

MINUTES – REGULAR MEETING
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS

February 2, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 - Chair
Commissioner Merrit Linke, Commissioner District 2
Commissioner Kris Manguso, Commissioner District 3
County Clerk and Recorder Sara L. Rosene
County Attorney Alan Hassler
Interim County Manager Ed Moyer
County Treasurer Christina Whitmer
County Assessor Tom Weydert
Interim Finance Director Cathy Henderson

Those present recited the Pledge of Allegiance.

Minutes

Commissioner Linke moved to approve the minutes of the Regular meeting of the Grand County Board of Commissioners of November 24, 2015, as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the minutes of the Special meeting of the Grand County Board of Commissioners of November 30, 2015, as presented.

The motion passed unanimously.

Housing Authority

The Board convened a Special meeting of Grand County Housing.

Finance Director

Cathy Henderson, Acting Finance Director, presented the Warrant Register and Expenditure List to be paid on February 3, 2016, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve and sign the vouchers, warrants, and wire transfers to be paid on February 3, 2016.

Interfund Transfers identified as follows:

Transfer of Funds:

Transfer From	Transfer To	Amount
General Fund	Road and Bridge	\$12,431.97
General Fund	EMS	\$15,997.60
General Fund	Conservation Trust	\$1,007.77
General Fund	Water Quality	\$201.02
General Fund	County Lodging Tax	\$4,227.76
General Fund	Water Quality	\$1,206.81
Road and Bridge	Capital Improvement	\$253,892.91
EMS	Road and Bridge	\$6,540.04
Airport Improvement	Road and Bridge	\$1,600.60
Airport Improvement	Capital Improvement	\$96,541.22
Sales Tax	General Fund	\$15,202.50
Sales Tax	Capital Improvement	\$3,643.50

The motion passed unanimously.

Acting Finance Director Henderson stated that the Tourism Board came to her office for help in understanding their financials. Her department talked them through their fund balance which they were not sure how it connected to revenue, income, and expense statement. The Tourism Board's concern was that their numbers in their books did not match the numbers in the Finance Department books. Ms. Henderson explained to them that once the numbers are entered into Incode, the Board sends a resolution which goes to the state and that is unchangeable except at the end of the year if they have over appropriated and the County does a resolution.

The Tourism Board thought that as a Board they could make changes as things occurred, but Ms. Henderson explained to them that they cannot make changes by line item.

Acting Finance Director Henderson stated the Tourism Board was having trouble getting the budget to the County in August and they asked to be allowed to present its budget after the time that budgets are due. Ms. Henderson told them she would give them until December 1, although the preliminary budget is due no later than October 15 which is determined by state statute.

Interim County Manager Moyer stated that the goal should be to have a preliminary budget in September for the budget hearings the first week October.

Acting Finance Director Henderson stated they are talking \$3,000 to \$33,000 that they get over and they have a \$500,000 in fund balance so it is not a worry. The Tourism Board will present their preliminary budget by October 15 but can make amendments no later than December 1.

Road and Bridge Update

Road and Bridge Superintendent Ken Haynes stated that they have been plowing with the heavy snow.

Superintendent Haynes stated that District 1 had to move from a three-man swing shift on Friday to a two-man swing shift because of change in staffing numbers. Road and Bridge will be taking off Sunday and Monday nights but will be called in when snowing.

Superintendent Haynes has been working on the Snow Plan. Mr. Haynes suggested that the Board may want to consider the Plan to go into effect in the winter of 2016/2017 snow season because we are already four months into this winter.

Interim County Manager Moyer suggested that Superintendent Haynes present the Snow Plan with his budget strategy to receive preliminary direction from the Commissioners. The Board members felt that was a good idea.

Superintendent Haynes reported that his DNR Forman has informed him that she will be retiring in April.

Commissioner Manguso asked Superintendent Haynes what happened to working with Fraser to plow County Road 8048.

Superintendent Haynes stated that it is still in the works. Bill Clark has been speaking with Jeff Durbin and Allen Nordin but they cannot commit this year. Grand County takes care of County Road 721 which they collect HUTF but that road is the Town of Fraser's road and it is a snow hole. Mr. Haynes stated that it is worse than County Road 804 hill and County Road 72 hill. Mr. Haynes believes if the County could get Fraser to plow those roads at night a couple of times it should be sufficient for them to get off the swing shift entirely.

Superintendent Haynes reported on the letters sent out regarding County Road 137. Mr. Haynes has been getting responses back on the ninety six letters sent out on Filings 1, 2 and 3 of Gore Lakes regarding the possible vacation of the road. Alan Green has received 33 responses with 18 for vacation, 11 against and one did not care.

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

There was no one present for public comment.

Departmental Contracts, Comments, Issues

Grand County Public Health Director Brene Belew-LaDue presented the Board the Childcare Health Consulting Contract with the Town of Granby Recreation Department. This contract is for a County RN to consult with the Child Care Centers. This contract is specifically for Granby Recreation. The nurse needs to do the consulting which adds on one more licensed child care center to her case load which would go from nine to ten. If they have any kind of medications that have to be administered to children, the nurse goes in and does a delegation with the staff at the Granby Recreation Center. This consultation happens once a month.

Ms. Belew-LaDue stated that her office does not get compensated because the Board of County Commissioners chose not to charge any fees to the Child Care Centers because of their financial status.

Commissioner Manguso moved to authorize the Chair and to approve the Childcare Health Consulting Contract between Grand County dba Grand County Public Health and the Town of Granby Recreation Department as presented.

The motion passed unanimously.

The Board requested an update from the meeting regarding the health needs of the community. The meeting was supported by the Grand County Rural Health Network.

Director Belew-LaDue stated that there were between sixty to eighty community members in attendance. The meeting stayed solution oriented and positive.

County Treasurer Christina Whitmer presented Resolution No. 2016-2-2, “A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW “COLORADO RIVER CA ESCROW” based on a request from Winter Park Water and Sanitation District payable to URS Corporation in the amount of \$20,426.

Commissioner Linke moved to approve Resolution No. 2016-2-2 directing the Grand County Treasurer to disburse funds from the escrow Colorado River Escrow Account in the amount of \$20,426.

Discussion: Mr. Moyer noted that this is for the Jim Creek Pipeline Project that Winter Park Water and Sanitation District is completing and those funds are through escrow that were provided from Denver Water through the Colorado River Cooperative Agreement.

The motion passed unanimously.

Grand County Sheriff Brett Schroetlin presented the 2016 Court Security Grant Agreement. His office applied for grant funds through the state for a scanner and video system at the Court House. This grant was written by Lieutenant Kendra Gore in the amount of \$7,667.

Commissioner Tollett asked what this would be adding to the security.

Sheriff Schroetlin stated that the office has old equipment that needs to be replaced and the new equipment will be more detailed. It will also increase video monitoring interior and exterior from the Jail.

Commissioner Linke moved to approve the 2016 Court Security Grant through the Colorado Judicial Department written by Lieutenant Kendra Gore in the amount of \$7,667 for court security equipment.

The motion passed unanimously.

Grand County Clerk and Recorder Sara Rosene presented a renewal of a liquor license.

Randal George, President and Manager of Latigo Corporation dba Latigo Ranch is requesting renewal of his Hotel and Restaurant Liquor License.

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

Ms. Rosene recommended approval.

Commissioner Manguso moved to approve the Hotel and Restaurant Liquor License Renewal Application for Randal George, President and Manager of Latigo Corporation dba Latigo Ranch. This is approving renewal of this Hotel and Restaurant Liquor License.

The motion passed unanimously.

Ms. Rosene presented the Intergovernmental Agreement with Winter Park Ranch Water and Sanitation District. Her office is running their election which was approved by the Board.

Commissioner Manguso moved to authorize the Chair to sign the Intergovernmental Agreement between Winter Park Ranch Water and Sanitation District that is a Colorado Title 32 Special District, and Grand County for the election.

The motion passed unanimously.

Manager and Attorney Items

Interim County Manager Moyer stated that the 14th Judicial District as well as the District Attorney's Office has requested that the County provide public WIFI access in the court building. The cost estimate is \$350 and the courts and the District Attorney have agreed to split the cost. Mr. Moyer requested that staff perform the installation.

The cost to the County is staff time to install the hardware.

The Board is fine with supporting this request as presented.

Interim County Manager Moyer presented a letter from Mr. William Hamilton, President of the Friends of the Granby Airport, Inc. in regard to the Emily Warner Field Aviation Museum.

Commissioner Manguso moved to authorize the signature of a letter to Mr. William Hamilton, President of the Friends of the Granby Airport, Inc. supporting the proposal for the Grand County Historical Association to include the Emily Warner Field Aviation Museum among its group of Heritage Tourism museums.

Discussion: Commissioner Linke noted that Emily Warner was just inducted into the Irish American Hall of Fame 2016.

The motion passed unanimously.

Interim County Manager Moyer presented a Service Contract with Bishop Brogden Associates Inc. This contract is for calculations for days out of priority and monitoring of meters as part of the Granby Landfill Water Rights which is a change in use case that the County is in Water Court. This is the engineering side and is a not to exceed contract in the amount of \$3,616. Bishop Brogden did work in 2015 at the request of Grand County water counsel and Grand County specifically wanted to insure that in 2016 that remaining work is part of the court case and will be done with a Services Contract directly with Grand County.

Commissioner Tollett noted that it was a Service Contract that came with past due invoices and she wanted to know if those past due invoices are against the \$3,316.

Interim County Manager Moyer said those invoices were exhibits to reference the work that was done in 2015 and went through our water counsel as a subcontractor.

In court cases they need the expert help on calculating depletions.

Commissioner Manguso moved to authorize the Chair to sign the Services Contract between Bishop Brogden Associates Inc. and Grand County, Colorado in an amount not to exceed \$3,616.

The motion passed unanimously.

Interim County Manager Moyer stated he is working with manager of Tabernash Meadows Water and Sanitation District. They have drafted an IGA and are diligently trying to target a completion date of the final draft.

Interim County Manager Moyer updated the Board on County Engineering Contract Services. Mr. Moyer does have a draft bid that the County will be putting out in the next week or so. Mr. Moyer did run the language by Community Development and Road and Bridge because they utilize the County Engineer. It will be a bid request for Professional Engineering services. Mr. Moyer will put it in the newspaper, post it on the website and at the Board's direction he will send it to local engineers as well.

The Board agreed that it should be sent to the local engineers because it has been a few years since the last bids were requested.

Consent Agenda:

Resolution No. 2016-1-47, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A 2016 RURAL BUSINESS ENTERPRISE GRANT APPLICATION TO THE U.S.D.A., RURAL DEVELOPMENT"

Resolution No. 2016-1-48, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AGREEMENT BETWEEN THE GRAND FOUNDATION AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE ESTABLISHMENT OF THE GRAND COUNTY COMMISSIONER’S FUND”

Resolution No. 2016-1-49, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, NORTHERN COLORADO COUNCIL OF GOVERNMENTS, THE COLORADO RIVER WATER CONSERVATION DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO REGARDING GRAND LAKE CLARITY”

Resolution No. 2016-1-50, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A NOTICE OF CANCELLATION CONCERNING THE SOFTWARE LICENSE AGREEMENT BY AND BETWEEN CKS PRODUCTIONS, INC. D/B/A PPS PLUS SOFTWARE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2016-1-52, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING OUT-OF-STATE TRAVEL FOR TWO GRAND COUNTY EMS EMPLOYEES”

Resolution No. 2016-1-53, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A REFUND OF OPEN RECORDS FEES TO TABERNASH MEADOWS WATER & SANITATION DISTRICT”

Resolution No. 2016-1-54, “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 27, 2016”

Commissioner Manguso moved to approve the Consent Agenda as shown on the regular Board of Commissioner’s Agenda.

The motion passed unanimously.

County Attorney Hassler gave an update on the YMCA Tax Case. Last week Larimer County and Grand County filed a motion asking the Colorado Court of Appeals to consider its decision that the activities at the YMCA entitle it to an exemption from real property and personal property ad valorem taxes.

The motion could be acted upon by the court without waiting for a response. If the court does wait for a response, the YMCA has fourteen days in which to file. If the Court of Appeals does not act on the motion with or without the YMCA’s response at some point there is another deadline and will have to file a request through the Colorado Supreme Court to hear the case. The request to the Colorado Supreme Court is called a Petition for Writ of Certiorari and is completely discretionary with the Court and it looks at the request and the Court of Appeals decision and decides if it will give the case further consideration.

In the meantime there has been discussion as to what would happen if the County decides not to go on with legal proceedings and how payment would be made.

Commissioner Linke asked what criteria the Court of Appeals would use in deciding if they would want to hear it again.

County Attorney Hassler stated he tried with the motion for reconsideration to point out exactly what the counties think is wrong and ask them to look at it again. The argument for reconsideration is that the Court of Appeals misapplied the legal criteria. The primary legal error brought out in the Motion for Reconsideration is consideration of the character of the property owner. The reason that the character of the property owner is a challengeable factor is it leads to the property owner being able to define what a religious use is instead of the religious use being established by Constitution and laws of the State of Colorado.

Commissioner Manguso noted that if the County loses, it has to do the abatement and pay. Commissioner Manguso asked for clarification as to when the County would need to pay.

County Attorney Hassler stated that the Board, in consultation with the other entities, could decide to pay by December 31, 2016; however, the statute allows and requires a payment to occur in 2017 because taxes for 2016 are paid in 2017. The other reason would be that if there is a delay that all the taxing entities be able to plan for this payment/refund. The statute contains an ability for the taxing entities to redistribute the tax burden to the remaining tax payers. That is under C.R.S. 29-1-301.

Commissioner Manguso had a follow up on the question on pay now.

County Attorney Hassler stated that under Colorado law expenditures are to be approved and the actual payment made only after the Board of County Commissioners makes a decision to pay it. These decisions are supposed to be made at the regular meetings of the Board of County Commissioners. When there was a need for an immediate payment it was determined the process needed to be looked at.

The law has a provision for dealing with emergencies which says the Board can establish a procedure for approval of contracts and the accompanying payment of money. County Attorney Hassler has been directed to propose such procedure for the Board which would allow a Department Head, the Manager, or someone to get a check to make an immediate payment.

County Attorney Hassler stated that the statute allows for creation of a procedure delegating authority that does not require a meeting to make the approval.

Community Development Director Bill Gray presented Resolution No. 2015-12-56, “A RESOLUTION APPROVING THE FINAL PLAT FOR AYRE SUBDIVISION FINAL PLAT A REPLAT OF LOT 2, BLOCK 3, WINTER PARK RANCH FIRST FILING, LOCATED IN THE NW1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 75 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO”

Commissioner Manguso moved to approve Resolution No. 2015-12-56 authorizing the Chair to sign the Final Plat, the Water Quality Agreement, and the Subdivision Improvement Agreement as presented.

The motion passed unanimously.

Commissioner Manguso feels that the water impact fees needs to be re-addressed.

Commissioner Tollett stated that she had a note about Senate Bill 100 that the Board was going to provide email or comments to Senator Baumgardner. This is the one that CCI is in opposition of municipalities taking over some of the taxing for road and bridge support.

Senate Bill 16-100 County Road and Bridge Tax Reduction Requirement. SB 100 requires county commissions to seek consent from the majority of municipalities before reducing the county road and bridge mill levy. If this consent cannot be secured and the county commission reduces the county road and bridge mill levy to support increase needs in human services, court house maintenance, county jail, elections, public safety or other state mandated requirements. The county must annually compensate each municipality for the reduction in tax revenues. SB 100 is another attempt by cities to control the budgetary decisions the county commissioners are compelled to make.

Commissioner Linke believes the Board should agree with that opposition and write, email or call to our senator making the case for opposition.

Commissioner Manguso spoke about Northwest COG Changing Community Risk Perception, an action in response for forest insect disturbance in North Central Colorado. It talks about doing nine study communities (Breckenridge, Dillon, Frisco, Granby, Kremmling, Silverthorne, Steamboat Springs, Vail and Walden). It was a request to allow a follow up study. It is to assess temporal changes in hazard experience, risk perception and risk related behavior in the context of an evolving forest insect disturbance, analyze key factors influencing changes in perceived forest risks, and explore the dynamic relationships between risk perception and action. This came about because of the pine beetle epidemic.

Interim County Manager Moyer gave an update on House Bill 1109. He sent an email to Representative Becker and Senator Baumgardner regarding 1109. Representative Becker delayed the hearing that was to have occurred February 1, 2016 in order to schedule a stakeholder meeting. House Bill 16-1109 is stating limits on a federal agency’s ability to impose conditions on water rights owner because of Colorado law. There are a couple of parts that involve US Forest Service and Bureau of Land Management. The email he sent yesterday indicated that the commissioners are uncomfortable with this Bill until they understand the needs of the Bill and the consequences of the Bill especially how it relates to everything that the county has fought and negotiated for in Grand County with regard to the water assets acquired through this Colorado River Cooperative Agreement as well as the Windy Gap Firing Project IGA, and the bypass flows specifically that are in the CRCA. There

is a 1,000 acre feet of bypass flows that come through the Forest Service. The stakeholder meeting has been scheduled for 1:30 February 4, 2016.

Barbara Green, Grand County environment counsel, is representing QQ and she must take a neutral position at the stakeholder meeting. Mr. Moyer sent an email to David Taussig, Grand County water counsel, and requested that he attend the meeting on behalf of Grand County.

Commissioner Manguso stated it needs to be made clear that the water Grand County releases as bypass flow stays for environmental purposes and does not get used for other purposes.

Commissioner Tollett stated that KC's concern was that this Bill has been floating around for a few years and the House is still controlled by Democrats that felt this was the best version of the bill. It is a concern that if this bill is not approved the bill could be more damaging for the West Slope. It is believed that when the bill was drafted all of the environmental groups had been contacted but it turns out that they were not.

Commissioner Linke stated that it was not just the environmental groups but it was all the stakeholders that would have an interest.

Calendar

- February 3 Town of Kremmling meeting at 6:30 p.m.
Rural Health Network at Mountain Parks Electric at 6:30 p.m.
- February 4 IOG meeting from 12:00 p.m. to 2:00 p.m. at the Probation Conference Room
Community Partnership Panel with Freeport McMoran from 10:00 a.m. to noon at Grand County Administration Building
- February 5 Conference call with Associated Governments of Northern Colorado at 2:00 p.m. in regard with Sage Grouse Habitat Mapping and Study
Meeting with Greg Winkler at 1:00 p.m.
- February 6 Town Hall with K.C. Becker at Granby Library 4:30 p.m.
- February 8 Mayor Managers meeting in Hot Sulphur Springs at 10:00 a.m.
Workshops beginning at 8:30 a.m.
- February 9 Democratic caucus meeting as training
- February 10 Ethics Committee at 9:30 a.m.
CSU Extension Budget at 1:30 p.m.
Meeting with Elected Officials at 4:00 p.m.
- February 11 Department Heads meeting at 8:30 a.m.
- February 12 CCI at 800 Grant Street

Board Business

Commissioner Manguso noted that she went to her first Northwest COG meeting. There was a discussion about the Revolving Loan Fund and financials. Commissioner Manguso believes it is important to have representation on COG.

Commissioner Linke attended G402 for emergency response for executives. Commissioner Linke noted that it was a class by Chuck Vale and it was very good.

Commissioner Linke attended the Rural Health Network meeting and stated it was a very positive, solution oriented meeting.

Commissioner Linke attended CCI on January 29, 2016 and the main concern was the election of chairs for all the steering committees. The Chair of the Public Lands Committee is Shawn Bolton of Rio Blanco County and the Vice-Chair is a west slope commissioner from Montezuma County. There were forty counties out of 64 attended the first CCI meeting.

The Public Land Committee is a paid through the Public Lands dues so the counties do not have to pay the way of the people that represent CCI on the Public Lands Committee. All counties pay separately the Public Lands dues except for Denver County who is not a member. CCI does a lot of supporting services to help counties.

Commissioner Tollett joined a meeting with the Winter Park Chamber.

Commissioner Tollett attended the G402 Class.

Commissioner Tollett judged the West Grand Science Fair and said there were some terrific projects. She stated that Lori Haack and Emily Lou Harmon run an impressive program.

Commissioner Tollett talked with Mike Ritschard regarding funding the Windy Gap Bypass Project. There has been an application for a \$1,000,000 grant from Bureau of Reclamation. Additional funding has been requested from Northern Water.

Interim County Manager Moyer stated that a lot of the monies are being channeled through CPW in that they are a partner.

Commissioner Linke stated that the County made a pitch to the Colorado Legislators last fall so they are aware of the need for funds. The legislators are in support but do not have funds distributed.

Commissioner Tollett believes Grand County needs to put together a funding strategy for where the \$9,000,000 to \$10,000,000 could come from and then target those agencies.

Sandra Doudna asked the Board what happens if the funding is not generated.

Ms. Doudna was told that if funding was not collected the project would not happen. The project would be shelved but it could be resurrected in the future if funding was available.

Commissioner Tollett stated that the impacts are so positive going downstream that nothing should be initiated downstream because everything upstream impacts downstream.

Interim County Manager Moyer presented the letter from the commissioners to the Bureau of Reclamation of the Department of Interior and some legislators. The total cost of the project is estimated at \$9,600,000, with \$4,000,000 committed for construction with \$2,000,000 coming from the Municipal Subdistrict and \$2,000,000 from Colorado Water Conservation Board. Another \$385,000 has been raised by the stakeholders for the preliminary engineering and design work which most of that has been completed. It is estimated that another \$5,300,000 will be needed to complete the project.

Interim County Manager Moyer stated that there is a potential that the Bureau of Reclamation would move an additional \$1,500,000 from another project to this project. In addition, the last grant that was submitted was to Water and Science Fund of the Bureau, and that was a \$1,000,000 grant request.

Interim County Manager Moyer stated that at this time it is estimated that they need another \$5,300,000 to complete the project because the County does not have commitments from those other scenarios.

It was decided that the public needs to be made aware of the Windy Gap Project and the consequences regarding the project.

Commissioner Linke said he could provide two things that could be said that the general public would understand. The project restores connectivity to the river so fish can go upstream and downstream without jumping over a dam. The project also addresses the temperature problem that is created by the reservoir of water that is not moving so all the cooling water (environmental water) released out of Lake Granby has an effect downstream.

Commissioner Tollett stated that the third thing the project does is speed up the river. It needs to let the flushing flows to turn the river bottom up to create a better environment for the bugs.

Learning By Doing is starting a website but it needs further work.

Interim County Manager Moyer stated they would put a blurb on the website home page for the Windy Gap Bypass Project and then it will have links for additional information.

Weber Subdivision Exemption – Final Plat, recording extension

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 February 2, 2016.

PROJECT NAME: Weber Subdivision Exemption – Sketch Plan
APPLICANT: Joel Weber
LOCATION: 2-miles west of Grand Elk off of CR 566, Tract 11 – Orr Tracts, being a part of the S1/2 of Section 13, Township 1 North, Range 77 West, Grand County

APPLICABLE

REGULATIONS: Subdivision Exemption Regulations
EXHIBITS: Letter of Request to Extend Final Plat Approval, Proposed Final Plat from 2009,
Certificate of Recommendation – Final Plat March 2, 2010
STAFF PLANNER: Bill Gray, County Planner
REQUEST: One year extension of Final Plat

I. DISCUSSION

Joel Weber is requesting a one year extension of the final plat for Weber Subdivision Exemption. The subdivision exemption was granted final plat approval with conditions on March 2, 2010. Weber Subdivision Exemption is one-lot subdivision exemption. It subdivides a 17.07 acre lot from Orr Tract 11 that is 54.62 acres in area and leaves a remaining 35.55 acre parcel. It is located west of the town of Granby on County Road 566.

This request represents the 6th extension for this application. Based on the request the Applicant has had a life threatening illness and was in the hospital until this past December. The county has been patient with the Applicant and his financial needs and desires. Staff sees no real reason to change course at this time.

For recollection purposes, a copy of the final plat and staff recommendation has been provided.

II. RECOMMEDATION

Staff recommends approval of the one year extension request for Weber Subdivision Exemption – Final Plat, with an expiration date of March 2, 2017.

[End of Staff's Certificate]

Commissioner Linke moved to approve the one year extension request for the Weber Subdivision Exemption – Final Plat with an expiration date of March 2, 2017.

Discussion: Commissioner Tollett wondered why it could not be done now instead of doing an extension because it looks like a lot of the work has been done.

Commissioner Manguso replied that Mr. Weber was asking for the extension because the work has not been completed and it cost quite a bit financially to do the recording.

Mr. Gray stated they could talk to the State of Colorado regarding how they could utilize the domestic well permit that serves the larger parcel and allow a portion of that to allow a household well to be issued for that exemption. In the future, it would be important that the State of Colorado recognizes a covenant on that piece of property. His department needs to make sure the Grand County and the State of Colorado are on the same page as it relates to the existing domestic well being reduced in what it could yield and allowing one of the residence to go to the new subdivision exemption law.

Mr. Gray stated that what they may ask the State of Colorado is to allow for a covenant/condition be created for the existing well permit that would limit its use, as an example, to up to two single family dwellings and outside irrigation of a half an acre. In exchange the county would covenant the new lot with a condition it would be issued a household use well permit and maybe have some outside irrigation. The result is that the County would have a parcel that by state law that would not being using any more water than it could through the domestic well permit that it could be issued today.

This process would allow Mr. Weber to sell the second piece of property.

The motion passed unanimously.

Board Business

Interim County Manager Moyer presented a Memo regarding Sauer Miller and Associates to Colorado Department of Public Health and Environment that is the annual Granby Landfill Report due to the state. The remediation that was performed in the fall of 2014 of putting the geomembrane on the crack at the top of the landfill has been successful and overall the movement has decreased. The County will be monitoring that as part of the post closure plan requirements.

The closure plan has been verbally approved to this date but CDPHE is reviewing the final documents to make sure Grand County has done everything that was required. Grand County is waiting for the final approval in writing that triggers the thirty year plan.

Sandy Doudna stated that wood chips disintegrate and wanted to know if it would be refilled.

Interim County Manager Moyer replied that there is a budget to remove the geomembrane once biannually based on observations of how the geomembrane is functioning. There is capability to pull the geomembrane back to add additional material as needed which is approved by the Colorado Department of Public Health and Environment.

The County has a Landfill Closure budget but the money comes from the General Fund.

Interim County Manager Moyer presented a thank you letter from Denver Health. It was a payment made through Juvenile Services as part of their education and outreach. The doctor who gave the training for the youth donated her payment to Denver Health Foundation.

Interim County Manager Moyer presented a thank you letter from Mountain Family for the Holiday Gift Project that reached 113 families with 342 children in 2015.

Interim County Manager Moyer presented a notice from Foothills Regional Emergency Medical and Trauma Advisory Council putting him on notice that EMS received a \$5,000 grant as well as the other half of the funding of \$25,000 that goes out to other grant requests.

Interim County Manager Moyer presented a letter from the Town of Grand Lake regarding ATV or routes across Highway 34 possibly through Rocky Mountain National Park to access the National Forest. They are letting the County know that they are moving forward requesting use of off highway vehicles. There is a possibility of the Town of Grand Lake asking Grand County to be able to utilize the county roads as an alternative of going through the National Park.

Interim County Manager Moyer presented the West Grand High School After Prom Committee sponsorship request. Last year the County funded \$1,500 but he noted that the Board decreased funding and did not have a line item funding for either school After Prom Programs. He stated that there is \$2,500 in miscellaneous and they could split that amount between both schools.

Commissioner Manguso moved to authorize the Grand County Board of Commissioners to spend \$1,250 for West Grand High School After Prom Committee Sponsorship.

The motion passed unanimously.

Commissioner Manguso stated that there is a bill that CCI is supporting. The Board of Commissioners and now each county is financially responsible to provide and maintain courtrooms and court facilities. The bill was introduced that shifts the fiscal responsibility to the State over time by requiring the State to pay the counties rent based on the fair market value of the courtrooms and other facilities.

Commissioner Manguso asked Commissioner Linke if CCI was in support of Senate Bill 16-060.

Commissioner Linke said the bill was strongly supported.

Sandy Doudna asked why the County could not maintain money for election equipment in a fund so it is not in the General Purpose Fund.

Interim County Manager Moyer stated that every department has a capital budget.

County Attorney Hassler replied that it is difficult to set up additional funds under TABOR. TABOR has a contingency fund requirement. There is a separate statutory contingency fund requirement and setting money aside is frowned on under TABOR. TABOR is supposed to keep government income and government resources at a reduced level.

Commissioner Tollett suggested that it might be an internal accounting issue more than doing something different at a bank.

Commissioner Tollett stated that the County wants to get in a position where it can start saving for all capital expenditures every year. With the budget this year there will not be enough extra savings for any future capital expenditures.

County Attorney Hassler presented an agreement with Eden Recor for sharing space and electricity on San Toy Mountain. He received a call from Mountain Parks Electric that it has concerns about creating a follow along electric distribution system. Mountain Parks Electric would like to review any agreements that would have someone sharing power provided to the County through the meter allocated to the County. The County is waiting on Mr. Recor to finish his review on this matter.

County Attorney Hassler stated that on the “to do list” under November 10, there is an entry for obtaining information on minimum full time hours to qualify for benefits. They will be putting together a proposal for Personnel Manual changes and hope to go to the Personnel Review Committee next week.

County Attorney Hassler stated that on the “to do list” under November 17 there was a survey on County Road 137 and County Road 138. The survey is continuing.

County Attorney Hassler stated that on the “to do list” under January 5 in reference to County Road 6 emergency access. He had a response from the owner and the owner is having their counsel review it.

County Attorney Hassler stated that on the “to do list” under January 26 there was an entry about the legal opinion on the current Pay Now process. They are preparing a resolution to establish an emergency procedure and should be presented to the Board next week.

Water Protection Monthly Update

Grand County Water Quality Specialist Katherine Morris and Lurline Underbrink Curran presented a monthly update.

Ms. Underbrink Curran stated that she and Commissioner Linke attended the meeting and both are voting members on the 1177 Colorado River Basin Roundtable. Through Trout Unlimited, the group applied for a \$30,000 grant to finish the preliminary engineering on the Windy Gap Bypass. Ms. Underbrink Curran found out from the CWCB that Grand County did get the \$30,000 and it will go through Trout Unlimited and it will allow for completion of the preliminary engineering for the Windy Gap Bypass.

Ms. Underbrink Curran stated that the Irrigators in the Vicinity of Kremmling (ILVK) have applied for a \$400,000 grant and they have put in \$400,000 of their own money to improve their irrigation pumps access to the river and are also doing river restoration at the same time. Their grant before the CWCB does not come up before March. The funding for all the roundtables come through Mineral and Energy Impact money and that fund is being decreased this year. It appears that the 1177 Roundtable and the other roundtables may have a cut in the funding they get which is the Roundtable Money. The state money may also have a cut. Ms. Underbrink Curran is hoping there will be enough in the fund to fund the ILVK. The ILVK intends to put in for an RPP grant from the Soil Conservation District but it is a difficult grant to receive. They intend to apply in the next round.

Ms. Underbrink Curran stated that the 1177 Roundtable is meeting every other month. In the in-between months there is a Next Steps Committee which meets to direct the Roundtable and focus its work. Because the statewide water plan has been approved the focus is now on the basin and implementation plan. Each basin has an implementation plan with projects and they will be reviewed and selected by the 1177 Roundtable based on the suggestions of the Next Step Committee.

The next regular meeting is March 28, 2016 in Glenwood Springs between noon and 4:00 p.m. The Next Step Committee meets February 22, 2016 at noon at the River District.

Commissioner Tollett asked Ms. Underbrink Curran what the dividing line between the River District and 1177 because it seems there is a lot of overlap.

Ms. Underbrink Curran stated there is some overlap but the River District represents a bigger area than the Colorado River Basin Roundtable and they also represent the Gunnison and Yampa.

The connection between the two is that Eric Kuhn and Stan Cazier are appointed by the Governor to a state committee and they look at all the state plans and implementation plans. They try to direct the implementation of the statewide water plan. There is controversy that there is more representation for the East Slope than the West Slope.

Commissioner Linke stated that the other difference is that the River District is a taxing district that collects taxes to support itself and the 1177 refers to House Bill 1177. The River District was formed under Senate Document 80 to protect the East Slope, and the Northern Colorado Water Conservancy District was formed for the CBT Project.

Ms. Underbrink Curran spoke about the Big Lake Ditch. Ms. Underbrink Curran and Commissioner Tollett were at the meeting on the First Phase Report. It was a well-attended meeting especially by those that are users of the ditch. Ms. Curran stated that it appears there may be opportunity for Denver to let the ditch be used more as it has historically been used. There was discussion about possible alternatives past the divide gauge, what Denver's hope out of the Big Lake Ditch as far as water into Williams Fork, and what Denver entitled to, and what the other ditch holders are entitled to.

Phase Two is getting ready to kick off and there will be a conference call February 3, 2016 from 1:00 p.m. to 3:00 p.m. Bishop Brogden and Associates is the consultant hired to do the study and they will be meeting to decide how Phase Two will go and what they need to look at. Some of the ditch owners presented alternatives that might be a reasonable way to proceed. The Reeder Creek Ranch was invited to sit in on the conference call.

The County's estimated portion of the funding was \$100,000 and Ms. Underbrink Curran believes it is in the Water Quality budget. The whole study was \$180,000 and each budgeted \$100,000 is case there was slop. Ms. Underbrink Curran does not believe there has been a change in the cost but will find out tomorrow.

Ms. Underbrink Curran said that with regard to Byers Peak Ranch, the County is in opposition. The water counsel has objected, Byers Peak Ranch has objected and Grand County has objected to the filing. Ms. Underbrink Curran stated it is to be worked through how they would guarantee that if the 1,000 acre feet were to come down Elk Creek that it would not be picked off.

Katherine Morris talked about East Grand Water Quality Board and that they have had in the past had an erosion control program. Grand County has not seen much development so at this point would not be interested in contributing.

Ms. Morris stated that the Board has been pursuing installation of a dump station. The Town of Granby was going to take that over but she does not have an update on the status. In the Fraser Valley there is not anything that is operated and open year round so illegal dumping has in the past been a problem.

Ms. Morris noted that the Fraser Basin and Source Water Protection Plan is an ongoing process that was started through East Grand Water Quality Board. There are eight water district members that have been approved for \$5,000 grants each and Ryan Lokteff was hired to help work on the project. At the last meeting, participants completed delineation of protection areas and inventoried potential contaminants sources.

Ms. Morris stated that on Grand Lake Clarity the MOU was fully executed on January 28, 2016. The committee members have agreed on the proposed language for the pre-hearing statement which is due February 3, 2016.

Depending on the Division's response to the proposal there may be an intensive process in March to work with rebutting their response. Ms. Morris stated there was discussion at the last meeting on language included having to do with a one in three year or one in five year exception to the standard. That exception to the standard means that it can be violated in one in three years or one in five years.

Ms. Underbrink Curran stated that Grand County is pushing for one in five years and the other partners not so much. They say the Water Quality Control Commission has a hard time diminishing a standard so they put in language that would allow in the five year period get more information and find out what would be best. Barbara Green was satisfied with the language and now if they can get past the Water Quality Control Commission that will open a five year time frame where studies can be accomplished in greater depth.

Ms. Morris stated that the next step is a Prehearing Conference and Barb Green will represent Grand County. The rule making hearing is April 11, 2016 at 10:30 a.m. at CDPHE.

Ms. Morris stated that Reclamation has to deal with the Federal Advisory Committee Act (FACA). It has specific rules on how Reclamation can receive advice from outside agencies. Grand County did not want to invoke FACA and in order to do that a lot of changes were made to the MOU. One of the changes cut the Shoreline Association out of being a stakeholder so Grand Lake is creating a citizen committee for Grand Lake

Water Quality and then Shoreline Association members can participate and be part of a government agency and thereby be a stakeholder.

Ms. Morris stated that Reclamation was approved for their \$500,000 request in 2016 for work on Grand Lake clarity so will start with the Three Lakes Technical and Governance Committee meetings again. They are going to start with National Environmental Policy Act Work Planning for Grand Lake clarity. They need a purpose and need a statement drafted and the target date for that is May or June.

During this time Reclamation is also going to work on assuming operation of the Three Lakes Waters Quality Model. Hydros has typically operated that and one of the things the County budgeted for this year is for Hydros to write documentation so they can hand the manual over along with the model. This model will work with Reclamation's Hydrodynamic Model and both will be used to evaluate clarity alternatives throughout this process. Ms. Morris provided a budget for 2016 on how Reclamation plans to allocate the \$500,000.

Ms. Underbrink Curran stated that they filed on the landfill well and the next step is to see if there will be any objectors.

Ms. Underbrink Curran stated that Learning By Doing has a technical and governance committee. At the last Learning By Doing meeting they approved a RFP for the Fraser River Project. If there are good bids they will be meeting with Learning By Doing members and that is scheduled for February 17, 2016 at 10:00 a.m. at the Winter Park Ranch Water and Sanitation District. The interviews will be on February 23, 2016 at the Winter Park Ranch Water and Sanitation District. If there are bids that can be financed they will be presented to the Learning By Doing meeting to see if they can get an approved contract. It is the goal to do the project this year. There is a private individual who is willing to share and the project is partly on his property. However he wants to be made aware of what the cost would be before he agrees to finance his part.

Ms. Underbrink Curran noted that once Denver gets permits and accepts their permits there will be money coming to Learning By Doing. They gave the County \$50,000 out of the \$1,000,000 to get the project started. It is an estimated cost and they have used part of those funds to get some engineering done.

The River District has created a website for Learning By Doing.

Ms. Underbrink Curran stated that last summer was a big water year and Denver bypassed 500-acre feet at the direction of the Learning By Doing Committee. Grand County has asked Denver Water to consider allowing another 500-acre feet to go this year if it is another big water year and Denver Water said they would consider that. Ms. Morris said they would like to use that water to augment later season flows. They did learn how limited the Learning By Doing is in the ability particularly in the Ranch Creek Drainage where there is not water coming down. Denver Water system is designed to capture water not move it for Grand County.

Ms. Underbrink Curran stated there are beaver dams at the County Road 84 gauge. The homeowner where the beaver dams are located has put a conservation easement on their property so there are limitations on what Learning By Doing can do. That is an important gauge on determining how they are doing on Ranch Creek. The homeowner may not have the options to allow do certain things so Learning By Doing may need to find an alternative.

Learning By Doing met with the homeowner and the Middle Park Conservation Trust but did not reach an agreement but will continue to talk.

Katherine Morris is a chair of a subgroup working on monitoring recommendations for short and long term on the Fraser Flats. If they can construct the Fraser Flats Project, they can show how Learning By Doing money could be used to improve that portion of the river.

Ms. Underbrink Curran thanked the Grand County Water and Sanitation Number 1 for making their portion of the project public. Ms. Underbrink Curran stated that the County may need to help make a parking area off County Road 83.

Hitchhikers Guide draft is in the Board's drop box and it is confidential to the County because it has a lot of directives.

Ms. Underbrink Curran stated that the Reverse Exchange Decree which is important to the CRCA and the County storage of the 1,000 acre feet is on the water judge's desk.

Shore Fox is a water right that the Town of Granby is working for the water rights off the Shore Fox property at Highway 34 and Highway 40. Ms. Underbrink Curran stated there is concern about the 5412 water that it

cannot be picked off as well as any water that the County might store in Granby at some point in time. The County is an opposer in that case.

The Shoshone outage protocol is guaranteed in the CRCA with Denver and it is guaranteed in the County IGA with the Municipal Subdistrict. However the Northern District did not feel that they had agreed to Shoshone Outage Protocol because the agreement is between Grand County and the Municipal Subdistrict. Ms. Underbrink Curran stated that it was always understood by the County, the River District and everyone else that Northern had agreed. Grand County is not a signatory of the Shoshone Outage Protocol Agreement, but the River District is. It appears that the River District has worked out language that is appropriate and Northern will sign it. If that happens, the River District bats cleanup on the Windy Gap Firing Project and they would be prepared to sign the documents and move the project forward.

Ms. Underbrink Curran noted that on the Windy Gap Firing Project the County has applied for funds from the Water Smart Group. The County was directed to do that when they were in Washington D.C. It was hard to fit into the criteria but since they were directed they felt they needed to follow that direction. They had a telephone call to figure out what to pursue next. The Municipal Subdistrict has been given a draft of their 401 permit conditions. The state is asking that if the \$2,000,000 is not spent, that within five years after Chimney Hollow makes it full fill, that that money would go to Learning By Doing. The entities involved with this project do not like that and believe that the money should go to something but Ms. Underbrink Curran wondered if ten years is the right amount of time. The language discussed was that if all partners are to agree then the money could be shifted to Learning By Doing.

Ms. Underbrink Curran stated they are continuing to work on the Bypass and the next meeting is March 4, 2016 from 1:00 pm to 4:00 pm in Golden at Tetra Tech's offices.

Katherine Morris stated that the Stream Management Plan Annual Update is out in draft form.

Ms. Morris stated that she has provided the Board a one-page memo describing the treatment at the Union Pacific Railroad Moffat Tunnel Treatment Plant. There will be two separate stages which are metals and flocculation that will remove the bulk of the contaminants and then the uranium will be removed in the second step.

Ms. Morris stated that there is annual well reporting to the state and Grand County has to submit reports to the state on two wells. One is called the Garage Well and the other is called the Landfill Well. These are wells at the shops the County has. Bishop Brogden has been submitting these reports but Ms. Morris will submit them in the future to save money.

Ms. Morris attended the Wild and Scenic Stakeholders meeting. The float boating survey results and data were presented. Since the agreements have been signed they are talking about how to implement the plan.

Commissioner Linke asked Ms. Underbrink Curran to list the three biggest benefits of the Windy Gap Bypass.

Ms. Underbrink Curran replied that they would be:

1. Reconnection of the Colorado River
2. Re-establishment of the Sculpin and Stone Fly
3. Migration of fish up and down the river as it used to be

Ms. Underbrink Curran stated that the Carriage Contract allows the Municipal Subdistrict to carry non-federal water through a federal facility. In the Carriage Contract the Secretary of Water and Science required that the Municipal Subdistrict put \$1,500,000 into the contract that allowed improvements between Granby Reservoir and the confluence of the Fraser. The Bureau of Reclamation has now said that if Washington were to direct them they would move some or all of that money towards Windy Gap Bypass. A meeting needs to be held with the property owners below Grand Lake. There is no public property but is there some amount of improvement that could help. Trout Unlimited is also going to work on that. The Bureau of Reclamation does not look at this as one of its obligations.

Colorado River Water Conservation District Representative Update

Grand County representative to the Colorado River District Mike Ritschard stated that most of what deals with Grand County went into executive session.

On the Windy Gap Bypass there was discussion about the Water Smart Grant Application.

There was an update on the Grand Lake Clarity Memorandum of Understanding. It was approved to move forward.

Mr. Ritschard noted the goals and objectives for the River District for 2016. They are going to update the River District Strategic Plan which has not been done since 2013. It is generally done with the staff. Mr. Ritschard did pick up that in objectives and goals is protection strategy for West Slope agriculture water supplies. There are three specific initiatives.

1. Gunnison River Basin Improvements on federal projects using RCPP, MOA, and Salinity Program Funding. They are piping water to Ag properties.
2. Water Bank Feasibility Study in the West Slope Roundtables Joint Technical Study.
3. Continue to participate in the Colorado River Basin Study Follow up Committees.

There is one person on staff that works exclusively with the state legislature to make sure that any bills that come through that have any effect with water that they are on top of that. Every other Thursday, they have meetings with Chris Treese on that. The first call will be February 4, 2016. As of right now there are three minor bills but they are expecting larger bills.

Mr. Ritschard stated that there is a letter to the State Land Board in opposition with the potential of drilling by Muddy Pass. They stated their objection to that to the State Land Board.

Commissioner Tollett asked what else the River District could be doing for Grand County. Commissioner Manguso said that the one thing would be making sure there was not a duplication of efforts.

Divide Music Festival in Fraser July 21-24, 2016 – Temporary Use Permit

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 February 2, 2016.

PROJECT NAME: Divide Music Festival Temporary Use Permit
APPLICANT: Team Player Productions, represented by Jason Ornstein
LOCATION: Colorado Adventure Park and Byers Peak Ranch East, immediately east of the Town of Fraser and accessed by County Road 72 (CR 72) and Fraser Valley Parkway (CR 721)
APPLICABLE
REGULATIONS: Zoning Regulations – Section 11.9, Temporary Use Permits
STAFF PLANNER: Bill Gray
EXHIBITS: Application, Detailed Site Venue Maps, Vicinity Map, Letter from Town of Fraser and Grand County EMS and OEM Request and Sheriff's Office regarding costs for Public Safety and Community Letters (support/opposition)
REQUEST: Approval of a Temporary Use Permit for Divide Music Festival

I. DISCUSSION

Team Play Productions ("Applicant") has submitted an application requesting a temporary use permit for Divide Music Festival. Divide Music Festival is a proposed 3-day POP/Adult Hit Radio (i.e., artists you would hear listening to KBCO) Music and Camping Festival to held on July 22, 23 and 24 at 566 County Road 72 (aka Colorado Adventure Park and). The event is expected to draw approximately 8,000 people a day. The Applicant has likened the Divide Music Festival to Winter Park/American Music Festival that used to be hosted on the slopes at the base of Winter Park Resort. On site activities also include on-site camping, food, drink and retail vendors and shower and restroom facilities, medical center, security. Day parking areas are also planned to be located in the Town of Fraser. The festival needs and impacts equates to that of a temporary town that will be set up and taken down in a span of 10-days.

Team Player Productions (TPP) is a Denver based event production company. Events they have produced include Taste of Fort Collins, Winter Park Wipe Out, Steamboat Wine Festival and Springs Beer Festival. Their experiences are not specific to large live music concerts or multi-day music and camping events. TPP will be working with PSI Productions on this event. PSI provides concert production and event management. A key element that needs added to this team is an experienced traffic and parking management firm.

Grand County is not fully experienced with these types of festival or have the local resources or facilities to support events of this scale. In order to do so the county would have to rely on a solid partnership with the Applicant and the Applicant's experiences and contacts with professional consultants for there to be success.

The events that TPP has produced are different in one significant way when compared to the Fraser site. Each of the above festivals are held in established facilities that were specifically designed to accommodate large

crowds and traffic or located where the existing transportation systems that are in place can more effectively accommodate the traffic.

The Fraser site will be a unique challenge and opportunity for Team Player Productions and Grand County, Fraser and Winter Park. The challenges being traffic, crowd management and other off-site impacts (trespassing, noise and dust). Additionally, is this venue really suited long term for a permanent major entertainment event, like the proposed Divide Music Festival or Touch the Sun Festival. It is a question that can't be answered today but should be fully explored if these types of festivals are desired here in the county over the long term.

This proposal also has represents a potential economic and promotional benefit to the county. The same as was concluded for the Touch the Sun Festival. Staff cannot put a number to this but this event could increase 2016 sales and lodging tax revenue. The event undoubtedly has its impacts, but we should recognize that they are short term and manageable. It should also be added that an outdoor festival as proposed fits the county's recreation and tourism based industry.

The biggest challenges associated with this Festival is traffic from US 40 to the site and the impacts of the crowds and noise to old town Fraser, particularly the impacts of the camping areas. One simple requirement in any camping area is that no tailgate parties be permitted. For this festival camping is located on the hill at CO Adventure Park and in the vicinity of the retail building at the bottom of the hill. By doing this just like with the stage orientation and location they are situated a 1,000 plus feet from residential areas.

Traffic and parking need coordinated through a variety of measures such as early entry, programmed arrival based on ticket package purchased, satellite parking and shuttle system, park, lodge and shuttle packages, ski train and lodge packages and a dedicated event shuttles. If day of, last resort or will call tickets could be handled off-site may also help with traffic.

Primary access to the venue is GCR 72 from US 40. It is the intersection of these streets that is the most significant constraint to accommodating

In staff's review of the proposed festival the following impact/issue categories will need to be met, addressed and included with any approved temporary use permit for this proposed festival:

- A. Event duration, including the days on which entertainment and activities occur, and pre and post activities in the form of a detailed schedule needs provided. At this time, the festival is planned for July 22-24, 2016, set-up is scheduled from July 17-July 21 and tear down/clean-up will occur July 25-26.

The temporary use permit will need to be inclusive of all days necessary for Load-in, Festival and Load-out. As a means to disperse traffic arrival and departure the camping areas should be required to open a day early and close Monday afternoon following the conclusion of the Festival. TPP plans to open the site to the public on Thursday at 10 am.
- B. Attendance. Team Player Production is planning on 8,000 people attending in year 1 of this event. Based on the site lay-out approximately 6,000 campers (avg. 2 people per camping unit) can be accommodated on site. To reduce impacts of traffic throughout the weekend, once a camper has arrived all vehicles are required to remain in the camping areas, which is approximately 3,500 – 4,000 vehicles. Peak traffic with this event will be Friday and Sunday for load-in and load-out. Still, there are there are potentially 1,000 to 1,500 vehicles that will need to be managed from the day parking spots. Measures to reduce this need are required to be included in the Applicant's Traffic and Parking Management Plan. In addition, the present layout will require the Applicant to get a Special Event license or permit from the town of Fraser.
- C. Proximity to residential areas and other private property. Establish a 100' -150' buffer between any Residential area, and adjacent Byers Peak Ranch West property. Camping area rules and regulations will be important for addressing neighbor issues this site relationship
- D. Traffic and Parking Control. Access to the site is proposed to be via CR 72 and CR721. A Traffic and Parking Control Plan is required to be completed that assesses traffic and parking impacts and identifies actions to address the impacts. The main impacts associated with traffic are festival arrival and departure and on-site and overflow parking. The plan should also address vehicle queuing associated with ticketing, camping areas ingress/egress and parking area ingress/egress to prevent it from impacting US 40 travel. Also, the plan should allow for all local traffic to use the county roads during the event. Carpooling and a variety of transportation/lodging packages should be offered as a measure to address traffic impacts. Traffic to and from the site may create dust issues. A plan to control dust must be included in the required plan. Staff is recommending that for dust control of the road that Team Player Production mag chloride both CR 72 and CR 721. This will need to be coordinated with Department of

Road and Bridge. The Applicant should also explore with the property owner if alternative routes through Grand Park could be used to avoid the US 40/GCR 72 intersection. Staff recommends, if possible, avoiding the use of GCR 5, GCR 50 and GCR 73 for primary access to the festival as it broadens the areas impacted by event traffic. See event access map to see primary and access alternatives. It is important the alternatives access will require analysis as part of any traffic and parking management plan for this event.

- E. Camping area location, size, density and types. RV Camping, which includes motorhomes, pull-behinds and pop-ups are proposed in the meadow area and hill of the Colorado Adventure Park property. Additionally, tail gating, camp fires and open flames must be a prohibited activity in camping areas. Quiet hours shall be established by an appropriate curfew. No generators after midnight. Max of 2 vehicles per campsite. This could also help minimize traffic when coupled with the once parking in the camping area all vehicles must remain until they leave event. All camping access lanes are required to be a minimum of 24'. All points of access into camping areas shall comply with County Road and Bridge Standards.
- F. Water and wastewater facilities to serve the event. Applicant is proposing to use temporary or mobile water and wastewater facilities to serve the event. This should include fresh water delivery and pumping services. On-site potable water, restroom facilities, shower facilities, pumping services and trash disposal/recycling shall be provide at all time throughout the festival.
- G. Stage Construction, tents and lighting. All temporary structures over 120 square shall be required to obtain a building permit from Grand County and comply with the requirements of the 2009 IBC. The structures shall be designed by a licensed P.E. Team Play Production shall employ a qualified third party inspector to verify all erected temporary structures comply with the 2009 IBC. Festival lighting, where practical, shall utilize full-cut off light fixtures and consider mounting height to reduce the off-site impacts of night lighting to adjacent properties.
- H. Public safety. Team Play Production shall commit to working, contracting and reimbursing police, fire and EMS to ensure that community interest public safety, law enforcement, and EMS are met during the event.
- I. Security and crowd control. Team Player Production is required to hire a private security company to meet crowd control needs. Staff is requiring event rules and regulations be imposed to support this effort. In addition, event security and law enforcement shall be coordinated between Team Player Production and Grand County Sheriff's Office.
- J. Food and liquor services and other retail vendors. All permits for these services are required to be in place at least six (6) weeks prior to the event.
- K. Event Coordination. Team Player Production shall participate with Grand County and its partner towns on an Event Coordinating Committee to ensure that all issues and permit conditions are met, if the TUP is approved by the BOCC.
- L. Site Conditions. The area where a significant amount of activity for the event will take place is in irrigated meadow and near wetlands. Team Player Production shall address their back up plans if the site remains too wet to support vehicles, campers and people.

Lastly, Staff has reservation about host two (2) major events at this location in a single summer and on a weekend where another major event is being hosted in Winter Park (Alpine Art Affair). Staff is however recommending conditions that do require all planning, final design and permitting to be completed a month and a half before the event to ensure event and community health, safety and welfare are addressed.

The county did give Live Nation the opportunity to move forward and this should also be the case with TPP. do Yes, TPP may not have the same level of experience that Live Nation does with outdoor festivals. They are however working with partners that produce and manage concert events. A critical missing piece is a proven and experienced traffic and parking management firm.

Staff recommends the following permit conditions to be applied to the proposed Divide Music Festival to address the categorical issues and impacts as identified above:

1. Festival music shall be scheduled to end no later than 11:30 p.m. Extensions of time may be granted for extenuating circumstances such as weather delays to be made upon agreement with a designated County Representative identified to Team Play Production throughout the event. The county representative to grant extensions shall be determined no later than six (6) weeks prior to the event.
2. All camping areas shall have a daily curfew of 2 a.m. and all RV generators must be shut-off at 1:00 a.m. Team Player Production shall implement the following policy:
 - a. Loud music, parties and anything else that disturbs neighbors or other campers will not be tolerated. We do not expect total quiet; however, please respect your fellow campers and Fraser area residents.

4. Camp fires may be permitted in the camping areas, but only with the approval of East Grand Fire Protection District.
5. Divide Music Festival shall not exceed a 15,000 CAPACITY FOR SALES.
 - a. Team Player Production will provide Grand County with monthly updates on attendance projections to assist with defining necessary public safety personnel (Police, EMS, Fire), and access, parking and camping areas for the festival.
6. Team Player Production shall provide an executed agreement with Gold Medal Ranch that addresses irrigation and trespassing issues.
7. A site restoration plan is provided and approved no later than six (6) weeks prior to the event.
8. The name and telephone number of at least one individual responsible for operations, who will be available 24 hours per day during the course of the event, shall be provided to Grand County Community Development, Sherriff, EMS, OEM, Road and Bridge, EGFPD, Winter Park/Fraser Police and Winter Park and Fraser Town Manager's at least two (2) weeks prior to the event.

The name and telephone number of at least one on-site liquor manager who will be available during all hours of operations shall be provided to Grand County Community Development and Sherriff's Office.
9. Insurance coverages, certifications and Risk Management Issues must be approved by Grand County no later than six (6) weeks prior to the event). This includes any contracts with County departments (Sherriff's, EMS), Town Departments (Winter Park/Fraser Police Department) or State agencies (State Patrol).
10. Team Player Production will contract with Grand County Sheriff's Office and EMS to provide law enforcement and emergency services for the event. The costs will be paid by Team Player Production. Exhibit "A" and "B" outline the service requests and needs of the Sheriff's Office and EMS. EMS shall provide Team Player Production with a cost analysis, similar to that of the Sheriff's Office by February 15.
11. Establish 30' buffer zones and aesthetically appropriate screening around all open bodies of water and wetlands on both Byers Peak Ranch West and Colorado Adventure Park (this includes ponds, reservoirs, streams and wetlands located on either the Colorado Adventure Park or Byers Peak Ranch East). These buffers, if any, will be determined with Community Development Staff and included on the final site plan.
13. Establish a 100' to 150' buffer zone and aesthetically appropriate screening along Mill Avenue, if applicable, Byers Peak Ranch West (Gold Medal Ranch, LLC) and Gordon property to reduce neighbor and neighborhood impacts and conflicts (i.e., trespassing, noise and respect for local residents). Buffer areas adjacent to open fields, parking areas or other commercial venues may be reduced if the Festival and adjacent private ownership boundary is clearly marked and signed.
12. Grand County shall do a walk-through of the site before allowing the public on the festival grounds to identify any areas of concern that may require correction. Departments to conduct the walk through will be Community Development, EMS, Sherriff and Road and Bridge. The walk through shall be completed on or before Wednesday, July 20.
13. A final site plan shall be provided to Grand County at least six (6) weeks prior to the event. The site plan shall show the exact locations and layout of all uses (music, entertainment, vending, camping, parking, etc.), as well as the location of the command post and any other functions on the site. Detailed layouts of the vending and camping areas shall be provided to assist in emergency response. The final plan shall also include a final festival schedule.
14. Team Player Production shall provide a final Festival lighting plan to Grand County at least six (6) weeks prior to the event. The plan, where practical, shall utilize full-cut off light fixtures and consider mounting height to reduce the off-site impacts of night lighting to adjacent properties.
15. Team Player Production shall obtain required building permits from Grand County for all temporary structures as required by the adopted 2009 IBC at least six (6) weeks prior to the event. A certified

third party inspector shall be hired to inspect all temporary structures for compliance with the adopted building codes before allowing the public on the festival grounds.

16. Team Player Production will provide a copy of their executed leases with Byers Peak Properties, LLC and Byers Peak Downhill Properties, LLC.
17. Team Player Production shall provide a NIMS-compliant Incident Action Plan (IAP). The IAP shall provide for standard unified command. The IAP shall be approved by Grand County Sherriff's Office, EMS, OEM, Fraser/Winter Park Police Department and EGFPD at least six (6) weeks prior to the event. A meeting of all emergency/security providers must occur no later than March 18 to review the IAP and any other emergency/security issues. Any amendments to the IAP must be submitted by March 31 so that the IAP may be approved as required.
18. Team Player Production will provide licensed and reliable emergency medical services to reasonably accommodate the anticipated number of attendees. Team Player Production shall provide security for EMS when responding to calls, for protection of EMS and equipment.
19. Team Player Production will take prompt action to identify and correct any hazard or condition during the event that presents a safety issue.
20. All campers/motorhomes with self-contained holding tanks must have access to commercial pumping service through Team Player Production's contracted sewer service company. A copy of this contract must be provided to Grand County Community Development.
21. All portable toilets must be serviced (pumped/cleaned) at least twice daily or more often as needed. The number of portable toilets must be approved by Grand County Community Development no later than six (6) weeks prior to each event.
22. Locate and describe on-site trash (waste receptacles) areas on the site plan. Locate the area of roll off dumpsters and describe service procedures six (6) weeks prior to the event. This plan shall also include recycling measures to reduce the amount of waste disposal.
23. All electric equipment installed, including any electrical power for the festival event for stage, vending, food service and lighting created by portable generators, must be completed by certified electricians according to the applicable codes. All equipment must be ground fault protected. All electrical installations must be approved by the state electrical inspector or a third party certified electrical inspector approved by Grand County (cost of service to be paid by Team Player Production) for the event.
24. All food, beverage and body art vendors, food service establishments, and any other service requiring health permits must contact CDPHE to obtain the necessary review and licensing no later than six (6) weeks prior to the event. All state of Colorado health inspection approvals shall be obtained prior to allowing the public on the festival grounds.
25. All Festival state and Grand County Liquor licensing shall be reviewed and licensed no later than six (6) weeks prior to the event.
26. Team Player Production will establish and inform event attendees of rules and regulations for festival grounds and campgrounds prior to the event. A copy of the rules and regulations will be provided to Grand County six (6) weeks prior to the event. Team Player Production will ensure the campground rows and aisles are clearly marked before the event

Suggested Rules and Regulations:

See Exhibit "D" as a sample set of rules and regulations that would be appropriate for the proposed Festival

27. The camping areas are required to be opened to the public by 8:00 am, July 22. Vendor Camping is required to be open on July 21. The purpose is to provide the opportunity for public and vendor traffic to the event to be dispersed over several days to possibly reduce traffic impacts.
28. Campground lighting shall be turned off by 12:00 midnight. Camp ground lighting shall use full cut off fixtures and height of fixtures to reduce off-site impacts.

29. Festival lighting in entertainment, vending and retail areas shall use full cut off fixtures and height of fixtures to reduce off-site impacts.
30. Team Player Production will provide adequate private security and staffing to reasonably accommodate the anticipated number of attendees. Security officers will assist at entry gates and provide round-the-clock security within the event venue, bars, campgrounds and other areas as determined by Team Player Production from 6:00 a.m. on the day prior to the event to 6:00 p.m. on the day following the event. Security shall be continuously stationed at campground gates until 3:00 a.m., to monitor unauthorized entrance into the camping areas. A copy of the security contract will be provided to Grand County six (6) weeks prior to the event.
31. Team Player Production will conduct a pre-event publicity campaign with Grand County to address juvenile and excessive consumption of alcohol at the event. Team Player Production's participation shall include presentation of messages concerning juvenile and excessive alcohol consumption on its event web site, ticketing and event information and during the event. Team Player Production will also post clearly visible signs at the box office, entrance gates, parking entrances and camping area entrances indicating a zero tolerance for underage or excessive drinking. Zero tolerance shall mean any underage person (under 21 years old) determined to be in possession of alcohol or under the influence of alcohol will be charged appropriately and evicted/ejected from the premises.
32. Team Player Production will provide an area, the location of which to be mutually determined by Live Nation and Grand County Sheriff's Office, for the placement of facilities for the detention and/or custodial care of intoxicated adults and juveniles.
33. Team Player Production will arrange for the services of a taxi service to transport intoxicated adult individuals from the venue. The fees will be paid by the individuals transported but Team Player Production shall be responsible for indigent transport. In no case shall any person be evicted from the festival without Team Player Production ensuring they have safe transport.
34. Team Player Production shall be responsible for providing a command post. Team Player Production will provide trailers with air conditioning for County use no later than two (2) days prior to the event. Team Player Production and the Grand County Sheriff's Office will mutually determine the number, size, use and locations for these trailers six (6) weeks prior to the event.
35. Team Player Production will provide 1 trailer with air conditioning for EMS staging and treatment no later than two (2) days prior to the event. The location and size shall be mutually determined by Team Player Production and EMS six (6) weeks prior to the event.
36. Staging for EGFPD (Fire) shall be incorporated with EMS staging and treatment.
37. Team Player Production will provide and maintain hand wash stations by the command post trailer, EMS staging trailer and other sub-station trailers (i.e., command post trailers for security and law enforcement in the camping areas).
38. Team Player Production will provide tent with side flaps (approximately 20' x 30') behind the command post trailer. Team Player Production will provide two (2) additional canopy type tents (approximately 10' x 10') to be placed outside the detention trailer and the campground trailer. The locations of the tents shall be shown on the site plan.
39. Team Player Production will provide tent with side flaps (approximately 20' x 30') for EMS/Fire use. The tent shall be placed near the EMS trailer. The location of the tent shall be shown on the site plan.
40. Team Player Production will ensure that adequate infrastructure and communication radios, as deemed appropriate by the County, exist for telecommunications between security officers, event officials, and any other employees or contractors of Team Player Production and authorized Grand County employees. Any and all support to ensure full operability will be provided by Team Player Production or its agent. This infrastructure will be fully operational and tested no later than two (2) days prior to the event. This includes all equipment, such as antennas being in place and operational. Grand County Sheriff's Office will provide their own radios for law enforcement officers.
41. Team Player Production shall provide a Traffic Control and Management Plan to be approved by Grand County, Winter Park, Fraser, CDOT and State Patrol. The plan shall be provided within three (3) months and approved no later than six (6) weeks prior to the event. Grand County will utilize the

services of our County Engineer to assess the Plan and the costs of this review will be paid by Team Player Production.

The traffic control plan shall address or implement, but the following:

- Ingress and egress and traffic controls from US 40 to CR 72 and 721.
- Alternative accesses through Grand Park
- Queuing management at entrance points (i.e., main gate and parking and camping areas access points).
- Restrict the use of streets in old town Fraser.
- Use of interceptor parking areas and shuttles.
- Recommended driving directions and arrival based on ticket level purchased.
- No parking areas
- Traffic reducing measures (i.e., carpooling, train/festival packages, shuttle/festival packages)

In addition, the Traffic Control Plan shall include a truck or oversized vehicle route for those vehicles unable to the railroad underpass of County Road 72.

42. Team Player Production shall provide traffic control services for ingress and egress to the venue. These services will be provided during peak hours, approximately 7:00 a.m. to 1:00 a.m. each day of the event. The Traffic Control Plan shall receive all necessary approvals as outlined in condition number 41. In addition, Team Player Production shall obtain the required special events permit from Colorado State Patrol at least six (6) weeks prior to the event.
43. Traffic Control Services shall provide reasonable access past control points for residents of the local area and Young Life Camp Busses so as not to force detours, provided such access does not result in unsafe traffic movement.
44. Team Player Production will take adequate dust control measures at the venue and treating CR 72 and CR 721 with magnesium chloride. A dust control plan must be provided within three (3) months to be reviewed by Grand County Road & Bridge and Community Development. The plan must be approved at least six (6) weeks prior to the event. Team Player Production shall obtain a right-of-way permit from Grand County Road and Bridge before commencing any work to mag-chloride CR 72 and CR 721.
45. All temporary access points into the venue off of CR 72 and CR 721 are required to have a right-of-way permit issued by Grand County Road and Bridge no later than six (6) weeks prior to the event.
46. All signs designated for motorist information and/or guidance must comply with the MUTCD as stipulated in Section 1A.07.01 and .02. All off premise signs must be approved by CDOT.
47. Team Player Production shall provide drinking water stations and shower stations within the event and a fresh water delivery service in all camping areas.
48. Team Player Production shall obtain all liquor licenses from the Grand County Clerk and Recorders at least six (6) weeks prior to the event. Team Player Production shall require all liquor managers to complete a state-approved Alcohol Server Responsibility Program. Team Player Production shall commit to have at least 50% of all servers complete the training program.
49. Team Player Production shall provide a designated pedestrian route along CR 72 for access into the Town of Fraser. The route shall be included on the site plan and approved by the Town of Fraser and Grand County at least six (6) weeks prior to the event.
50. A site Assessment shall be submitted to Grand County to confirm that it can support the Festival as planned by no later than six (6) week prior to the event. If it cannot an alternative event plan shall be approved by the BOCC no later than July 1, 2016.
51. Team Player Production shall not deviate from the Concept Plan and documents submitted with this application. Any modification or expansion shall require approval by the BOCC.
52. Applicant shall submit a Post-Event Report to the County that documents the costs and benefits of the Festival to Grand County. The report shall be presented to the BOCC by no later than October 30, 2016.
53. Team Player Production shall pay all invoices for any and all Grand County Police, Fire and Ambulance contract services no later than 60-days after the Festival.

54. Team Player Production must provide an executed lease from Grand Park, LLC and obtain approval or permit from the Town of Fraser for the companion parking located within Grand Park Development.

II. STAFF RECOMMENDATION

Staff recommends approval of the Divide Music Festival to be held at Colorado Adventure Park and Byers Peak Ranch East on July 22, 23 and 24, including Load-In and Load-out days, and attendance numbers capped at a maximum of 15,000 guests with the conditions (numbers 1 through 54) as listed above and with the following conditions:

1. Team Player Production and the BOCC shall enter into a County Temporary Use Permit.
2. The BOCC shall not issue the Temporary Use Permit that would allow the event to proceed until all “3-month Prior to Event” and “6 weeks Prior to Event” milestones/conditions are met as defined by Exhibit “D”.

[End of Staff’s Certificate]

Mr. Ornstein, Team Player Production, wants to produce this event in conjunction with the community. They are working locally with their non-profit partner which is the Grand Foundation and Rotary. Mr. Ornstein is a resident of Grand County. He has been planning this for a number of years.

As a company they have been in this business twenty years. They are putting together a program where they work with Colorado State University in the Event Management industry. Team Player Productions will produce about forty events this year. He is trying to create, with Colorado State University, an Event Management Degree. They also have an internship program.

His company wants to make this a manageable festival in the first year and then grow the festival with the community.

The music genre is adult contemporary and pop. They want to make this family friendly so bringing in music for different age levels.

They have committed to working with entities that are familiar with these types of events.

Nathan Hardon has been looking at medical services but do not want to commit until the event has the Board’s consent for the festival.

They will bring in a security company to work with the Grand County Sheriff.

They plan on being as green as possible so their impact is minimal to nothing.

They want people to enjoy the surrounding area so they are planning starting the music at a later time.

To minimize traffic they are planning on opening the campgrounds on Thursday because this event will be dark on Thursday. They believe that 65 percent of their attendees will be camping so they want those people to park their cars and not use them during the festival. They are working on a shuttle system to move people from condos/motels to the festival.

They are working with the Governor’s Office to use this festival as a way to get to Winter Park without burning emissions. Riding the train would accomplish this but there would be a need to alter times of the train running.

They are encouraging people to bring bicycles to assist in transportation offsite.

For family camping they are hoping to have a segregated area with a midnight curfew. For general camping the curfew would be 2:00 a.m. with lights off at midnight. They are not going to allow fires in the campgrounds.

The sound and lighting company are experts at directional sound so there would be a negative noise impact for the neighbors. If there are winds all good plans go awry when it comes to sound.

Concerning waste disposal they work with Waste Management and they also work with United Rentals who will pump daily. They will do a ratio of port a potties of 100 to 1.

The perimeter fencing will be a green fence which is constructed of rubber. It is a chain link fence that is coated.

The servers will be 100 percent trained in TIPS for alcohol.

Commissioner Tollett wondered if they would consider having the County do magnesium chloride to cut dust down.

Mr. Ornstein stated they would consider the offer but they do not believe there will be a great deal of dust because they are not going farther than Colorado Adventure Park as far as a turn-around point.

Mr. Ornstein stated they will allow bikes but are not going to allow pets.

They know there is an onsite well there but do not have the mechanics figured out on how to handle it. They will have water available for the patrons for free.

A camping site will be 10' by 30' for a tent and vehicle.

With the rodeo on Saturday night the route has not been determined yet but they are not blocking a county road.

Mr. Ornstein stated that budgeting and realistically for a first year festival they are looking at 8,000. If the festival is successful they want the ability to grow to 15,000. The week-end this is planned is not usually a week-end with other events happenings.

Dennis Saffell, owner representing the Byers Peak Ranch West and he is against the festival because of 6,000 feet of common border.

One of the concerns is on irrigation rights but it is mitigated on this site. The water does not really go this way so it would not impact when they irrigate. The bigger issue is the 8,000 people coming to his border. Mr. Saffell stated that as a condition he wants liability protection. The second condition he wants is a plan for proactively keeping people off his property.

Mr. Saffell believes that this special use permit is a loop hole and is not the proper vehicle. The landowner has a commercial business that he is applying a business use which is concerts. What should happen here is that this should be zoned commercial and it should have the infrastructure installed like when developing a subdivision. It should have underground utilities and any other services that should be available in a year round multi-venue site. The owner of property should not be allowed to have any more of these events until they go through the proper channels which is proper zoning, a subdivision commercial layout plan, and a plan for healthy, safety and welfare.

Joel Carmichael, resident of County Road 73 does this type of thing for a living and understand the festivals. He stated that access to this festival does not work.

Mr. Carmichael said that the structure PSI brings in is a bad roof. This is the same stage that was used in Indianapolis in 2011 and he is concerned about this roof they are expecting to bring in. He is also concerned about the stage they are bringing in.

Mr. Carmichael does not know why Grand County should be training a promoter to do an event.

Mr. Carmichael stated that this is a camping event with restroom facilities and he is concerned over the number of times the facilities will be pumped.

Mr. Carmichael stated that access to the event is his biggest concern.

Mr. Carmichael asked what the decibel level will be.

Judy Servoss who lives on County Road 73 stated she appreciated smaller scale than Touch The Sun. She noted that the Art Affair is a big event. The festival proposed will affect the Art Affair.

Ms. Servoss stated that these are both Clark's properties and he needs to improve the roads.

Ms. Servoss told the Board that if they approve this, she hopes they will come to the valley and see the impact of the traffic. She wants the Board to come during the night and hear what the neighbors are hearing. She

noted that the neighbors are losing their summer and the life style is going away. She believes that at the very least there should be one music festival this year.

County resident Melanie Zwick wonders why Staff would recommend approval if there are recommendations. She stated that the certificate mentions that the impact on the land is short term and she disagrees with that.

Ms. Zwick is also concerned about the camping in relation to residents. In the document it says camping is 1,000 feet away but then mentions a buffer of 100 feet to 150 feet.

Mr. Gray responded that the buffer is for the parking lots.

Ms. Zwick noted there were inconsistencies regarding times the generators would run. She was also concerned about curfew hours.

Ms. Zwick noted that there was mention of RVs having access to a pumping service. She wondered if the pumping service will serve them individually since they could not leave the campsite. She was also concerned about the statement of air conditioning for the tents instead of providing heat.

Ms. Zwick questioned the letter from the Sheriffs' Department. It is not clear in the letter what period of time the cost is addressing.

Ms. Zwick is concerned about County Road 72 because it is used by mountain bikers.

Ms. Zwick noted that she does not think it appropriate to approve another music festival this year. Louise Powers, lives on County Road 731, and she is impacted by this festival.

Ms. Powers noted that the onsite attendees were going to be encouraged to enjoy the local facilities but she wondered if they cannot leave in cars she wondered how they to travel to the local amenities.

Ms. Powers is a co-owner of a meadow and she has the same concerns as Mr. Saffell.

Ms. Powers is concerned about traffic on Sunday being backed up on U.S. Highway 40.

Ms. Powers suggests the County try one music festival and see what the results are.

Gail Stokowski, resident off of County Road 73, is concerned about the traffic for rodeo. She stated they bring in the bulls on Friday evening so may be going through during concert times.

Ms. Stokowski stated that the reason for bringing things to Grand County is for revenue. She is hoping that people do not get glassy eyed about the money that is estimated to be raised. Most of the revenue generated from the playoff games in Denver were from hotel use but the majority of the people will be camping at this event. She believes the County needs to see what happens in the first year with one venue.

Jay Clough stated he agrees with what all the people have said and all the work put in is important. Mr. Clough believes it is a little too much for Grand County to bite off with both of the festivals in one year. He believes the temporary special use permit process should be the same as a special use permit. He believes the infrastructure needs to be put in place before consideration is given. Anyone within five hundred feet of a special use permit should be notified by mail.

Mr. Ornstein stated he is happy to meet with anybody to address their concerns.

Mr. Ornstein stated that when they chose the date for the festival the Art Affair was on a different date. They will work with the chamber and address that concern.

Mr. Ornstein stated that PSI has never had an incident with the tent and stage. In Indianapolis he believes the stage was not properly staked, or properly weighted.

Mr. Ornstein stated they were not aware of the rodeo bulls being delivered.

Mr. Ornstein offered to work with Dennis Saffell.

Commissioner Linke wondered how the finances work with their partners of Grand Foundation and Rotary and how the community benefits.

Mr. Ornstein stated that they met with Winter Park Lodging so there is a lodging component. The lodging community wants this. They will be dark on Thursday night and are hoping to put a band in Hideaway Park. They want to get people out and about. Towns want the events because there is an economic value.

Grand Foundation and Rotary gets a percentage of the ticket sales.

Mr. Gray noted that it is a requirement of their liquor licensing to work with a non-profit.

Mr. Gray noted that included in the conditions is a requirement that pumping gets done twice daily but as needed if the demand is there. The porta potties will be pumped on call if needed.

Mr. Hardon is working with Sani King to bring fresh water in for the RVs to refresh after being pumped.

Mr. Gray stated that the maximum number of vehicles per campsite should be one vehicle.

Louise Powers inquired to the possibility of having a tent for children and a tent for parents.

Mr. Hardon stated that the camping site would stay at 10 feet x 30 feet so there could be no overlapping on another campsite. If you can fit two tents and your vehicle on the site that is fine but overlap you would need to purchase two camping sites.

Dennis Saffell is convinced that they can do what it takes to produce this festival. He believes the County needs these events to happen for the income they provide.

Bottle Pass Liquors expects to get a minimum of \$10,000 per day for his business. The Board should approve these permits even though he does not believe that is the correct process.

Megan Ledin, executive director of the Grand Foundation and Shanna Lalley President of Winter Park/Fraser Valley Rotary Club spoke with the Board about this permit.

Ms. Ledin stressed that both she and Ms. Lalley need to have this approved by their Board also. The vision of both organizations with Team Player Productions is that they would establish a donor advised fund for this community.

Ms. Ledin is a Founding Blues Board member. What Grand Foundation does is help facilitate and run the bars at all the music festivals in Winter Park. They help with the volunteer capacity too. They want to provide service learning for the community's youth and all the community.

Ms. Ledin stated that times are tight. There are 187 nonprofits in Grand County. She believes the more funds they can bring in and give back to the community that is their goal.

Ms. Ledin stated that there are always going to be multiple events going on at the same time.

There has been a lot of due diligence done. If this does happen, they want to support.

Ms. Lalley stated that speaking as a resident of Grand County said it is exciting to see the town vibrant even though it is a short period of time. The overall positive impact to the community is important.

She noted that Mr. Ornstein wants to see this event done smartly. With her working with them on other events she knows they are a professional group to work with and they are all about safety.

Commissioner Tollett is concerned with having two festivals within one month at the same location. She would like to delay and think about this because she wants to call Touch The Sun to find out if they are going to make good on their threat to move their venue.

Commissioner Linke is prepared to make a decision today because he does not think that what Touch The Sun does is contingent upon the decision for this event.

Commissioner Tollett is concerned over the numbers and if the board does go forward she would like to limit the attendance to 10,000 to 12,000 people because of the number of support staff involved. She would like to lessen the impact.

Commissioner Manguso said she would rather see the number of vehicles limited because that will be the bigger impact.

County Attorney Hassler believes that if the Board is going to act on this they should either set the number of attendees allowed or send it back to Planning for further negotiation with the applicant. There is a discrepancy on the number of attendees, number of vehicles, and size of campsite. With respect to the no fire limit in Condition Number 4 in the certificate needs to be removed. The certificate does not cover fencing. There is concern about liability insurance that is not already in the certificate (item number 9). Access is set out as further planning in the timetable of conditions to be met. There is a discussion about the number of units in sanitation and waste removal that is condition number 21. The commissioners have pointed out that the well is not available for some of the use as being put forward. There is further investigation needed in reference to the rodeo and rodeo traffic. The shuttle issue needs to be clarified and added to the condition in the schedule.

Commissioner Manguso stated that she agrees with Commissioner Linke. The County Community Development Department has addressed many of the things listed above by County Attorney Hassler.

Mr. Gray believes there is need to put in the traffic control plan some specific references as it relates to working with the Fraser rodeo, Young Life, Art Affair and local resident traffic.

Commissioner Tollett has the concern that something basic as traffic has not been resolved. She would like to see more of this worked out in advance.

Commissioner Manguso does not think it fair to penalize one individual because of the possibility of another one.

Commissioner Manguso believes that Mr. Saffell has a valid point on that the temporary special use permit was not really intended for these types of events.

Commissioner Manguso believes this event is worth a try.

Commissioner Tollett would like the commissioners and the county to work more with the chambers so there is discussion of these events at the beginning of the year.

Megan Ledin noted that in relation to the Art Affair it has always been the third weekend in July and so has the Jazz Festival. Those two events were closer in proximity to each other than these two would be. Art Affair is on the fourth week-end in July for 2016 with Jazz Fest on the third week-end in July. With all these different things going on this happens all the time.

The Town of Fraser wrote a letter in support of this event.

Jay Clough agrees that the County is doing the majority of the work but he believes that the Town of Fraser and the Town of Winter Park need to participate more.

Mr. Gray noted that the towns have been committed to participating in support of these events. These conditions are meant to address health, safety and welfare issues.

Mr. Gray believes that from staff point of view it would have been nice to have all of this done earlier. By the time the applicants came to the County they were already inside a window where if they wanted the events to go forward the permit had to be structured to allow the background work could be dealt with.

Mr. Gray is asking the Board and applicant to consider one additional condition. That is, if the Touch the Sun does happen, and the County does learn something to do it better, that the applicant would agree to implement a change whether it was a condition or not.

Commissioner Linke believes this should be looked at as a sales pitch. The repeat customer is important and that is how it will be judged as to how successful the event is.

Commissioner Linke thinks that both events need to occur to be judged a success or not. He knows that the conditions of the fields in terms of water are different from June to July.

Commissioner Linke moved to approve the Temporary Special Use Permit as presented by Staff for Divide Music Festival with the adding Condition #55 requiring that no campfires and removing Condition #4. Applicant agreed that it will accept requirements that come out of the Touch the Sun Music Festival.

Discussion: Mr. Gray on Condition 1 as relates to end time of music which is 11:00 p.m., and curfew and camping areas is 1:00 a.m., and generator shut off time is 12:00 a.m. Complete quiet at 2:00 a.m.

Commissioner Linke amended his motion as amended by Mr. Gray conditions added, one subtracted to the motion.

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 5:38 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of April 2016.

E. Jane Tollett, Chair

Attest:

Sara L. Rosene, Grand County Clerk and Recorder