

**GRAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA**

**(Meetings are held at the Grand County Administration Building,
Top Floor, Commissioners' Meeting Room,
308 Byers, Hot Sulphur Springs, CO)**

December 23, 2014

**Tentative Agenda
Prepared 12/19/14**

- 8:30 a.m. Approval of Board Minutes from Previous Week
- 8:35 a.m. Finance Director
- 8:40 a.m. General Public Comments/Issues by any member of the public wishing to address the Board
- 9:00 a.m. Departmental Contracts, Comments/Issues
- 9:15 a.m. R&B Update
- 10:00 a.m. BREAK
- 10:15 a.m. Board Business / Correspondence / Calendar
- BOCC Sitting as the Grand County Housing Authority if Needed
- 10:45 a.m. Manager and Attorney Items
- 11:15 a.m. Community Development Update
- 11:30 a.m. Moratorium on Marijuana Discussion

L U N C H

- 1:30 p.m. **Public Hearing** - Green Mountain Networks Special Use Permit
- 2:00 p.m. **Public Hearing** - Tabernash Community Fee Increase Hearing
- 2:45 p.m. Human Resources - Proposed Change to Personnel Manual Section 9.09, Education and Training

Note: *The following is a workshop and not part of the Board of County Commissioners' regular meeting agenda:*

3:00 p.m. *Sheriff-elect Brett Schroetlin Workshop on Budget and Sheriff Office Personnel*

MINUTES – REGULAR MEETING GRAND COUNTY BOARD OF COUNTY COMMISSIONERS

December 23, 2014

Present: Commissioner James Newberry, Commissioner District 1
Commissioner Merrit Linke, Commissioner District 2
Commissioner Gary Bumgarner, Commissioner District 3 - Chair

Also Present: County Manager Lurline Underbrink Curran
County Attorney Jack DiCola
County Clerk and Recorder Sara Rosene
Assistant County Attorney Bob Franek
Finance Director Scott Berger
County Planner Kris Manguso
County Sheriff Rod Johnson
County Treasurer Christina Whitmer
IT Director Martin Woros

Those present recited the Pledge of Allegiance.

Commissioner Newberry moved to approve minutes of the Special meeting of the Pole Creek Meadows Public Improvement District of December 9, 2014.

The motion passed unanimously.

Commissioner Newberry moved to approve the minutes of the Regular meeting of the Grand County Board of Commissioners of December 9, 2014, with corrections.

The motion passed unanimously.

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 December 24, 2014, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Newberry moved to approve and sign the warrants to be paid on December 24, 2014.

The motion passed unanimously.

Mr. Berger stated that he provided the Board with an update on the internal controls for the Cash Handling Policy implementations.

There were basically three tasks:

1. Get cash handling policy developed in the departments. All departments have submitted cash handling policies and his office is in the refinement stage.
2. Monthly financial and budget reporting process was to be put in place. That has been done and he has slimmed down the amount done at month end for the verification of revenues and expenses.
3. Deploy the Tyler Technologies accounts receivables and cash collections software. That has been done.

Mr. Berger stated that he is preparing a report each month that show the results of the audit that the Accounting Department is performing on the vouchers that are submitted. It shows how many items need to be adjusted. It shows how many were created for the wrong amounts.

Commissioner Newberry stated that he understands that people make mistakes, but he is not sure that he needs to see the detail on incorrect vouchers unless someone is consistently making the same errors.

Chairman Bumgarner stated that if someone is not doing it correctly, then it should be brought to the Board's attention.

Chairman Bumgarner stated that if there are instances where someone is blatantly doing things incorrectly then the Board needs to know.

Mr. Berger stated that he has not found instances that people are having problems blatantly. There are departments that do higher volumes so they will have the higher number of mistakes.

Mr. Berger provides continuous training to the departments.

Commissioner Newberry stated that if there is a trend or problems, he wants the information brought to the Board's attention.

Mr. Berger stated that it is important for him to know the errors because it is pushing more work onto his staff.

Mr. Berger has provided the Board with a copy of the 2015 Budget message and he would like to get it approved.

Commissioner Linke moved to approve the 2015 budget message as presented by the Accounting Department Director.

Discussion: Commissioner Newberry is unsure of what the second paragraph is trying to get across and why it would be in a budget message. The Board would like to eliminate the first sentence in that paragraph.

Commissioner Linke amended the motion to eliminate the first sentence in the second paragraph.

The motion passed unanimously.

Mr. Berger presented Resolution 2014-12-43, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, PROVIDING FOR A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE GRAND COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY FUND FOR FISCAL YEAR 2014 AND AMENDING RESOLUTION 2013-12-1"

Commissioner Newberry moved to approve Resolution 2014-12-43 as presented by the Finance Director.

The motion passed unanimously.

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

Jim Kroepfl from Grand Lake came to introduce himself as the person who wrote the letter to the Grand County Library District Board and president of that Board. He believes that the Commissioners should consider additional oversight of the Library Board. Their actions suggest that might be necessary. They seem to not have the best interest of the district in mind. He believes they are working to keep the libraries closed.

The Library District Director and the Board have refused to provide financial information after Colorado Open Records Act requests and after promising to provide them.

County Attorney DiCola said that the Library District's attorney has said they have given Mr. Kroepfl documents relevant to the request and that they have no additional documents to provide. Saying they have not complied with an Open Records request is a heavy allegation.

Mr. Kroepfl said that the information that has been requested is referenced numerous times in the minutes from their finance meetings. He believes that it is not accurate.

Chairman Bumgarner stated that the Board is most concerned if there is a CORA request that is not being honored.

Chairman Bumgarner asked if it would be okay for the Commissioners to send a letter to the Library Board and voice concerns or request a meeting.

Commissioner Linke suggested the Board send a letter to the District asking them to explain about the concerns and then the County can research.

If it is CORA request that is not being followed, it is a serious concern.

Stephanie Kroepfl stated that she has resigned from the Library Board and noted that Mr. Kroepfl is getting information regarding the lack of information from good sources.

Mary Entrican who lives in Hot Sulphur Springs and works in Granby came to express support of a moratorium for Marijuana licenses. Marijuana businesses are not part of the image and reputation that many of the residents of Grand County want to promote and is not what drew many here to live and raise families. Marijuana businesses being in the County will attract more Marijuana users as part of our tourist industry. With knowing that Marijuana causes cognitive impairment, it impairs decision-making, it impairs depth perception, and it impairs judgment so if we are attracting more people who use Marijuana it puts our skiers in jeopardy.

Commissioner Newberry wants to make sure that if there is a public hearing that he has not weighed in on either side. Commissioner Newberry noted that the County has not scheduled a public hearing.

Jana Schmidt from Hot Sulphur Springs stated that she is concerned over what is coming to the community. She taught in inner-city schools and has seen the effects of Marijuana on families and children. Marijuana is still federally illegal and we have federal grounds all around us.

Ms. Schmidt expressed concern over a Marijuana grow contaminating the water. The use of the water will affect the ranches and availability of water. Marijuana will affect the general welfare of our kids.

Ms. Schmidt stated that if people really want it, they can get it coming up to the mountains on I70.

Ms. Schmidt stated that the odor that comes with these facilities is not going to be conducive to the people who live around here.

Mary Entrican stated state even though many of the precincts passed as a yes on Amendment 64, there was only one that did not pass and one that passed by 10 points. She noted that five of the six towns have voted to ban Marijuana in the town limits.

Ms. Entrican stated that there are so many Marijuana shops in part of Vail that it is now referred to as the Green Mile. That is not something that she wants to see for our County.

Kevin Speier, CEO and owner of MMK Limited stated that he lives in Routt County and partially resides in Grand County.

Mr. Speier stated that there are extremely high tax revenues that have been produced on counties of similar populations as Grand County. Ms. Speier stated that he pulled those numbers from the state and just monthly averages for Clear Creek County is \$47,000, Gilpin County is \$16,000, and San Miguel County is \$42,000.

Mr. Speier stated that there is a 2.9 percent natural sales tax and a 10 percent special sales tax that the State levies. Mr. Speier stated that the County would get a portion of the 10 percent depending on the contribution to the special fund.

Mr. Speier stated that with Grand County struggling financially, any money coming in would be good. Concerning Marijuana, he wondered how many liquor licenses there are per capita. He stated that liquor is detrimental to the body, to children, to the general population, to people on the ski hill, etc. Liquor can be deadly but Marijuana is not, except for user error.

Mr. Speier asked that the Board consider actual facts as opposed to opinioned belief of the ban of a substance for 80 years when there has been popularized propagandized misinformation given in regard to the substance. This substance has changed the light of certain public communities that have allowed multiple store fronts to open right next door to each other. Grand County does not allow multiple shops and/or cultivation facilities to operate within a certain proximity of one another so there would be no public light showing that it is going to change the community just because there is a business trying to bring money to the community.

Mr. Speier stated that because there are Marijuana shops, it does not tarnish the reputation of a town. In Steamboat Springs, many of the tourists do not even know that there is shop in town.

Chairman Bumgarner stated that he would be interested to hear the history of when Marijuana was banned.

Commissioner Newberry stated that Grand County is not struggling. Grand County manages its finances quite well. Commissioner Newberry stated that he has not made a decision on how much revenue something can bring in.

Commissioner Newberry stated that he believes that the County can manage the impact of Marijuana facilities through the licensing process. He stated that many of the concerns that he is hearing in emails can be addressed through procedures.

County Attorney DiCola stated that Grand County has set up its Marijuana licensing procedure just like a liquor license. Anyone wanting a license to sell Marijuana needs to present evidence with regard to the needs of the neighborhood and the desires of the inhabitants. There are a myriad of other requirements but basically, it is that the Board will hear every Marijuana application on a case-by-case basis based on what the people in that area want.

Chairman Bumgarner stated that he understands that if the Board gets a room full of people that do not want a license in a neighborhood, the Board has the ability to say no to it based on the evidence at the hearing. Mr. DiCola confirmed that is the case.

Commissioner Newberry stated that evidence at the hearing is part of what the Board uses to make a decision. Commissioner Newberry stated that he understands that odor and other things can be addressed by the licensing procedures.

Jana Schmidt of Hot Sulphur Springs stated that being that Marijuana is federally illegal and she wondered what would happen if one of the companies goes “belly up” and the County cannot go back on them because they are federally illegal. If they ran up bills or if there is contamination, the County would have no recourse to go back on them.

Mr. DiCola stated that is not the case. The bottom line is that if someone breaks the law, they are personally responsible or their corporation is responsible. The only complication with regard to Marijuana facilities is that their money is not going to be in a bank. Finding the money would be difficult.

Mr. DiCola stated that there was a Marijuana facility in Routt County and they had zoning issues, tax issues, and criminal issues and the only thing that was a problem was, “Where is the money because it is not normally in a bank.”

Departmental Contracts, Comments/Issues

IS Director Martin Woros is present to request out-of-state travel for Wendy Wyatt. She will attend a training for LaserFiche, which will coincide with the plan to do a major upgrade of the system.

Commissioner Newberry moved to authorize out-of-state travel for Wendy Wyatt for a total of \$920.37.

Discussion: Peak Performance will pay the cost of the registration, which is a value of \$995. The meals are covered by the \$995.

The motion passed unanimously.

Commissioner Newberry would like an update on LaserFiche.

Mr. Woros stated that he is negotiating on the technical aspects of the live streaming. Mr. Woros hopes to have that after the first of the year.

Commissioner Newberry asked Mr. Woros to look into the cost of adding more lines onto the conference call availability.

Mr. Woros suggested that the County consider using an outside company for a phone bridge for conference calls.

Chief Deputy Patty Brown presented:

David Pratt, President/Manager of Bull Moose Management, Inc. dba Mustachio's on the Lake is requesting renewal of his Hotel and Restaurant Liquor License.

All fees have been paid to the State and to Grand County. The Sheriff's letter reflects no adverse actions.

Commissioner Linke moved to authorize the liquor license renewal for Mustashio's on the Lake as presented.

The motion passed unanimously.

County Treasurer Christina Whitmer presented Resolution No. 2014-12-44, "A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW 'COLORADO RIVER CA ESCROW' ACCOUNT" for payment of work completed by URS Corporation in the amount of \$4,035.

Commissioner Linke moved to approve Resolution No. 2014-12-44 as presented.

The motion passed unanimously.

Road & Bridge Update

Road and Bridge Assistant Superintendent Bill Clark presented the Board with a not-to-exceed contract with Andrews Radio Service for installation, programming and maintenance of \$30,000 with additional cost of use of tower, buildings, and sites not to exceed \$7,800 monthly.

Commissioner Linke moved to enter into a Service Contract between David L. Andrews dba Andrews Radio Service and Grand County for the purpose of radio maintenance, installation, repair and programming in the amount \$30,000.

Discussion: Mr. DiCola asked to look at the contract.

Commissioner Linke withdrew motion.

Mr. Clark presented a Services Contract with Power to the People to install lights in the Grand Lake Shop because they put a new roof on and the skylights went away. It is an upgrade in the amount of \$1,550.

Commissioner Linke moved to authorize the Board to enter into a Construction Contract with Power to the People, an electric service company regarding LED light fixtures at the Grand Lake Road and Bridge Shop in the amount \$1,550.

The motion passed unanimously.

Commissioner Linke moved to authorize Grand County to enter into a Services Contract with David L. Andrews, dba Andrews Radio Service in an amount not to exceed \$30,000 for installation, programming, and maintenance of Grand County radio equipment plus \$7,800 per month for use of his tower and equipment that serve and support Grand County's equipment.

The motion passed unanimously.

Mr. Clark presented a Services Contract with Colorado Tire Recycling to take County waste tires and dispose of them. The contract is not to exceed \$5,000 annually.

Commissioner Linke moved to authorize the Chair to sign a Services Contract between Colorado Tire Recycling LLC and Grand County for the purpose of recycling of passenger tires, truck tires, and off road vehicle tires in an amount not to exceed \$5,000

The motion passed unanimously.

Mr. Clark stated that he believes he put \$10,000 in capital for 2015 to upgrade the heat system at the vehicle maintenance facility in Kremmling. Mr. Clark did get quotes on that and he would like authorization to use the money to order the equipment needed to start installing this in the month of January. The Road and Bridge personnel will do most of the install.

Ms. Underbrink Curran asked the Board that if in 2015 they intend to have the requirement to have capital money released as requested.

Commissioner Newberry moved to continue to authorize capital improvements expenditure as we have in the past requiring a request to release the spending for capital.

Discussion: Commissioner Linke supports that in light that there will be a new commissioner on board in a few weeks.

The motion passed unanimously.

Commissioner Linke moved to authorize the release of capital for installation of a heat system in the vehicle maintenance facility at the Kremmling Road and Bridge shop in an amount not to exceed \$10,000 as presented.

The motion passed unanimously.

Board Business

Commissioner Newberry moved to allow the Chair to sign the First Amendment to the Services Contract between Winter Park/Fraser Chamber and Grand County regarding Grand Profile data.

Discussion: This is for additional work but it is money that was budgeted. The work could have gone out to a contractor outside the County but they feel that it can be done internally.

This is for the integration of the Grand Profile data into an interactive web based display.

The motion passed unanimously.

Commissioner Linke moved to authorize the Board to appoint Commissioner Newberry, Charlotte Waddell (of Grand Lake), and Dan Waddell (of Grand Lake) to the Regional Advisory Committee for the Alpine Area Agency on Aging.

Discussion: Commissioner Newberry is the representative, Charlotte Waddell is the second representative, and Dan Waddell is the alternate.

The motion passed unanimously.

Commissioner Newberry stated that he wants to understand the DOLA letter that came to the County Manager regarding the fire fighter heart and circulatory malfunction benefits. Ms. Underbrink Curran stated that she is looking into this.

Commissioner Newberry stated that the Board has two thank you letters from Emily Warner in the naming of the airfield in Granby. Commissioner Newberry stated that the Board talked about follow-up on some of the pioneers of the airports in Grand County. Commissioner Newberry asked if the County is moving forward on honoring the pioneers for both airports.

Ms. Underbrink Curran stated that she has received an overview of the history of the Granby Airport.

Commissioner Newberry moved that the Board be authorized to sign the letter to Amy Mahon acknowledging her letter of resignation to the Middle Park Fair and Rodeo Board.

The motion passed unanimously.

Commissioner Newberry moved to have the Board sign the letter to Jane Tollett thanking her for her work on the Grand County Water Information Network and acknowledging all the work that she has put into that entity.

The motion passed unanimously.

Commissioner Newberry stated that he would like to discuss some of the letters that have been going back and forth between Tabernash Meadows Water and Sanitation District. The letters that were sent to community contained some erroneous information. He has not had a chance to read the follow-up letter to the County.

The Tabernash Meadows Water and Sanitation District has separated out the County saying that the County did certain things. Commissioner Newberry stated that the County has worked on behalf of the citizens of Tabernash and the group that was there.

Commissioner Newberry would like legal to look at both letters and come up with a response.

Commissioner Newberry stated that he would like to look at how the Tabernash Community moves forward and Grand County government's involvement in how they move forward. That is directly related to the Memorandum of Understanding that was put in place that they seem to say that they do not like.

Commissioner Newberry would like to find a way to get the groups together. He understands that the Tabernash Meadows Water and Sanitation District has turned down the offer to meet with some type of facilitator.

Mr. DiCola stated that Grand County used Water Quality Funds to essentially maintain the sewage facility for years.

Ms. Underbrink Curran stated that from the community meeting, they asked for a group of volunteers that would work with the District and with Scott Bradley's district. There were five or six people who volunteered to be on the citizens group. Ms. Underbrink Curran sent out an email saying that she arranged January 6, 2015 for the meeting. Ms. Underbrink Curran worked on getting a facilitator. The District does not want to participate in that at this time.

Ms. Underbrink Curran suggested that there be another community meeting.

Ms. Underbrink Curran stated that her department has been trying to work with the District. The County is paying the District in advance.

Ms. Underbrink Curran stated that the County, on behalf of the community, owns the collection system within the community of Tabernash. Ms. Underbrink Curran stated that the County took it on behalf of the community because the County got a Rural Development loan for the infrastructure and a government entity had to take the loan.

Ms. Underbrink Curran stated that there was vote of the community. Mr. DiCola stated that the County would not subject the community to a general obligation bond lumped in with the district.

Ms. Underbrink Curran stated that during the installation of the collection system within the community, at the very last minute, the County had to take the money for the community. The developer already had a contract for the construction of the wastewater facility, for the collection facility, and for the collection facility within the district. Grand County inherited the contracts.

Mr. DiCola stated that the District selected and hired the engineer.

Ms. Underbrink Curran stated that the County received a sign-off from the District engineer that it was ready to operate. Grand County hired TRW to go through and check the plans and do a punch list. The punch list for the County was very long and the District's punch list was very short. Grand County made them go back in and fix things.

Commissioner Linke reported that he attended the Four-basin Roundtable of 1177. There was a good attendance and there were a lot of the same concerns that they have heard all along about forced Ag inefficiencies and transmountain diversions. The two main themes are that the west slope needs to have a voice in this and make sure that its concerns are in the state water plan. The facilitator at the meeting kept asking the question, "Where we go from here and what do we do." No one could agree to a solution. The consensus at the end of the meeting was that there needed to be another Four-basin Roundtable meeting.

Commissioner Newberry and Ms. Underbrink Curran went to the Northern and Bureau of Reclamation signing of the Carriage Contract. It is a bigger deal than he had anticipated. We now have room in Granby Reservoir to store water and be able to call and release water for the environmental flows and be part of the Learning by Doing project that is going to happen between all the different entities as far as moving forward and managing the Fraser River with all the entities. It was something that was touted as different way to approach.

If the endangered species that the water is being release for go belly up and go away or if they come back and thrive and are no longer endangered, the agreement states that the water will stay in place for the river and for Grand County to be able to release in perpetuity. Grand County has basically constructed a reservoir in the upper Colorado without doing a permit, without having to come up with water to put in it and that will be invaluable to Grand County.

Commissioner Linke stated that he brought up the clarification and definition of consumptive use. He asked the group the true definition of consumptive use. Is it water that is permanently taken out of the hydrologic cycle forever or is it water that become part of the plant that is grown?

County Manager Underbrink Curran asked legal to get together the cost of all the water issues and what the County gained for all of that. Ms. Underbrink Curran stated that she wanted to wait for the Record of Decision to be signed because a good part of what was gained was in the storage in Granby. Conservatively, Grand County gained in assets from the Denver agreement equates to \$165,100,000; that is water, storage, and monetary benefits.

For a \$6 million investment, the citizens of Grand County, for their future, has the ability to access (depending on year) the total of asset is \$165,100,000.

County Manager Underbrink Curran stated as staff and as a citizen of Grand County, she is very proud of the things that the Board has done for her and her family and the future of water in Grand County. It took a lot of courage to do this.

Ms. Underbrink Curran stated that the Learning By Doing group has been meeting. The group is trying to identify a project or two that they could do ahead of time.

Ms. Underbrink Curran will put the information in the Commissioner's Corner when the meetings are happening.

Commissioner Newberry stated that one of the parts of the agreement is that they could start with Learning By Doing before the permit was issued.

Commissioner Newberry would like a press release prepared on this information.

Commissioner Linke stated that if the Governor is going to have a water plan that is worth the paper it is printed on, the groups need to have more time to get this done. It took eight years to come up with the things that are mutually beneficial. Commissioner Linke stated that he would like a letter along this line to the four-basin roundtable and the Governor.

Commissioner Linke stated that Grand County has been ground zero for the transmountain diversions and Grand County has had the experience first-hand with what a lot of the counties are just now starting to talk about. That is why Grand County feels this will take more time to have a worthwhile document.

Chairman Bumgarner stated that he would like to put in the record the position the Board has on billings.

Calendar

No calendar items.

Manager

Ms. Underbrink Curran asked for a Services Contract between Grand County and Warren Ward individually to survey and map for approximately two miles for the access road running between County Road 1 and the San Toy Mountain Communication site for an amount not to exceed \$2,500.

Commissioner Linke moved to authorize Grand County to enter into a Services Contract between Warren Ward contractor and Grand County for a survey on County Road 1 and the San Toy communication tower site in an amount not to exceed \$2,500.

The motion passed unanimously.

Ms. Underbrink Curran stated that she held off sending a letter to Chip Taylor of Colorado Counties Incorporated asking that Commissioner Linke be taken off the Telecommunication NACO committee and put on the Agriculture and Rural Affairs Committee. Ms. Underbrink Curran stated that she received a response from CCI that they are happy to put Commissioner Linke on the NACO's Agricultural Committee. Commissioner Linke will get an official letter from NACO regarding this.

Commissioner Newberry asked if the County is going back to paying the dues.

County Manager Underbrink Curran sent a memo to the Board that the Highway 9 project came in over the estimated engineer's cost. It had to go to the Transportation Committee to make a decision. Region 3 was putting together facts on why it should be funded. The estimate was \$46 million and it came in at \$51 million. Kirkland Construction would be the successful bidder if the project goes forward. Chairman Bumgarner stated that it passed last week and the state is making up the difference.

Ms. Underbrink Curran stated that on February 27, 2015, there is a Colorado Water Law Seminar. It is on Colorado River Compact Administration issues and Peter Fleming of the River District is the program. Ms. Underbrink Curran suggested that some or all of the Board consider going to the seminar. The cost is \$495 per person. All three Board members, the County Manager, and Assistant County Manager will attend.

Commissioner Newberry moved to amend his motion to change the meeting dates from December 8 to December 7 and rather than December 1 move to November 30. This is to work around the December CCI Conference.

The motion passed unanimously.

Ms. Underbrink Curran stated that they are still working on Grand Lake clarity. They call it the attainability meetings. Ms. Underbrink Curran and Katherine Morris attended a meeting last week and the fishery in Grand Lake was discussed. Colorado Parks and Wildlife was at the meeting and they sent a letter saying that whatever they do with clarity in Grand Lake will not affect the fishery as long as some nutrients go through at some time. It is a managed fishery and they will manage to whatever level has to be.

Grand County is at odds with the power producers. There is a private group that supports energy. Grand County continues to take a very hard line that water and power have both been delivered for 60 years. We should not have to prove that there is an economic detriment to Grand Lake being green. They did not have to prove that water was important and we do not have to prove this other side.

Any facility that is the shared facility, power and water have to share in the cost of improving whatever improvements would have to be and power is not open to having to share especially since the cost can be quite high.

Commissioner Newberry asked if a specialized attorney needs to go to the meetings with Ms. Underbrink Curran. Ms. Underbrink Curran reported that Barbara Green has been attending for Grand County.

County Manager Underbrink Curran gave the Board reviews that she did for all appointed officials. The Board has feedback and will provide the information to Ms. Underbrink Curran.

Ed Moyer stated that he sat in on the Sage Grouse Data Quality Act challenge conference call. They anticipate filing the challenge in late January or early February. The question was asked if Grand County wants to be named in the challenge. Garfield County decided not to be named publically as being part of the challenge.

Mr. Moyer stated that he does not believe that Grand County needs to be named.

County Attorney DiCola stated that his experience with Grand County tells him that the County likes to be involved with this sort of thing. He will discuss it with the County Manager's Office.

The Board would like staff to find out why Garfield County does not want to be named.

Ms. Underbrink Curran reported that she continues to work with the contract at the SRE building in Granby.

Mr. Moyer stated that with the reorganization and the Community Development Department, the entire staff has done a very good job with the department transition and reorganization. Mr. Moyer stated that the department is moving forward with projects.

Ms. Underbrink Curran stated that on January 9, 2015 at 7:00 p.m. there will be a Tabernash Community meeting at the Winter Park Christian Center.

Chairman Bumgarner stated that he wants to make sure that employees in Community Development are getting certified. Mr. Moyer stated employees are working on getting their certifications.

Moratorium on Marijuana Discussion

Chairman Bumgarner stated that he wants to make sure that everyone knows that this is just a conversation over a Marijuana moratorium. No decision will be made on a moratorium today. Commissioner Linke wanted the discussion on the agenda.

Commissioner Linke asked that this be brought forth because there has been new information since Amendment 64 passed. Commissioner Linke stated that Amendment 64 passed by a vote 58.9 percent; 4,738 people in Grand County voted for it.

Commissioner Newberry stated the Board has seen a lot of emails. He has not responded to any of those but has read all of them. Commissioner Linke acknowledged that he received the emails. If this goes further to a public hearing, the Board cannot take information outside of the hearing because the Board of Commissioners sits as a quasi-judicial board at that time. At this time, it is just a discussion item.

Commissioner Linke stated that he responds to emails to let people know that he has received their emails.

County Attorney DiCola stated that there are 177 pages of regulations that have been adopted by the state with regard to Marijuana facilities. The regulations are very detailed. There was a change in October with regard to cultivation facilities. After September 30, 2014, cultivation does not need to be tied to a retail store. The Colorado Department of Public Health and Environment has regulations with regard to odors. Marijuana is a highly regulated activity in Colorado.

Grand County cannot have a higher standard for air quality than that of the state. The state controls air quality.

Commissioner Newberry asked what controls Grand County has above and beyond what the state has or does it coincide with the state. Commissioner Newberry asked if the County change the fees that it has set for licenses.

Assistant County Attorney Franek stated that the County has adopted a Regulation that says that applicants are to comply with the state laws and rules. The County has also adopted a 1000-foot radius where they cannot be near a childcare center, a drug or alcohol treatment facility, a church, or a school. The Board of County Commissioners can take into consideration the desires of the inhabitants of the neighborhood on whether to allow a Marijuana facility. That would be done at the public hearing. If someone came in and said that they did not want a Marijuana facility next to them, the Board will take that into consideration. It gives the Board a lot of flexibility in considering the neighborhood and whether a Marijuana facility should go into that neighborhood.

Mr. DiCola stated that the state regulations talk about everything from security, to fencing, to lighting and down to the fertilizers and pesticides that can be used in a building. It talks about how people must wash hands in the facilities. The state is very detailed.

All applicants must comply with the County Planning and Zoning Regulations.

County Attorney DiCola stated that the County can change the fees for a Marijuana license at any time once a hearing is held.

County Clerk and Recorder Sara Rosene stated that a Marijuana license is somewhat like a liquor license but it has very different requirements, has different time lines, and the state provides a state license before the local jurisdictions do. Mr. DiCola stated that the decisions that the Board makes are similar between a Marijuana license and a liquor license.

Commissioner Linke asked what happens if a Marijuana licensee violates its license. Mr. DiCola stated that if it smells bad, the Colorado Department of Health would deal with it. If there was polluting, the County would notify the Colorado Department of Health.

If a licensee violates the law, the County will hold a hearing to determine if they are violating the law. The state has preempted some of these things. The County will incorporate the requirement that the license is compliance with all state laws.

Commissioner Linke stated that under Proposition AA, cities and counties that allow retail marijuana sales receive 15 percent of the state revenue. Of the 10 percent that is collected for the state, the County will get 15 percent back.

Mr. Franek stated that the County does not get any of the 2.9 percent state sales tax. Grand County will receive 15 percent of the 10 percent tax based on sales in Grand County. The County also gets the County sales tax.

The County will not get any sales or excise tax on grow facilities.

Mr. DiCola stated that any Marijuana facility will be taxed at the same property tax rate as other businesses.

Commissioner Linke stated that there seems to be contention over edibles and manufacturing of the edibles.

Mr. DiCola stated that there is a section in the state regulations with regard to edibles.

Mr. DiCola stated that the state regulates extraction.

Commissioner Linke stated that the Board has heard concerns over water usage by a Marijuana facility. Commissioner Linke stated a lot of water originates on federal lands and he wondered if there was going to be problem with growers getting water to grow a plant that is illegal federally.

Mr. DiCola stated that he knows of no time when someone has a water right and the federal government comes to look and see how the water right is being used locally.

Chairman Bumgarner stated that this meeting is to decide if the Board should call for a meeting on a moratorium on Marijuana. The question is if Grand County has the regulations in place to protect the citizens of Grand County and traveling public or does the County need more regulations.

Kevin Speier of MMK Limited stated that the Marijuana industry is extremely regulated. He tried to explain that to the Planning Commission a number of months ago. Mr. Speier stated that he feels that Grand County has done its due diligence to maintain regulatory standings within the County to be able to manage and allow facilities of this nature to operate within the County safely and highly regulate it with plenty of monitoring and safety. Mr. Speier stated that a moratorium is not necessary under the circumstances of a high amount of regulation on the part of the County and State.

Rich Rosene of Kremmling stated that he is in favor of a moratorium to allow the County to proceed with a little better investigation of what the impacts are to the County as far as fiscal impacts. Mr. Rosene stated that he does not believe that the current fee structure, especially on grow and manufacturing types of facilities, does anything close to reimburse the County for the expenses the County will have.

Retail sales are the only place that revenue generated for the County through a sales tax. Currently, the County with a one percent sales tax is pathetic. The County needs to charge a tax that is adequate to cover some of the anticipated and unexpected costs that the County is going to have. He believes that the Commissioners need to have some time to look at this more closely. Several counties that have much greater resources than Grand County are currently in moratorium to have study groups to study the impacts to the County and if they are going to allow it then how are they going to tax and regulate it.

The state does have regulations. Sometimes the regulations are enforced and sometimes they are not. Sometimes it is difficult to get someone from the state up here.

Becky Arnold from Tabernash asked if there are seven license applications for Tabernash. Commissioner Linke stated that there are not seven different locations. Mr. DiCola stated that there are two different applicants.

Ms. Arnold stated that she agrees that a moratorium needs to be done so that Grand County can get it right. Marijuana facilities will affect the quality of life, the traffic, water quality, and safety. Ms. Arnold is very concerned over edibles. Ms. Arnold stated that EMS Chief Ray Jennings had expressed concerns over edibles.

Ms. Arnold stated that she is very concerned over no regulation with regard to distances from homes. There is minimum distance for schools, churches, day care centers, etc. A moratorium will allow a number of items to be reviewed before a facility comes in.

Rudy Miick stated that his address is County Road 820, Unit 60 in Tabernash. Mr. Miick thanked the Board for its openness in the discussion and in posting minutes. Mr. Miick is in the process of being reviewed for MIPS license in Tabernash. He already has his state license issued. They are in the middle of the process. Mr. Miick will have a hearing on January 27, 2015.

Mr. Miick stated that his comments today are not regarding his hearing in January. Mr. Miick stated that he appreciates the complexity of the dialogue of Marijuana. There has been very little discussion on manufacturing.

Mr. Miick stated that Mr. Rosene expressed concerns over outsiders coming in. Mr. Miick stated that his family is five generations Colorado. Mr. Miick stated that his grandpa help build the Moffat Tunnel and was a mine supervisor in Oak Creek and Steamboat. Mr. Miick stated that his family is from Steamboat.

Mr. Miick stated that he went to Fort Lewis College and graduated from there. Mr. Miick opened his consulting business in Steamboat and for the last 16 years, it has been predominately based in Grand and Boulder Counties. Mr. Miick stated that he has worked in Grand County since 1996 on and off with Winter Park Ski Resort as a client and as an employee.

Mr. Miick stated that the laws are open and Grand County has opened the door for the possibility for doing good business. There are other counties that are possible. Mr. Miick has been researching this work for two years getting ready and figuring out where to go. Mr. Miick stated his core business for 36 years is opening values driven companies, running them and growing them.

Mr. Miick stated that they have a 99.9 percent success rate as values driven community focused companies around the United States and the world. One of the primary pieces of coming to Grand County is that he loves the place. His kids were raised skiing here.

Regarding funding, Mr. Miick stated that he has spent \$45,000 in cash already. They have a \$130,000 in contracts with general contractor and electrical contractors both of whom reside in Tabernash. Mr. Miick stated that he \$22,000 in deposit with Rocky Mountain Electric for the electrical process.

Mr. Miick stated that he believes that Grand County loves free enterprise. There is no excise tax on manufacturing. Mr. Miick is wide open to that dialogue and wants to support the County.

Mr. Miick stated that he has retained state attorneys that are focused here. Mr. Miick has top federal attorneys that area working to maintain and assure that his business becomes a staple and model for the State of Colorado and potentially the nation as the laws shift nationwide.

Mr. Miick stated that Colorado is home. Grand County is their home base. There has been very little discussion around manufacturing. Mr. Miick stated that he will not use butane, no propane, and nothing flammable. Mr. Miick stated that they use a CO2 process. It is organic. They have already dealt with odor mitigation because all they buy is trim. Ms. Miick stated that trim is the waste from the guys that are growing and selling bud. Mr. Miick will take their waste, bring it into their plant, reduce the plant and waste to oil. Any of the water they use never touches any product. It stays in cooper tubing that wraps around stainless steel vats where it heats and cools. Mr. Miick stated that 95 percent of it is recycled and five percent evaporates. Anything that goes down the drain never touches product. It comes out from a new tap from Tabernash and goes right back into the system clean.

Although they anticipate very little odor, Mr. Miick will put scrubbers on the HVAC in support of odor issues. Of the local residences on the block, Mr. Miick has half of them signed already in support of his work. By the time of his hearing, he will have his entire neighborhood signed and approved of them being there. There is no outdoor signage.

Mr. Miick stated that the oils he is producing has been selected for medical tests, one at Stanford for adult Alzheimer.

Mr. Miick stated that he is trying to make a point with regard to a proposed moratorium. He has been in process with the state since early spring and with the County since October. The hearing is pushed to January 27, 2015.

The due diligence that has been asked of them is extreme over the top adjudication. His goal is to be a model of good citizenship. Mr. Miick suggested that those of them in business or real close to being in business, why not use them as an example and let them set a straight course and let them be good business people for the County and figure it out while in the process rather than stopping in mid-stream.

Cynthia Drohan of Granby stated that what is not being discussed is what this will do to Grand County. They did study Colorado and the results were put out in July. Ms. Drohan stated that 50 percent of the sales in Denver go to tourists with 90 percent in mountain areas. The study shows that nine percent of the Colorado population smokes regularly. That means that one in eleven sales will be local. Does that mean that 10 out of 11 will be people coming in? If that is the case, our County will cease to exist, as we know it. Ten years from now, we will be the destination to come smoke. We will be the destination from Florida, Oklahoma, and everyone that wants to try it will be staying here. They will be staying in our condos, driving our roads, doing whatever damage they do. We will not be Grand County anymore. She hopes that is the aspect that the Board is looking at. Ms. Drohan stated that she would like to see a moratorium.

David Michel who is a resident of Tabernash and lives in Junction Ranch is general counsel for IgadI, Limited who has six applications at one location. The facility will have a store, infused products, and cultivation.

Mr. Michel stated that they have paid \$10,500 to Grand County. The ordinance says \$500 per application and what is important to note is that the state collects an additional \$2,500 for each retail (recreational) application. Mr. Michel stated that it is important to note that the effective sales tax rate in Grand County will be 2.5 percent on all sales.

Mr. Michel stated that IgadI is using a group called Blue Line. Mr. Michel stated that in order to have a disclosed banking relationship according to the Cole memo (memo produced by the U. S. Department of Justice) a bank has to be able to account for all the money for a cash business. In addition to cash, debit cards are permissible.

Mr. Michel stated that IgadI will have kiosks where all Marijuana related sales will happen. As a consumer, one would come in and scan ID (after the initial scan to get into the store) and make all purchases with a debit card or cash into the kiosk. The kiosk will then record it and Blue Line will come in and get the money and balance against the kiosk. The bud tenders will never touch the money.

The State of Colorado has an inventory control system referred to METRX. That system tracks from seed to sale. All the plants must have a barcode as they go from clones to vegetative state to being a plant that is flowering and can then be cultivated. The harvest is tracked and reported as it goes into an infused product. When it goes to sale, it is recorded. If it goes into an infused product, it is recorded. If it is shipped wholesale onto another licensed facility, they have to have a manifest. The entire time it is under the facility control, it is being tracked by the state. Because the state can track what is being grown, it can also track what is being sold because it follows that line. The state goes into facilities with some regularity and they have barcode scanners and they make sure that every plant has the barcode and is being tracked. The software that you have to use makes it virtually impossible to “go out the back door” of any facility. They track to make sure that every that was harvested has been sold.

This is a very regulated industry.

Mr. Michel stated that there are regulations that exist from the Bureau of Reclamation stating that no water that is in a federally regulated under the Bureau of Reclamation’s control can be used for Marijuana. As soon as it goes to any type of mixed storage facility like WOLFORD, it can be used.

Mr. Michel stated that ignorance as to what is occurring with government produces a lot of fear and a lot of misconceptions. Mr. Michel stated that they submitted its application to Grand County on September 15 and they were given a list of follow-up questions that were exceptionally detailed. Staff put them through the ringer and not in a bad way. Staff looked at every aspect of what they were doing from making sure that they were checking the state regulations to make sure that the state was doing what it was supposed to do.

Mr. Michel stated that he received calls with regard to the lab on his facility.

The level of scrutiny has been impressive from looking at the building plans, lighting plan, and sanitation plan. Mr. Michel stated that he has been through a lot of land use applications and he feels that he has never received such thorough scrutiny by any staff on any application that he ever put in front of government.

Mr. Michel stated that the product IgadI will be producing and what they are doing is such that there is not a lot of wiggle room based on what Grand County has made them put down on paper as to how operations are going to function.

Mr. Michel stated that they will not be exhausting air. The air will be recycled back into the grow facility so it is a closed loop system.

With regard to edibles, there are new regulations that just have come out. The state has come in with dosages. Mr. Michel stated that ten milligram is a single serving.

Mr. Michel stated that in every batch that is sent out there has to be a test as to the content.

Mr. Michel stated that 90 percent of retail sales are from out of state in the mountain communities. The medical sales are 100 percent in state.

People are planning trips to come to ski areas and mountain towns based on where they can purchase Marijuana. Mr. Michel stated that 90 percent going to out of state residents is a telling statistic from a tourism perspective, as it will not change the way of life in Grand County. Grand County will wither on the vine if it does not offer these services to out-of-town guests that will spend time in our condos (good thing) and spend money in our restaurants (good thing). Every time a dollar comes into Grand County, it circulates nine times to other businesses. Mr. Michel stated that his facility could easily have 50 people employed within a year's time and more based on expanding outside of the current building.

Chairman Bumgarner stated that the purpose of the discussion today is “do we have enough rules in place to keep the citizens of our County safe.”

David McKnight (business owner) and resident of Tabernash stated that the state has spent a ton of money to regulate this industry and he feels that it will be good for the community and good for the County and good for tourism.

Elena Campbell of County Road 5, Tabernash, stated that the industry is very very regulated. It is the most regulated industry right now. As a result of folks having to jump through a lot hoops, we keep an existing industry underground in the black market. Ms. Campbell stated that she would like to see the existing operations out in the open where there will be more accountability. Free enterprise – it is a wonderful thing. It is a beneficial thing to our community with accountability. Ms. Campbell does not want the County to increase the hoops. She is very much against a moratorium. It is highly regulated. She suggested that the County look to the State for guidance. Folks who are asking for a moratorium at this time have likely not studied all of the regulations that already exists.

Greg Beda who lives in Parshall and is a business owner in the County believes that this industry is so regulated that it is unbelievable. He believes that the County has done its due diligence in following along with the state. A moratorium is a waste.

Brian Monroe owns 60 County Road 820 where RM Concepts will be running a facility. Mr. Monroe stated that he has had 10 to 15 different companies going to him to do various grows. Most of them did not know the rules and regulations that are in place. The people renting from him right now have shown him that they are on top of it. Mr. Monroe stated that RM Concepts are the most organized people who have come through the door. They will be doing a safe operation and Mr. Monroe stated that he has been checking into it.

Mr. Monroe stated that County needs to start somewhere. The County needs businesses coming in. Grand County needs industry. The population of the County has gone down because people cannot find jobs.

Jan Schmidt of Hot Sulphur Springs stated that this is more of a reason that a moratorium is needed. The County needs to take a step back and look how this will affect homeowners who have lived in the community for a long time and the property values.

Ms. Schmidt is concerned over the oil. She believes that oil is flammable.

Ms. Schmidt stated that we are talking about employees. She wondered if the people coming into Grand County as employees are going to be an asset to the County.

Ms. Schmidt asked that the Board put on the moratorium.

Jennifer Thornton from Kremmling stated that the moratorium would be a waste. She believes that the County has great regulations. The people that are involved in the business are passionate about the healthy environment are very green.

Lisa Turan lives on County Road 41 in Granby stated that she did not vote for marijuana; however, there are restrictions in place. Colorado voted for it. Grand County has laws. As a property owner and a business owner, she believes that we should have a right as citizens to have something that is legal in our state. We should be able to profit from it.

Ms. Turan stated that as far as flammability; so is bacon.

Ms. Turan stated that it is important for parents to teach their kids that Marijuana is not ok. It is not good.

Ms. Turan stated that a moratorium is a waste of time. Colorado voted for it. If we do not move forward, we are going to be left behind.

Marian Thornton of Kremmling stated that he understands that the regulations are set and they sound good to him. A moratorium would delay everything and would send businesses away. It is a good idea.

Rich Rosene of Kremmling stated that RM Concepts said they were open to excise tax. He noted that David Michel has identified several things that they are planning to do with their facility as far as odor. Right now, that is voluntary. If there is nothing within their permit from the County to hold them to that, what is to say they won't change what they will do.

If the County is going to consider licenses, the County needs to make certain that these things are within each permit to maintain the quality of life in the neighborhood and the County. If they are not held to those standards, this could all fall apart on us.

Elena Campbell stated that for the ease of the permitting is simply a one-liner that refers the requirements to the state level. The state has already taken care of this for us.

Assistant County Attorney stated that the County's license will require compliance with all state and local laws. If someone violates their license, the County can pull them back in and review their license and determine whether it should be suspended or revoked.

A license is a privilege, not a right.

Commissioner Linke asked if the Board were to put on a moratorium, he wondered if the County could allow the ones in process to go and use them as an example. Commissioner Linke stated that he does not think it is right or fair to change horses in the middle of the river. One of the entities that is applying is holding themselves out to be the test case. The County could use that and see how it goes. He wondered if the County could grandfather the current applications in. Mr. Franek stated that the County could put a moratorium on applications.

Commissioner Linke stated if the Board puts a moratorium on, it does not mean that any of the Board members think Marijuana is good or bad.

If the Board decides to have a moratorium, Commissioner Linke believes that it be for a specific period of time.

Commissioner Newberry stated that this has been a good discussion. He has learned a lot in the last two weeks about Marijuana and how it is processed. The cost of living is high here and it is not the type of place where you see manufacturing. This is an industry that is thinking about coming here.

Commissioner Newberry stated that the Board wants to make sure that it has the ability to address any issues that come forward. The Board discussed whether there should be a Special Use Permit process in place for these. The Legal Department went through that. The Board looked at the State licensing process. He felt like the County had all of the issues covered and it could address any issue that came up whether it was the state standards for the odor and how that is done. Grand County has always been fair with its regulations. This is not a use by right, it is a privilege to be able to do this.

Commissioner Newberry stated that a main concern of his is that Grand County covers its cost. He would like to address that right away. He believes that there is more revenue than just the sales tax. This will pay 29 percent rate of property tax.

Commissioner Newberry stated that the applicant has to prove water. He doubted that Marijuana use would affect water for the local agriculture.

Commissioner Newberry is ready to get into the licensing process and understand it better. For the sake of the conversation that we are having today and with state and local control, Grand County is in a good place right now. Commissioner Newberry wonders about the states that are suing Colorado and how that affects licenses.

Commissioner Newberry stated that he is hearing the people that are currently applying saying, “use us as a test case and set the bar with us.” It does not reek of what he hears, “go to Grand County because those people in Grand County are not smart enough to regulate.”

Because of the County regulations and the bar being set high, the County will protect the people of the County and the environment and we have a business that is new and mysterious. Either we embrace and regulate or it gets done for us. He feels that we have the regulations in place to do that.

Commissioner Linke stated that most of the people that want a moratorium want to shut down the existing applications because they don’t like them next to their house. Commissioner Linke is adamant that is not what a moratorium is for. He would not support a moratorium that does that because it is changing horses in the middle of the stream. The County has fairly investigated these regulations. The regulations are not perfect and will likely need changes. Commissioner Linke stated that he would like to see the County and the citizens hold these applicants to a higher standard.

Commissioner Linke stated that the County cannot be your parent. Based on what he is hearing, he believes that the County needs to give this a try. If the County has the power to shut down a facility, it will do that if necessary.

The public has to trust the Board to do the right thing.

Chairman Bumgarner asked if there is an alleged violation where does that go. Mr. Franek stated that it would go to the Clerk and the County would do an investigation to substantiate or not substantiate the allegation. Once the investigation is complete, it would go to the Board for a public hearing to determine the status of the license. The Board could suspend, revoke, do nothing, or fine the owner.

Chairman Bumgarner wondered if the County could address air quality in the same manner as the state. Mr. Franek stated that the County can issue subpoenas, inspections, and administer oaths at a hearing to complete any kind of investigation it wants. The state rules are a requirement of the license.

If the applicant is violating air quality standards, the County can enforce. The County cannot have higher air quality standards.

Mr. Franek reported that licenses are for one year only.

Mr. Franek stated that there is no taxes on cultivation.

Commissioner Linke stated that he would like to consider going back to applicants to recoup costs.

Mr. Franek stated that the applicants have applied with fees and applicants have complied. Any fee changes would be moving forward on renewals.

Mr. Franek stated that there is legislation being considered to allow counties to put on an excise tax in place.

Mr. Michel stated that the cultivation is not an agriculture use. He has looked into that matter.

Commissioner Bumgarner stated that if the County allows the current licenses to go through and then puts on a moratorium, it would be a benefit to those that are already in the process.

Commissioner Linke does not want to put a moratorium on at this point. Commissioner Linke stated that the County’s regulatory powers are sufficient enough to address concerns from our citizens that may come up in the

future. To the Marijuana applicants, let us do this higher standard that you have preached about today and we will hold you to that. To the citizens, he is asking that the Board be given a little bit trust that they are doing the right thing.

Chairman Bumgarner stated that if things arise, he would like citizens to come forward. This is a beginning endeavor. He added that the County cannot be a nanny.

Public Hearing – Green Mountain Networks Special Use Permit

The public hearing scheduled to begin at 1:30 p.m. was called to order at 1:48 p.m. Assistant County Attorney Franek 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 December 23, 2014.

- A. Letter of Application
- B. Public Notice – Middle Park Times, November 27, 2014
- C. Proof of Publication – Middle Park Times, November 27, 2014
- 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, including Town of Kremmling and Colorado Parks & Wildlife
- F. Certified Mailings to all property owners within 500' as established by the Grand County GIS System
- G. Public Review Sheets (no names)
- H. U.S. Forest Service Communications Use Lease dated October 2, 2014
- I. Site Photo's
- J. Email of support from Town of Kremmling Manager dated November 7, 2014
- K. Letter from Victor C. Oltrogge, The Copper Claim Company, LLC, dated December 20, 2014
- L. Grand County Board of County Commissioners Resolution No. 2004-12-6
- M. Grand County Planning Commission Resolution No. 2014-11-2
- N. Certificate of Recommendation dated December 23, 2014

RE: Cellular Communications Site – Williams Peak / Blue Ridge Mountain
APPLICANT: Green Mountain Networks, LLC
c/o Durrell Middleton
LOCATION: 1 acre in the Northeast ¼, Section 31, Township 1 South, Range 79 West of the 6th P.M., County of Grand, State of Colorado, approximately 3.25 Miles due East of Highway 9 along County Road 381 (a.k.a. 600 CR 381)
ZONING: F – Forestry / Open District
APPLICABLE REGULATIONS: Grand County Zoning Regulations
EXHIBITS: Letter of Application, Vicinity Map, Site and Visibility Photos, Tower and Site Plan, Lease Agreement, Resolution 2004-12-6 with Bond No. 104429933, Planning Commission Resolution 2014-11-2
STAFF CONTACT: Marcus P. Davis
REQUEST: The Applicant is requesting lifetime approval of a Special Use Permit to upgrade an existing site by erecting and operating a new one hundred forty (140') foot tall cellular communications tower along with the necessary shelters and equipment required to provide telecommunications coverage for the western side of County Road 3 and Highway 9 corridors, including Blue Valley Acres Subdivision.

DISCUSSION

Durrell Middleton of Green Mountain Networks, LLC, hereinafter referred to as the "Applicant", is requesting lifetime approval of a Special Use Permit (SUP) to erect and operate a new one hundred forty (140') foot tall cellular communications tower along with the necessary shelters and equipment required to provide cellular communication coverage for the western side of County Road 3 and Highway 9 corridors, including Blue Valley Acres Subdivisions.

The proposed location for the new tower is on a one (1) acre tract of land owned by the United States Forest Service (USFS) within what is described as approximately 8,300 acres in the South ½ of Township 1 South, Range 79 West. The site is located in the Northeast ¼, Section 31, Township 1 South, Range 79 West which is

approximately 3.25 Miles Due East of Highway 9 along County Road 381 at the existing Williams Peak / Blue Ridge Mountain cellular communications site.

The Applicant has a current lease with the USFS which allows for a sixty (60') foot tall lattice tower within the footprint of their existing radio communications site. The Applicant intends to remove an existing twenty-five (25') foot guy wire tower and replace it with the lattice tower to allow for a wider range of communication options. The new lattice tower is designed to be extended in twenty (20') foot sections, up to one hundred forty (140') feet tall, which will improve cellular coverage as well as point to point communication with other mountain top sites.

Initially, the Applicant was only requesting approval of a sixty (60') foot tower because their USFS lease is only approved for sixty (60') feet. However, the Grand County Planning Commission recommended that the Special Use Permit be approved for the full one hundred forty (140') feet tower height so that the applicant would not be required to amend this Special Use Permit if and when the USFS lease is amended to allow for a taller tower height. Additionally, due to the location, low visual impact of this site, and the existing adjacent one hundred forty (140') foot tall Bureau of Reclamation tower located on the same one (1) acre lease area, this proposal will not be out of character with the surrounding uses. ✓As a condition of this permit, the maximum tower height will be limited to the lesser of the allowable tower heights approved in the USFS lease agreement or this Special Use Permit.

The Applicant has a contract with New Cingular Wireless (AT&T) to be the first to locate on this new tower. AT&T is currently inactive at this location but has older equipment that will be removed, including a small shelter and a sixty (60') foot guy wire tower. Grand County Zoning Regulations require that new towers be designed to allow for collocation and this proposed one hundred forty (140') foot lattice tower has room for two additional global communication carriers.

The lease area approved by the USFS for this entire communications site is approximately one (1) acre. This is sufficient space for any and all necessary shelters and equipment required to support these future collocations. ✓Any proposed collocation will be reviewed on an administrative staff level and will require an administrative amendment to this Special Use Permit. ✓Any change that results in increased lease area will require a public hearing and full amendment to this Special Use Permit.

There is an existing SUP for this site (2004-12-6 as recorded at Reception No. 2004015078 and set to expire December 31, 2016) permitting Colorado High Country Cellular, LP (dba AT&T Wireless Services) to operate on the guy wire towers and in the existing buildings. Because this new request includes removal of these older structures, has a different Permittee, and is substantially different in terms of tower type and capacity, staff recommends terminating this existing SUP and issuing one more relevant. ✓Any Resolution by the BOCC approving this proposal shall also terminate SUP 2004-12-6.

New Cingular Wireless Services of Colorado, LLC, formerly known as AT&T Wireless Services, LLC (formerly known as Colorado High Country, LP) has a twenty-five thousand dollar (\$25,000) bond with Travelers Casualty and Surety Company of America to:

1. Ensure the removal of the telecommunications equipment from the property upon discontinuation of service; and
2. For the removal of the equipment tower.

This Bond No. 104429933 is set to expire upon the completion of items 1 and 2 above, both of which are proposed within this request. ✓As such, the Applicant shall be required to terminate this Bond No. 104429933 and provide a new \$25,000 Performance Bond in the form of an Irrevocable Letter of Credit issued by a Colorado Bank to ensure complete restoration of the site in the event that the site is no longer in use.

Access to the site is off Highway 9 along County Road 381 (aka Williams Peak Road) and via National Forest Service Roads 200 and 200.1A. Access does not cross any private lands so no easements are required. The site is not restricted by fence or gate and there are no specific access restrictions spelled out within the lease.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

This property is located within the F – Forest/Open Zone District. Telecommunications is a use requiring a special use permit and is reviewed under Section XI, Uses Permitted by Special Review, and specifically by Sections 11.2 and 11.8(7), as outlined below:

11.2 Conditions and Guarantees

Prior to the granting of any special use, the Planning Commission may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operation of the special use as are deemed necessary for the protection of the public health, safety and welfare. Any Special Use Permit granted by the Board of County Commissioners may incorporate such conditions as it deems necessary to require compliance with the standards for issuing permits as set forth in this Section XI.

Prior to issuance of a Special Use Permit pursuant to this section, the Planning Commission and Board of County Commissioners shall consider the following:

- (a) The visual, environmental, physiographic and socioeconomic characteristics of the land to be used;**
- (b) Evaluation of the broad ecosystems, topography, soils hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved special uses shall result in the least possible adverse impacts within any zone district;**
- (c) Such uses shall serve an obvious public need;**
- (d) Satisfactory proof shall be given that areas will be properly maintained.**

11.8 (7) Telecommunications:

- (a) Telecommunication related Facilities and Support Structures located within Grand County shall be subject, but not limited, to the following additional requirements:**

- i) Such uses shall serve an obvious public need.**

Cellular communication is severely limited within the proposed coverage area including the western side of County Road 3 and Highway 9 corridors, including Blue Valley Acres Subdivisions. The majority of the equipment at this site is either microwave repeaters or radio transmitters and no actual cellular equipment is in place. This proposed tower will allow AT&T to provide modern cellular coverage. Additionally, the tower has space for two additional global communication collocations.

- ii) Coverage information shall be submitted detailing the areas of Grand County that will benefit from the proposed telecommunication facilities.**

The proposed tower will allow collocation of up to three global communication carriers and is positioned to provide coverage to the western side of County Road 3 and Highway 9 corridors, including Blue Valley Acres Subdivisions.

- iii) All telecommunication carriers shall comply with the requirements of the Grand County Emergency Telephone Service Authority.**

✓The Applicant shall provide proof of registration and compliance with the Grand County Emergency Telephone Service.

- iv) Collocation on existing facilities and at existing sites is encouraged.**

As mentioned above, this proposal is a replacement of an existing facility that is part of a larger communications site. The proposed lattice tower will allow for up to 3 global communications carriers along with several smaller components to support radio and internet, among other things.

- v) An Alternative Site Analysis shall be provided for proposed telecommunication facilities. This analysis shall address alternative strategies which may minimize the number, size, and adverse visual and environmental impacts of facilities necessary to provide services to Grand County. Further, it shall explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Thus, enabling the county to determine the benefits and impacts associated with each proposal, in relation to possible alternative.**

This site is leased by the USFS and is ideal for the proposed uses not only because it is a larger communications site, but also because the site allows for large coverage areas and is visible to other communication sites throughout the county, allowing it to be a relay point for microwave transmission. As this is a replacement and upgrade at this existing site, no alternative site analysis is required.

- vi) Detailed Site Plan – all scaled infrastructure specific to each proposed location which shall include types of adjacent land uses, surrounding topography and vegetation, and height of proposed tower.**

This telecommunications site is relatively secluded and is nested on a mountain surrounded by trees. A detailed site plan showing all existing structures along with a brief description of the owner and tower description has been provided as an attachment. The USFS lease area is one (1) acre for all uses with no specific delineation for individual providers. There are no other adjacent land uses and is only surrounded by like equipment at this site.

- vii) Sufficient distance shall separate such uses from damaging abutting property. The intent and purpose being to ensure that visual impacts associated with the provision of telecommunication facilities be mitigated in relation to site location, design, and height. The applicant shall assess the cumulative impacts of the proposed facility on surrounding areas and uses, and identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.**

This proposal is an upgrade to an existing site that is part of a larger telecommunications site. The site lease is maintained by the United States Forest Service which has their own strict regulations on visibility, colors, access, and site maintenance, among others. This telecommunications site is only partially visible from Highway 9 and Blue Valley Acres and there are no surrounding neighbors closer than three (3) miles.

- (1) Aesthetics – All telecommunication towers and support structures shall be located as close to the ground as possible to reduce visual impact, without compromising the function of the structure. Placement of telecommunication facilities on top of ridge lines and other visually sensitive areas are discouraged, unless otherwise proven to be a critical location for network and/or service plan and visual impacts can be properly mitigated. The incorporation of “stealth” tower design, which attempts to mimic/blend in with surrounding features, shall be addressed within each application. If “stealth” design is not incorporated within the proposal, rationale for not including this type of design shall be included.**

This telecommunications site is relatively secluded and is nested on a mountain side surrounded by trees. It is difficult to see this site in detail from Highway 9 or Blue Valley Acres Subdivisions as can be seen in the attached Google Earth images. Minimal additional visual impact is expected.

- (2) A Visual Simulation specific to the request shall be presented in the form of Computer / Photo Visual representations, Balloon Tests, Scaled Models, or other medium which visually identifies the proposal in relation to the surrounding site characteristics.**

No specific balloon tests or visual simulations have been requested for this proposal as this is a replacement and upgrade at this existing site. Additionally, the Bureau of Reclamation tower located on the same one (1) acre lease area is one hundred forty (140') feet tall and so this proposal would not be out of character with the surrounding uses.

- (3) Materials/Colors – all components and infrastructure of each telecommunication facility shall be constructed of non-reflective materials and painted to blend into the natural environment and backdrop of each site to minimize visual impacts and furthermore be repainted as necessary. The color shall be selected by the Grand County Department of Planning & Zoning or other appropriate decision-making body on a site specific basis.**

✓The USFS lease specifies colors and materials that are allowed at this site. Additionally, the SUP itself shall contain the following language regarding visual impacts:

Colors and Materials: All structures associated with this permitted telecommunications facility shall be constructed or painted with earthen tone, non-reflective materials or colors that blend into the natural environment and backdrop in order to minimize visual impacts. Design and specifications of all proposed materials and colors shall be provided with any building permit application and must be approved by the Grand County Department of Planning and Zoning.

Exterior Lighting: Exterior lighting shall be minimized. Any outside lighting fixtures shall match the style of the structure it serves. Security lights on buildings or streets shall be of a subdued luminescence. Design and specifications of all planned exterior lighting

shall be submitted with any application for a building permit and shall be subject to approval by the Grand County Department of Planning and Zoning.

Tower Lighting: Obstruction marking and lighting is not required for this cellular communications tower by the FAA.

viii) An executed lease agreement shall be provided prior to issuance of any Special Use Permit. This shall include contact information for property owner/landlord.

The Applicant has a current lease with the United States Forest Service set to expire one minute after midnight on December 31, 2039. If the Board approves a lifetime permit, the Permittee shall be required to keep a current lease on file with the Department of Planning and Zoning. The following condition shall be added to any Special Use Permit to ensure a valid lease remains on file: ✓The Permittee is required to keep a current lease on file with the Department of Planning and Zoning.

ix) The Applicant shall provide ingress and egress easements necessary to access the site which shall include access by Grand County Personnel, Emergency Services Personnel, and Grand County Emergency Service Authority Personnel (along with each of their officials, employees, contractors, representatives, and designees). Applicant irrevocably consents that Grand County reserves the right to enter the site at any time for any reason whatsoever.

Access to the site is off Highway 9 along County Road 381 (aka Williams Peak Road) and via National Forest Service Roads 200 and 200.1A. Access does not cross any private lands so no easements are required. The site is not restricted by fence or gate and there are no specific access restrictions spelled out within the lease.

x) A maintenance and security plan shall be provided for any telecommunication facility. This plan shall include provisions to prevent unauthorized access and vandalism, in addition to ensuring that the property will be properly maintained. Applicant shall provide cash, bond, or other security acceptable to Grand County in the amount of \$25,000 to ensure maintenance and complete rehabilitation of the site.

The proposed site is on USFS property. ✓However, a \$25,000 Performance Bond in the form of an Irrevocable Letter of Credit issued by a Colorado Bank will be required to ensure complete restoration of the site in the event that the site is no longer in use. ✓Additionally, the SUP itself shall contain the following language to guarantee the proper maintenance of the site:

Site Maintenance: Permittee shall be responsible for controlling and maintaining the site in attractive conditions at all times. Neither Permittee nor its licensees shall be allowed under any circumstances, to use the permit area for purposes of storing junk materials, such as abandoned vehicles or other equipment which is not capable of operation or any other equipment or materials which are not used in the operation contemplated by this Permit within a period of six (6) months.

COMPLIANCE WITH GRAND COUNTY MASTER PLAN

Two important goals of the Master Plan are to one, ensure that new development is served by adequate infrastructure and two, to protect the county's rural character while enhancing and maintaining the general economy. Grand County's economy is based on tourism and construction. This use provides means of expanded infrastructure for telecommunication services that are necessary to adequately serve an increasing population and support Grand County's economy. This proposal would provide AT&T as a carrier available for residents and travelers along the western side of County Road 3 and Highway 9 corridors, including Blue Valley Acres Subdivisions.

Another consideration with this type of permit is with respect to environmental quality. The Applicant does not intend to disturb any additional areas than what is already present. Additionally, the Applicant required to provide a \$25,000 Performance Bond in the form of an Irrevocable Letter of Credit issued by a Colorado Bank to ensure complete restoration of the site in the event that the site is no longer in use.

Access to this existing site is by County Road 381 and Forest Service roads. No additional means of access will be required.

Staff believes this use supports the year-round economic base in Grand County by supporting local business and it is staff's opinion that the proposed use is in conformance with the Grand County Master Plan.

STAFF COMMENTS

✓The Applicant is required to provide proof of registration with the FCC for broadcasting in this area. ✓The Applicant is also required to provide proof of registration and compliance with the Grand County Emergency Telephone Service Authority.

✓The Special Use Permit shall include the following sections and language:

- The Uses Permitted shall read, “All applicable equipment necessary to operate the telecommunications facility including for the Applicant and any future collocated individual service providers.”
- Size of the Operation shall read, “140 foot tower height and one acre lease area not to be exceeded without a public hearing and full amendment to this Special Use Permit.”
- Collocation shall read, “Collocation of individual service providers or the addition, upgrade, and maintenance of equipment is permitted on any structure or anywhere within the lease area as currently permitted under this Special Use Permit as long as tower height is not increased and the lease area is not altered.

Any proposed collocation will be reviewed on an administrative staff level and will require an administrative amendment to this Special Use Permit. Any change that results in increased tower height or alterations to the lease area will require a public hearing and full amendment to this Special Use Permit.

The following information shall be provided to the Grand County Department of Planning & Zoning prior to any co-location or the addition of any new equipment on or within any existing and permitted telecommunication facility.

- ❖ Name, address and telephone number of the officer, agent or employee responsible for the new individual service provider.
- ❖ Executed lease agreement between special use Permittee and any new individual service provider.
- ❖ Legal status and federal registration of new individual service provider.
- ❖ A description of the telecommunication services that the provider intends to offer or is currently offering or providing in Grand County.
- ❖ Site plan depicting the location of installation on the existing tower or within an existing equipment building, with detail of equipment, including color and size.
- ❖ Registration of all new telecommunication carriers and providers that offer services to the public with the Grand County Emergency Telephone Service.

Permittee shall allow any public Law Enforcement, Emergency Medical Services, and Fire Protection agency to collocate and maintain equipment on Permittee's tower and within Permittee's lease area at no charge.”

✓Contact information for any and all Collocation Providers shall be provided and shall be included in any approved Special Use Permit.

- Miscellaneous Terms shall read, “All towers are to be dull and non-reflective and the colors of the equipment and buildings must be approved by the Grand County Planning and Zoning Department.

All applicable structures must be permitted by the Grand County Building Department.”

- Grand County Emergency Telephone Service Authority shall read, “Permittee shall cooperate with the Grand County Emergency Telephone Service Authority to provide adequate emergency cellular telephone service on Permittee's system.”

✓ **All standard language and conditions of Grand County Special Use permits shall be made part of any approved permit for this request.**

PUBLIC NOTICE

Public notice was placed in the Middle Park Times on November 27, 2014, as required, and the United States Forest Service, Bureau of Land Management, State of Colorado Board of Land Commissioners, Colorado Parks and Wildlife, and the Town of Kremmling were notified by certified mail. The Town of Kremmling is in support of this proposal. No other comments have been received.

PLANNING COMMISSION

The Grand County Planning Commission recommended approval of this Special Use Permit on November 12, 2014 by Resolution 2014-9-2. Commissioner Steve DiSciullo suggested that the Special Use Permit be approved for the full one hundred forty (140') foot tower height, but limited to whatever height is approved in the USFS lease agreement, so that the applicant would not be required to amend this Special Use Permit if and when the USFS lease is amended to allow for a taller height. Commissioner Mike Ritschard suggested we change wording on the height restriction as well.

STAFF RECOMMENDATION

Staff recommends the Grand County Board of County Commissioners approve this Special Use Permit request for a new cellular communications site with the following conditions met prior to recording:

1. The Applicant shall provide proof of registration with the FCC for broadcasting in this area.
2. The Applicant shall provide proof of registration and compliance with the Grand County Emergency Telephone Service.
3. A \$25,000 Performance Bond in the form of an Irrevocable Letter of Credit issued by a Colorado Bank will be required to ensure complete restoration of the site in the event that the site is no longer in use.

The following shall be made conditions of any approved Special Use Permit:

4. The permit shall be for the lifetime of the facility under current ownership.
5. SUP 2004-12-6 shall be terminated.
6. The Permittee is required to keep a current lease on file with the Department of Planning and Zoning.
7. The maximum tower height will be limited to the lesser of the allowable tower heights approved in the USFS lease agreement or this Special Use Permit.
8. Contact information for any and all Collocation Providers shall be provided.
9. The following Special Use Permit sections shall read as described in this certificate: Colors and Materials, Exterior Lighting, Tower Lighting, Site Maintenance, Uses Permitted, Size of Operation, Collocation, Miscellaneous Terms, and Grand County Emergency Telephone Service Authority.
10. That all standard language and conditions of Grand County Special Use permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations
 - Limitation of Liability

- Alteration of Terms and Conditions
- Access and Right to Enter Site
- Assignability
- Binding Contract
- Financial Security
- Abandonment
- Violation of Terms and Conditions
- Non-Transferable
- Termination

[End of Staff's Certificate]

Commissioner Linke moved to approve Cellular Communications Site – Williams Peak / Blue Ridge Mountain as presented by staff with the conditions.

The motion passed unanimously.

Commissioner Newberry moved to close the public hearing.

The motion passed unanimously.

Board Business

County Planner Marcus Davis presented Resolution No. 2014-10-48, "A RESOLUTION VACATING THE TEN (10) FOOT UTILITY EASEMENTS BETWEEN LOTS 2 AND 3, BLOCK 3, VAL MORITZ VILLAGE FIRST FILING, LOCATED IN THE NORTHEAST ¼, NORTHEAST ¼, OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH PM, COUNTY OF GRAND, STATE OF COLORADO"

Commissioner Linke moved to authorize the Board to sign Resolution No. 2014-10-48 as presented.

The motion passed unanimously.

County Planner Marcus Davis presented Resolution No. 2014-10-49, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF LOTS 2, 3 AND 14, BLOCK 3, VAL MORITZ VILLAGE FIRST FILING, LOCATED IN THE NORTHEAST ¼, NORTHEAST ¼ OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH PM, COUNTY OF GRAND, STATE OF COLORADO"

Commissioner Linke moved to approve Resolution No. 2014-10-49 as presented by staff and authorize the Board to sign all applicable documents.

The motion passed unanimously.

Commissioner Linke moved to authorize the letter be sent to The Honorable John Hickenlooper regarding the Statewide Water Plan and asking for more time to develop a good plan.

The motion passed unanimously.

Public Hearing – Tabernash Community Fee Increase Hearing

The public hearing scheduled to begin at 2:00 p.m. was called to order by Chairman Bumgarner at 2:00 p.m. Assistant County Attorney Franek 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 December 23, 2014.

- | | |
|-----------|--|
| Exhibit A | Public Notice |
| Exhibit B | Proof of Publication in the Middle Park Times |
| Exhibit C | Grand County Resolution 2000-6-36 with attachments |
| Exhibit D | 2011 – 2015 budget comparison Tabernash Meadows Water and Sanitation/Community |

- Exhibit E Proposed capital improvements projects for 2015
- Exhibit F Attendees and workshops/community dated 11-15-2014
- Exhibit G Proposed quarterly fee increase
- Exhibit H Letter from Tony Leothold
- Exhibit I Letter to Old Town Tabernash from Tabernash Meadows Water and Sanitation District
- Exhibit J Letter from the District to the Board
- Exhibit K Email from Sue Volk (came passed the cut-off date but added to the file)

Ms. Underbrink Curran stated that the letter from Tony Leothold asked that the Board accept the lesser amount and Sue Volk is asking that the Board put this on hold and schedule for another day.

Ms. Underbrink Curran stated that according to the agreement with Tabernash Meadows Water and Sanitation District, they give the County a budget for the operation of the wastewater facility and the collection facility. The County pays one-third of the wastewater facility operation and capital improvements. The County pays the total costs of the operation of the collection system.

When the County received the proposed budget in September, Ms. Underbrink Curran did calculations and discovered that the current rate being charged for quarterly services for operation and maintenance would not cover the amount that the County would owe on the estimated budget.

Ms. Underbrink Curran scheduled a meeting with the community members of Tabernash and provided two options. One option was a 25.3 percent increase in the service charge which would increase the charge from \$162.20 per quarter to \$203.70. Option two was a 30 percent increase from \$162.50 to \$211.25 per quarter.

Ms. Underbrink Curran had a discussion with the community members that were present at community meeting in November. The request of the people there was that the Board adopt the higher option.

Ms. Underbrink Curran advertised the two options in the public notice because the meeting was a workshop. Since that time, Ms. Underbrink Curran has received a final budget for the Tabernash Meadows Water and Sanitation District. Mr. Moyer calculated a revised option. The final budget for the district and the County's cost is a little less than the one staff had in September.

Option one would now be a 21.3 percent increase from \$162.50 to \$197.08 per quarter or option two would be 25 percent from \$162.50 to \$203.13 per quarter. The operation and maintenance that was estimated in the September budget was \$109,714 and capital was estimated at \$25,612. The final budget was operation and maintenance at \$107,687 and capital at \$25,279.

Mr. Franek stated that he has taken the new 2015 operation and maintenance one-third cost of \$197.08 and \$203.13 and made it Exhibit L.

Charlie Carole stated that he is a resident of Tabernash and a member of the Tabernash sewer board. Mr. Carole stated that he missed the meeting.

Ms. Underbrink Curran stated that she understood that people wanted the higher amount to have some cushion.

Mr. Carole stated that it appears that you have to do what you have to do. He feels that the sewer is a little high compared to around the County.

Commissioner Newberry wondered how time sensitive this change is. Mr. Moyer stated that the 1st quarter billing will go out March 30, 2015 and is due April 30, 2015.

Commissioner Newberry stated that there will be another meeting on January 9, 2015 to obtain more input and direction to go into the future. He wondered if this has to be set today.

The Board would like to extend the public hearing.

Commissioner Newberry moved to continue the public hearing to January 13, 2015, at 1:15 p.m.

The motion passed unanimously.

County Attorney DiCola presented Resolutions for Board approval:

Resolution No. 2014-12-46, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM ACCEPTING RESPONSIBILITY FOR THE ACCESS SECURITY TO THE PROPERTY TAX ADMINISTRATOR’S ONLINE CERTIFICATION OF LEVIES AND REVENUES”

Resolution No. 2014-12-47, “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 ST, INC. DBA SASQUATCH ALARMS & COMMUNICATIONS, INC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2014-12-48, “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 WARREN WARD AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PREPARATION OF A SURVEY AND EXEMPTION PLAT”

Resolution No. 2014-12-49, “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 GRANICUS INC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2014-12-50, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A JOINT FUNDING AGREEMENT BY THE UNITED STATES GEOLOGICAL SURVEY, U.S. DEPARTMENT OF THE INTERIOR AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR WATER RESOURCES INVESTIGATIONS”

Resolution No. 2014-12-51, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN SUMMIT AUDIO VISUAL DBA SUMMIT TV AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2014-12-52, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A TASK ORDER CONTRACT BETWEEN THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ADMINISTRATION OF THE IMMUNIZATION CORE SERVICES PROJECT”

Resolution No. 2014-12-53, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A HOLD HARMLESS PROVISION FOR THE USE OF A PORTION OF THE EAST GRAND SCHOOL DISTRICT #2 FACILITIES FOR THE PROVISION OF THE INCREDIBLE YEARS PARENT PROGRAM”

Resolution No. 2014-12-54, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CERTIFICATION THAT THE COUNTY MERIT SYSTEM IS IN COMPLIANCE WITH REGULATIONS CONCERNING EMPLOYEES OF THE GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES FOR REPORTING YEAR 2015”

Resolution No. 2014-12-55, “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 THE KREMMLING PRESCHOOL BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2014-12-56, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE STATE OF COLORADO, DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE BOARD OF

COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING A MEDICAID INCENTIVE PROGRAM”

Resolution No. 2014-12-57, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM DIRECTING THE GRAND COUNTY TREASURER TO WIRE A PAYMENT TO CITYSERVICEVALCON, LLC’S ACCOUNT AT GLACIER BANK FOR THE PURCHASE OF AVIATION FUEL FOR THE KREMMLING-MCELROY AIRFIELD”

Resolution No. 2014-12-58, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM DIRECTING THE GRAND COUNTY TREASURER TO WIRE A PAYMENT TO CITYSERVICEVALCON, LLC’S ACCOUNT AT GLACIER BANK FOR THE PURCHASE OF AVIATION FUEL FOR THE GRANBY/GRAND COUNTY AIRPORT - EMILY WARNER FIELD”

Resolution No. 2014-12-59, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SECOND AMENDMENT TO THE CONSTRUCTION CONTRACT BY AND BETWEEN AMERICAN WEST CONSTRUCTION, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE REHABILITATION OF TWO CULVERTS CROSSING COUNTY ROAD 3”

Resolution No. 2014-12-60, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE SECOND AMENDMENT TO THE SERVICES CONTRACT BETWEEN KRW CONSULTING, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE FINAL CLOSURE OF THE KREMMLING LANDFILL AND THE GRANBY LANDFILL”

Resolution No. 2014-12-61, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE CONSTRUCTION AND OPERATION OF A GRANBY HYDROPOWER PROJECT AT LAKE GRANBY”

Resolution No. 2014-12-62, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AWARD OF CONSERVATION TRUST FUND MONIES TO KREMMLING CATTLE KINGS YOUTH HOCKEY CORPORATION AND WAIVER OF THE BUILDING PERMIT FEE”

Resolution No. 2014-12-63, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF KIM CAMERON AS A REPRESENTATIVE TO THE MIDDLE PARK FAIR AND RODEO BOARD”

Resolution No. 2014-12-64, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A VERIFIED MATCHING CONTRIBUTION TO THE WEST GRAND HIGH SCHOOL AFTER-PROM COMMITTEE IN AN AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS”

Commissioner Linke moved to approve Resolution Nos. 2014-12-45 through 2014-12-63 as presented.

The motion passed unanimously.

County Attorney DiCola met with Tim Gagnon and Tony DePlata last Friday. Mr. DiCola redid the Construction Contract for County Road 804. It was their opinion that when we do a contract that has two parts.

Mr. DiCola stated that he researched the moratorium issues. Mr. DiCola applauds the Board not doing a moratorium.

Mr. DiCola stated that he sent a letter to the investigator investigating Commissioner Newberry. Mr. DiCola stated that the letter basically says that it is the position of the Board that he did not commit a crime and there was no policy against what happened. Commissioner Newberry came upon the money legally.

Mr. DiCola stated that he had a conversation with District Attorney Bruce Brown

Commissioner Newberry stated that he understands that there was a picture of some kind taken of something that was on his desk. Mr. DiCola stated that if someone took a picture of something on Commissioner Newberry's desk, he would certainly want to know that. If there is a trespass, Mr. DiCola would like to know that.

Mr. DiCola stated that there are issues in the Sheriff's Department and he would like an executive session with the Board.

Commissioner Linke moved to convene an Executive Session at 2:37 p.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is possible litigation specifically a Sheriff's Office employee.

The motion passed unanimously.

Commissioner Linke moved to reconvene the regular meeting at 2:51 p.m.

The motion passed unanimously.

I, Merrit Linke, hereby attest that the portion of the executive session during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

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

Human Resources – Proposed Change to Personnel Manual Section 9.09, Education and Training

Colleen Reynolds on behalf of the Personnel Policy Review Committee stated that Committee recommended changes to Education and Training Section of the Personnel Manual. The Committee felt that the changes being proposed would give more leeway to the employee and his/her use of the education funds. If the Board agrees to the changes, they would include a revision to the eligibility timeframe. The employee would have to be employed at least two full years (instead of one year) before they were eligible to use the education money. It would include a revision to the maximum amount of funds that could be used. Currently the maximum is set at \$1,200 per year and the lifetime is either \$5,000 or \$7,000 depending on years of service. The proposed change was to be at \$7,000 lifetime maximum. The revision would include that at the time the tuition was paid to the employee, the employee would be required to work longer to not be required to pay back some of the tuition money. If the employee worked for a least three years from the date they completed the course it would negate any repay requirement. If they stay two years, they would have to repay 50 percent. If the employee stays less than a year, they would have to repay it all.

This was posted in the December 19, 2014, newsletter and she has received no comments. Commissioner Newberry likes the idea of having some way to spend time with us or pay the money back.

Commissioner Linke asked if the County has enough "teeth" to get the money back. Ms. Reynolds believes that normally there is enough vacation or severance to be held back at the end of employment.

Commissioner Linke moved to authorize the Board to accept the changes to the Personnel Manual as presented by the HR Director.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Commissioners to sign the letters to the Library District and to the Airport Advisory Committee and the Friends of the Granby Airport.

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 3:59 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of January 2015.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Grand County Clerk and Recorder