be provided.

III. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Lots 40 and 41, Amended Final Plat Grand View Park Subdivision with the following conditions to be met prior to the recording of this amended final plat.

1. Label where the easements on the plat are recorded (see (f) above).
2. Amend the Dedication Statement (see (k) above).
3. Amend the Surveyor's Certificate (see (l) above).
4. Amend the Planning Commission Certificate (see (m) above).
5. The Planning Commission Certificate shall be underlined and in bold just as all of the other titles on the plat are.
6. The Title of the plat shall be centered.
7. The plat Key shall be formatted correctly—so there is a letter "B".
8. A mylar plat will be required when the amended final plat is approved by the BOCC.
9. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to the recording of the plat.
10. All recording fees shall be paid by the Applicant.
11. Remove the building footprint from the plat.
12. A Quitclaim Deed shall be provided by Grand County conveying all of the County's interest in the utility easement to the Applicants.
13. A letter from the Grand View Park HOA stating their approval of the lot line and utility easement vacation shall be provided.
14. A letter from Comcast stating their approval of the utility easement vacation shall be provided.

Commissioner Linke asked for and received no public comments.

Commissioner Manguso moved to approve the Amended Final Plat Lots 40 and 41, Amended Final Plat of Grand View Park Subdivision as presented by staff.

The motion passed.

Board Business

Community Development Director Bill Gray stated that there is a potential concert next summer. The regulations for a temporary use permit require the applicant to apply and the Board to consider their temporary use permit and if approved issue the temporary use permit through a resolution of the Board of County Commissioners.

Live Nation approached property owner Clark Lipscomb for the Colorado Adventure Park in the Fraser Valley. It is the eastern part of Byers Peak Ranch that Mr. Lipscomb owns. They are proposing a three-day concert event. They expect approximately 12,000 people per day and plan on hosting the event for three days at the end of June 2016. They want to get in front of the permitting, marketing, coordinating with the services required for additional public safety departments. They anticipate having the application soon to schedule the public hearing. Staff has conducted a preliminary meeting with the Town of Winter Park, Town of Fraser, County Sheriff, and County EMS for Live Nation. Issues were public safety, transportation and traffic.

Amended Final Plat, Lot 28 and 32 (to establish access to Lot 32) of the North Sunnyside Addition to Grand Lake Subdivision

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 October 20, 2015.

PROJECT NAME: Amended Final Plat, Lots 28 and 32, North Sunnyside Addition to Grand Lake
APPLICANT: Alex M. Bantum & James D. Kish
LOCATION: 316 County Road 667 & 1725 W. Portal Road / Lots 28 (2.08 acres) & 32 (2.82 acres)
North Sunnyside Addition to Grand Lake
APPLICABLE REGULATIONS: Grand County Zoning Regulations and Subdivision Regulations
EXHIBITS: Amended Final Plat, Vicinity Map
STAFF PLANNER: Brett Hanlon
REQUEST: The Applicant is requesting the approval of an amended final plat that would amend the lot lines of lots 28 and 32 of the North Sunnyside Addition to Grand Lake based on a 0.07-acre land exchange between the two owners of the properties.

I. DISCUSSION

The Applicants are proposing this Amended Final Plat to effectively exchange 0.07 acres of land with each other so that the owners of Lot 32 of the North Sunnyside Addition to Grand Lake can access their property directly from County Road 667. The owners of Lot 32 will trade 0.07 acres of land along the western border of their property for 0.07 acres of land, currently existing on Lot 28, that is adjacent to County Road 667. This Amended Final Plat will record the new lot lines resulting from this land exchange.

II. REGULATIONS

A. ZONING

COMPLINACE/NONCOMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

Both Lot 28 and Lot 32 are in the Residential Zoning District.

1. Minimum Lot Area

Neither Lot 28 nor 32 are served by public sewer or public water. The minimum lot size for a lot that is not served by public sewer or public water is 30,000 square feet. After the land exchange, Lot 28 will remain 2.08 acres (90,604 square feet) and Lot 32 will remain 2.82 acres (122,839 square feet). Therefore, both of these lots will meet the minimum lot area requirements in the Residential Zone District.

2. Setbacks

The Residential Zone requires 30' front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear setbacks. The Applicants' proposal is consistent with all of the setback requirements.

B. SUBDIVISION REGULATIONS—4.3 Final Plat

COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY SUBDIVISION REGULATIONS

The final plat shall contain or be accompanied by the following information:

- (a) Title (which shall include the phrase "Amended Final Plat", bar scale, North arrow and date).

The title shall be amended to read as follows: AMENDED FINAL PLAT LOTS 28 AND 32, NORTH SUNNYSIDE ADDITION TO GRAND LAKE SECTION 5, TOWNSHIP 3 NORTH, RANGE 75 WEST, 6TH PM, COUNTY OF GRAND, STATE OF COLORADO CONVEYANCE TO OWNERS RECORDED AT RECEPTION #: 2015-005033 & 2006-007753

(b) Legal description

This requirement has been met.

(c) Primary control points, or descriptions, and ties to such control points to which dimensions, angles, bearings and similar data on the plat shall be referred.

This requirement has been met.

(d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves with long chord bearings and distances.

Label the property lines to be vacated on the Amended Final Plat. Each of the labels shall say, Lot Line Hereby Vacated.” Show the lot lines to be vacated in light gray. Also label each of the new property lines as, “New Lot Line Created By This Plat”. Show the new lot lines created by the plat in black.

(e) Names and right-of-way width of each street or other right-of-way.

Label the county road number for County Road 278 (West Portal Road).

(f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

This requirement has been met.

(g) Number to identify a lot or site, names of adjacent property owners, and acreage of each site to nearest 1/100th of an acre.

Remove the labels that read “Proposed Lot A to be Combined with Lot 32” and “Proposed Lot B to be Combined with Lot 28.”

(h) Purpose for which sites, other than residential lots, are dedicated or reserved.

This requirement has been met.

(i) Location and description of monuments.

This requirement has been met.

(j) A title insurance commitment or attorney’s title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use or except patent reservations and except liens and encumbrances which cannot be extinguished, released or purchased by the developer. If such land is mortgaged by the developer, it shall be sufficient if the mortgagee joins in the dedication.

A title commitment for lot 28 will need to be submitted. According to a Quitclaim Deed recorded at 2006-007753 James D. Kish owns Lot 28. There was a Deed of Trust recorded for this property but according to a Release of Deed of Trust (recorded at reception # 2011005559) there is no longer a mortgage on the property.

Two (2) Quitclaim Deeds from each of the property owners will need to be submitted and recorded as part of this land exchange. These Quitclaim Deeds will ensure all interest in the land to be exchanged is conveyed to the respective new owner of that land.

(k) Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners):

This requirement has been met.

(l) Certification by a surveyor

This requirement has been met.

(m) Certificate of approval by the Board of County Commissioners of Grand County, Colorado

The Commissioners' Certificate shall read as follows:

COMMISSIONERS' CERTIFICATE (Move the apostrophe in the word Commissioners.)

Add a signature line for the Chairman.

Also, have the Planning Commission signature line labeled as "Chairman" and not "Chair".

The Planning Commission Certificate title shall be in bold and underlined just as the other certificate titles are formatted.

(n) Certification by the applicant's attorney, the professional engineering, designing or planning firm, if any, and a statement by the owner ensuring compliance with the design standards and all other requirements issued by the Board of County Commissioners.

Not Applicable

(o) A two and one-half by three inch (2 ½' x 3') vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

This requirement has been met.

(p) A vicinity map.

This requirement has been met.

(q) Documented proof of legal access.

This requirement has been met.

(r) Documented proof of the availability of sewer and water supply. Proof of adequate water supply for any proposed development shall be submitted pursuant to C.R.S. § 29-20-103.

Not Applicable

(s) Statement of taxes due showing current taxes paid.

This will need to be submitted prior to recording the final plat.

(t) An electronic copy of the final plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any final plat.

This will need to be submitted prior to recording the final plat.

III. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Lots 28 and 32, North Sunnyside Addition to Grand Lake with the following conditions to be met prior to recording.

1. The title of the plat shall be amended (see (a) above).

2. Label the property lines to be vacated on the amended final plat. Each of the labels shall say, "Lot Line Hereby Vacated." Show the lot lines to be vacated in light gray. Also label each of the new property lines as, "New Lot Line Created By This Plat". Show the new lot lines created by the plat in black (see (d) above).

3. Label the County Road number for County Road 278 (see (e) above).

4. Remove the labels showing the two land parcels to be exchanged (see (g) above).
5. A title commitment for Lot 28 will need to be submitted. (see (j) above).
6. Two signed Quitclaim Deeds will need to be submitted (see (j) above).
7. The commissioners' certificates shall be amended (see (m) above).
8. A statement of taxes showing current taxes have been paid will need to be provided (see (s) above).
9. An electronic copy of the final plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided (see (t) above).
10. A mylar plat will be required after the Amended Final Plat is approved by the BOCC and before recording.
11. All recording fees shall be paid by the Applicant.
12. Remove the two lines above the Dedication Statement that state, "Zoning R" and "Conveyed: Rec. Number 2015005033".

[End of Staff's Certificate]

Commission Manguso moved to approve the Amended Final Plat Lot 28 and 32 North Sunnyside Addition to Grand Lake Subdivision.

The motion passed.

Red Hawk Ranch Subdivision Sketch Plan Extension

PROJECT NAME: Red Hawk Ranch -Sketch Plan extension request
APPLICANT: J. Scott Bradley
LOCATION: 95-acres southeast of Pole Creek Valley Subdivision being in a portion of W 1/2SSW 1/4, Section 1 and NE 1/4 SE1/4, Section 2, Township 1 South, Range 76 West of the 6th PM, County of Grand, State of Colorado
ZONING: Residential District
APPLICABLE REGULATIONS: Subdivision Regulations
EXHIBITS: Sketch Plan
STAFF PLANNER: Bill Gray, County Planner
REQUEST: A one (1) -year extension of the Red Hawk Ranch Subdivision Sketch Plan

I. DISCUSSION

Red Hawk Ranch Subdivision was granted sketch plan approval by the Board of County Commissioners in December 2013.

Red Hawk Ranch is a 95-acre development southeast of Pole Creek Valley Subdivision with its main access being County Road 514. The proposed subdivision is zoned Residential District, located within the Tabernash Area Urban Growth Boundary and includes a mix of single family and multi-family land uses:

- 8 single family hillside lots -east of Crook Creek at 15,000 square feet
- 93 single family meadow lots - southern end of the site at 7,000 square feet
- 82 multi-family Creekside units -north half of site along Pole and Crooked Creeks
- 45 single-family patio homes - north half of site along Pole Creek

The proposed subdivision also includes 40% open space and trails. A copy of the approved sketch is included as an exhibit.

As proposed, the subdivision is required to be served by central water and sanitary sewer services. The Applicant has formed Red Hawk Ranch Water and Sanitation District to address this requirement. The District plans on providing and operation its own central water system and will negotiate with Tabernash Meadows Water and Sanitation District for central sanitary sewer services. These two local governments are at a standstill in their negotiations for sanitary sewer services. This is primary cause for this application not moving forward. Once completed the Applicant has stated that he will move forward with completing the development process.

The Red Hawk Ranch Water and Sanitation District Service Plan was granted approval in October 2012. A condition of the service plan requires the district to reach agreement on central water and sanitary services by October 23, 2016. If no agreement is reached than the District is required to file for dissolution. It has also been stipulated that Red Hawk Ranch have final plat approval by no later than January 1, 2018. This also is a milestone that if not reached requires the District to file for dissolution.

II. RECOMMENDATION

Based upon the performance conditions contained in the Red Hawk Ranch Water and Sanitation District Service Plan and the limited progress made on negotiating a Service Agreement, Staff recommends the Board of County Commissioners grant the requested extension of Red Hawk Ranch Subdivision Sketch Plan to December 2, 2016.

[End of Staff's Certificate]

Commissioner Manguso moved to approve the extension for Red Hawk Ranch Subdivision Sketch Plan to December 2, 2016.

The motion passed

Manager and Attorney Items

Interim County Manager Moyer updated a conversation earlier in the day with Economic Development. Economic Development reported that the Disney Way revenue expenditures netted a \$3,600 profit. Upon further review, it is a \$984 loss. This does not include the in-kind services from Grand Lake as well as the 25 employees not paying to attend.

Interim County Manager stated that the County received a CORA request with regard to the SRE building in Granby which is the snow removal equipment building. The request includes a request for copies of payments to the contractor.

There were a number of punch list items on the building that were finally taken care of last Friday and staff needs to verify that. There was a subcontractor that had not been paid because being a Federal project proper documentation must be submitted to document Davis Bacon wages. There will be a payment processed for those wages and another payment for additional work that occurred. Prior to the final payment, which is a retainage on the project, proper advertisements will be done. It is Interim County Manager Moyer's opinion that all the subcontractors be paid before going after them for liquidated debt if any.

Commissioner Manguso moved to approve the minutes of the regular meeting of the Board of County Commissioners of August 26, 2015

The motion passed.

Middle Park Medical Center Update

David Ross, Middle Park Medical Center, gave an update on the hospital bond purchase and receivership. The hope is a formal closing on November 18, 2015. The approval was received from the USDA to purchase the bonds which allowed the receivership to be dismissed. The bondholders and attorneys have been difficult. For the Middle Park Medical Center, this means that the current bonds that have private bondholders have an interest rate of 7.125 percent which will be reduced to 3.6 percent under the USDA saving \$500,000 a year. With the additional fees, it frees up money for the Kremmling Memorial Hospital for a new building or a remodel.

Revenues are up about 18 percent and are still working on billings. There is a new CFO who has experience in revenue cycling and billing. The collection rate is about the same as last year so for net revenue there is about a 35% write off.

There is talk of expanding the specialty clinics in Granby mainly, but a few in Kremmling.

Mr. Ross conducted an employee opinion survey with a 65 percent participation rate. There is an employee satisfaction committee that presents the findings from the survey.

There is discussion with Centura improving the electronic health record computer system.

Executive Session – Grand Lake Clarity negotiation, direction from Attorney

Commissioner Manguso moved to convene an Executive Session at 3:00 p.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is the Grand Lake clarity negotiations direction from attorney.

Invited to executive session is Commissioner Linke, Commissioner Manguso, Interim County Manager Moyer, County Attorney Hassler, Barbara Green and Lurline Underbrink Curran, Katherine Morris

The motion passed.

Commissioner Manguso moved to reconvene the regular meeting at 4:09 p.m.

The motion passed.

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

County Attorney Hassler certified that the executive session covered only matters of legal advice provided by the County Special Water Attorney Barbara JB Green and Kathryn Morris, Grand County Water Quality Specialist.

Winter Park/Fraser Valley Rotary Foundation – Beaver’s Lodge Bingo

Sara L. Rosene, County Clerk, stated that there were no remonstrance received so moving forward with this as a request.

Shana Leigh, President of Winter Park/Fraser Valley Rotary Foundation is requesting a special events permit. The events will be held on November 12, 2015, November 19, 2015, December 3, 2015, December 10, 2015, December 17, 2015, January 7, 2016, January 14, 2016, January 21, 2016, January 28, 2016, February 4, 2016, February 11, 2016, February 18, 2016, February 25, 2016, March 3, 2016, March 10, 2016, March 25, 2016 and March 31, 2016 at Beavers Lodge. They will sell malt vinous and spirituous liquor from 6:00 pm to 10:00 pm on each of those days. All the fees have been paid and the Sheriffs’ office has posted the notice, and have received no remonstrants so approval is recommended.

Commissioner Manguso moved to approve the Winter Park/Fraser Valley Rotary Foundation Beaver’s Lodge Bingo Special Events Liquor License as presented by the Clerk.

The motion passed.

Commissioner Manguso moved to close the hearing on the liquor license.

The motion passed.

Board Business

Sandy Doudna asked if Barbara Green, Environmental Counsel, could attend remotely so billing would not include time travelled.

County Attorney Hassler stated that Ms. Green has not been charging for time spent travelling or mileage.

Discussion on the topic included the fact that during our budget crunch it is something that should be considered.

Interim County Manager gave a heads up on the Wild and Scenic. After the record of decision has gone through with the BLM Resource Management Plans Wild and Scenic enters the provision period, a local government interest group is formed that will involve Summit, Grand, and Eagle Counties. There is a governance document that has been drafted and reviewed by the County's water attorney, Summit County and Eagle County. Pursuant to the Stakeholder group plan, the County is required to execute a stakeholder MOU by December 19, 2015. QQ Northwest COG will be an alternate to our local government interest group committee.

Mr. Moyer will bring forward a MOU next Tuesday.

There is usually a cost of around \$3,000 per year. There are six interest groups and each interest group will pay \$10,000 total. The Wild and Scenic is an alternative to Federal control and this will allow for local management.

There being no further business to come before the Board, the Regular meeting was adjourned at 4:30 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of January 2016.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Grand County Clerk and Recorder