

# MINUTES – REGULAR MEETING GRAND COUNTY BOARD OF COUNTY COMMISSIONERS

January 26, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 - Chair  
Commissioner Merrit Linke, Commissioner District 2  
Commissioner Kristen Manguso, Commissioner District 3  
County Clerk and Recorder Sara L. Rosene  
County Attorney Alan Hassler  
Interim County Manager Ed Moyer  
Community Development Director Bill Gray  
Interim Finance Director Cathy Henderson

Those present recited the Pledge of Allegiance.

Commissioner Tollett stated that under all peaceful beliefs, all are welcome here.

County Attorney Hassler asked for an executive session sometime during today's meeting. The Board agreed to do that at 2:30 p.m.

The Board would like an executive session with Treasurer Tina Whitmer, Deputy Assessor Dan Korkowski, Interim Finance Director Cathy Henderson, Curtis Lange, Corinne Lively. This session is for receiving legal advice and providing direction to the attorney.

## Minutes

Commissioner Linke moved to approve the minutes of the Regular Board of Commissioners meeting of November 17, 2015 as presented.

The motion passed unanimously.

## Finance Director

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

Commissioner Linke moved to approve and sign the warrants and wire transfers to be paid on January 27, 2016, and signed by Commissioner Linke until such time that Commissioner Tollett's signature is available electronically.

The motion passed unanimously.

## Road and Bridge Update

Commissioner Linke mentioned that a workshop was held January 25, 2016 and Road and Bridge went over the snow plan and budget strategy.

Interim County Manager Moyer said they did not discuss the snow plan but they do have a draft. Road and Bridge will be present next week for that discussion.

Commissioner Manguso asked if the budget strategy is going to be put online, will it be made public, and how will the public know since it had been done in a workshop.

Commissioner Linke believes at the point of approval then it becomes public so any changes could be summarized and posted on the website.

County Attorney Hassler asked at what point the Board would have a strategy ready that can actually be rolled out and say that this is what is going to occur.

Commissioner Linke stated at some point it needs to be an agenda item where they present the budget strategy to the Board and then do another agenda item for the snow plan.

Commissioner Linke stated that a final determination could not be made until all the budget strategies from all departments have been perused. The Board could give preliminary direction.

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

Eden Recor wanted to ask the Board at looking at a Finance Director hired as soon as possible. A Finance Director is important because the Board starts getting the budget in a viewable, easy format. The budget needs to show total income for each department, expenses, number of employees and grants.

A good Finance Director does not have to wait until there is a new County Manager. Mr. Recor does not believe the Finance Director should be under the County Manager, but instead report directly to the Board of County Commissioners.

Mr. Recor said that previous Finance Director Scott Berger said that he was short stopped by the County Manager in regard to the Building Department.

High Country Conservatives short stopped Mr. Recor because he was focusing on individual things and told him he should go to the County Manager and tell them the Board should be setting goals. When looking for a county manager the Board should be looking for someone that will look at the entire organization and given ideas on how they would reorganize. Reorganization is different from cutting budgets.

The County structure has not changed very much for over 30 years but have added little pieces. Because all the Board members are fairly new it is an excellent chance to look at the organization. The county needs to be more efficient.

Commissioner Tollett stated that the Board is discussing how to hire the budget director. The Board did not want to wait for a new finance manager because of the financial situation.

Commissioner Tollett said that as far as the goals and vision, the Board is starting to work on those with the other elected officials, but as far as reorganization it will be on the plate. It is a good way to interview people to give them a problem.

Mr. Recor stated that while holding workshops and asking departments to cut their budgets, in reality it may be reorganization.

Interim County Manager Moyer told Mr. Recor that they are trying to beat the 2016 budget a lot. The County is going through every department trying to come up with strategy to implement the new budget as quickly as possible.

In reality, the County has \$5,700,000 to cut from the 2016 budget to balance the budget. The more we attack it, the better off we will be at the end of the year and next year.

Commissioner Linke stated that what they are doing now with the longer term budget strategy plans is driven by the fact that they could not ask a department to cut a certain amount of dollars but expect them to operate. They are hoping to get a better long term plan.

Mr. Recor believes it is very important that when the Board gets the budgets that there will be something they can give to the public that is a simple summary. If you are going to give things to the perspective county manager, the Board needs to give him/her an organizational chart and see what they do.

Peter Ralph who lives in the Williams Fork Reservoir area read the following:

Commissioners:

Last summer I came to the BOCC as a member of a seven person group to recommend that Grand County Government undertake an accountability audit with the following goals:

1. To provide assurance that Grand County Government is committed to following all appropriate rules, regulations, laws and procedures with regard to the efficient and appropriate management of county resources.
2. To build public confidence in Grand County Government, with a renewed commitment to the Critical Values of Public Sector Governance: Accountability, Transparency, Integrity and Equity. (Institute of Internal Auditors).

We put forward a proposal for an audit procedure involving Internal Control Reviews for the Internal/Core departments and Risk Assessments for the External/Peripheral departments, at a projected cost in the region of \$60,000.

In the fall, after extensive discussion, the BOCC unanimously agreed to invite the “Scope and Selection Committee” to prepare a scope of work, draft an RFP, and select a suitable auditor. The Commissioners would then, at their discretion, initiate an audit procedure to be overseen by an independent audit committee.

Shortly, thereafter, at the BOCC’s request, it was agreed that the process should be put on hold, until such time as a new county manager was in place.

I am now inquiring as to what your current position is on the advisability or otherwise of returning to this proposal.

Best Regards – Peter Ralph

Commissioner Linke stated that the Board has not talked about this since that time. Commissioner Manguso stated that she was in favor of it the first time and is in favor of it now.

Mr. Ralph stated that the members of the committee were Harry Kottcamp and Kirk Klancke, who are both ex-chairs of the Republican Party, Paul Ohri a three time Democratic County Commissioner, Sandy Doudna and Liz McIntyre the chair and vice chair of the Democratic Party, Mr. Ralph, and Mimi Kaplysh. They presented themselves as an impartial group.

The agreement they had was that the group would return to this audit suggestion once a new county manager was in place. The Board will now be getting the results of this audit in the middle of the election season and he questions the viability. If it is not viable, does the Board have any other suggestions or do they wish to abandoned the idea altogether. Mr. Ralph feels that with the current situation there is a greater demand for an audit now than there ever has been and the financial situation creates a brand new urgency.

If the Board wants to discuss the matter, Mr. Ralph will need to meet with the group to see who is still interested in pursuing this matter and he would like the Board to set time on an agenda for this discussion.

Things have changed dramatically since this last time Mr. Ralph was before the board and he wants to know if the board wishes to return to the proposal. Mr. Ralph stated that his thinking has changed since then because of the time constraints.

Commissioner Manguso stated she believes it is important, and believes it was important at the beginning of the discussion because of the way the public felt. This is not a financial audit, it is policy and procedures.

Commissioner Tollett stated that she would like to learn more about this subject.

Commissioner Linke believes that Commissioner Tollett deserves a chance to hear an executive summary of what the group is after. Circumstances have changed and he believes the discussion is needed.

Mr. Ralph is willing to return to a meeting and put to the Board the discussions that occurred in the past and what he would suggest going forward. Because of the financial situation the County is in he is not sure the Board would be comfortable spending the money required for an audit.

Commissioner Manguso recommended that Mr. Ralph meet with his group before he comes back and find out who is interested in pursuing the matter and how they believe it should be done.

Interim County Manager Moyer added that when there were discussions they were trying to find consensus among the group. Part of the process was for part of the group to sit down with finance, legal and the interim County Manager to discuss some of the internal control procedures that the County implemented in the last year and a half.

Mr. Ralph stated that the group he put together was not put together for accounting or legal expertise, but to convince the county commissioners that these concerns were shared by a wide section of the population.

When the group meet with the Board and the assistant county attorney, Mr. Ralph stated there was a disagreement between himself and the Assistant County Attorney about the applicability of the Colorado Constitution in guiding the Board’s behavior. Mr. Ralph would like to return to that conversation.

Commissioner Tollett stated that having been before this job a member of the community, she does see the value of having a third party impartial audit. She would like time to come up to speed with this.

Mr. Ralph stated that if he comes before the commissioners again his suggestions are going to be different than before. He will be coming before the board as an individual not the group.

Mr. Ralph stated that he has respect that the County is run by elected officials not by citizen pressure groups.

The Commissioners all agreed that they would like to hear Mr. Ralph's suggestions, but it does not mean they will proceed.

Mr. Ralph would like to discuss the applicability of Section 1, Article 29 of the Colorado State Constitution to Board conduct.

Grand County Home Health Administrator Tina Strang presented a notice of cancellation with CKS Productions Incorporated dba PPS Plus Software. This software is in addition to the electronic medical software. It provides an electronic audit of assessments that required by Medicare and Medicaid for adult patients. That assessment documentation is called an OASIS, an outcome assessment.

Starting February 1, 2016 her department is not accepting any new Medicare or Medicaid patients in Home Health.

The software is being paid through January 2016 because they feel the bulk of the value of the software is when they start patients and when they recertify the patients.

Commissioner Linke moved to approve the recommendation from Tina Strang of Grand County Home Health to sign the Cancellation Notice for PPS Plus Software.

The motion passed unanimously.

County Attorney Hassler asked the Board to look at the cover memo that Ms. Strang supplied with the request and he believes it is an excellent way of presenting matters that come before the Board. He believes it should be considered adding that as procedure for bringing anything to the Board.

Grand County Economic Development Coordinator DiAnn Butler presented the USDA Rural Business Enterprise Grant. The Assistant County Attorney provided direction as to what documents that needed to be included and they are now finishing the documents. Ms. Butler asked that the Chairman be authorized to sign outside the meeting once the final packet is completed.

This grant is for the John Schallert Community Reinvention Program. It is to pay for two-thirds of the program or twelve businesses to start entering into the whole community reinvention program this year. The County match would be to send six businesses which is in the budget. Six businesses would be under County budget but they pay their own travel and expenses. The twelve businesses would be supported by the USDA. The businesses are obligated to be the champions to encourage other business to collectively work on press releases and things that can create a destination.

Interim County Manager Moyer stated that last year the County sent 18 businesses and that was a budget line item.

This year the County will send eighteen businesses with \$9,000 of Grand County money and \$18,000 of the grant. This is an incubator program and this will have a three year run and then it becomes self-sustaining. The program is in second year of three years but this is the first time it has gone for the USDA Rural Business Enterprise grant.

The Community Reinvention Program brings Mr. Schallert to talk to the whole community for three different talks.

Mr. Butler stated that her department did the lowest level of leverage that she felt could get awarded.

Commissioner Linke wondered if the County decided not to finance would the whole deal be off.

Ms. Butler said she would not submit for the grant if the County did not help fund the program.

Ms. Butler explained to the Board that many of the 18 businesses that attended the boot camp last year have already had increases of 20 percent to 25 percent in sales and a few are considering adding on another staff person.

Commissioner Linke moved that the Board support the request by the Economic Development Director in leveraging County money for the John Schallert Boot Camp as presented by Diane Butler and approve to execute the 2016 Rural Business Enterprise Grant Application from USDA Rural Development and to authorize the Chair to execute outside the meeting contingent upon final review by the County Attorney.

Discussion: Commissioner Manguso knows it is a good thing and knows it is in the budget and will go along with it but because of the County budget situation she has concerns.

Commissioner Manguso wanted to make sure that if the grant is not approved the County would not fund all eighteen businesses. She was told that would not be the case.

Commissioner Linke agreed with Commissioner Manguso that it is troublesome to spend \$9,000 but this grant is leveraging this which is a benefit for a lot more people. It is within the approved budget and is under half of what was approved.

Mr. Recor asked if staff anticipates 18 this year and is staff anticipating 18 next year.

Ms. Butler replied that she does anticipate that and within the grant being approved the County cannot guarantee 18 business but as of now there are twelve businesses that are interested.

The motion passed unanimously.

Chief of EMS and OEM Ray requested permission for out-of-state training for two of his staff; Captain Erik Barber and Audrey Jennings. The intent is to increase and bring back to GCEMS additional acquired knowledge to benefit the operation and organization to be more efficient.

Captain Barber will go to the “EMS Today Conference” in Baltimore Maryland from February 24, 2016 through February 28, 2016 with the total cost not to exceed \$460. Within this opportunity the organization is paying for his travel and majority of his one night lodging. Based on policy it would also include meals. The intent for Captain Barber to attend this training is that it is a national conference that deals with suicide prevention within the profession.

Audrey Jennings will be attending the National Fire Academy for its Quality Assurance Program. Ms. Jennings gets the opportunity to work with Federal partners and others throughout the United States and dealing with EMS research medical technology and how to understand protocols. Ms. Jennings works with Dr. Nichols as far as quality assurance. The only thing paid by the County is a meal ticket while on campus for \$170. This is the National Fire Academy from February 6, 2016 through February 13, 2016.

Commissioner Linke moved to approve the out-of-state travel for Erik Barber and Audrey Jennings as presented by Ray Jennings, EMS Chief.

Chief Jennings stated that this is part of the budget approved for 2016.

Discussion: Commissioner Manguso pulled up online the National Fire Academy in Maryland and they can do online courses. Her concern is not the \$170 but the fact that EMS will lose one person for a week.

Chief Jennings stated that these two employees are salaried.

Commissioner Manguso believes it is a low amount of money for the amount of benefit received. Chief Jennings believes it is a good use of money.

Commissioner Manguso reiterated to Chief Jennings that the totals he presented are the total costs and he said yes.

The motion passed unanimously.

Chief Jennings stated that last week the Board received data from EMS. The transfers and 911 transports are now at fifty percent each and the key is on the collection side. Transfers are at 61 percent and 58 percent on the 911 transports and the value is two to one.

Commissioner Manguso would like to receive those figures monthly if possible and was told it could be done a quarterly basis.

Juvenile Services Director Kelly Friesen would like formal permission to write a grant from the Division of Criminal Justice to offset costs for Juvenile Services Department.

Interim County Manager Moyer said a motion is not required but the Board needs to give formal direction.

Ms. Friesen stated it is a three-year grant and the second year the Board would have provide a 10 percent match. At the end of the three year cycle, the Federal Juvenile Diversion Grant will open. This grant is normally for startup costs for new programs but Ms. Friesen explained that the County Diversion program is in potential jeopardy of going away because of budget cuts. The state is allowing her to write for an emergency basis. The grant will go from state to federal grants. Meg Williams from the Division of Criminal Justice helped Ms. Friesen think her way through the process and how the County could continue funding. The 10 percent match would be around \$4,000 to \$5,000.

The Board is in support of Ms. Friesen proceeding with the grant request.

Commissioner Manguso asked Ms. Friesen if the numbers in drop box were for the Judicial District and not just Grand County. The only number for the Judicial District is Senate Bill 94. Senate Bill 94 in Grand County has two kids.

Senate Bill 94 and Senate Bill 215 are the only district wide programs. The rest are Grand County specific. The Juvenile Diversion numbers are Grand County.

Commissioner Manguso would like the numbers monthly.

Commissioner Manguso asked Ms. Friesen about Alternative to Sentencing. Ms. Friesen stated that it is Useful Public Service kids. It is restorative justice program that helps repair the harm that is done to the community. It is part of a Juvenile Division Contract or when people placed on probation.

Commissioner Manguso moved to authorize the Chair to sign the Grand Lake Clarity Stakeholders Memorandum of Understanding (MOU). The MOU is between the US Department of the Interior Bureau of Reclamation, Northern Colorado Water Conservancy District, Grand County Board of Commissioners, Northwest Colorado Council of Governments and Colorado River Water Conservation District. This is to help with Grand Lake clarity.

Interim County Manager Moyer stated that for the record a portion of the letter reads as follows:

The purpose of the MOU is to establish an adaptive management process while reclamation conducts a planning and NEPA process to evaluate alternatives to improve clarity in Grand Lake as described in the Clarity Supplement Exhibit B. This MOU formalizes and establishes the terms of an effective cooperative effort of the adaptive management committee to implement the Grand Lake Clarity Narrative Standard.

The motion passed unanimously.

This document will be taken to Jackie Gould at the Water Congress.

Grand County Water Quality Specialist Katherine Morris stated that oxygen saturation above one hundred percent indicates a runaway algae bloom so it is important to keep it at or below one hundred percent.

Commissioner Linke moved to temporarily adjourn the meeting as the Grand County Housing Authority and convene a Special Meeting of the Grand County Housing Authority.

The motion passed unanimously.

Community Development Director Bill Gray presented Resolution No. 2016-1-41, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, APPROVING THE APPOINTMENT OF MARCUS DAVIS AS REPRESENTATIVE TO THE GRAND COUNTY PLANNING COMMISSION"

Commissioner Manguso moved to approve Resolution No. 2016-1-41 that approves Marcus Davis as a representative to Grand County Planning Commission for District Three.

The motion passed unanimously.

Community Development Director Bill Gray presented three resolutions recognizing the service that were provided by our outgoing Planning Commissioners.

Resolution No. 2016-1-42, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, RECOGNIZING STEVE DISCIULLO FOR THE FIVE YEARS OF DEDICATED SERVICE TO GRAND COUNTY”

Resolution No. 2016-1-43, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, RECOGNIZING MIKE RITSCHARD FOR THE SIX YEARS OF DEDICATED SERVICE TO GRAND COUNTY”

Resolution No. 2016-1-44, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, RECOGNIZING LISA PALMER FOR THE THIRTEEN YEARS OF DEDICATED SERVICE TO GRAND COUNTY”

Commissioner Manguso moved to approve Resolution No. 2016-1-42 recognizing Steve Dusciullo, Resolution No. 2016-1-43 recognizing Mike Ritschard who was appointed to the River District and resigned, and Resolution No. 2016-1-44 recognizing Lisa Palmer.

The motion passed unanimously.

Community Development Director Bill Gray presented Resolution No. 2015-8-62, “A RESOLUITON RENEWING THE COLORADO RIVER RANCH SPECIAL USE PERMIT FOR THE OPERATION OF SAND & GRAVEL PIT IN THE FORESTRY AND OPEN DISTRICT, LOCATED IN A PORTION OF S ½ SECTION 11, TOWNSHIP 1 NORTH, RANGE 80 WEST OF THE 6<sup>TH</sup> P.M., GRAND COUNTY, COLORADO”

Commissioner Manguso moved to approve Resolution No. 2015- 8-62 that renews the Colorado River Ranch Special Use Permit and allows for the operation of a sand and gravel pit. This also continues the life of the permit as long as it stays in the same name and authorizes Merritt Linke to sign as the Chair.

Discussion: Commissioner Linke stated that his family has an interest in a gravel pit and wonders if he needs to abstain from this discussion. He receives no personal benefit from the gravel pit.

County Attorney Hassler said Commissioner Linke does not need to abstain from this instance with the reason being there is no personal benefit even though his family is involved. It is not legally required but Commissioner Linke can choose to abstain if he feels it will reflect an improper competitive benefit to his family.

Commissioner Manguso stated that Commissioner Linke did vote in August of 2015 and he did vote for it at the time.

The motion passed unanimously.

Community Development Director Bill Gray presented Resolution No. 2015-10-44, “A RESOLUTION APPROVING THE AMENDED FINAL PLAT LOT 40 AND LOT 41, GRAND VIEW PARK SUBDIVISION LOCATED IN A PORTION OF THE SW1/4, NW1/4 OF SECTION 24 TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6<sup>TH</sup> P.M. COUNTY OF GRAND, STATE OF COLORADO”

Commissioner Manguso moved to approve Resolution No. 2015-10-44 and authorize the Chair to sign the Final Plat and Quit Claim Deed.

The motion passed unanimously.

Grand County Clerk Sara Rosene presented:

David Pratt, President/Manager of Bull Moose Management Inc. dba Mustachios On the Lake is requesting renewal of his Hotel and Restaurant Liquor License. All fees have been paid to the State and Grand County. The Sheriff’s letter reflects no adverse action. Ms. Rosene recommends approval.

Commissioner Linke moved to approve the renewal of the liquor license for Bull Moose Management dba Mustachios On the Lake which is a Hotel and Restaurant license renewal as presented by Sara Rosene, Grand County Clerk.

The motion passed unanimously.

### Manager and Attorney Items

Interim County Manager Moyer presented emails regarding Bill Hamilton's request on behalf of the Friends of Granby Airport Inc. asking that the Grand County Historical Association take over the Emily Warner Field Aviation Museum to be part of the Historical Association's group of heritage tourism museums.

Interim County Manager Moyer stated that the Granby Terminal Building at the Granby Airport Emily Warner Field is/was currently leased to the Experimental Aircraft Association Chapter 1267. The lease expired June 30, 2015 and Mr. Moyer he believes it was an oversight and the County needs to renew the lease with the organization. It was an umbrella organization that leased the building and The Friends of Granby Airport and the Aviation Museum fell under the umbrella.

The Board is ok with the lease to the EAA because the group is a good steward and the Board likes aspect of the museum.

Legally the matter would be between the two non-profits but a letter of support might be in order.

Interim County Manager Moyer gave an update on County Technical Services Inc. that do facility audits on County property every year. This year, CTSI did the audit in Kremmling and all the items are completed except the exit signs. The exit signs have been scheduled.

Commissioner Manguso asked who was doing the electrical work.

Interim County Manager Moyer said they received two bids and they went with the low bid which was Power to the People. The work will be done in mid-February.

Commissioner Manguso moved to authorize the Commissioners to sign letters to request funds for the State Highway 9 Project. The County received a request from CDOT so are asking North American Title Company for \$215,365.77. The Commissioners are asking Grand Foundation for \$50,177.37 and asking Summit County Colorado for \$13,460.36.

Discussion: Interim County Manager Moyer stated that the total contribution by Grand County was \$3,073,052. To date CDOT has drawn \$1,842,000 and there is roughly \$1,230,706 remaining.

The County will be paying the \$1,200,000 this year.

The motion passed unanimously.

Commissioner Linke stated that George Fosha is an engineer that the County hired to be an onsite overseer of the project. Mr. Fosha signs off and says that certain phases of the project have been completed before the County pays.

Interim County Manager Moyer presented an agreement establishing the Grand County Commissioners Fund which is a donor advised fund for the Grand Foundation. There is an invoice in the amount of \$32,300 for the Donor Advised Fund to the Grand Foundation to authorize payment to those block grant recipients approved in the 2016 budget.

County Attorney Hassler suggested looking at the overall agreement for the next budget cycle and decide if the County is going to continue this type of agreement. The money is turned over to this particular fund and this Board is at the point the County does not have direct control of the money because the money becomes that of the Foundation.

Commissioner Manguso stated that the Board had been contemplating turning all funds over to the Grand Foundation and the Foundation would make the decision on what non-profits receive monies.

Commissioner Manguso moved to authorize the Chair to sign and approve the agreement establishing the Grand County Commissioners Fund into Donor Advised Fund of the Grand Foundation and providing funding in the amount of \$31,500. The fee for doing this to the Grand Foundation is \$800 for a total of \$32,300.

Discussion: Commissioner Manguso questioned that with the County's cash situation she wondered if it is the right time to do be doing this or should the disbursement wait a couple of weeks until there is more tax collected.

Commissioner Tollett wondered if the money had to be dispersed immediately.

Interim County Manager Moyer would talk to Megan about that subject.

The motion passed unanimously.

Commissioner Manguso moved to approve the consent agenda as shown on the Board of County Commissioners agenda:

Resolution No. 2016-1-30, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE REAPPOINTMENTS OF ROBERT BLAY, MARIE HUSTON AND RANDY GEORGE AS REPRESENTATIVES TO THE GRAND COUNTY TOURISM BOARD”

Resolution No. 2016-1-31, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE WAIVER OF THE USE FEE FOR THE USE OF THE CSU EXTENSION HALL BY MOUNTAIN VALLEY CHRISTIAN ACADEMY”

Resolution No. 2016-1-32, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE WAIVER OF A BUILDING PERMIT FEE FOR HABITAT FOR HUMANITY OF GRAND COUNTY, COLORADO, INC.”

Resolution No. 2016-1-33, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ANNUAL PROGRAM FUNDING APPLICATION TO THE COLORADO DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR 2016 EMPG-LEMS FUNDS”

Resolution No. 2016-1-34, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CLINICAL EDUCATIONAL AGREEMENT BY AND BETWEEN THE UNIVERSITY OF COLORADO, COLORADO SPRINGS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE CLINICAL ROTATION OF NURSING STUDENTS”

Resolution No. 2016-1-35, “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 GREEN THUM, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR USED OIL RECOVERY AND TRANSPORTATION SERVICES”

Resolution No. 2016-1-36, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT ANNUAL REPORT FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES”

Resolution No. 2016-1-37, “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 FRASER VALLEY ELEMENTARY SCHOOL FOR THE PROVISION OF THE “INCREDIBLE YEARS” PARENT PROGRAM”

Resolution No. 2016-1-38, “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 MIDDLE SCHOOL FOR THE PROVISION OF THE ‘CREATING LASTING FAMILY CONNECTIONS’ PROGRAM”

Resolution No. 2016-1-39, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING COMMISSIONER MERRIT LINKE’S SIGNATURE ON CHECKS ISSUED BY THE COUNTY ON JANUARY 20, 2016”

Resolution No. 2016-1-40, “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 CRAG BUSINESS GROUP, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ASSISTANCE TO DISCONTINUE SKILLED HOME HEALTH SERVICES”

The motion passed unanimously.

Commissioner Manguso stated that last week the Board asked County Attorney Hassler to look into Pay Nows and that statute. County Attorney Hassler apologized to the Board because he did not complete the research but will get it next week.

Commissioner Tollett presented the CORA billing for Tabernash Meadows Water and Sanitation District and the District would like the money refunded.

Commissioner Manguso believes the money should be refunded because the District is a governmental entity.

Commissioner Tollett wanted to know if the County would refund money to an entity that the County has an IGA or MOU and why is the County charging employees for CORA requests.

County Attorney Hassler stated that the request was under the employee’s personal address with his personal information. It was not a request for an elected official.

Commissioner Manguso stated that Mr. Weydert was not told that as an elected official he could just ask for the information. Commissioner Manguso believes the County should not charge Mr. Weydert and refund Tabernash.

County Attorney Hassler stated that if the Board does not want to charge, the current policy needs to be changed. The current policy says that all CORA requests will be charged.

Commissioner Manguso believes the CORA policy needs to be looked at because it has gotten out of hand. If people want to know information, especially internally or other governmental entities, we all need to play nice.

Commissioner Linke stated that it would create a burden upon Staff to put information together.

Interim County Manager Moyer believes that since the county is partners with Tabernash Meadows it would be an appropriate gesture to honor the request to waive.

County Attorney Hassler stated that the bill that was submitted to Tabernash did not include a substantial amount of time that was spent on the request. Tabernash was provided an additional access in recognition of their role. The IT Department set up a computer, the agent for Tabernash was given direction as to where to look, staff did work very hard at assisting Tabernash Meadows in this endeavor. Tabernash Meadows was reconstructing or building its’ own record of a lot of documents and material that it probably should have had in the beginning. The policy allows county attorney to make exceptions or waive charges and County Attorney Hassler understands that the direction from the Board is to no charge be billed for Tabernash Meadows. He does want the Board to recognize that there is more money and effort put into this than what is reflected on the bill.

Commissioner Linke moved to refund the billed amount to Tabernash Meadows Water and Sanitation District recognizing they are a partner and also recognizing that there was more staff time than the bill reflects.

The motion passed unanimously.

Commissioner Manguso asked if the Board could direct the county attorney to look into the Colorado Open Records Act (CORA) and see if there is a middle ground. Commissioner Manguso stated that she does not want staff to be overwhelmed but she does believe there is a breaking point if the Board is talking about open government.

County Attorney Hassler stated that the policy as written tracks State Statute on what any public entity may do with the public records request except there is an understanding that there needs to be some research time. Our policy says there is no charge for the first hour. Many of the requests are handled within the one hour time frame but there are more complicated requests where the County Policy is a little generous in the amount of reconstruction or reports than are ordinarily done for County purposes. Part of the public records law was initiated back when it really cost twenty five cents. Current County Policy is still geared toward hard costs.

Commissioner Manguso stated she would like to make it free because we are a government entity and people should have access to the records.

County Attorney Hassler stated that on the other end of this is the expense to the entity. Should the general public be supporting anyone's particular cause? Should they be able to walk in and demand software to view records which is a violation of software agreements? If the requestors want to designate the electronic format, should the County be obligated to obtain software licenses to produce documents in the format that the person is asking?

Commissioner Linke stated there are both sides of the argument but the County does not need to spend taxpayer dollars in staff time going through a request for free to satisfy one person.

Commissioner Tollett stated that the more the County can get on the website, the easier it would be for people to get the information themselves.

#### Clerk and Recorder Monthly Update

Sara Rosene, Grand County Clerk, provided to the revenue for December 2015 for the Clerk and Recorder.

Commissioner Linke stated that year-to-date was up six percent in total fees collected over last year.

County Clerk Rosene wanted it known that it was not all county money.

County Clerk Rosene stated that part of December that is down is the election fees and those will be collected in January.

#### Veterans Officer's Update

Grand County Veterans Service Officer Duane Dailey presented his fourth quarter report.

VSO Dailey explained about the holiday season and depression involving the veterans. He spent a lot week-ends and nights out starting mid-December with four or five super depressed veterans. This year is the first with that many veterans being depressed. For the first time he had to get the Sheriff's Office involved but Mr. Dailey usually handles these situations himself veteran to veteran.

Commissioner Tollett asked Officer Dailey at what point does Mr. Dailey is not acting as an individual. Mr. Dailey is not a licensed counselor and Mr. Dailey may be asked to give more help than he can give.

VSO Dailey stated he has been engaged in the past and he has taken veterans to hospitals in Denver. Denver VA only allows ambulances with Denver paramedics.

VSO Dailey stated that he has a working agreement with Mind Springs through Veterans Assistance grant. Mr. Dailey tries to keep the vets local instead of out of county.

VSO Dailey reviewed the 2014 GEX Report. Mr. Dailey stated that he does not put too much trust in its accuracy totally because it is a reciprocating/oscillating document. VSO Dailey pointed out that according to VA it said for year 2014 the total benefits paid to veterans in Grand County was \$4,239,000.

VSO Dailey reported what he generated awards since he took office in October of 2012. It includes only service connection disability and non-service connection pension award without back pay. Back pay means he has one year to develop the claim fully for the veteran and typically it takes the VA up to twelve to fourteen months to develop. VSO Dailey stated that the date of award is still the date he puts the intent in so it does not include back pay but actual awards.

The claims awarded since October 2012 to this office through the end of December 2015 is estimated by Mr. Dailey to be \$2,735,074.44. This amount does not include back pay, DIC/Dependency Indemnity Death Pensions, Burial Benefits, Health Benefits, Tri-Care and Educational Benefits.

VSO Dailey stated that right now in his database he is serving about 243 veterans that are ongoing.

VSO Dailey would like the Board to consider mileage. Veterans that are disabled 30 percent or more, those that are called in for Comp and Pen Exam as a result of what Mr. Dailey files, are reimbursed mileage. Mr. Dailey thinks it would appropriate to reconsider asking for reimbursement for gas money when they take veterans in and the veteran gets reimbursed for that.

There is another group of pension recipients. Pension is for time of war veterans that are very indigent. Mr. Dailey would not want to ask for reimbursement for this group.

Commissioner Manguso believes that it would be tough to ask for reimbursement.

It was suggested that Officer Dailey let the veterans know it would be appreciated if the County was reimbursed for mileage. Another suggestion was for him to see what policy could be written on this matter.

Mr. Dailey stated that the Veterans Assistant Grant is through Grand County. The Veterans Trust Fund comes through the American Legion. The County does those vouchers.

VSO Dailey went to Council on Aging to see if the Council would be interested in partnering with him on the Veterans Assistance Grant. Director Jonas is working on a proposal. If there is something she would do like driving a veteran Mr. Dailey thinks he can reimburse through the Veterans Assistance Grant the mileage.

VSO Dailey stated that there are many veterans who are not enrolled in the program. If a person is military retiree and getting a military retiree check they, are declared Department of Defense not Veterans Administration.

#### Public Hearing (continued) Building Code Amendment – Solid Fuel Burning Devices & Fees

The continued public hearing scheduled to begin at 11:30 a.m. was called to order at 11:30 a.m. by Chairman Tollett. County Attorney Hassler set the record.

The following is all or part of staff's Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on January 26, 2016.

- Exhibit A Public Notice – Middle Park Times, December 17, 2015
- Exhibit B Proof of Publication – Middle Park Times, December 17, 2015
- Exhibit C Public Review Sheets (no signatures)
- Exhibit D Memorandum for Community Development Fee Schedule dated December 22, 2015
- Exhibit E Building Fee Schedule
- Exhibit F Certificate of Recommendation for Solid Fuel Burning Devices dated January 19, 2016
- Exhibit G Exhibit A; Current Solid Fuel Burning Regulations for Subdivisions, Subdivision Exemption, Outright Exemption and Rural Land Use Process
- Exhibit H Exhibit B; Current Solid Fuel burning Regulations in 2009 IBC & IRC Codes
- Exhibit I Map depicting areas for solid fuel burning devices
- Exhibit J Map depicting Air Quality
- Exhibit K List of EPA Certified Wood Heaters
- Exhibit L List of Colorado Approved stoves

PROJECT NAME: Solid Fuel Burning Device Regulation Amendments  
APPLICANT: Grand County  
LOCATION: Unincorporated Grand County  
APPLICABLE REGULATIONS: Subdivision Regulations, Subdivision Exemption Regulations, Outright Exemption Regulations, Rural Land Use Process, International Building Code, International Residential Code and International Mechanical Code  
EXHIBITS: Land Use Regulations to be Removed, Building Code Local Amendments to be Removed, Boundary Maps, List of EPA and State Certified Solid Fuel Burning Devices  
STAFF PLANNER: Community Development Staff  
REQUEST: Grand County is requesting approval to amend the County's Solid Fuel Burning Device Regulations.

#### I. DISCUSSION

Grand County is proposing amendments to the County's Solid Fuel Burning Device Regulations. These amendments include changes to the number of permitted devices, the type of permitted devices and the process used to review and approve these devices. Currently, Grand County allows one State Certified solid fuel burning device per detached dwelling and one device in the lobby or common area of condominiums, apartment houses, townhouses, hotels/motels, accessory buildings and commercial and industrial structures. The proposed amendments would implement the following changes to the code:

#### Proposed New Regulations / Review Process:

- Two solid fuel burning devices, one of which can be a wood-fired boiler (hydronic heater) or a wood-fired forced air furnace, will be allowed in certain areas of the county. The following criteria will be used to determine these areas.
  - o On property located outside of Grand County Growth Areas and larger than five (5) acres
    - Two solid fuel burning devices will be permitted—one of which may be a wood-fired boiler or a wood-fired forced air furnace.
  - o On property located outside of Grand County Growth Areas but smaller than five (5) acres
    - One solid fuel burning device will be permitted—this device may not be a wood-fired boiler or a wood-fired forced air furnace.
  - o On property located inside Grand County Growth Areas
    - One solid fuel burning device will be permitted—this device may not be a wood-fired boiler or a wood-fired forced air furnace.
- The allowable solid fuel burning devices will be expanded to include all EPA Certified devices. So, all new construction will now require either a device which is certified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment (CDPHE), or one that is certified according to the EPA Certification standard. The differences between the State Certification and the EPA Certification are minor—except the EPA Certification includes the regulation of wood-fired boilers, and wood-fired forced air furnaces whereas the State Certification exempts them. The CDPHE exempts these devices even if they heat indoor areas. Wood-fired boilers and wood-fired forced air furnaces typically smoke more than other solid fuel burning devices. By holding solid fuel burning devices to both CDPHE and EPA standards, the County can permit and regulate all types of solid fuel burning devices. In cases where the CDPHE regulations do not match up with the EPA standards, the more restrictive standard shall be applied to the proposed device. This will ensure all devices comply with or exceed all state standards. The differences between the CDPHE regulation and the EPA regulation are explained in the “Explanation” section at the bottom of this page.
- Solid fuel burning devices will now be reviewed exclusively at the building permit level. Therefore, solid fuel burning devices are to be removed from the Subdivision Regulations, Subdivision Exemption Regulations, Outright Exemption Regulations and Rural Land Use Process (See Exhibit A). The amended regulations will be adopted as Grand County Building Code Amendments to the International Building Code (IBC) and the International Residential Code (IRC). The applicable existing Building Code Amendments will be eliminated (See Exhibit B). Through the building permit review process, the Community Development Department will review the following elements to ensure impacts are mitigated: the lot size and location of the property, the height of the device, conformance to setbacks, the clearance of the device from the building, installation plans to confirm they are consistent with the manufacturer’s recommendations, foundations, etc. Cases of appeal are to be heard by the Grand County BOCC.

#### Explanation of Solid Fuel Burning Device Certifications:

The Colorado Department of Public Health and Environment’s (CDPHE) certification is very similar, but not identical to, the EPA’s Certification of solid fuel burning devices. Both agencies base their reviews off of the federal regulations outlined in 40 CFR Part 60 Subpart AAA (2004). However, based on conversations with the CDPHE, there are some discrepancies between the certification standards. For example, the CDPHE requires wood burning devices to have an emission rate of no more than 4.1 g/hr of particulate matter for devices with a catalytic converter; whereas the EPA’s Certification allows an emission rate of 4.5 g/hr of particulate matter for these same devices. Although, the EPA’s standards are less stringent in this case, the EPA is stricter than the CDPHE when it comes to pellet stoves. So, the point is, the two certifications differ in regard to emission standards. Grand County is proposing that the more restrictive standard apply to solid fuel burning device proposals. Another significant difference between the two agencies’ review processes is that the CDPHE does not certify wood-fired boilers or wood-fired forced air furnaces—but the EPA does. The CDPHE exempts these devices, they do not prohibit them. So, by allowing devices to be EPA Certified, the county will be able to permit and regulate clean burning wood-fired boilers and wood-fired forced air furnaces.

A recap of the main difference between the certifications/qualifications is below:

Colorado Department of Public Health and Environment Certification

The CDPHE bases its certification criteria off of the federal regulations outlined in 40 CFR Part 60 Subpart AAA (2004). These regulations specify emissions standards for solid fuel burning devices and they exempt wood-fired boilers, wood-fired furnaces and all outdoor devices from regulation. In addition to not setting standards for these specific devices, the certification criteria for all other solid fuel burning devices differ slightly from the EPA's certification criteria.

#### EPA Certification

The EPA maintains a list of all certified residential wood-fired heaters, residential wood-fired boilers (hydronic heaters) and forced air furnaces. Similar to the State regulations, the wood heaters are mostly held to the Federal Regulations outlined in 40 CFR Part 60 Subpart AAA (2004). Wood-fired boilers and wood-fired forced-air furnaces are held to new federal regulations outlined in 40 CFR Part 60 Subpart QQQQ. So, in order to permit outdoor wood-fired boilers and wood-fired forced air furnaces, Grand County will need to base our approvals off of EPA Certified devices.

#### SOLID FUEL BURNING DEVICES IN THE CURRENT GRAND COUNTY LAND USE REGULATIONS

Currently, solid fuel burning device regulations are included in the Subdivision Regulations, Subdivision Exemption Regulations, Outright Exemption Regulations, and the Rural Land Use Process. Since it is proposed that solid fuel burning devices be reviewed exclusively at the building permit level, all mention of solid fuel burning devices will be removed from the abovementioned sets of regulations. The solid fuel burning device regulations from each respective section are included as Exhibit A.

#### SOLID FUEL BURNING DEVICES IN THE CURRENT GRAND COUNTY BUILDING CODE

Currently solid fuel burning devices are regulated by Grand County's Building Code through the adoption of 2009 Local Amendments to the International Building Code (IBC) and the International Residential Code (IRC). The IRC includes the International Mechanical Code (IMC). The amendments that are proposed today address everything that is included in the applicable 2009 Local Amendments and therefore it is proposed that the following 2009 Local Amendments be removed (See Exhibit B):

- R1001.1.1
- R1004.1.1
- M1414.1.1
- M1415.1.1

#### SOLID FUEL BURNING DEVICE REGULATIONS TO BE ADDED TO THE GRAND COUNTY BUILDING CODE AS LOCAL AMENDMENTS TO THE 2009 IBC AND IRC:

##### INTERNATIONAL BUILDING CODE AMENDMENTS

The following regulations will be added to the International Building Code

The International Building Code, 2009 Edition, shall be amended by adding the following definitions within the alphabetical order of the existing definitions.

##### MASONRY SECTION 2102

##### DEFINITIONS AND NOTATIONS

##### CERTIFIED SOLID FUEL BURNING DEVICE

SOLID FUEL BURNING DEVICE is any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

CERTIFIED SOLID FUEL BURNING DEVICE is an appliance or device which is designed or intended to burn solid fuel and which is certified by the Air Pollution Control Division of the State Department of Health to meet the emission standards set forth in the Colorado State Air Pollution Control Regulation No. 4. OR certified by the EPA as meeting the New Source Performance Standard for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces. The more restrictive certification standards shall apply.

GROWTH AREA is the designated Growth Area as established by the most recent edition of the Grand County Master Plan.

The International Building Code, 2009 Edition, shall be amended by adding a new Section 2101.4 to Chapter 21 MASONRY to read as follows:

**2101.4 LIMITATION ON THE TYPE AND NUMBER OF SOLID FUEL BURNING DEVICES.** Only Certified Solid Fuel Burning Devices will be permitted. No wood-fired boilers or wood-fired forced air furnaces shall be permitted in Growth Areas or on properties that are less than five (5) acres in size. All outdoor solid fuel burning devices shall be set back a minimum of 30 feet from all property lines and no part of these devices shall exceed 35 feet in height. Only one Certified Solid Fuel Burning Device will be permitted on properties located in Growth Areas or properties smaller than five (5) acres in size. Two Certified Solid Fuel Burning Devices will be permitted on properties located outside of Growth Areas and larger than five (5) acres in size. The number of certified solid fuel burning devices that may be installed in newly constructed buildings shall not exceed the following limits: a. Detached single family residences: two devices per dwelling unit—in approved locations. b. Multi-unit buildings, hotels/motels, accessory buildings, commercial and industrial structures shall be allowed one solid fuel burning device and this device must be located in the lobby or other main common area. The installation of a solid fuel burning device into an existing building is prohibited if the resulting number of solid fuel burning devices exceeds the limitations contained in this section. However, such limitations shall not apply to the replacement of a non-certified solid fuel burning device with a Certified Solid Fuel Burning Device. Solid fuel burning devices that exist at the time of the adoption of this regulation will be allowed to remain. Site-built fireplaces that meet all of the code specifications of Section 10 of the 2009 International Residential Code do not need to be certified.

#### INTERNATIONAL RESIDENTIAL CODE AMENDMENTS

The International Residential Code, 2009 Edition, shall be amended by adding the following definitions within the alphabetical order of the existing definitions in Section R202.

#### SECTION R202 DEFINITIONS

**SOLID FUEL BURNING DEVICE** is any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

**CERTIFIED SOLID FUEL BURNING DEVICE** is an appliance or device which is designed or intended to burn solid fuel and which is certified by the air pollution control division of the State Department of Health to meet the emission standards set forth in the Colorado State Air Pollution Control Regulation No. 4. OR certified by the EPA as meeting the New Source Performance Standard for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces. The more restrictive certification standards shall apply.

**GROWTH AREA** is the designated Growth Area as established by the most recent edition of the Grand County Master Plan.

The International Residential Code, 2009 Edition, shall be amended by adding a new section R1001.1.1 to Chapter 10 CHIMNEYS AND FIREPLACES that reads as follows:

**R1001.1.1 LIMITATION ON THE TYPE AND NUMBER OF SOLID FUEL BURNING DEVICES.** Only Certified Solid Fuel Burning Devices will be permitted. No wood-fired boilers or wood-fired forced air furnaces shall be permitted in Growth Areas or on properties that are less than five (5) acres in size. All outdoor solid fuel burning devices shall be set back a minimum of 30 feet from all property lines and no part of these devices shall exceed 35 feet in height. Only one Certified Solid Fuel Burning Device will be permitted on properties located in Growth Areas or properties smaller than five (5) acres in size. Two Certified Solid Fuel Burning Devices will be permitted on properties located outside of Growth Areas and larger than five (5) acres in size. The number of certified solid fuel burning devices that may be installed in newly constructed buildings shall not exceed the following limits: a. Detached single family residences: two devices per dwelling unit—in approved locations. b. Multi-unit buildings, hotels/motels, accessory buildings, commercial and industrial structures shall be allowed one solid fuel burning device and this device must be located in the lobby or other main common area. The installation of a solid fuel burning device into an existing building is prohibited if the resulting number of solid fuel burning devices exceeds the limitations contained in this section. However, such limitations shall not apply to the replacement of a non-certified solid fuel burning device with a Certified Solid Fuel Burning Device. Solid fuel burning devices that exist at the time of the adoption of this regulation will be allowed to remain. Site-built fireplaces that meet all of the code specifications of Section 10 of the 2009 International Residential Code do not need to be certified.

#### II. STAFF COMMENTS

At the direction of the Planning Commission, staff was asked to compare the current proposal to what was proposed back in 2011. To do this, Staff created a map that delineates the proposed geographic boundaries that will be used to regulate the solid fuel burning devices. This map can be compared to the Air Quality Overlay Map that was created in 2011. These maps can be found in Exhibit C. A section below explains the rationale for using the proposed geographic boundaries found in the current proposed map and also the rationale behind the 2011 map. The Planning Commission also directed Staff to look into the feasibility of registering solid fuel burning devices instead of requiring building permits. Staff investigated this, and has made a recommendation in the section below.

#### Maps to Determine Solid Fuel Burning Device Regulation Boundaries

Staff has mapped the boundaries of the current proposal and has compared it to the Air Quality Overlay Map previously proposed. The map of the current proposal shows the parcels that are greater than 5 acres that are also located outside of growth areas. These are the parcels that will be able to have two solid fuel burning devices—one of which can be a wood-fired boiler or a wood-fired forced air furnace. The Air Quality Overlay Map from 2011 shows the town boundaries and a one mile buffer from Hwy 34 and Hwy 40. The town boundaries and the buffered areas serve as a proxy for population density. The proposal in June of 2011 would have allowed two solid fuel burning devices everywhere in the County. Residents located in the towns, buffered areas and all of BOCC District 1 would need Grand County Board of Health approval to have a wood-fired boiler. The Air Quality Overlay Map only restricted where wood-fired boilers could be permitted—not where two solid fuel burning devices would be allowed. Exhibit C shows these maps.

Staff explored different ways to show population density throughout the county, including census data and creating 500-foot buffers around housing units. Staff determined that utilizing the existing Growth Areas and 5-acre minimum lot size—which corresponds with the minimum lot size of our Forestry and Open Zoning District—is the best proposal at this time. The minimum lot size in the Forestry and Open Zone District was increased from 2 acres to 5 acres in 2005. This was done to secure low density residential development, preserve open space and rural character and minimize development's impact on the natural environment. The process of amending the minimum lot size of this zone district involved gathering input from a wide range of community stakeholders. Based on the input from these stakeholders, a 5-acre minimum lot size was determined to be the ideal lot size to sustain rural character. Staff's proposal to use parcels greater than 5 acres and outside of growth areas as the geographic boundary that limits the number and type of permitted solid fuel burning devices was based on this rationale. Locating multiple solid fuel burning devices—and wood-fired boilers and wood-fired forced air furnaces—in what Grand County considers "rural areas" will minimize impacts on surrounding residents and the environment.

#### Solid Fuel Burning Device Registry vs. Building Permit

Staff has researched the prospect of creating a registry of solid fuel burning devices instead of requiring a building permit. Staff is recommending that solid fuel burning devices be subject to building permits and inspections. The Building Inspectors explained that solid fuel burning devices can present life safety issues and create fire hazards if they are not installed and maintained correctly. Building Staff explained that they would need to inspect the following elements to ensure safety: plumbing and piping, foundations, water supply, potential cross contamination of water supply, clearance from structures, flue piping installations, electrical wiring, manufacturer's specs, etc. Building Staff recommended that indoor solid fuel burning devices be subject to two inspections and outdoor solid fuel burning devices be subject to one inspection.

### III. STAFF RECOMMENDATION

Staff recommends the approval of the solid fuel burning device amendments with no conditions to be met.

[Staff's Certificate]

Cases of Appeals will be heard by Board of County Commissioners. County Attorney Hassler stated that it needs to go to the Building Board of Appeals.

Commissioner Linke asked about the properties that are already in violation of what is being proposed. Commissioner Linke asked if there would be a grandfathered in status. The answer was yes.

Commissioner Manguso does not agree with the limitation on parcels and Commissioner Linke agrees with Commissioner Manguso. They believe the owner should be able to have one for each home on the property. They are asking that clarification be made because of conflicting information.

Interim County Manager Moyer says it needs to be written to accommodate this unique situation and not open up Pandora's Box.

Commissioner Manguso has a concern about the inspection requirement. The wood fire boilers do not blow up and it is a closed system so there would be no water contamination.

Commissioner Tollett is concerned with the external boilers because every time she sees one smoke is pouring out of them. She is not worried about having the units inside the house that are meeting the EPA requirements because they burn fast and completely.

Commissioner Manguso stated that the external boilers emit smoke when they are first heated up and then the smoke ends and they burn very clean and clear.

Mr. Gray stated that there are some within the County that do not burn clean and Hot Sulphur Springs is a good example.

County Attorney Hassler stated that by putting this provisions in the Building Code and under the contracts with the municipalities for enforcement of the building code this becomes the rule for each of the municipalities.

Mr. Gray stated they consulted with every municipality that they hold an IGA with and most of them are in support of the proposal and did not want to see the outside wood boilers within their municipal limits. The Town of Hot Sulphur Springs is considering adopting their own ordinance and the Town of Kremmling will follow what the County decides.

Mr. Gray stated that they need to clarify because everyone can read it different. It says they are proposing to regulate the number of devices by acreage and they are trying to control of the density of solid fuel devices so not impacting air quality in the denser parts of the County.

Commissioner Tollett proposed that they stay the hearing until more work has been done on the definition of property and parcel.

Mr. Gray asked for direction from the Board on whether they wanted to pursue this matter or leave it as it is now. He believes that everyone should be treated equally in terms of permit requirements.

County Attorney Hassler presented a procedural question. This proposal has been through the Planning Commission and it is being sent back to Planning. He wondered if it is being sent back to the Commission for a new recommendation or only going to Planning. Another issue that needs to be addressed is whether or not you can regulate setback requirements for use in a building code as opposed to a zoning code. A related question is whether or not building code can be used to establish a bulk and density requirement which is ordinarily only under Planning. The usual reasons for any sort of a bulk or setback requirement in a building code is that it directly addresses a health and safety immediate danger.

Mr. Gray stated that if his department determines it has to be a zoning code they would let the Board know and republish.

County Attorney Hassler stated that another procedural item would be to separately address the Community Development Fee Schedule from the Building Code Amendment. He suggested that republication or publication of the continued hearing be two publications.

Commissioner Manguso stated they have not republished for a continuation.

Commissioner Manguso moved to continue this public hearing. Public Hearing for Building Code Amendments Solid Fuel Burning Device and Planning and Building Fees to February 16, 2106 at 1:30 p.m.

The motion passed unanimously.

Commissioner Tollett announced that there will be a workshop with Grand County Rural Health Network Director, Grand County Public Health Director on what will be discussed with the community on January 27, 2016 at the Rural Health Network Meeting. Commissioner Tollett also asked the Coroner to attend.

Grand Enterprise Initiative Update & Economic Development Update

Patrick Brower stated he is up to 223 clients and January 29, 2016 marked the four year anniversary of the Grand Enterprise Initiative. They add about fifty clients a year and a client is anyone who calls and who he has a substantial discussion about their ideas.

Mr. Brower stated that while the overall economy is better for a lot of his clients some of the obstacles they face is that they cannot find help. That means many of the proprietors do most of the work themselves. Another obstacle is capital. Capital is available but many of his clients are small and need a major commitment and a three to five year track record to the lending institution. Therefore, they usually work with small loans.

Mr. Brower gave a short talk on the philosophy behind Grand Enterprise. He was asked to be trained in the Enterprise Facilitator methodology to work with grass roots bottom up economic development effort in Granby. The theory is that communities like this get more bang for their investment in economic development by working with people who are already in the community, who have aspirations that can be capitalized on, and figure out a way to make those ideas become a reality. It is client driven and it is community driven. Mr. Brower has a five-person board of directors and a resource team.

A new business is one that opens their doors after Mr. Brower has worked with them.

Commissioner Tollett believes that the success of his business would be businesses that have been in business longer than the one to three year period. She would like to know how many new businesses are in operation because of their direct association with him.

DiAnn Butler of Economic Development stated that it is the overall plan but given the budget cuts they are working to identify what changes need to occur. She believes Economic Development is more important now than ever.

Ms. Butler spoke about the economic assessment, the opportunity to look at how to identify how they deal with the current situation.

Ms. Butler met with Rachel Lunney Northwest Council of Government Economic District, and Greg Winkler. They convened a meeting with those two people plus Tara, Community Developer for Freeport McMoran to look at what the next steps could be actively taken.

There is an Economic Adjustment Assistance Program that they met with last week in Denver to see what steps Grand County could take. The program administrators felt that Grand County could apply for a grant to do a full economics study of how to look at new emerging economic clusters of industry that could replace the existing void. Ms. Butler contacted Gunnison and Delta Counties who were in a similar situation and they worked as two counties but applied for one grant and hired a consultant to do two plans. Grand County would do the same thing with Clear Creek County. The grant pays for fifty percent of the consultants work. Freeport stated they would come up with the match of the money. Ms. Butler stated they want a feasibility analysis, an actual plan.

Ms. Butler wanted it made clear that with the fabric of our community a pivotal change needs to happen. She is trying to find funding to keep programs going that she believes have strength and are gaining traction. She would like direction from the Board. Many businesses that might be interested in Grand County find that the infrastructure is not available to support their business or they would be too far away from the airport. Sometimes the drawback is the building criteria.

Ms. Butler would like to come back before the Board with the RFP they would like to pursue. Once they have the RFP they will know what funds are required and then they go to EDA and EDA gives the money. They are fifty percent and Henderson will pay the other half.

Ms. Butler believes that DOLA has funds available.

Once the plan has been written and areas identified to implement the next step would be how does the county market that plan. The implementation step will also require funding and Ms. Butler is hoping to be one step ahead of the process.

Ms. Butler stated she had received a check for \$10,000 from Freeport McMoran Rand specifically to be used for obligations in her budget. She has been told she will receive a check next year. Similar things are also being done in Clear Creek County.

This process is based on jobs lost and how to create jobs.

Ms. Butler is in full support of what Mr. Brower does. She is going to reach out to Smart Wool to find out how things occurred which will help her the marketing analysis.

The commissioners all agreed that Ms. Butler is moving in the right direction and they support her efforts.

Commissioner Manguso moved to convene an Executive Session at 2:26 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 to receive legal advice on specific legal questions regarding a recent court decision and deciding on a course of action. The name of the case is Board of County Commissioners for Grand and Larimer Counties versus the State Property Tax Administrator and the YMCA.

The Board has requested that representatives of the County Assessor's Office, County Treasurer, a number of people from the Finance Department, Interim County Manger, and County Attorney be present.

The motion passed unanimously.

Commissioner Manguso moved to reconvene the regular meeting at 4:06 p.m.

The motion passed unanimously.

I, E. Jane Tollett, 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.

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

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County Attorney Hassler certified that no matters outside the scope of the direction to council reason for convening the executive session were discussed.

Touch the Sun Music Festival – Temporary Use Permit Amendment, to remove attendance cap of 15,000

County Attorney Hassler stated that this is an application for an amendment to an existing temporary special use permit. Under the Grand County Planning Regulations this temporary special use is not subject to a regular public hearing, instead it is a matter submitted to the Board of County Commissioners for action on the Planning Departments recommendation. The Board can take public input and public comment on the application if the board so chooses. The Board gets to establish how much and to what extent the public comment wants to bring into its decision process. The Board will not be convening a formal public hearing.

Community Development Director Bill Gray stated the meeting is to consider an amendment to the approved temporary use permit that was conditionally approved by the Board of County Commissioners on November 30, 2015. They are dealing with the permit condition that the Board applied to the permit that set a 15,000-person maximum capacity to the event.

Touch the Sun is a three day country music festival scheduled to take place on what is known as the Colorado Adventure Park and Byers Peak Ranch West owned by Clark Lipscomb. The event is expected to bring top level country music artists and draw 10,000 to 15,000 people. Live Nation continues to maintain that they expect to attract between 10,000 and 15,000 guests. During the initial review of the application, there were identified challenges that this site would pose in terms of hosting this event in this location. The challenges went from traffic to crowd management, to noise control, to how this event could impact Old Town Fraser.

Staff heard that this is the first experience the County has on this and do not have a set adopted successful program that could be used as a template. The Board felt because of that, along with the impacts that were potentially generated, it was appropriate to set a 15,000 maximum capacity on this event. From Staffs perspective the biggest challenge is the location of this event and its primary access. The event will be accessed from US Highway 40 and utilize County Road 72 and County Road 721, and these public facilities that exist were not designed for the amount of traffic that would be generated from this event. At this time Live Nation has not fully developed their traffic management plan on how to accommodate this traffic.

Mr. Gray stated that the County is extremely fortunate that there is a company like Live Nation that is proposing this because they do have access to consultants to address this event. Based on where the County is today not fully knowing/understanding the potential traffic impacts and how they would be mitigated, his department feels it is important that this cap be put into place so there is a way to measure how this event is handled and allow on a long term basis. It is felt that the cap that was imposed with the original permit should stay intact and it is Staff's recommendation to the Board of County Commissioners that the request made by Live Nation to remove that cap be denied.

From Live Nation:

Shawn O'Connell, Vice President of Operations for Live Nation  
Jim Reed, from Live Nation Nashville Country Operations  
Erick Priet, Live Nation Rocky Mountain President  
Leo Lynchburg, from BWG Productions and professional on traffic and parking management

Mr. O'Connell stated why they were here and why they are asking for more. He stated that in order for Live Nation to be successful in making this event viable without having in year one at least 20,000 people possible. They do not expect to have more than 10,000 to 15,000 people in attendance the first year but it does limit their long term plan for growth. They cannot make this event happen with a limitation that they currently have.

Mr. O'Connell said they met with local safety managers and Mr. Gray to discuss options and suggestions and their ability to have an event this size. There were a lot of good ideas that came from the meeting and a lot of positive feedback from the emergency managers in the community.

Leo Lynchburg, BWG, stated that BWG works with many of the largest festivals and events across the country. They have designed travel management plans for events up to 100,000 to 120,000 attendees per day. They have been contracted by Live Nation to look at everything and propose an initial draft plan to the Board for 25,000 people for year one. It has not been approved by law enforcement or anyone in attendance, but it is just initial thoughts of recommendations.

Coming from Denver on US Highway 40 they looked at six different details where they would impose infrastructure and manpower. It does not provide too much infrastructure, but shows if there is a left hand turn pocket, where the flow through traffic is and where the staffing would be. He stressed that they did not want to take away control from law enforcement agencies and what their duties are. What is outlined is local, state certified traffic control agencies.

BWG would work closely with Live Nation if the plan would be signed off on. They would come in and further develop traffic plans in coordination with the Board, law enforcement and CDOT.

Mr. Lynchburg stated that one of the biggest issues they saw is making sure that they have control in Winter Park of all traffic lights going through town so they can mitigate any backups.

BWG feels that the roadways can handle more. The event traffic would be handled by variable message boards which are all controlled wirelessly at the command post. They would like to coordinate with Winter Park on the Blues Event which is being held on the same week-end.

The vast majority of Live Nation traffic would arrive between Wednesday and Friday and leaving on Monday so should have minimal effect to the Blues Festival.

The goal is to open camping on Wednesday at noon depending on the flow.

Communication is the key with working with all the local law enforcement agencies to make sure everyone is of the same plan and all work together.

A big portion of the plan is in the advance so there would be a lot of outreach to the community and patrons who purchase tickets. They have talked about having a different location for will call and box office check in that is offsite.

The bulk of the camping is recreational vehicles which averages four to five persons per RV. The RVs would come into County Road 5 and up to County Road 50. There are sixteen toll booth lanes and can fit approximately two hundred RVs in those lanes which would take them off the roadways before they open up the campgrounds. The lanes are actually inside the property. Non oversized production vehicles will enter in off County Road 72. Staff parking can accommodate up to two hundred to three hundred vehicles.

The bridge on County Road 72 is thirteen feet so if they got an oversized truck they would come in through on Eisenhower and Norgren. They expect less than a dozen oversized vehicles.

Mr. O'Connell stated that the primary goal was finding the best solution to make sure they are not pulling their traffic through the neighborhoods, that they are able to have ample line to que people up without it being in the way necessarily on Highway 40 without backing up. The entire plan is basically how they minimize the impact to the community and how they maximize their ability to get vehicles in and out safely, quickly and without being in the way. Mr. O'Connell believes this plan meets those requirements.

They do realize there is an issue on getting them turned around by the rodeo road and they have been told that emergency vehicles can make that turn. If a fire truck can do that and RV can do it. They also know there needs to be some improvements with some cuts into the fence line to make gates. They may also have to work around ditches.

They know they can accommodate more than 15,000 and if they cannot do 20,000, the event likely will not happen.

Judy Servoss, a resident who lives up County Road 73 stated that this plan is worse than anything she had envisioned. People live along all along the rodeo road. Young Life buses use the route and this road is not intended for heavy traffic. She was shocked by seeing the plan and cannot believe anyone who drove the roads came up with this plan. One of the things that scared her the most about this festival and the request to raise the cap was the line in the letter about a vision of 40,000. Ms. Servoss said people live here, they are taxpayers and people come up to visit. She believes the quality of life is disappearing.

Gail Stokowski who lives off County Road 73 gave reasons why she supported the committee's recommendation for denial of the increase in attendance cap. Live Nation has produced several successful concerts however the venue in Fraser presents many challenges that are not seen in other towns. Telluride Blue Grass Festival has been held now for more than 40 years. The population of Telluride in 2014 was 2,120 and the Fraser population is 1,214. Telluride's cap is set at 12,000 and has been for several years. After the 40<sup>th</sup> anniversary, they reduced the cap when they discovered it stressed the town infrastructure.

The proposal of attendees will be twice the size of Fraser. Telluride has a grid of side streets and Fraser has none. Telluride has four camping areas with transportation provided and here there will only be one. Ms. Stokowski believes we need to see what happens the first year and see what the bottom line is financially for gain and loss for Fraser/Winter Park and Grand County before approving any changes to the permit as already been issued.

Kayleen Reeve speaking from her heart wondered how anyone could think Fraser Valley can accommodate the traffic and the impact of 15,000 per day, plus the 2,500 per day from the Blues From the Top taking place the same week-end. Other than those two events people come to enjoy the area's summer activities.

Ms. Reeves focused on the disregard the Board has had for the Blues from the Top Festival. This has been a grassroots festival built over the last fourteen years by the community and for the community. She believes it is a world class festival and the artists and guests like coming up for it. The pillows in Fraser Valley get filled on this week-end but they are not going to want to come up and be stuck in traffic with 15,000 guests for a concert unrelated to their event. As a supporter of the Blues Festival she does not feel any regard was given to the impact this 15,000 plus per day would have on guests. Ms. Reeves is concerned about the future of the Blues From The Top in coming years if the restaurants and hotels are taken by this bigger event. Because of the number of days camping she is concerned with the sanitary conditions. There is not enough time to make this ready in 2016 without harming our land.

Becky Rand, lives in Old Town and she would like to know how they are going to keep people from going through Old Town Fraser. She did a Google Search on country/western festivals and she was surprised at her findings of the number of people arrested and/or hurt. In the incidents she discovered there were many emergency agencies called to the scenes.

Ms. Rand's biggest concern is not the traffic but it is the ruining of a meadow and ruining fragile water. She is also concerned about the potential cancellation of the festival for various reasons with little notice and what that would do financially to the local businesses.

Ms. Rand stated that the footage between the event and residences does not calculate to 2,500 feet. She also stated that there is no mention of drug use in the permit application and how drug abuse would be handled.

The problems Ms. Rand googled were in 2014 and 2015.

Katherine Ross with Winter Park/Fraser Chamber of Commerce thanked the Board for considering the change and letting Live Nation come. She stated she was present to reinforce the Chamber of Commerce's stand. They have 350 members and the business owners they have spoken since the first hearing have been excited that this event would come at a time of year when they are not full even when the Blues Festival happens on that weekend. The Blues Festival was invited to switch week-ends and they chose to stay on the same week-end and the Chamber is fully supporting them. To the Chamber this is a great business model to help economic development in our community. They are hoping this event could drive business. Live Nation is the number one festival producer. Ms. Ross believes there is a great emergency plan in place and she believes Live Nation is open to what the Board wants.

The Chamber of Commerce would like to encourage the Board to let Live Nation to increase the cap. It would increase sales tax to the County and profit to the business owners. Ms. Ross stated they have ski days that have this many people without additional infrastructure being put into place.

Gary Redfield has lived in Grand County for 36 years and a business owner for 25 years. Mr. Redfield stated he is very disappointed to hear the Chamber of Commerce come out for pure profit reasons to ruin the good, stable ecology in this area. He is here on behalf of the people in Fraser, not the business owners. He cannot believe that the Board would approve this, especially on one of the best week-ends. The Blues Society have been here 14 years and they come through the entire season, not just on one week-end. He would like to know what would happen if they lost the Blues Society and then Live Nation finds out that there would be sixteen lanes of mud. He asked if the County has enough police to cover this kind of event or are more police needed. They will bring in crossing guards but will they help the police when things get out of control. We cannot handle the road situations that they have now. We have traffic problems already so does the County want an insane situation like this in the middle of a muddy field on one of the best week-ends of the year?

Mr. Redfield stated that he is here on behalf of most people in Fraser but there are a few that think it would be a good event. He believes that if the County is thinking of upping the cap then there is a possibility the cap could be lowered. People moved up here to get away from this type of insanity. He asked if the Board could imagine the smell of 5,000 people defecating in the hay field. If the County loses the Blues Festival because Live Nation is allowed to hold their event it will be one of the worst things that has ever happened in the thirty five years he has lived here.

Joel Carmichael who lives on County Road 73 stated they completely locked out the families on County Road 73. Getting people to come up on Wednesday will be difficult because you cannot tell people what time to come.

Mr. Carmichael stated that it is misleading by saying it is the same as they do at the ski area. If Live Nation knew they could not make money with 15,000 attendees why did they come with 12,500 to begin with. He is asking the Board not to go higher.

Jay Clough is a property owner in Fraser for the past forty four years with property on the corner of Mill and Railroad Avenues. He stated that County Road 5 is already stressed with a large number of trucks using it daily. There are many times that traffic cannot cross the railroad tracks on County Road 5. He believes County Road 5 and Highway 40 is insanity under the best of conditions.

Mr. Clough thanked all his neighbors for being here today because he believes they are united that they do not want this event. He believes Fraser does not need this.

In November they talked about the temporary special use permit and when that issue came up Mr. Gray stated that it was not imperative that the rest of the community needed to be notified by mail what would occur within 500 feet or so. He believes that if a Use Permit or a Special Use Permit is changed that the community should be notified.

Mr. Clough stated that the Town of Fraser and the Board of County Commissioners need to take a serious look before any other special or temporary special use is permitted. He asked that regulations be changed to notify members of the community. He does not believe the chamber should vote on this but the citizens of the community should have the vote.

Mr. Clough stated that this event is not something that is needed in this community. The community will not go broke because this event is not held.

Chief of Grand County EMS and Office of Emergency Management Ray Jennings stated his office has been working with Mr. Gray in meetings concerning the safety aspect and they continue to evolve with the public safety piece. He stated that looking at this from the public safety standpoint there are multiple parts which include traffic, and bringing contractors they are making it as safe as possible for the community to enjoy the concert and protecting all the attendees. From the EMS side they are requiring that Live Nation have onsite medical from a third party and also have a detox center that is manned. They have also mandated that Live Nation help pay for extra ambulances that will be staffed.

Chief Jennings believes that they can handle this event because they showed their ability to handle 10,000 people a day at Snow Ball and they have a busy week-end regardless of whether it is 4<sup>th</sup> of July or some other event going on in the community. The Blues Festival draws 3,000 people and the Jazz Festival is between 5,000 and 6,000 people and EMS is able to manage those events plus rodeos and other events in the county at the same time. Chief Jennings stated it is a learning piece each time but he does think one of the things he does enjoy is working with the vendors so they can make a reasonable plan. He believes they can manage this event and manage it very well.

Brett Schroetlin, Grand County Sheriff, stated his department does plan for these thing, and part of their job as a county is to educate the public on what is involved. They look at past behavior from past incidents to make a plan and develop logistics. He stated that whatever the commissioners decide his department is prepared to address it.

Sheriff Schroetlin stated it is common for officers to come in from other resources and other jurisdictions. Several in his department went, on Grand County's behalf, to Steamboat to help with the Pro Cycle Challenge. If the County decides to move forward, Sheriff Schroetlin stated they have a safe plan in place to make it happen on the roads and at the event itself. Live Nation must comply with the parameters of all agencies involved.

A public member asked Sheriff Schroetlin to clarify the issue of drug use.

Sheriff Schroetlin stated that drug use in Colorado is illegal. Marijuana use is illegal even though this venue is on public land.

Sheriff Schroetlin stated that based on the numbers proposed initially they created a strategic plan and gave those numbers to Live Nation to work with. At the end of today if the Board increases the cap the Sheriff's Office will provide a modified version.

Jay Clough asked why the public officials in EMS and Police Department are spending time trying to encourage something that the neighbors do not want. He believes the public agencies are encouraging this event.

Sheriff Schroetlin stated that their job is to assess a need basis for any type of event that is brought up. His office does these assessments all the way throughout the year. It is part of his job as an elected official and it is part of public service.

Becky Rand from Fraser wondered how they budget for an event of this size.

Sheriff Schroetlin stated that when they created the agreement with Live Nation his office submitted a law enforcement proposal for \$86,000 to \$88,000 to cover the event which offsets his department's cost. This is not a sustaining event for the Sheriff Office, it is for them to provide adequate law enforcement services to cover the event.

Chief Jennings stated that his department looks at the year. During the 4<sup>th</sup> of July week-end they know they will put up ten ambulances because they will have anywhere from 20,000 to 60,000 people throughout the county. When they have a special event that comes up they look at the impact so they provide the correct level of public safety at any given time. When they have extra costs like they would have for Live Nation they would pass those costs on to the promoter. As an example, when they put up extra ambulances for Blues Fest or Jazz Fest they charge them a fee for his office to put that staffing up so they are not impacting his overall budget in a negative way. Chief Jennings stated that they look at these as isolated events and are they able to manage them. His department is not for or against an event they only take an abstract as to this is what the event is and this is what they apply.

Chief Jennings stated that they were asked to do an assessment, they provide the assessment which they give to the Board of County Commissioners to make the final decision.

Gary Redfield asked the commissioners if they would want this mess in their town. Mr. Redfield asked that the Board please take this into consideration and lower the cap.

Shawn O'Connell from Live Nation stated he appreciates the passion of the residents of Grand County and the Fraser area. His business understands why people love the area which is why they want to hold an event in this area. He believes they have put together a plan and will continue to put together a plan that will enable Live Nation to hold the event without a significant negative effect.

Mr. O'Connell addressed questions that were brought up during this session.

1. How they keep folks out of town? As part of their more comprehensive traffic plan it will entail foot traffic, bicycle traffic, and automobile traffic that is coming in and out on a daily basis. As terms of the permit they have to address these things and they would want to. Live Nations wants to be a good neighbor, and when they come in they want to make sure they will be invited back. They will be invited back by having a successful event that does not negatively impact the community and does positively impact the tax base. Live Nations believes the county will be in great shape. Safety concerns is a concern for Live Nation and they will hire professional security in the parking lots, in the event and make sure they are not taxing the local authorities. Parking professionals will be in the intersections. The traffic plan was created by getting input from the Board and members of the community. If there is a better way to do that, they will work with the County on it.
2. Live Nation understands that there is a Blues Fest that is long standing but they do not think they will have a huge impact on the Fest because of when the events occur. Live Nation does want to co-exist.
3. Emergency plan. Drugs are illegal and marijuana in public is illegal. There will be medics on site and a detox area on site. In addition to their own security forces Live Nation will be working with local police. They believe that by having a good plan, they will not see large arrest numbers. Their plan is mainly to catch concerns before they become issues. Live Nation can do this and it is what they do every day.
4. On the concerns of infrastructure he stated that in all the plans there are restrooms, showers, and waste water. This is not going to be 20,000 urinating in a field. There will be facilities available as needed by the number of attendees, and there are plans throughout the camping areas and the throughout the festival area.

In speaking with emergency management people and hearing from some residents who are excited, and in their continued planning they will easily accommodate 20,000 or more people on the site. They believe the 15,000 was an arbitrary number to be used as a guideline. Live Nation will do whatever is required to make this a successful event and make it a bigger event that continues to last into the future.

Commissioner Tollett stated that the Board really wants to work with Live Nation and she thinks Mr. Gray has done an outstanding job. She also believes the whole community has tried to work with them also. This is a new event for our community at a location that has not had a festival like this. There are a lot new things going on for the community so it is probably a steeper learning curve than it is for Live Nation. She believes we are in this together and looking at this as to where we go in the future. Commissioner Tollett said it was distressing to her for them to say raise it or else. She believes that with all the support people they will have close to 20,000 people onsite anyway. She hopes that they can make this a partnership but grow together.

Commissioner Linke stated that his original support was given reluctantly because they had heard from neighbors that did not want this. The original number first presented was 8,000 people and then it kept going up. His agreement to go along with this was that they would try it for one year at 15,000 and see if the county wanted to invite Live Nation back. Commissioner Linke stated he cannot find a reason for a higher cap. If Live Nation can prove they can make this work we will talk next year.

Commissioner Manguso stated that she agrees with Commissioner Linke on keeping the cap. She suggested they drive the road and she thinks they will understand why. There are restrictions on County Road 50 because of Young Life. She believes Live Nation can work with Mr. Grey and fix the traffic plan. Commissioner Manguso appreciates Live Nation trying and she does understand it is a market driven situation but she wants to try it at 15,000 for one year. She stated they all made an agreement after going through the process and she is not prone to changing.

Commissioner Linke moved to accept the recommendation of the Planning from the Community Development Department of not changing the cap and go with what we agreed to do at the hearing where it was agreed to set the cap at 15,000. He moved to accept the recommendation which is to deny the increase.

The motion passed unanimously.

## Calendar

- January 27 Department Heads at 8:30 a.m.  
G402 Class in Granby  
Rural Health at 6:30 p.m.
- January 28 West Grand Science Fair  
Discussion on take water issues with Mike Ritschard  
Northwest COG on Thursday in Eagle at 10:00 a.m.
- January 29 Road and Bridge join up  
Talent Show at 6:00 p.m. at West Grand High School  
CCI at 800 Grant Street, Denver
- February 1 Staff meeting at 8:30 a.m.
- February 1 Workshop with Community Development at 9:30 a.m.

Commissioner Tollett attended the Big Lake Ditch Stakeholders meeting. There was good representation of ranchers, Denver Water, and Trout Unlimited. The reason for Big Lake Ditch is that Denver Water purchased 8,000 cfs from the ditch. They are looking at where and how to pull water and still be able to maintain irrigation rights. They want to make sure they do not run Reeder Creek dry. The reason they created a hydrologic model to start running alternative scenarios. The next phase is to develop and analyze alternative scenarios of pumping. They want to make sure Reeder Creek survives and thrive.

In the spring they are hoping to start Phase 3 and hopefully there will be fewer scenarios.

Commissioner Tollett said it was a good meeting with a lot of discussion concerning return flows.

Commissioner Linke stated that the key thing is the return flows.

Commissioner Tollett stated that if you stop at the midpoint there would be a lot of water in high water years sheeting over the land and immediately go off to Williams Fork, but none of the water goes to Reeder Creek.

Commissioner Linke attended the Legislative breakfast along with Commissioner Manguso. It is informal discussions with other commissioners.

Commissioner Linke went to the Grand Enterprise meeting.

Commissioner Linke attended a Work Force Board on which he is the chief local elected official. It was a call in telephone conference January 21, 2016 and it was an informal presentation. Many of the people on the call were from Social Services.

Commissioner Linke spoke at the Grand Lake Women's Club on January 21, 2016. He stated it was mostly explanation of what the commissioner's responsibilities are and why he decided to run for the office.

Commissioner Linke attended the 1177 Roundtable on January 25, 2016 which is in regard to water. The 1177 approves projects within the Colorado Basin.

Commissioner Manguso attended the legislative breakfast and then attended the JSPC. Commissioner Manguso is not yet appointed. She stated that the meeting was informational and it is a good group of people and they work for the kids. Moffat County has the most juvenile issues. Commissioner Manguso stated that there was one other person recommended for appointment so Judge O'Hara will evaluate.

Interim County Manager Moyer stated that Grand County has had two Building Inspectors retire in Community Development and will probably have another staff member that will be leaving in late summer. He informed the Board that they will be advertising for a Building Inspector position as per the Personnel Policy.

There being no further business to come before the Board, the Regular meeting was adjourned at 6:02 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this \_\_\_\_\_ day of April 2016.

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E. Jane Tollett, Chair

Attest:

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Sara L. Rosene, Grand County Clerk and Recorder