

MINUTES – REGULAR MEETING

GRAND COUNTY BOARD OF COUNTY COMMISSIONERS

October 27, 2015

Present: Commissioner James Newberry, Commissioner District 1
Commissioner Merrit Linke, Commissioner District 2 - Chair
Commissioner Kristen Manguso, Commissioner District
Clerk and Recorder Sara Rosene
County Attorney Alan Hassler
Interim County Manager Ed Moyer
Finance Director Scott Berger
Road and Bridge Superintendent Ken Haynes
County Engineer Tim Gagnon

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 asked for an executive session to discuss a personnel issue regarding hiring of new manager.

County Attorney Hassler stated it could be scheduled any time during the day.

Housing Authority

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

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on October 28, 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 28, 2015.

The motion passed unanimously.

Commissioner Linke noted the change of Board meeting from Tuesday, November 3, 2015 to Monday, November 2, 2015 to accommodate Election Day.

Road and Bridge Update

County Engineer Tim Gagnon stated that there was an extension on the contract on County Road 804 to October 30, 2015 to complete the project. Everist Materials and Acord Asphalt are requesting another week to finish the project until November 6, 2015. It is their intention to try get the first lift of asphalt done this week and hope to get the second lift in next week if the weather holds up. The striping will be put in from the highway to the stop light by the end of this week. Mr. Gagnon believes that getting the first lift of asphalt in from the County portion is much better than leaving it as gravel. There has been discussion of the implications of not having the final lift of asphalt in regards to the concrete pan that will have a one inch to two inch lift and how to deal with that and snow plowing. For the best product, Mr. Gagnon does not want to force the last lift.

Commissioner Linke does not have a problem giving an extension but wants it to be a quality product.

Pat Acord stated that the consensus is that they can put the lower lift in in-climate weather and still get a good product.

Mr. Gagnon stated that on the last lift it is important to try to seal the seams and there will be a shorter construction period. Once started on the upper lift they need to finish from top to bottom within one day.

Mr. Acord stated the first lift will take a minimum of two days.

Commissioner Newberry stated that as far as finance, the County would roll over the payment into 2016. With the lifts all the way up and down, there will be a couple of inches on either side he wondered how it would affect driving.

Mr. Acord said they had the option of paving it deeper to prevent the concrete from being so exposed or they could come back in and put a protective edge. Mr. Acord does not want to start the top lift and not be able to finish.

Mr. Acord stated that all parties want the best product that they could possibly do. It may not be possible in 2015 because of the weather.

Mr. Dahl stated that there needs a string of good weather to put down the top layer. Mr. Dahl stated that there is also a concern over emissions at the plant.

The Board agreed that they trust the contractor to do what it needs to do.

Road and Bridge Superintendent Haynes stated that plowing is an issue but the crews will work around accordingly.

Mr. Gagnon stated that he would like some kind of commitment from the contractor concerning the costs next year.

Mr. Dahl stated that as far the general contractor and price of asphalt that would not change dramatically so he has no problem holding prices.

Commissioner Newberry moved to authorize the signing of a contract for the extension of time for County Road 804 Work Phase 3 to November 30, 2015 and sign the contract outside the meeting.

The motion passed unanimously.

Commissioner Manguso questioned the emails between Tim Gagnon and PEI. Mr. Gagnon stated that wash area was never installed and he does not feel the County should pay for it. Mr. Gagnon has requested verification of the installation.

Commissioner Newberry said that Mr. Gagnon is acting on the best interest of the County. Commissioner Manguso wants to pay for the wash basin and move on with it.

Commissioner Linke questioned what the downside would be if they did not do the work. Mr. Gagnon responded that there would not be a downside.

Commissioner Manguso wants to pay so Mr. Gagnon is not spending his time on it. Commissioner Manguso does not believe it will be resolved.

Mr. Gagnon recommended taking the \$850 out of PEI payment and that is what he is giving as a recommendation to today. Mr. Gagnon's engineer was on site and he stated he never saw the wash basin.

Commissioner Newberry stated that maybe we need to address the issue when the project is over.

Commissioner Newberry wondered why the County should pay if it was never built. Interim County Manager Moyer suggested settling in the middle at \$400.

It was suggested that they contact the driver to see if it was washed out or not. The driver gave invoices that the concrete got delivered, not that it was constructed.

Commissioner Newberry would still like to contact the driver because someone is not telling the truth.

Commissioner Newberry suggested having a work session with the contractor and have a wrap up meeting. Interim County Manager stated that the final payout, with the retainage, would be deducted by \$400. Tim Gagnon will propose that to the contractor and request an updated pay request.

Micha Benson of Road and Bridge explained that there is an annual software contract with the Gas Boy system for support on fuel pedestals and the software that runs the pedestals. Ms. Benson is requesting permission to go to the website and renew the annual support with Gas Boy for all four fuel sites plus the fleet head office software that runs them all. From this year forward it would be automatically renewed and an invoice would be submitted.

County Attorney Hassler stated that the Board can authorize Ms. Benson to sign the contract. He said the alternative would be to authorize the Chair to execute the electronic agreement.

Commissioner Manguso moved to authorize Micha Benson, with the approval of the Board of County Commissioners, to enter into an electronic renewal with Gas Boy for the Gas Boy Support Agreement in the amount of \$2,573.

The motion passed unanimously.

Assistant Superintendent Bill Clark presented the 14S Contract with KJ Hammer and Company Incorporated that takes effect November 1, 2015. Mr. Clark is requesting to sign outside the meeting. It is for the plowing of County Road 14S in the amount of \$3,200 in an amount not to exceed \$540 per month.

Commissioner Manguso moved to authorize the Chair to the sign the Private Winter Maintenance Permit and Agreement between Grand County and KJ Hammer Companies Incorporated outside the meeting for the plowing of 14S not to exceed \$540 a month for a total \$3,200 for the duration of the contract.

Discussion: Commissioner Newberry noted that it is for plowing the end of 14S and is for .2 of a mile.

The motion passed unanimously.

Bill Clark stated Road and Bridge is working to exchange a water truck for an older model truck. The older model allows the crews to work on the truck. It is old enough that it has prior EPA from 2007. Mr. Clark is running this through the finance department and the cost is going to be \$6,000 but they do need to capitalize the purchase. Mr. Clark is requesting \$65,000 for the truck with a trade value for the exchange of \$59,000 which leaves a balance of \$6,000. It would be moved out of this year's operating budget into capital to cover the costs.

Mr. Clark is asking for authorization from the Board to make this transaction with Wagner Rents for the purchase as stated.

Commissioner Manguso moved to authorize the Chair to execute a Sales Contract Security Agreement and Financing Statement and the release of capital in the amount \$65,000 with the understanding that \$59,000 will be reimbursed and the \$6,000 is coming from Operating. This is a journal entry for accounting purposes so the actual net cost to Grand County is \$6,000.

Discussion: County Attorney Hassler did not see the underlying document and he just heard the word security agreement. Mr. Hassler stated that the County cannot execute the security agreement financing statement provisions if there are additional pages to the document. There are paragraphs that need to be stricken from the contract.

Commissioner Manguso withdrew the motion.

Commissioner Manguso moved to authorize the Chair to sign a sales contract between Grand County Road and Bridge and Wagner Rents. This will allow the Chair to sign it today and this motion includes release of capital in the amount of \$65,000 with a net cost to Grand County of \$6,000 for a used Freightliner water truck.

Discussion: Mr. Clark stated Road and Bridge purchased the 2008 model which was the first attempt to meet Tier 4 standards and it failed miserably. It seemed to work well at lower elevations but it has a filter that clogs frequently which shuts the equipment down. The County's mechanics cannot reset and people need to come out of Denver to do the reset.

The motion passed unanimously.

Mr. Clark stated that he had a discussion with the Board prior to budget concerning the 330 Bridge as far as doing a replacement. It now appears that the 330 Bridge replacement is several years out and therefore Mr. Clark is requesting to use funds within the Road and Bridge Operating, not capital, in 2015 budget to buy the decking and replace the complete deck. It will be approximately \$15,000 to replace the decking. Crews would strip the old deck off, replace it with galvanized metal, and instead of putting gravel or asphalt crews would use wood runners on the bridge. It is a single lane bridge and Mr. Clark anticipates this would get 10 years of service on the bridge to extend the replacement out. The work would be done within the exiting budget.

Structurally the bridge is not ok but they would bring it up to the same capacity level as now of eight ton but it would be passable but would not have holes in the deck. This will save \$130,000. There is an alternate route if needed for heavy trucks or equipment.

Road and Bridge Superintendent Haynes stated that the United States Forest Service Arapahoe Roosevelt is asking for permission to plow their Elk Creek Area for Christmas tree cutting program. It will be from December 5 through December 12, 2015 with plowing beginning on November 30, 2015 to prepare for that event. Mr. Haynes is asking permission from the Board for approval. It is not plowed daily and it is low priority.

The Board gave approval to plow for the Forest Service as requested.

Road and Bridge Superintendent Haynes stated that he neglected giving an update on the Granby Landfill last week.

He stated that the movement is monitored every quarter. Comparing movement from September 2015 survey event to the September 2014 event, the 2015 movement is significantly less. The movement noted at the points near Coyote Creek are comparable from this year to last year of 1/100 to 3/100 feet. The tow bulge exhibited significantly less movement in September 2015 of 2/100 to 3/100 feet compared to 31/100 to 47/100 feet in 2014. Movement measure at the landfill grid points were up to 56/100 feet in September 2014 but are no more than 11/100 feet in September 2015.

Commissioner Linke stated that it is four times to ten times less movement than last year.

Mr. Haynes said that as far as the liner, nothing has changed since they put the hooks put on the end.

Road and Bridge Superintendent Haynes stated that on County Road 1 the drilling was done last week. It cost less because of the three hours his department took to move the rig from Henderson to County Road 1. That saved the County \$3,800. The invoice price is \$20,677 that is also attributed to less footage drilled per design by Bowman. They drilled six holes at 713 feet which was less than the 800 feet estimated.

Commissioner Newberry wondered if water had been struck.

Mr. Haynes stated that Hole No. 2 from the north end of the 6th pipe was dripping water. Reclamation has not been done because of weather conditions.

Holes were drilled beneath County Road 1 to disperse the ground water that comes up every spring in a section that causes the road to drop. The ground water raises which turns to slurry and moves because bulges are created below the road.

Mr. Haynes stated that County Road 5 is completed as far as the crossing at Pole Creek.

Mr. Haynes stated that a person was turning in resignation from District 4. He may need to transfer an employee from Parshall to Kremmling.

Departmental Contracts, Comments, Issues

Tina Strang of Home Health reviewed a process that her department has been doing for Grand County Home Health and Grand County Home Care. The department has been licensed with the State of Colorado since 2009 and they are required to reapply for their license to do business with the State of Colorado for Grand County Home Health and Grand County Home Care. Part of the application process is a signature page. It was reviewed the first time renewed in 2010 and the County Manager at that time was given permission by legal to sign the document.

Commissioner Manguso would like the document changed to have the Chair sign and bring it back to the Board.

Commissioner Newberry moved to authorize the Chair sign the Grand County Home Health and Care License Renewal Application for Class A and Class B License.

The motion passed unanimously.

Glen Chambers, Director of Social Services presented an amendment to a contract signed last year with the Department of Health Care Policy and Financing for incentive funding. It will cost the County nothing and the County can get up to \$8,954.99 if certain things are done for incentives. Last year the County received \$3,137.24 because his department did not meet all the criteria.

There are five things that are part of the incentive program:

1. Timely Medicaid applications
2. Collaborative incentive with other programs within the County
3. Low application backlog is down
4. Training for the workers
5. Quality improvement plan and do some internal reviews

Commissioner Manguso moved to authorize Agreement Amendment No. 1 between the Department of Health Care Policy and Financing and Grand County and this can result in payment of incentives to Grand County for \$8,954.99 for incentives on timeliness issues.

Discussion: There is no cost to Grand County.

The motion passed unanimously.

Director Chambers presented the Countywide Cost Allocation Reimbursement Plan with the State. It is an indirect cost recovery that Social Services gets that other county departments supports such as IT, Human Resources, Payroll, and Finance. The plan is done by Management of America Incorporated under contract with the County. The County is getting a reimbursement of \$9,086.96 for the quarter.

Community Development Director Bill Gray presented Resolution No. 2015-9-65, “A RESOLUTION APPROVING THE AMENDED FINAL PLAT LOT 6 AND LOT 7, BLOCK 18, INNSBRUCK-VAL MORITZ SUBDIVISION LOCATED IN THE NW1/4 OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO”

Commissioner Manguso moved to approve Resolution No. 2015-9-65 as presented and authorize the Chair to sign applicable documents.

The motion passed unanimously.

Director of Human Resources Alan Hassler presented a memorandum regarding Legal Shield employee benefit. Human Resources is requesting that the Board authorize the addition of this benefit for the employees to choose if they desire. It is identity theft protection and the company provides a level of credit and identity monitoring. If they detect a problem they notify the employee and will work with the employee to recover their identity and see if anything can be done with any credit and charges. This is an employee chosen and employee paid benefit. It is \$8.96 per month for individual coverage and \$18.96 for family coverage.

Commissioner Manguso asked how this would affect Payroll and Human Resources in regard to their workload.

Mr. Hassler was told that it would be part of the open enrollment process. Once they have the names of the employees who make the election they enter that information into the database as they are making the other payroll changes but after that they do not expect further work.

Commissioner Manguso wondered if the company does not catch the theft can the employee come back to the County for responsibility.

Mr. Hassler stated that people can make that claim of County liability but there would be time and resources involved by the County on that accusation. The Legal Shield Agreement says they will catch what they can.

Commissioner Manguso is not in favor of this. If people want to do this they can do it on their own.

Mr. Hassler stated that this company was brought to the County by HUB International. HUB International is the County’s insurance administrator.

Kirk Arnold stated that in regard to this, the County does create a fiduciary responsibility in the payroll deduct. It could be a problem for the County. Mr. Hassler stated it is an agreement between the employee and Legal Shield.

Commissioner Newberry asked if there is a cost savings for the employee if it is done through the County. Mr. Hassler stated that he does not know that answer.

The Board agreed they do not want the County to do this.

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

Eden Recor believes that the power at San Toy is resolved and he believes County Attorney Hassler is writing a special contract and they are looking at getting bids and putting power to their equipment. Grand County Internet Services will pay the fee for the power on a yearly basis. It is a special condition due to the movement of the building and Mr. Recor understands that not just anyone can connect to the County power.

County Attorney Hassler sent an agreement to Mr. Recor for moving the building and he is ready to move on that. Mr. Recor does want to get building moved before snow hits the ground.

County Attorney Hassler stated that the final revised agreement is in the drop box. The agreement provides that Road and Bridge will move the building as soon as they have documented evidence of Mr. Recor's right to place the building where he intends to place it. There is an intervening piece of land that the County requested proof of authority to cross the land so there is not an access issue. Mr. Recor has established a concrete pad on which the building will be placed and after that he is responsible for the tie down of the building and any changes he needs for his use.

Mr. Recor stated that the Board is going to be meeting with CenturyLink in the afternoon to discuss Connect America. The Connect America fund is meant to connect unserved users to the Internet at a fixed speed of 10 megabits down and 1 megabit up. It is meant to reach those people who do not currently have and cannot get from any other source internet services at these speeds. The problem is that the companies that take these funds can redirect funds to other areas that they think can benefit them more and leave out people. If they are going to take these funds the County should direct that they have to reach those areas instead of taking those funds and upgrading equipment. If the Board really wants them to serve the constituents of this County and Mr. Recor cannot serve them, the County needs to hold CenturyLink to the task of serving the unserved areas of the County.

Commissioner Manguso moved to authorize the Chair to sign the agreement for moving a building in general release of liability between Grand County Internet Services Inc. and the Board of County Commissioners.

Discussion: Commissioner Newberry asked Mr. Recor to comment on why Grand County Road and Bridge is moving his building. Mr. Recor said that originally the building was on top of San Toy and there was an agreement that the building would be moved out and a new building would be brought in to replace the old building. After Grand County Internet Services was in the building for over a year, the Grand County Sheriffs' Department determined that they could not have a mixed use in the building. It was either move the building back up there or they find another way to secure equipment. Mr. Recor found another way to secure the equipment and the building which had been moved from Parshall to Fraser because they have a use for it in Fraser.

Grand County moved the building off San Toy and now the County is moving it to another location.

The motion passed unanimously.

Board Business

Commissioner Manguso went to QQ for the update on Grand Lake clarity similar to what was in an Executive Session with the Board. Ms. Manguso added that there was an MOU handed out at QQ on this issue. Commissioner Newberry stated that MOU is how it will be managed and the structure to everything. Once the MOU has been signed off, it will go to Northwest COG as the 208 agent.

Commissioner Newberry stated that at the QQ meeting they discussed legislation. One of the topics was a letter that supposedly came out about the Statewide Water Plan and that the East Slope said they needed a transmountain diversion or projects within the plan.

Commissioner Linke attended the 1177 Roundtable and he said when the topic of the Interim Committee Bill says "delegate federal authority to approve water facility." To Commissioner Linke that is a red flag even though it is a draft.

The other concern for Commission Linke concerned the Transfer to the State Engineer of the Authority to approve water projects. The County's position all along is that Grand County does not want to give away local control.

Commissioner Newberry stated that 1177 is informational sharing and they do not have the ability to lobby.

CCI will not take a position on water but they might take a position on local control.

Commissioner Linke stated that at the 1177 meeting yesterday there was an ask from Lurline Underbrink Curran requesting funding and a funding request from the Irrigator's Group in Kremmling that are doing water projects on the lower stretch of the river. Those two things seem to be very positive to 177 but they have to go before the Water Conservation Board where the money comes from.

Commissioner Newberry stated that \$125,000 from the Gates Foundation was discussed at River District. There was a push back from the full board based on looking at it as a grantor or as a funding partner. Commissioner Newberry believes it will come down to looking at it as a funding partner. There may be a need to run it through Trout Unlimited or look at it as a funding partner and put additional on the total amount. Staff is looking at how the County can do this as a funding partner to the Windy Gap Project. There is a \$300,000 total but \$125,000 was coming through the Gates Foundation.

The River District is reviewing the movement of the Ritschard Dam and has hired Colorado School of Mines to look at the movement.

Commissioner Linke presented the fact at 1177 that they were promoting the AG Water Summit which is December 15, 2015. Commissioner Linke is requesting to move the Board of County Commissioners meeting to December 14, 2015 so he can attend.

Commissioner Newberry thought it was fine for Commissioner Linke to attend that Summit but does not want to change the meeting. It was decided not to change the meeting.

There was a request from the Grand Lake Woman's Club for a Commissioner to speak at their January meeting. Commissioner Linke will attend to make a presentation.

Interim County Manager Moyer presented three letters requesting funds regarding Highway 9. One is to Summit County in the amount of \$20,229.84, one is for Grand Foundation in the amount of \$75,412.56, and one from North American Title Company for Blue Valley Ranch portion in the amount of \$323,677.48.

Commissioner Manguso moved to authorize the signing and sending of letters to Grand Foundation, North American Title Company, and Summit County for Highway 9 reimbursements.

Discussion: Any budget overruns for the Highway 9 Project the State picks up so it would not affect Grand County.

The motion passed unanimously.

Commissioner Linke gave information regarding County Road 6. There was concern from a citizen about emergency access for the residents on County Road 6 that are past the Granby Dam. The person wanted an emergency access if they needed to be evacuated for an extended amount of time. It would allow the people in that area to go through private property that takes off of Dike 3 and ends up on County Road 34 out through the Ouray Ranch.

County Attorney Hassler stated that Ms. Muchmore has requested a document to review before she actually issues permission. That document is being sent as a proposal. Ms. Muchmore does not have interest in granting an easement. It will be emergency evacuation only.

Commissioner Manguso moved to the sign letter to Darcee Muchmore regarding emergency egress from County Road 6 to County Road 627.

The motion passed unanimously.

Interim County Manager Moyer presented a letter to elected and appointed officials regarding the budget outlook.

Commissioner Manguso moved to authorize signing of a letter to the County appointed and elected officials regarding the budget outlook.

The motion passed unanimously.

Calendars

October 28 Greater Sage Grouse at 10:00 a.m. Department of Natural Resource will call in by telephone
November 2 Board of County Commissioner's meeting

November 3 Board is helping out with the Election

November 4 Networking luncheon from 11:30 am to 2:30 pm at the dining hall commons at the YMCA

Interim County Manager Moyer stated that in the drop box there is an email from Ms. Erickson with Congressman Polis' office. There is a conference call October 28, 2015 regarding health insurance rate increases in mountain communities.

Commissioner Manguso thought the Insurance Committee should be on the call. She also believes there should be an increase of people on the Insurance Committee.

Interim County Manager Moyer stated that in the drop box under Attorney and Manager Items there is a letter from USGS United States Department of Interior with regard to a proposed stream gauge on County Road 57 Bridge on the Colorado River. This has gone through a Public Right of Way Use Permit with Road and Bridge. This gauge will be the same configuration as the USGS Ranch Creek Gauge on the bridge on County Road 84. Staff recommends the Board's approval and execution of the letter.

There is no cost to Grand County and we can ask them to remove it if there is an issue.

Commissioner Manguso moved to authorize the Chair to sign a letter to the United States Geological Survey that allows for a stream flow gauging station at the Colorado River below Windy Gap.

The motion passed unanimously.

Commissioner Newberry stated that there was success in getting funding for USGS sites throughout the West Slope. The River District is funding the USGS sites for stream monitoring and in the future when the Stream Management Plan is complete and that information is very important. It is full funding.

Interim County Manager Moyer said the Record of Decision for the BLM/Forest Service Resource Management Plans came out which affects Wild and Scenic. They issued the Records of Decision in July so within six months in the Upper Colorado Wild and Scenic Stakeholder Group Management Plan it is required to execute a Memorandum of Understanding. This gives Grand County legal authority to participate in the Wild and Scenic Management Plan. It is voluntary and Grand County can withdraw with notice. The current cost is that each stakeholder pays \$1,000 annually and each interest group will have its own governance.

Grand County is in the local government interest group with Eagle County and Summit County. Each of the three counties identify their representative and an alternate. Interim County Manager Moyer was directed to replace Mr. Taussig as the representative and Katherine Morris is the alternate representative. Mr. Moyer is asking the Board to approve the Memorandum of Understanding for participation in the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan and direct the Chairman to authorize the Memorandum of Understanding.

Interim County Manager Moyer explained that there is large concern in the interest groups in how can they commit to that level of funding. Mr. Moyer is attending the third quarter stakeholder group meeting this Friday. This does not identify a cost but there is discussion that the funding should be the same funding as today. The funding is \$1,000 per interest group and the nonprofits can look at in-kind services. Grand, Eagle, and Summit Counties each pay thirty percent and QQ pays ten percent. If QQ cannot pay, then the agreement will need to be amended.

Commissioner Newberry stated that part of the issue was that Grand County is already paying into QQ which is extra on top of Northwest COG. Grand, Eagle and Summit Counties are the main players so they are already being assessed an amount and the County needs to look at the actual cost. Commissioner Newberry wondered why the County is paying more because the County is already paying into QQ.

Mr. Moyer stated QQ is an alternate in the local government interest group. Mr. Moyer stated that the Counties felt that QQ should be responsible for \$1,000. Mr. Moyer stated that QQ has some reservations about paying the \$1,000.

Interim County Manager Moyer stated that there will be discussion globally on how much needs to be contributed for each interest group.

Commissioner Manguso moved to authorize the Chair to sign the Memorandum of Understanding for participation in the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan and for the Chair to sign the Protocol for Local Government Interest Group concerning the Upper Colorado River Wild and

Scenic Stakeholder Plan designating Ed Moyer as a Grand County representative and Katherine Morris as alternate. The total assessment will be no more than \$3,500.

The motion passed unanimously.

Interim County Manager Moyer stated that the County is in a Diligent Absolute case with regard to Grand County Well No. 1 at the landfill. Originally, the County had Middle Park contract water for that well and the County is trying to make it absolute. In doing so, the application was filed with the Division 5 water engineer and he has come back stating some things were not correct. The water engineer has said the County either needs to make changes to the case or start over for a new case. The water attorney for Grand County is not recommending starting a new case but is proposing to make the changes.

There is a small differential in the gallons per minute in the annual amounts. The County will need to add a provision that all ten-gallon per minutes up to the full fifteen acre feet per year would be administrated under an effective administration date of 2015 and prevent any enlargement of use of those original rights that would avoid issues in complicating the decree.

The Board believes the County should go with the recommendation of the water attorney.

Resolutions are being presented on a Consent Agenda.

Resolution No. 2015-10-19, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN 911 SOLUTIONS INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR PROJECT MANAGEMENT SERVICES”

Resolution No. 2015-10-20, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A GRANT AGREEMENT BY AND BETWEEN THE COLORADO DIVISION OF CRIMINAL JUSTICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE JUSTICE ASSISTANCE GRANT”

Resolution No. 2015-10-21, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A LETTER REQUESTING AN EXTENSION TO THE ENERGY & MINERAL IMPACT ASSISTANCE FUND GRANT”

Resolution No. 2015-10-22, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AGREEMENT BY AND BETWEEN THE COLORADO DEPARTMENT OF PUBLIC SAFETY, THE GRAND COUNTY SHERIFF, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR COOPERATIVE WILDFIRE PROTECTION”

Resolution No. 2015-10-23, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RELEASE OF CAPITAL FUNDS BY THE GRAND COUNTY SHERIFF’S OFFICE TO PURCHASE EMERGENCY VEHICLE EQUIPMENT”

Resolution No. 2015-10-24, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO ELECTRONICALLY EXECUTE AN APPLICATION TO THE COLORADO STATE COURT ADMINISTRATOR’S OFFICE FOR THE 2016 COLORADO COURT SECURITY FUND GRANT”

Commissioner Manguso moved to approve the following Resolutions as presented.

The motion passed unanimously.

Preliminary Budget Determinations for 2016

Finance Director Scott Berger presented a copy of the 2016 Preliminary Budget Determination. The purpose of having this is to provide the details to the department heads. The department heads have until Friday to submit written requests for rebuttal hearings to be held in November. The information is also released to the outside organizations that the County funds.

The Preliminary Budget Determinations has revenues of \$32,395,649 with expenditures of \$36,674,470 which would reflect a deficit of \$4,278,821. There is sufficient beginning fund balances to cover the deficit of \$14,980,827 which is the estimated fund balance at the end of 2015. It would leave an ending fund balance of \$10,702,005.

Finance Director Berger is requesting the Board's direction to release this information to the departments and other organizations that are supported by the County.

The Board gave direction to release the preliminary budget.

The rebuttals due on Friday and the rebuttal hearings will be November 10, 2015. The tentative schedule for the Board to approve the Final Budget and direct Finance to prepare the final budget documents and resolutions will be on Tuesday, November 17, 2015.

Pole Creek Meadows Public Improvement District and the Grand County Housing Authority

County Attorney Hassler said that in respect to Pole Creek Meadows another notice was posted last week for the budget meeting. The Board continued the Pole Creek and Grand County Housing Authority special notices so the Board is still properly convened.

Board Business

Road and Bridge Superintendent Haynes presented a document for the cost of the Christmas tree route.

County Attorney Hassler presented a memorandum requesting the release of capital funds for County Attorney's Office that was part of the completion of the building remodel project. They are asking for release of \$571.05 in capital.

Interim County Manager Moyer asked Attorney Hassler if this was a want or a need.

County Attorney Hassler responded that for him it was a want, but for clients that meet him and with the paralegal it is a need.

Commission Newberry moved to release \$571.05 from capital for blinds for windows in the County Attorney's Offices.

The motion passed unanimously.

County Attorney Hassler presented the Animal Shelter Lease that has been signed by the Granby Sanitation District.

Commissioner Manguso moved to authorize the Chair to sign the lease agreement between Granby Sanitation District and Grand County for the animal shelter in the amount of \$805 and \$33 per month. It is a five-year contract until December 31, 2020.

The motion passed unanimously.

Commissioner Manguso moved to convene an executive session at 11:30 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. The topic of the meeting is the hiring of a county manager. Attending the executive session will be Commissioner Linke, Commissioner Manguso, Commissioner Newberry, and County Attorney Hassler.

The motion passed unanimously.

Commissioner Manguso moved to reconvene the regular meeting 11:59 a.m.

The motion passed unanimously.

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.

Century Link - Connect America Funding

Abel Chavez, Local Government Affairs Director for CenturyLink and Tim Kunkleman, Regulatory Director for CenturyLink came to make a presentation to the Board.

Mr. Chavez stated they wanted to give a high level overview of Connect America Funding, what it means for Grand County, and what the process is for deploying Broadband over the next six years.

CenturyLink announced on August 27, 2015 that CenturyLink in Colorado would accept \$26,500,000 over the next six years to provide Broadband in unserved areas. The Federal Communications Commission defined unserved as anything less than 10 MBs down and one MB up from a speed perspective. Anywhere that had a cable provider would not be eligible. For purposes of eligibility the FCC, based on their modeling, identified 53,000 locations in Colorado. The locations are defined by census blocks. CenturyLink has to provide a minimum of 10 by 1 and there is a transparency requirement and that is that CenturyLink has to report back to FCC milestones. By the end 2017, CenturyLink must have built a forty percent of the 53,000 locations. This process will take six years to meet the requirements because of distance, terrain, and rights of way approvals.

CenturyLink did ask for ten years but was granted six years. CenturyLink also lobbied for making sure every customer would be eligible because even in a fixed wireless environment providers will not meet the demands for the future in regard to speeds. Last year, fifty percent of the usage of Broadband occurred from Net Flix and YouTube. That was the standard definition in terms of video. When you drill down to users, it is 18 to 34 year olds that are the predominate user of that speed.

The younger residents are clamoring for faster technology than the other age groups. CenturyLink needs to jump start the programs to achieve the speed required. The sweet spot for residential is 40 MBs and the sweet spot for small business is 100 MB so that is what CenturyLink is building toward. The network CenturyLink is providing is going to be pushing fiber optics to provide those speeds. They can add the electronics at either end of the fiber to drive faster speeds.

The Federal Communications Commission defined eligibility locations by County. There are 1,635 locations identified in Grand County and what CenturyLink would like to see is what CenturyLink and Grand County can do together. Only 65 percent of the need deemed from eligibility standards will be served with this program.

CenturyLink is trying to work with counties, other providers, rural electric associations, or any stakeholder available to maximize the impact and expand the reach of its networks. There are two other programs they are trying to leverage. Connect Ed is a federal initiative to connect schools which is a \$7,000,000,000 nationally. There is another \$7,000,000,000 that has been earmarked by the federal government for First Net which is the network for first responders.

The collaboration does not necessarily need to be financial resources, it could be sun setting for a period of time of fees, joint trenching, etc.

Commissioner Newberry wondered if CenturyLink knew what would be funded out of the 1,635 locations. With this being defined as unserved does that mean rural counties are in a better position to receive part of the funding.

Mr. Chavez stated that CenturyLink has not completed the vetting for what is financially feasible. He is hoping that by the end of the meeting he will have the information as to what Grand County needs are. There are two universes of unserved. There is the unserved based on speed and those that do not have any thing.

Commissioner Manguso questioned if this is in conflict with Senate Bill 152 that says a county cannot get involved in Broadband. She wondered how Grand County could partner with CenturyLink when the County did not opt out without violating Senate Bill 152.

CenturyLink does not believe from their perspective that there was anything prohibiting a partnership in regards to Senate Bill 152. The Connect America Fund is a Federal private/public partnership. They have also done state public/private partnerships. The multi-use network that was built in 2000 that connected all 64 counties with fiber connections was a private/public partnership.

Commissioner Manguso questioned how they can guarantee that Grand County will get some of the funding available instead of it going to some other county.

Mr. Chavez stated that part of the vetting will be from a financial perspective but the other piece is if Grand County is going to provide some resources.

Commissioner Manguso stated that it appears that the funds will go to the counties who are willing to partnership with CenturyLink.

Mr. Chavez said CenturyLink will prioritize it on that basis. They want to maximize the impact and are interested in the spirit of the program. At the end of six years, they want to be able to say it was a success based on leveraging with the communities and getting to as many customers beyond 53,000 that was the obligation of the program.

CenturyLink believes it is to everyone's advantage to get all of the counties involved in Colorado. In the spirit of taxpayer dollars this is the best way to do it.

Martin Woros wondered if combining and working toward using funds from Senate Bill 13-28 is something being talked about.

Mr. Chavez stated that it is something that would be considered as a partnership.

A grant would need to be written to DOLA to access those funds.

Mr. Chavez said it was not intention of CenturyLink to use funds from DOLA because they are not necessarily for use to resolve the last mile.

It was stated that DOLA funds are different from the State Broadband fund.

Mr. Chavez stated that the matrix needs to get Broadband to the user's homes and businesses. DOLA funds were to get Broadband to certain institutions or government which does not solve the last mile issue.

Commissioner Newberry stated that he thought CenturyLink was a private company and it sounds like CenturyLink is talking about spending taxpayer dollars. CenturyLink is going to decide how the taxpayer's dollars are going to be spent and it will become CenturyLink infrastructure. It seems to Commissioner Newberry that the County is subsidizing private enterprise.

Mr. Chavez stated that it is a subsidy but CenturyLink has made the lion's share of the investment. They are trying to collaborate more because of exponential growth of Broadband. He stated that of the 92 percent of customers they serve in Colorado do not have the kind of speeds they need.

Mr. Chavez stated that the biggest problem is in rural areas where there is density, terrain, and distance issues. Those are the factors that drive up cost. CenturyLink is trying to use the subsidy that the FCC has granted to offset that delta of cost to provide assistance to much of the western part of the state. Another cost factor is that 60 to 70 percent of the lands in western Colorado are public lands so they have to get rights of way feet from the federal government.

The program was drafted and designed to give the first right of refusal to the incumbent provider. The FCC said they had "x" dollars and there are 34 states that said yes. Century link was given first right of refusal because they are an incumbent provider. CenturyLink prices their broadband services in Colorado at a standardized price.

Mr. Kunkleman stated that the price is a federally driven price. It is a federal tariff of the FCC.

The construction to building the network is one cost, and to operate and maintain is another cost. The maintenance and operation cost is far greater than the initial construction cost.

Commissioner Newberry stated that it appears that CenturyLink is looking at different level of service for certain parts of the County. He wondered if CenturyLink is asking the County to participate and determine where the spots are for needed service.

Mr. Chavez stated that CenturyLink will ask the County for assistance on getting that information.

Mr. Woros stated that CenturyLink brought some fiber up in the western part of the County and that opened up Broadband in some sparsely populated areas.

CenturyLink wants to validate that the locations actually exist and based on cost if it is financially feasible. Once that information is gathered the conversation can begin. They do not want to make the decision without the input of Grand County.

Nate Wolowitz, Regional Broadband Coordinator for the Northwest COG stated that Grand County is in a challenging position. The eastern quadrant of the Northwest COG, Grand County and Jackson County, are both very challenged because of the geographic location and the directions the Telecom lines go. There is also population that is disparate and early on a lot of the communities were beneficiary of early investments and development that now has fallen way behind. Broadband in many areas is linked to economic development and COG is supporting the meetings with CenturyLink to provide all the counties the opportunity to meet with CenturyLink and help present the best case for each county.

Commissioner Newberry stated that the challenge in Grand County should put Grand County in a good position to partner with CenturyLink. There are fiber optics going through Grand County but have never been able to hook into it.

Mr. Chavez said the challenge is that there is fiber running down corridors but some residents are further out from where CenturyLink or any other providers currently have infrastructure to support these Broadband speeds. A large part of the challenge has to do with distance.

Mr. Woros stated that much of the frustration is the last mile.

This program is to push fiber connections as deep as able into neighborhoods and communities and then capitalize on the copper and start giving adequate speeds. They are finding that copper can carry a speed as high as 100-200 MB at about a mile and a half. The copper infrastructure is generally healthy and vital to the success.

CenturyLink is doing some trials called vectoring and by the end of the year they hope to have a sense as to where they deploy that. Wireless is a challenge, satellite is not considered a viable technology, fixed wireless is a good supplemental technology but it is good for only 40-50 MB. To get to the notion of leap frogging feeds is to push fiber closer.

There is an opportunity for Grand County and CenturyLink to work on a map and a list.

Mr. Woros understood from Senate Bill 152 there was some DOLA money available for the planning. At some time Grand County will have some skin in the game and at time the County would be reaching for federal money or participating in construction and development of broadband. The idea of getting out from under Senate Bill 152 is to get away from restrictions and that would be the incentive.

Mr. Chavez stated that planning grants are not part of Senate Bill 152 because DOLA wanted protection in terms of partnership so they were suggesting going through an exemption of 152 for the DOLA grants. The planning grants are specifically exempted from any Senate Bill 152 exemption discussion. Grand County could apply for a planning grant which would help provide for gathering of documents for CenturyLink.

Commissioner Newberry asked what Mr. Woros needs to do to get this to happen in Grand County.

IS Director Woros stated that he needs to be at the table and he believes he needs to talk with the people who have been involved already. Everyone involved needs to sit down together as a group. The group is at a point now where it can prioritize areas.

Mr. Chavez stated that generally, the sooner something can be decided the better so they can prioritize. CenturyLink will be doing the planning this fall. CenturyLink wants to begin prioritizing and have some money available. They are pushing for beginning construction in the Spring 2016.

IS Director Woros wanted to clarify that they do not have to work in census blocks and was told that whatever worked for the County in getting the data together is fine.

Commissioner Newberry asked if there was anyone that has already started construction or in the lead as far as giving CenturyLink feedback.

Mr. Chavez said no, that everyone is on the same level because the vetting has not been completed. Once the financial feasibility is done everyone will have an equal chance to see the data and then based on that enter discussions for negotiations and partnerships.

Public Hearing – Snow Mountain Ranch, YMCA of the Rockies Special Use Permit, Cell Tower Renewal

The public hearing scheduled to begin at 2:30 p.m. was called to order by Chairman Linke at 2:45 p.m. County Attorney Alan Hassler set the record.

The following is all or part of staff's Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on October 27, 2015.

- A. Letter of Application dated September 22, 2015
- B. Public Notice – Middle Park Times, October 1, 2015
- C. Proof of Publication – Middle Park Times, October 1, 2015
- D. Vicinity Map as established by the Grand County GIS System
- E. List of property owners within the 500' notification buffer, as established by the Grand County GIS System
- F. Certified Mailings to all property owners within 500' as established by the Grand County GIS System, including the Town of Fraser
- G. Public Review Sheets (no names)
- H. Grand County Board of County Commissioners Resolution No. 2012-6-1
- I. Certificate of Recommendation dated October 27, 2015

PROJECT NAME: Snow Mountain Ranch – YMCA of the Rockies Special Use Permit Renewal
APPLICANT: YMCA of the Rockies
LOCATION: A 400 square foot site located approximately 1,000' north of County Road ("CR") 53 at the intersection of CR 53 and US Hwy 40 in the E ½ SW ¼, Section 32, Township 1 South, Range 76 West of the 6th P.M., County of Grand, State of Colorado
ZONING: Forestry and Open District
APPLICABLE REGULATIONS: Zoning Regulations
EXHIBITS: Letter of request for renewal, SUP #2012-6-1 and Vicinity Map
STAFF PLANNER: Bill Gray, County Planner
REQUEST: The renewal of SUP #2012-6-1, a special use permit for a telecommunications site.

I. DISCUSSION

YMCA of the Rockies ("YMCA") has requested a renewal of SUP #2012-6-1 ("SUP"). The SUP issued to the YMCA permits a telecommunication site in the proximity of the CR 53 and US Hwy 40 intersection at the top of Red Dirt Hill. This site was originally permitted in 2001 and most recently in 2012 when the permit was transferred from Verizon Wireless to the YMCA. The SUP has an ending term of September 9, 2015.

The site and use consists of the following:

1. A single 75' foot self-supported tower
2. Six (6) mounted antennas
3. Four (4) Equipment cabinets
4. A cedar security fence
5. Co-location of other service providers

Pursuant to the SUP Staff finds:

- All uses and equipment are contained within a fenced enclosure. All design standards are met.
- The site is unused, but the YMCA does plan to eventually use it to improve communications at Snow Mountain Ranch.
- The site is in good condition, appears well-maintained and contains no junk or other debris.

II. STAFF RECOMMENDATION

Staff recommends approval of the special use permit renewal for the Snow Mountain Ranch – YMCA of the Rockies telecommunication site with the following conditions:

1. The new ending term for the special use permit shall be five (5) years or until September 9, 2020.

2. Permit holder confirms that the current SUP contact information is correct. If not, new up-to-date contact information is required to be provided. Email(s), if applicable, needs added to the contact information for the SUP.

[End of Staff's Certificate]

Mr. Truman stated the tower is in good shape but not in use. The short term plan would be to put a booster or a repeater to help boost the current service at Snow Mountain Ranch and the surrounding area. Ultimately they would like to find a carrier to reactivate that tower and put it to use.

Commissioner Manguso asked why Mr. Gray was doing a five-year renewal because Commissioner Manguso thought it would be for a longer period of time.

Commissioner Newberry moved to approve the Special Use Permit for Cell Tower Renewal for the YMCA of the Rockies Snow Mountain Ranch changing Condition No. 1 from five years to ten years with the understanding that any use will require the applicant to come in for an amendment to the Special Use Permit.

The motion passed unanimously.

Commissioner Newberry moved to close the hearing.

The motion passed unanimously.

Amended Final Plat Tract A & B, Perry L. Miller Trust – A lot line adjustment that reconfigures the size and shape of Tract A and B

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 27, 2015.

PROJECT NAME: Amended Final Plat, Tract A and Tract B, Perry L. Miller Tracts
APPLICANT: Todd D. Benjamin and Carol W. Benjamin
LOCATION: Tract A and Tract B, Perry L. Miller Tract, being a part of the SW ¼, Section 13, Township 3 North, Range 76 West of the 6th P.M., County of Grand, State of Colorado – approximately 11 miles north of Granby at the intersection of US Hwy 34 and CR 46
ZONING: Tourist District
APPLICABLE
REGULATIONS: Zoning Regulations and Subdivision Regulations
EXHIBITS: Amended Final Plat, Site Map of Constraints, Letter of Request and Map of Perry L. Miller Tract
STAFF PLANNER: Bill Gray, County Planner
REQUEST: A replat to reconfigure the interior parcel line of Tract A and Tract B, Perry L Miller Tract.

I. DISCUSSION

Todd D. Benjamin and Carole W. Benjamin (the "Applicant") have submitted an application for an amended final plat of Tract A and Tract B, Perry L. Miller Tract.

Applicant is the owner of both Tract A and B. They acquired the property in 2003 from Cassandra Lockwood. Tract A is .51 acres and Tract B is .43 acres.

The subdivision Perry L. Miller Tract ("PLM") was created in 1954. It is a subdivision comprised of 60-lots (see subdivision map included as an exhibit). PLM is located approximately 11-miles north of Granby on the west side US 34 at its intersection with CR 46 (See Figure 1, on page 2). All lots in PLM are recognized as legal lot pursuant to Section 14.1 (1), Supplementary Are of Lot and Width Regulations.

14.1 (1) Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the Board of County Commissioners prior to the effective date of these regulations or any amendment thereto applicable to such lot, such lot may be occupied according to the permitted uses provided for the district in which such lot is located without regard for "minimum area of lot" and "minimum lot width" requirements otherwise specified in these regulations.

Adopted zoning regulations leave most of the lots of PLM with little to no building envelope when locational standards such as front, side and rear yards, water quality setback and off-street parking are strictly applied. A challenge on our horizon is coordinating long term policies and adopted regulations to support infill and

redevelopment as uses and buildings reach the end of their life cycle. The US Hwy 34 corridor is definitely an area where adopted regulations and long term planning policies

The proposal by the Applicant contemplates reconfiguring the interior property line of Tract A and B that currently runs east/west from CR 46 on the east to Shadow Mtn. Estates on the west so that new Lot A (.20 acres or ~8,700 sq. ft.) will contain 1-cabin (#5) and 1- storage/laundry building (#1) and new Lot B (.74 acres or ~32,200 sq. ft.) will contain 4-cabins (#'s 2, 3, 4 and EF2) and the well house (EF1).

Applicant is proposing the re-division in order to correct existing encroachments over the current Tract A/B lot line and to make the lots more saleable. The current site configuration has structures that encroach over the property line.

In addition to structures, the 2-tracts are affected by a gravel access road, 2-track travelled way, irrigation ditch, overhead powerlines and steep slopes over and across the westerly ½ of both parcels. Figure 1, on of page 2, is a Google Earth image of the property.

II. MASTER PLAN

The premise of the application is that a change in the lot configuration will encourage redevelopment of an outdated, non-conforming and rundown property.

The county master plan includes the following policies in support of the application:

- Promote infill and redevelopment in order to accommodate commercial development needs efficiently.
- Encourage and promote the redevelopment and/or revitalization of currently undeveloped, outdated, or rundown areas.

The proposed plan best forwards these policies for Amended Lot B. Its size and configuration lends itself to complying with currently adopted zoning regulations, whether existing structures are improved or new buildings are constructed.

Amended Lot A, on the other hand, because of its size and site conditions is constrained for redevelopment. As such, future improvement may only include “building in-place” improvements.

It is Staff’s position that the application does meet the goals of the master plan as it creates a situation that does promote infill or redevelopment to meet the long range planning policies. It does not fit neatly with adopted zoning regulations. To address, both Staff and Planning Commission felt strongly that this should be disclosed on any approved plat.

III. REGULATIONS

A. ZONING - Section I, Application of Regulations.

Zoning of the property is Tourist District (“T District”)

PLM was created in 1956. The county adopted zoning in July 1970. Front, Side and Rear yard setback standards were established in all zone districts in October 1977. The water quality setback standard was enacted in the late 1980’s/early 90’s. All this means that the lots and buildings are legally existing non-conforming for lot area and setbacks (yards).

Presently, the use of the two (2) lots is primarily single family residential in cabins #5 and #2 as they are in the best shape. The Applicant has recently made significant improvements to cabin #5 to improve its conditions to the extent that it has attracted potential buyers. From a use standpoint for both current and future conditions the lots comply with the T District.

In non-conforming situations, uses, buildings and land are allowed to continue to exist. It is important note that all of PLM does not and could not comply with current site development standards of the county zoning regulations in terms of lot area and lot setbacks. By example, Amended Lot A in its proposed smaller configuration and size is still much larger than surrounding lots. One might say it fits the character of the neighborhood and

Zoning regulations acknowledge and accept non-conforming situations but this section of the code is designed to move land and buildings to a conforming status.

As such, applications, such as the one presented, is required to be evaluated against current standards.

The T District requires the following standards to be met:

- Yard requirements are thirty (30) feet front setbacks, twenty (20) feet rear setback and ten (10) feet side setbacks.
- Minimum Lot Size is 1-acre.
- Minimum Lot width is 150 feet.
- Minimum 30 feet Water Quality Setback

In review of the application Staff finds the following:

- Both lots have been granted a variance to the minimum area of lot by the Board of Adjustment as each are less than one (1) acre.
- Amended Lot B complies with the lot width standard. Amended Lot A was granted a variance to lot width by the BOA.
- Amended Lot B has an adequate Building Envelope when factoring in all required setbacks. Buildings #EF1 and #EF2 will remain non-conforming buildings.
- Amended Lot A, by strict application of all required setback results in no future buildable area. It would have a buildable area if the lot did not have an irrigation ditch running through the central portion of the lot. It is a possibility that the irrigation ditch could be realigned and encased in the future so that the full building area on Amended Lot A could be utilized. This of course is only with the ditch owner's permission. Zoning standards do permit building improvements so long as there is no increase to the non-conforming condition. Both buildings on Amended Lot A are non-conforming as to setbacks.
- It is being recommended that the following notice is added to the plat so that compliance with regulations is disclosed as it relates to both lots:

“The buildings (#1 and #5) on Lot A and buildings (#EF1 and #EF2) on Lot B are each non-conforming buildings pursuant to Section XV, Non-conforming Uses and Non-conforming Buildings, Grand County Zoning Regulations. The buildings continued use, restoration, enlargement or alteration are subject to the provisions of Section XV. Any building improvements on the lots, including new construction or restoration, enlargement or alteration of the existing buildings shall be subject to the Grand County Zoning Regulations as now enacted or amended and there is no guarantee that a building permit or any other required permit will be issued.”

The intent of this application is actually very good. Its difficulty lies when trying to fit it into the county's adopted standards and how adopted regulations may impact future use and improvements. The recommendation to sufficiently notice this challenge is an adequate and practical way to address.

B. SUBDIVISION REGULATIONS – Section 4.4, FINAL PLAT

The proposed plat has been reviewed pursuant to the criteria and standards of Section 4.3, Final Plat. Staff review comments follow:

1. FINAL PLAT
 - a. Dedication and Certifications
 - Correct the title:

Amend Final Plat

Tract A and Tract B, Perry L Miller Tract, being located in a portion of Section 13 and 24, Township 3 North, Range 76 West of the 6th P.M., County of Grand, State of Colorado Conveyance to Applicant recorded at reception no. 2003003777

- A correct subdivision BOCC Certificate is added to the final plat
 - A correct subdivision Surveyor's Certificate is added to the final plat
- b. Drawing
 - Revise lot label to Lot A and Lot B
 - Add recorded Access and Utility Easement recorded at reception no. 99012199 and label as CR 4612.
 - Show full width of US Hwy 34 and CR 46 right-of-way.

- Submit documentation that properly and legally includes Lots 1-4, and Open Space Lot A under the Sunset Ridge Declaration of Covenants.
- Overhead electric line and irrigation ditch are clearly labeled and identified.
- Cabin #1 on proposed Amended Lot A is added to the final plat.

c. Subdivision Standards

- Water supply to the lots is provided by a shared well. A formalized well sharing agreement shall be provided or each lot be served by its own individual well is required.

IV. PLANNING COMMISSION

The Planning Commission reviewed the application and recommended approval to the Board of County Commissioners. Planning Commission felt that this was a good application in that it supported master plan policies and that a disclosure statement needed to be include on the final plat.

V. BOARD OF ADJUSTMENT

The Board of Adjustment granted variances to the minimum area of lot for Lot A and Lot B and minimum lot width for Lot A. The BOA variance is conditioned upon the BOCC granted approval of the amended final plat application.

IV. STAFF RECOMMENDATION

Staff recommends approval of the amended final plat, Tract A and Tract B, Perry L Miller Tract with the following conditions:

1. The following note is added to the final plat:

The buildings (#1 and #5) on Lot A and buildings (#EF1 and #EF2) on Lot B are each non-conforming buildings pursuant to Section XV, Non-conforming Uses and Non-conforming Buildings, Grand County Zoning Regulations. The buildings continued use, restoration, enlargement or alteration are subject to the provisions of Section XV. Any building improvements on the lots, including new construction or restoration, enlargement or alteration of the existing buildings shall be subject to the Grand County Zoning Regulations as now enacted or amended and there is no guarantee that a building permit or any other required permit will be issued.”

2. Correct the title of the plat:

Amend Final Plat

Tract A and Tract B, Perry L Miller Tract, being located in a portion of Section 13 and 24, Township 3 North, Range 76 West of the 6th P.M., County of Grand, State of Colorado Conveyance to Applicant recorded at reception no. 2003003777

4. Add a correct subdivision BOCC Certificate to the final plat
5. Add a correct subdivision Surveyor’s Certificate to the final plat
6. Revise lot labels to Lot A and Lot B.
7. Add recorded Access and Utility Easement recorded at reception no. 99012199 and label as CR 4612.
8. Show the full width of US Hwy 34 and CR 46 right-of-way on the final plat.
9. Clearly label and dimension the overhead electric line and easement and irrigation ditch and easement on the final plat.
10. Show Cabin #5 on Lot A as it exists currently.
11. Submit a formal well sharing agreement.
12. Proof of taxes paid in full is submitted.
13. Submit required autoCAD file of the subdivision in the format required by the subdivision regulations.
14. The applicant is responsible for the payment of all recording fees.

[End of Staff’s report]

Applicant does not have anything to add.

Commissioner Newberry asked if the County plows County Road 4612. Mr. Gray stated that it is a non-County maintained road. Mr. Gray stated that County Road 4612 is a private easement through the lot that provides access.

The Board of Adjustment granted their variance subject to the final approval of the Board of County Commissioners, and if the Board did not approve final plat their variance would become null and void.

Commissioner Manguso moved to approve the Amended Final Plat of Tract A and B, Perry L Miller Tracts with staff's conditions.

The motion passed unanimously.

Human Resources – Colorado All Payers Claim Database, Letter to Cigna

Colleen Reynolds, Human Resource Specialist, presented a letter from Cigna that requests approval to provide protected health information to the Colorado All Payers Claim Database. The County does not have a choice in this matter because the County is a self-insured plan. The data is to be maintained encrypted but will include medical, pharmacy, dental, and behavioral claims information.

The submission of the first test file is due on November 20, 2015 and the real submission is due in January 2016. Cigna will provide all the information so the County does not have to do anything.

Commissioner Newberry moved to authorize the Chair to sign a letter that requires the Board to take action by November 15, 2015 for Cigna and the County's Self-Insured Health Benefits Plan to allow Cigna to provide information to the Colorado All Payer Claims Database.

The motion passed unanimously.

Board Business

Commissioner Newberry stated that the Board discussed restructuring County Departments. The Board members agreed that the conversation needs to continue into the future.

Commissioner Newberry moved to convene an executive session at 2:50 p.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. The topic of the meeting is the hiring of a county manager. Attending the executive session will be Commissioner Linke, Commissioner Manguso, Commissioner Newberry, and County Attorney Hassler.

The motion passed unanimously.

Commissioner Newberry moved to reconvene the regular meeting 3:10 p.m.

The motion passed unanimously.

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.

There being no further business to come before the Board, the Regular meeting was adjourned at 3:10 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