

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

March 5, 2019

Present: Commissioner Richard D. Cimino, Commissioner District 1 - Chair
Commissioner Merrit S. Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3

Also Present: County Clerk and Recorder Sara L. Rosene
Interim County Manager Ed Moyer
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to move the Executive Session scheduled for 9:15 a.m. to 8:39 a.m.

Discussion: Commissioner Linke is leaving to attend a meeting at ARDEC / CSU regarding the molybdenum standard in the discharge water in Fort Collins and needs to attend the Executive Session.

The motion passed unanimously.

Commissioner Linke moved to approve the Meeting Minutes of the February 26, 2019 Board of Commissioner's meeting with corrections.

The motion passed unanimously.

Public Comments

Paul Lewis lives near the Fraser Pole Yard and has expressed concerns over the Fraser Pole Yard. There were problems before last summer but concerns escalated last summer.

Mr. Lewis has been in his house 15 years. The Pole Yard continues to grow. There are now large piles of sawdust and huge pieces of equipment that make a lot of noise. They operate from 3:00 a.m. well into the evening. The machines run 85 to 90 decibels.

Mr. Lewis has complained to the Sheriff and the Sheriff's Office has stated that they can do nothing. Mr. Lewis believes that something can be done. This is an industrial operation and there is a great deal of dust.

Commissioner Cimino called the owner of the Pole Yard and the owner is aware of the neighborhood complaints. The owner offered to work with the County and meet with the neighbors.

Commissioner Manguso noted that this is a pre-existing use. Mr. Lewis stated that it is a pre-existing business but the amount of use has grown tremendously.

Commissioner Manguso stated that new equipment comes along and the business owner will likely update. Some of the changes is just the business model.

Community Development Director Robert Davis will be working with the County Attorney on this matter.

YMCA Snow Mountain Ranch Center Director Truman Hoffmeister came to speak with the Board about County Road 53. In January 2019, former County Manager Staub asked if the YMCA was interested in participating in work on County Road 53.

Mr. Hoffmeister stated that the YMCA is interested in working as a partner with the County. Mr. Hoffmeister stated that the YMCA continues to pay property tax on year-round staff housing, concessionaires, and parts of business that are not directly related charitable nature as a YMCA. The YMCA remits sales and lodging taxes to the County. The impact that Snow Mountain Ranch has on the community is big. Last year, the YMCA remitted lodging on 171,529 nights of lodging. Those are folks coming into the community. They are coming here and buying groceries, gas, going out for dinner, skiing, attend music festivals, etc.

The YMCA wants to continue to be good neighbors. The YMCA works with the school district. They provide free facilities for training for cross country Nordic and race venues. The YMCA provided three weeks of Nordic education training in the schools for the Granby Elementary kids.

The YMCA works with the Commissioners to host the networking lunches.

Executive Session

Commissioner Manguso moved to convene an Executive Session at 8:47 a.m. pursuant to CRS 24-6-402, Section (4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations; and instructing negotiators regarding County Road 53. Present for the meeting will be the Board, the County Attorney and the Interim County Manager.

The motion passed unanimously.

The Executive Session ended at 9:07 a.m.

I, Richard Cimino, 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.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on March 6, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on March 5, 2019 for payment on March 6, 2018 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on March 6, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on March 5, 2019, for payment on March 6, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wires payment and vouchers transfers presented on March 5, 2019, for payment on March 6, 2019 for Grand County.

The motion passed unanimously.

Departmental Contract, Comments, Issues

Commissioner Cimino announced that the Board is sitting as the Grand County Board of Human Services.

Commissioner Manguso moved to authorize the Chair to sign and to approve the Memorandum of Understanding School Stability for Students in Foster Care between the Grand County Board of Human Services and West Grand School District from March 1, 2019 to June 30, 2020.

The motion passed unanimously.

Commissioner Linke moved to approve the Memorandum of Understanding School Stability for Students in Foster Care between the Grand County Board of Human Services and East Grand School District as presented Grand County Human Services Director. The term of the MOU is February 1, 2019 through June 30, 2020.

Discussion: Commissioner Linke acknowledged that Taunia Shipman is on both MOUs but because she is on the East Grand School District Board, Deb Ruttenberg is also listed.

The motion passed unanimously.

Commissioner Cimino announced that the Board is sitting as the Grand County Board of Commissioners.

Commissioner Manguso moved to approve and authorize the Chair to sign ten separate Childcare Health Consulting Contracts between Grand County Department of Public Health and the following:

East Grand Preschool
Little Sprouts Learning Center

Fraser Valley Elementary Preschool
Eternal Hills Christian Preschool
Granby Play Days Preschool
Kremmling Preschool
Grand Kids Learning Center
Intrawest/Winter Park Operations Corporation dba Early Education Center
Granby Recreation Department
Fraser Valley Metropolitan Recreation District Department

The motion passed unanimously.

Commissioner Manguso moved approve and authorize all three commissioners to sign a letter of “thank you” to Dr. Richard Bortz for his service as the Public Health Medical Advisor for the past 19 years.

The motion passed unanimously.

Commissioner Manguso moved to approve the renewal of the Hotel and Restaurant Liquor License for David Pratt, President/Manager of Bull Moose Management, Inc. dba Mustashio’s on the Lake as presented by Grand County Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Manguso moved to approve the renewal of the Hotel and Restaurant Liquor License with Optional Premises for Devil’s Thumb Ranch Operating Company dba Devil’s Thumb Ranch and approve the change in managers from Doug Libby to Daniel John Abrashoff as presented by Grand County Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Manguso moved to approve the renewal of the Hotel and Restaurant Liquor License for Jean Claude Cavalera, Owner/Manager of Stillwater Grill, LLC dba Stillwater Grill as presented by Grand County Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Manguso moved to approve the renewal of the Fermented Malt Beverage Off Premises Liquor Stores for Paul D. Hedgecock, manager of Highland Marina LLC dba Highland Marina as presented by Grand County Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Manager and Attorney Items

Interim County Manager Ed Moyer presented the weekly update.

Consent Agenda

Resolution No. 2019-2-19, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN APPLICATION FOR FEDERAL ASSISTANCE AND RELATED DOCUMENTS TO SUPPORT IMPROVEMENTS TO THE KREMMLING-MCELROY AIRFIELD, AND AUTHORIZING THE INTERIM COUNTY MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF COLORADO FOR ADDITIONAL SUPPORT FOR THE PROJECT”

Resolution No. 2019-2-20, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF CHRISTY HORN AS A REPRESENTATIVE TO THE MIDDLE PARK FAIR AND RODEO BOARD”

Resolution No. 2019-2-21, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DISMANTLING THE PERSONNEL POLICY REVIEW COMMITTEE AND PROVIDING DIRECTION TO HUMAN RESOURCES REGARDING THE GRAND COUNTY PERSONNEL MANUAL”

Resolution No. 2019-2-22, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING OUT-OF-STATE TRAVEL FOR THE GRAND COUNTY PUBLIC HEALTH DIRECTOR”

Resolution No. 2019-2-23, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN APPLICATION FOR FEDERAL ASSISTANCE TO SUPPORT THE GRAND COUNTY OFFICE OF EMERGENCY MANAGEMENT IN PREPARING THE GRAND COUNTY HAZARD MITIGATION PLAN UPDATE”

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Linke left the meeting due to his commitment at ARDEC / CSU regarding the molybdenum standard in the discharge water in Fort Collins, Colorado.

County Attorney Chris Leahy reported that the Board of Assessment Appeals has scheduled a hearing in the Cantfield Management Trust appeal on the Petition for Abatement that was denied on May 23, 2018. The hearing will be June 20, 2019.

Mr. Leahy will represent the Assessor in this case.

Subdivision Improvement Agreement – Notice of Default, West Hillside Acres

Ms. Lyons reported that this is not a public hearing.

TO: The Board of County Commissioners
FROM: Joan Lyons, Planner I
DATE: March 1, 2019
RE: West Hillside Acres Escrow

Pursuant to a request to review the escrow account and related issues for West Hillside Acres Subdivision, please note the following:

- The Subdivision Improvement Agreement (SIA) prevents disbursement of any funds held in escrow to anyone other than the developers – Morris King and Brad Niederman, hereinafter referred to as ‘the Developers’ for the remainder of the memorandum.
- The Final Plat and original SIA dated July 6, 2004, Recorded at Reception # 2004008243.
- The escrow was established with the Final Plat and SIA referenced above. The escrow allows for the release of lots for sale following Preliminary Acceptance. Per the SIA, the following improvements listed below were included within the SIA to be fulfilled:
 - o Sanitary Sewer
 - o Driveway
 - o Storm Drainage
 - o Erosion/Sediment Control
 - o Electrical
 - o Revegetation
 - o Weed Control

The County released \$55,700 to The Developers from the escrow for road and drainage improvements under Resolution 2004-9-14. The Developers continued to make improvements throughout 2004 and 2005. Resolution 2004-12-5 documented when the County released \$98,910 for sanitary, sewer, drainage and electrical improvements.

- In October of 2005, the Developers requested Preliminary Acceptance and were granted Preliminary Acceptance by the Board of County Commissioners pursuant to Resolution 2005-10-22.
 - o Per the SIA, this means that the Developers had two (2) years, or until October of 2007, to complete any outstanding improvement items prior to receiving remaining funds, or applying for Final Acceptance, allocated in the West Hillside escrow account. In the case that the Developers believed that all improvements were made, the Developers were to provide written notice to Grand County Department of Planning and Zoning to request a final inspection on the Subdivision Improvements.
- Final Acceptance inspections were conducted by the County Engineer, Tim Gagnon, on the following dates listed below. During each inspection, the County Engineer found defects in the repairs. This meant that the Developers had to fix the defects prior to granting Final Acceptance:

- o June 11, 2008
- o July 30, 2009
- o August 13, 2010
- o July 28, 2017
- o March 1, 2018
- During the most recent inspection, the following was outlined as defects needing repairs:
 - Gravel road surface has not been properly maintained. Erosion of the surface, gravel loss, lack of crown, and a well-defined roadside ditch are all issues. The overall width of the gravel driving surface has been significantly decreased from the original 28' design width.
 - A large portion of the cut sideslope uphill of the gravel road lacks proper vegetation, and due to the steep slope will likely require additional revegetation efforts above-and-beyond standard seed broadcasting (i.e. hydromulch, erosion control blankets, drill seeding, etc.).
 - Erosion control and BMPs should be installed prior to construction, and inspected and maintained until disturbed areas have been stabilized with sufficient vegetation.
- Note - All inspections were done after the two years the Developers were allocated to improve remaining defects.
 - During the course of the past 12 years, 10 letters have been written to the Developers by the Community Development Department requesting Developers to fix the remaining defects in order to retrieve their Warranty Security through Final Acceptance on the following dates:
 - o June 18, 2008 – From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o September 4, 2008 – From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o August 6, 2009 – From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o July 11, 2011- From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o July 16, 2012- From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o April 9, 2013- From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o April 21, 2014- From Kristen Manguso, Planning and Zoning Director to the Developers (First Class, Certified Mail)
 - o March 6, 2015 – From Bill Gray, Senior Planner to the Developers (First Class, Certified Mail)
 - o April 26, 2016 – From Bill Gray, Community Development Director to the Developers (First Class, Certified Mail)
 - o July 6, 2016 – From Bill Gray, Community Development Director to the Developers (First Class, Certified Mail)

Given the above, the Community Development Department recommends that the County use the funds to pay the costs of completion of the Subdivision Improvements substantially in accordance with the Plans and the other requirements outlined in the SIA. Because the County has the right to complete the improvements per Article 5.4 in the SIA, the Community Development Department believes that the County Engineer shall provide a quote for outstanding defects needed to repair the Subdivision.

Morris King (original developer of the property) stated that he has been working on this 15 years. In 2017, Mr. King met with Tim Gagnon to talk about re-vegetation, road grading, and cleaning up the ditches. Since that meeting, Mr. King has regraded the roads twice, took out new Class C road base, re-did the roads, cleaned up all the ditches and hydro seeded two to three times per year since 2017.

Engineer Tim Gagnon stated that in 2008, the road appeared to be pumping especially in the lower portion. Mr. Gagnon has some concerns over what is beneath the gravel. Mr. Gagnon stated that in 2017, it was clear that it was not being maintained and there was only 16 feet of driving surface.

Commissioner Manguso moved to declare West Hillside Acres in default of the Subdivision Improvement Agreement and authorize Grand County to draw the funds of \$21,181. The County will go up to \$21,181 to make any improvements possible on roads and release Morris King and Brad Niederman from any further responsibility in the subdivision of West Hillside Acres.

The motion passed.

Board Business

Commissioner Manguso moved to approve Resolution No. 2019-2-24, “A RESOLUTION AMENDING RESOLUTION 2019-2-17 AND A RESOLUTION GRANTING APPROVAL OF A SPECIAL USE PERMIT FOR A PUBLIC UTILITY FACILITY HELD BY MPEI SOLAR 2, LLC LOCATED ON A TRACT OF LAND BEING IN A PORTION OF THE WEST ½ OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO”

The motion passed.

Commissioner Manguso stated that she attended the TPR meeting and stated that she was voted in as Vice-Chair of TPR and Vice-Chair of STAC (Statewide Transportation Advisory Committee). Commissioner Manguso noted that 28 percent of CDOT projects require right-of-way acquisition and one to two percent reach condemnation.

Personnel Manual Proposed Amendments: Personnel Policy Review Committee

TO: Grand County Board of County Commissioners
FROM: Colleen Reynolds
DATE: March 5, 2019
RE: Grand County Personnel Manual – Proposed Amendments
(Dismantle of Personnel Policy Review Committee)

These amendments are being offered as a follow up to the decision that was made on February 26, 2019 to dismantle the Personnel Policy Review Committee (PPRC).

The following sections of the Personnel Manual currently include references to the PPRC and will need amendments:

- Section 1.06, Disclaimer – Remove the sentence referring to PPRC
- Section 1.07, Conflict with State or Federal Laws – Remove the sentence referring to the PPRC
- Section 1.09, Amendment Procedures – Remove the portions referring to the PPRC
- Section 2.01, Definitions – Remove the first sentence
- Section 3.07, Personnel Policy Review Committee – Delete entire section

1.09 Amendment Procedures

The County reserves the right to modify, revoke, suspend, terminate, or otherwise change any of these policies and procedures, in whole or in part, at any time, at the County’s sole discretion.

Amendments to the personnel manual may be proposed by any employee, Elected Official **or** Appointed Official ~~or the employee representative to the personnel policy review committee~~. Any proposed amendment must be submitted in written form to the County Manager, ~~Elected Official/Appointed Official~~ **County Attorney and/or Human Resources** for review with regard to appropriateness, cost, legality, consistency in relation to current provisions, and other relevant practices and regulations ~~prior to submittal to the Personnel Policy Review Committee~~.

Commissioner Manguso moved to authorize dismantle of the Personnel Policy Review Committee and approve the changes to the Personnel Manual as presented by Colleen Reynolds.

Discussion: This change was made at the direction of the Board.

The motion passed.

Board Business

- March 7 Grand Lake Focus Group at 1:00 p.m. at the Grand Lake Community House (Commissioners Cimino and Manguso)
- March 13 Commissioner Cimino will attend a CCAP meeting at 225 E. 16th Avenue, Denver from 5:00 p.m. to 8:00 p.m.
- March 14 & 15 CCI meetings at the CCI Building, 800 Grant Street, Denver from 9:00 a.m. to 3:00 p.m. (Commissioner Cimino)

Commissioner Cimino provided testimony at legislature on HB 19-1168.

Facilities Needs Assessment – continued discussion

Finance Director Curtis Lange stated that he understands that the priority for the facilities is

1. Public Safety
2. EMS facility in the Granby area
3. Health and Human Services facilities

Mr. Moyer stated that the priorities are with the understanding that if there is an existing building that would suit the needs of Health and Human Services, the County would evaluate that with the caveat that a purchase would not limit the County's ability to finance the public safety facility.

- i. Possible ballot item(s) for 2019 election
 - a. To fund Public Safety facility in HSS
 - b. To fund EMS facility in Granby area
 - c. To fund HHS facility – in HSS and look at available buildings rather than build.
- ii. Design costs are 8% of facility - \$2.6 million for jail
 - a. May need plans before vote
- iii. Bond underwriters/Bond counsel/Financial Advisors/Political consultants need to be contacted to begin work
 - a. Do we send RFP's out?
- iv. Real Estate study to find potential sales/purchases for these facilities

Grand County Rural Health Network Jen Fanning stated that the Rural Health Network is happy to help the County with locations and needs where possible.

Mr. Moyer stated that he believes the County needs to hire consultants to help with the process.

Wellness Committee Update

Wellness Committee Chair Joan Lyons presented an update from the Committee.

CIGNA did a survey to determine employee interest. Employees are interested in doing things in regard to physical activity, nutrition, mental health, weight management, health screenings, challenges, access to membership and recreation discounts, etc.

A subcommittee was formed to determine interest topics. Quarter 1 will be physical activity and fitness. Quarter 2 is weight management and nutrition. Quarter 3 and 4 will be mental health, social health, stress management, etc.

The Committee is working on a budget for the future and a Wellness Plan for the County.

The goal is to make the broader network within the County.

Board Business

Commissioner Manguso moved to approve the letter of support to the State Historical Fund in support of the grant application for the preservation of the Stagecoach Hotel.

The motion passed.

The Grand County Finance Department received the 2017 Certificate of Achievement for the CAFR. Mr. Moyer stated that the Finance Department does a great job.

The EMS Department received two different letters of thanks for great work.

There being no further business to come before the Board, the meeting was adjourned at 3:30 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 12th day of March 2019.

Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder