

MINUTES – REGULAR MEETING GRAND COUNTY BOARD OF COUNTY COMMISSIONERS

March 1, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 – Chair
Commissioner Merrit Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3

Also Present: Clerk and Recorder Sara Rosene
County Attorney Alan Hassler
Interim County Manager Ed Moyer
Community Development Director Bill Gray
County Assessor Tom Weydert

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 January 5, 2016.

The motion passed unanimously.

Housing Authority

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

Finance Director

Cathy Henderson, Interim Finance Director, presented the wires and vouchers for Grand County and Grand County Department of Social Services.

Commissioner Linke moved to approve the wires and vouchers payments presented on March 1, 2016 for payment on March 2, 2016 for Grand County.

The motion passed unanimously.

Social Services

The Board convened a Special meeting of the Board of Social Services.

Road and Bridge Update

Assistant Superintendent Road and Bridge Bill Clark presented a contract with Colorado Tire Recycling LLC. They collect waste tires from the Road and Bridge shops. They charge \$3.50 per tire for anything less than four foot in diameter.

Commissioner Linke moved to approve the Professional Services Contract for Colorado Tire Recycling LLC and Grand County for the purpose of recycling light truck tires, passenger vehicle tires, and off road vehicle tires as presented by the Assistant Road and Bridge Supervisor. This is in an amount not to exceed the sum of \$5,000 through December 31, 2016 and \$3.50 per tire.

Discussion: Tires over four feet goes to the company that sells the tires and there is no charge. The ones that are usable are recapped until no longer usable.

The motion passed unanimously.

Mr. Clark presented a contract with Power to the People for corrections and installs of exit signs at the Granby shop in the upstairs conference room and the outside stairwell. The amount is for \$1,935.

Commissioner Linke moved to approve a Construction Contract between the Board of Commissioners and Power to the People, an electric service company, for work to be done for exit signs on the Grand County Road Bridge building at the Granby shop in an amount not to exceed \$1,935.

The motion passed unanimously.

Mr. Clark informed the Board there was an accident on County Road 804 that took out some guardrail. Road and Bridge has been in contact with a couple of companies and have heard back from one.

Interim County Manager Moyer stated that in accordance with the County purchasing policy he needed to know if the amount was over \$10,000. He was informed it was not. He said they could obtain three verbal or written bids and he would like to try to get another bid.

Commissioner Manguso wondered why it would not be put off until spring and use the County Road and Bridge crew.

Mr. Clark said it would probably be a liability issue. The area could be coned off until spring if the Board so chooses. It will not be a simple job of replacement and they would also need to purchase the materials.

Interim County Manager Moyer said they are waiting for a Sheriff's report because it will be turned in to the insurance.

Mr. Clark said if they do not get other bids by Thursday he will try to get a contract signed with the company and put it in the drop box.

Mr. Clark put out a request for bids for mag chloride last week.

The Parshall crew is opening County Road 50.

Road and Bridge is doing MSHA (Mining Safety and Health Administration) Training for someone to work in the pit today and Thursday. MSHA training is new miner training required as part of the permitting process in any of the gravel pits.

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

Eden Recor, member of public, said there was a commissioner's letter about having staff meetings indicated that staff meetings include all three commissioners, the manager and attorney. He wondered how that would not be a meeting that should be broadcast and open to the public. He feels that the Board is violating some of the open meeting protocols because they have not been advertised and since all commissioners are there he considers it a county commissioner meeting. Mr. Recor will be asking other people to look into this matter to see if the board is in violation of open meetings laws.

Commissioner Linke said the Board has had this discussion about potential violations of the open meetings law and it was discussed the possibility of having one commissioner at these things but that does not always go as one would think it should because all three commissioners could hear the same thing and get three different interpretations. The County Attorney was asked to look into this matter about how we can do these types of meetings without violating the open meetings law.

County Attorney Hassler stated that the Board of County Commissioners are entitled by Statute to conduct meetings that are for the purposes of directing staff and gathering information from staff without providing notice of the meeting. The meeting itself is still a public meeting but a notice is not a requirement.

Commissioner Manguso stated that she had heard of this concern from several people. The Board talked about this last week and they agreed that staff meetings will be held at lunch on Tuesdays only. They will be open to the public and they will be on the agenda.

Commissioner Tollett said they started doing the staff meetings when she came on Board to catch her up to speed on the issues happening in the County. The staff meetings were started because of budget issues and were helpful to understand the depth of the budget issues. As time went on, there were concerns on the sunshine laws but the County Attorney said that as long as decisions were not being made they were within rights. Because creates more problems than it solves, the Board will start doing the staff meetings Tuesday and open to the public.

Mr. Recor said he understood that the workshops were not being recorded. He said most people cannot attend the workshops and he would like the Board to start recording them again. He said the minutes of the meetings typically are about two months after the meeting so they do not do much good in terms of finding out what is going. He is recommending that the workshops be recorded and if not recording the workshops again it would be nice to have a summary at the Board of County Commissioners meeting.

Mr. Recor said that Home Health has been taken over by the Visiting Nurses and he is wondering what is happening with those people that made need home health services on a short time basis. There is a meeting tomorrow night regarding to home health and he encouraged everyone to attend.

Commissioner Manguso stated that the Visiting Nurses Association has taken over home health. Grand County is no longer in home health. It was not statutory requirement to begin with. The VNA can accept new patients or not according to their business decisions. VNA also took over hospice care.

Commissioner Linke stated that the workshops have never been recorded but they did stream them. There is still a plan to steam them on Tuesdays.

Commissioner Tollett said the other thing they plan on doing is getting a brief summary out the day after the Board meeting of just bullets on what happened.

Mr. Recor said that last year the Board listened to a lot of people make suggestions about things they would like to see done and most of the time most of the commissioners agreed. However, he does not believe they got put on the to-do-list and he thinks the Board needs to go back and take a look at some of those things. There were things about ethics, organizational charts, etc.

Commissioner Tollett stated that not having been there all of last year she does know the County is working on an ethics committee and there is a set of ethics. The county will be getting a new county manager and one of the things the Board will ask him/her to look at is the need and/or advantages to reorganizing the county.

Mr. Recor reiterated that things brought before the Board by the public is not being put on the to-do-list.

Interim County Manager Moyer rebutted Mr. Recor's comment by giving examples of issues the public brought before the Board that had been addressed such as the credit card policy, and purchasing/bidding policy. If they have been implemented they are no longer on the to-do-list.

Mr. Recor said he was disappointed that there is not a new county manager now. He said there are people in the county who feel that they have been stepped over from the statement that applications would not be accepted from county residents.

The Board responded that they never made the statement of not accepting applications from Grand County residents.

Commissioner Manguso made it clear that the Department of Local Affairs is doing all the screening of applicants. In the end, DOLA will present five qualified applicants for the Board to consider.

Commissioner Linke said the Board is making every effort to find the right person for the position.

Departmental Contracts, Comments, Issues

Larry Banman presented a Services Contract with Get Smashed to do the Demolition Derby on August 20, 2016. The contract was prepared by the County Attorney's Office. The Fair Board has approved the contract.

Commissioner Manguso said she compared this contract with the contract from last year. This is for a total amount of \$8,500 and last year the amount was \$4,000 and she wants to know why the price has more than doubled.

Mr. Banman said that last year the Fair Board took on some of the expenses like the announcer, prizes and trophies. There are some items put in this contract and the contractor will assume those responsibilities. They put the decision making and responsibilities within the contract for the contractor.

Commissioner Linke said that it is not costing any more but is showing a more true cost of what this event costs to put on.

Commissioner Manguso wondered why it designates a county employee to inspect the arena and accept it as clear of loose car parts.

Mr. Banman said that the contractor was worried that once the event is over and the arena is clear that in the future if parts are found in the arena they would be held responsible. At the end of the event all parties look at the arena. The County will be there to move the jersey barriers and if the tow truck cannot separate the vehicles a front end loader would be used.

Commissioner Tollett asked if this is within the budget for the whole amount of money being spent on the fair. She also wanted to know if it was a money maker.

Mr. Banman replied that it is within the budget. Last year the event netted \$18,000 and it was the event that allowed the fair to break even because the fair itself does not quite break even. Mr. Banman said there has been cuts throughout the budget for the fair.

Commissioner Manguso said that last year the Middle Park Fair Board's responsibility was to order the tickets, same day ticket sales and she wondered who was going to handle the tickets because it is not in the new contract.

Mr. Banman replied that the fair board is selling the tickets.

Commissioner Manguso moved to approve the Services Contract to allow for professional services between Will Jones and Rebecca Jones individually dba Get Smashed and Grand County Colorado by and through its Board of County Commissioners. It is for the fair board and the demolition derby that will be held at the Grand County Fairgrounds in Kremmling on August 20, 2016 in an amount not to exceed \$8,500.

The motion passed unanimously.

Interim County Manager Moyer said the 2016 Budget has \$169,150 of revenue and the same for expenses. The goal is to have a balanced budget with no general support required. The County did fund the Fair Board \$20,000 in 2016.

Mr. Banman presented a request from the Flying Heels Rodeo Committee for use of the arena. He brought up the subject of the Flying Heels to make sure they are going in the right direction.

Interim County Manager Moyer said the dates that the rodeo club and the chamber is requesting there are quite a few Friday, Saturday and Sunday events that would require the arena to be worked with water truck, tractor, and drag. He is trying to evaluate ways to have volunteers, train volunteers and make sure there is adequate insurance, or under the umbrella of the County insurance as a volunteer. He is looking at ways to save costs of providing labor during those events especially with the summer schedule of Road and Bridge.

Mr. Banman said the Committee does provide liability insurance. He will also work with them on an agreement similar to the agreement with the motor cross event.

The Board gave direction to Mr. Banman to pursue volunteers for the events at the Flying Heels Arena.

Grand County Home Care Administrator Tina Strang presented a Medicaid Provider Participation Agreement. Ms. Strang is asking for permission to sign the Medicaid Revalidation Form for Grand County Home Care. It has to be an electronic process. Her department has gone through a couple of state surveys and have been found to be deficiency free. They also have an internal consultant to help find areas where they are not in compliance.

Ms. Strang explained the Hardship Exemption is when Home Health had to recertify for Medicare they applied for the Hardship Exemption and get the cost of revalidation excused. Her department is required to have this process completed by March 31, 2016 and if the process is not completed they have the ability to cancel the Medicaid Provider ID and stop payments.

Commissioner Manguso asked if the County gets Medicaid reimbursement for home care.

Ms. Strang replied that it is part of the waiver program which is called Home and Community Based Services (HCBS). Her department is certified under the Elderly Blind and Disabled (EBD) portion of the HCBS. It allows for billing State Medicaid for Homemaker and PCP services within the home.

Commissioner Linke moved to approve the Medicaid Revalidation Provider Participation Agreement with Grand County Home Care to allow Grand County to be a Medicaid provider and allow Tina Strang to sign the agreement with an electronic signature.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

Colleen Reynolds, Grand County Human Resources, spoke on a memo provided to the Board in regard to the Personnel Policy Review Committee Election.

The committee was established to provide review and recommendation to the Board on policies and procedures. It is a twelve member committee made up of three elected officials, three appointed and six classified. The last regular election that was held for this committee was in April of 2013. The election is supposed to be held every third year which means it would be scheduled for next month. Sara Rosene has offered her, and her staff, to facilitate the election.

Commissioner Manguso moved to direct Patty Brown and Sara Rosene to be the designated election officials for the Personnel Policy Review Committee Elections.

The motion passed unanimously.

Community Development Director Bill Gray presented a Resolution No. 2015-6-71, “A RESOLUITON APPROVING THE AMENDED FINAL PLAT FOR LOT 2 AND 3, WITCHING STICK SUBDIVISION EXEMPTION, GRAND COUNTY, COLORADO”

This Amended Final Plat modified the building envelopes on Lot 2 and Lot 3 and because this is a June resolution the Chairman at the time was Commissioner Linke so he is the Chairman to sign the Amended Final Plat.

Commissioner Manguso moved to approve Resolution No. 2015-6-71 and authorizing Commissioner Linke to sign as Chair.

The motion passed unanimously.

Sara Rosene, Grand County Clerk, presented a liquor license renewal.

Rhonda Bromberg, managing member of Mackinaws LLC dba Mackinaws Bar and Grill is requesting renewal of a Hotel and Restaurant Liquor License. All fees have been paid to the state and Grand County, the Sheriff's letter reflects no adverse action. Ms. Rosene recommended approval.

Commissioner Linke moved to approve the renewal of a liquor license for Mackinaws LLC dba Mackinaws Bar and Grill for a Hotel and Restaurant Liquor License renewal as presented by the County Clerk.

The motion passed unanimously.

Manager and Attorney Items

Interim County Manager Moyer presented information about the Western Area Power Authority requested easement at the Granby Landfill. Staff is looking at appropriate compensation. Based on another easement that staff looked at it was approximately \$4,351 per acre. This easement is only .608 acres so the cost would be approximately \$2,600. The other option would be to look through current easements that may have been recorded in the transmission line segment.

It will be a one-time payment and will it will be a perpetual easement.

Commissioner Linke said that WAPA is going to do it anyway so if the County can get some money on peaceful terms he does not see a reason not to do it.

Commissioner Manguso would like staff to look at other ones closer to the area that they paid for in the Granby area. WAPA has ignored every request the County has made to reduce the impacts on what they are doing. Commissioner Manguso believes WAPA needs to pay fair market value for whatever easement the County will grant them.

Commissioner Linke and Commissioner Manguso both stated that WAPA will do whatever they want because they are a federal entity.

Eden Recor wondered why the County did not let WAPA take over the landfill. He said WAPA is putting in transmission lines that are much bigger than what they have now. He believes the County should go for a yearly agreement and make the amount what is being suggested for a one-time payment. He said just because it is the Federal Government the County does not need to give in to them.

Interim County Manager Moyer said the Grand County Home Builders forwarded an article from the Denver Post about Grand County's real estate recovery in the Winter Park area.

County Attorney Alan Hassler presented the following Resolutions:

Resolution No. 2016-2-34, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE MODIFICATION #1 TO PARTICIPATING AGREEMENT #15-PA-11021008-017 BETWEEN THE U.S.D.A. FOREST SERVICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING NOXIOUS WEED MANAGEMENT"

Resolution No. 2016-2-35, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE 14TH JUDICIAL DISTRICT'S SENATE BILL 94 JUVENILE SERVICES PLAN FOR FISCAL YEAR 2016-17 IN THE CAPACITY OF FISCAL AGENT"

Resolution No. 2016-2-37, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A GRANBY-GRAND COUNTY AIRPORT HANGAR LEASE AGREEMENT BY AND BETWEEN DOUG ZOOK AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-2-38, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AGREEMENT BY AND BETWEEN THE MUNICIPAL SUBDISTRICT OF THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT, THE COLORADO RIVER WATER CONSERVATION DISTRICT, TROUT UNLIMITED, THE UPPER COLORADO RIVER ALLIANCE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR FUNDING OF PHASE II OF THE WINDY GAP RESERVOIR BYPASS PROJECT "

Commissioner Manguso moved to approve the Resolutions No. 2016-34 through 2016-38 as presented by the County Attorney.

The motion passed unanimously.

Interim County Manager Moyer presented a hand-delivered copy of a request from Freeport McMoRan requesting by valuation of the Henderson Mine and Mill in a year to year basis with no averaging.

County Attorney Hassler stated the County needs to make notification by March 15, 2016 of the decision to allow the change in the averaging revaluation method. Mr. Hassler said the County is waiting for the company to respond to the County's request for modifications of their non-disclosure agreement. They requested the agreement so they can present confidential internal company financial information which is allowed under the Assessment Laws, Public Records Act and Public Meetings Act.

The agreement proposed back to Freeport McMoRan tracks language of confidentiality for this information in the hands of the Assessor and extends that kind of protection for the company to the information in the hands of the board.

Commissioner Linke stated that this one year averaging or one year not averaging that they are asking for we know significantly benefits them otherwise they would not be asking for it. He would like to know that by applying this rule retroactively would this benefit the County if we did one year for the past five. He knows the County did not get compensated for the gain that would have benefited the county in high years.

Tom Weydert, Grand County Assessor gave clarification that AMAX has the right as the property owner to go to the one year valuation. They do not need the county's permission. They do need permission if they wish to average on a three, five or ten year. They can go to the annual valuation at any time which they are asking to do at this point.

Commissioner Manguso said that the County has to agree to anything other than a single year because everyone is done on a single year.

Assessor Weydert said that for producing mines they may go on a one year valuation based upon production for that year or with permission of the commissioners they can request three, five, or ten year averaging. At this point they are now asking to go to an annualized valuation and he is waiting for their numbers to evaluate. Assessor Weydert said that looking back on who benefitted or who did not benefit is moot. It has been in place since 2000 and he would say that both have benefitted.

County Attorney Hassler would like to discuss with Assessor Weydert that interpretation of the law because the statute says that once the election has been made the operator shall not alter the reporting method until the Board for every county in which the mine is located authorizes the use of an alternate method. He does not believe AMAX has a free ride back to normal assessment periods.

Assessor Weydert said that tax laws benefit the property owner.

The Board wants a clear interpretation of the statute before it moves forward.

County Attorney Hassler said he would be asking the Board to move into executive session for direction on legal issue pertaining to unemployment applications and what happens when there is an unemployment application made the state agency accepts the initial application and send the request for information. They want to know if the County is taking a position to oppose. There are applications pending that would involve disclosure of specific needs of former personnel. It will be a discussion of affecting the county insurance premium rates with these two applications.

County Attorney Hassler said that last week the board requested his office to contact Colorado Technical Services (CTSI), the County's liability insurance administrator. The questions posed if their view of separation of various roles of the Board of County Commissioners. County Attorney Hassler spoke with Alan Chapman of CTSI who is the division head of that aspect of CTSI. Mr. Chapman stated that CTSI would prefer that the Board do everything they can to separate the various roles in which they are engaged. One of the points Mr. Chapman brought up is that if the Board is sitting as Board of Social Services and sitting clearly as Board of Social Services any liability generated is more of a state problem than of the County. With respect to the Housing Authority, Mr. Chapman reiterated that it is a completely separate political animal and it needs to be handled completely separate. Mr. Chapman broached the subject of whether or not the notice of the Board's action in the agendas is sufficient when not clearly separating that the Board is doing something for which Board. Mr. Chapman suggested that it be evaluated in light of the Open Meetings Law.

Interim County Manager Moyer said he contacted CCI and they thought it was a good question and they will be polling other counties. He believes the simplest and most efficient way to do this is to put on the agenda each and every week that the Board of County Commissioners are sitting as a Housing Authority Board as necessary. They would in effect do the same thing by putting the Board of County Commissioners are sitting as the Social Services Board and then make a motion to go back in and sit as the Board of County Commissioners.

Commissioner Tollett agreed that the Board has a chance to reduce liability although it may be more work and more awkward but it is a recommendation from the County Attorney and she suggests that it be separated out on the agenda if there is an agenda item. If there is no item there is no need to put it on the agenda.

Commissioner Manguso said it has always been done on the Housing Authority it has always been on the agenda and they have always said they are sitting as the Housing Authority.

Clerk and Record Rosene stated that nine times out of ten the Board will have the Housing Authority minutes because almost every week there are vouchers and almost every week there are minutes so she believes they will always have Housing Authority.

Commissioner Manguso said she has concerns how Social Services will be handled. In Accounting things have been done differently the last few months and Social Services is a part of that. She said the Board needs to follow the resolutions and policies.

The Board would like the feedback on separation of boards from CCI before making a decision.

County Attorney Hassler stated there is continuing work on the Model Traffic Code and will be running that past the Sheriff's Office to make sure the proposal for penalty assessment tickets will work in their operations. The codes will be brought before the Board of Commissioners.

County Attorney Hassler said the County received a response on the Emergency Access Easement of Walden Hollow for County Road 6. The response was a demand for confidentiality of these public agreement. Attorney Hassler said he is not sure there is a basis for it to be treated as anything but a public document and he

is asking the Board's direction on whether to treat it confidentially or not, and then moving it on to the Board for discussion.

Interim County Manager Moyer said that the person involved is saying that the proposed easement that is being negotiated with them is a confidential document.

County Attorney Hassler stated that when negotiations are confidential the document itself is confidential.

Interim County Manager Moyer suggested that the Board walk away from this now.

County Attorney Hassler stated that it is his recommendations also to walk away from this. He stated that if there is an emergency the county has emergency authority to go in and make use of this easement. The limitations that the owners proposed include permission from the owner to exercise this. The owners also proposed that the County have a three-year license instead of an easement that is paid each year.

Commissioner Linke said he would like to enter into an executive session to discuss this matter.

County Attorney Hassler said last week the Colorado River Water Conservancy District sent out invoices for the CRCA Agreement expenses. The invoice to the group that Grand County is in is the Middle River Group is in the amount of \$30,000 which is \$5,000 per participant. He will be submitting a voucher for the \$5,000. There will be a like amount for the next one to two years although the amount may decrease depending on whether Pitkin County joins in the agreement. There is expectation that Kremmling will join in the agreement so the amount would be divided by seven or eight entities instead of by six. The River District is picking up fifty percent of this and the group of lower river entities picks up twenty percent. There was Denver Water money in the CRCA but he does not know how that comes into play but it is applied to some of the expenses.

Commissioner Manguso asked about a letter of support regarding a conservation easement that the Board did not know anything about. The letter is to support Colorado Headwaters Land Trust request for a conservation easement of 60 acres.

This matter will be talked about in a workshop.

Board Business

Commissioner Tollett said that County Attorney Hassler responded to a note from Commissioner Linke regarding putting term limits on the ballot.

Commissioner Linke said he would support that in terms of putting it on a ballot issue and if the Board does do that he would propose putting it as three terms (12 years) and for commissioners only.

Commissioner Manguso agreed with Commissioner Linke.

County Attorney Hassler said the process is to present a resolution to the Board of County Commissioners establishing the question and requesting it be placed on the ballot. The deadline for having that resolution is on the election calendar which he believes is in September.

Commissioner Tollett said she does not want to rule out all elected positions. She would like to see what other counties are doing. If there are too many issues on the ballot it may not be a good year to put it on the ballot.

Commissioners Linke and Manguso would support it for commissioners only.

Commissioner Manguso wondered if it could be three terms (12 years) during a person's life time.

County Attorney Hassler said he would look into that option but he does not know if the Board has the authority to do that.

Commissioner Tollett said the Board needs to discuss when it is going to have interviews for the Finance Manager and Road and Bridge Superintendent. The commissioners will give Rosalie their schedules and she will schedule the interviews.

Interim County Manager Moyer presented a QQ letter regarding the Lien event.

Commissioner Tollett said she did not authorize her signature on that letter. She did authorize the first one but not this one. She would prefer that before she sign something it needs to be brought before the Board.

Commissioner Manguso moved to authorize the Chair to sign the letter to Robert Randall, Interim Executive Director of Colorado Department of Natural Resources and James Eckland, Director of Colorado Water Conservation Board. This is regarding the Lien Event and it is being sent by Northwest Colorado Council of Governments Water Quality Quantity Committee.

The motion passed unanimously.

Calendar

March 2	Five budget meetings Grand County Rural Health Network at 6:30 p.m. at Mountain Parks Electric
March 3	QQ is 10:00 a.m. to 3:00 p.m. in Summit County
March 7	Schedule A meeting for Forest Service at 9:00 a.m. at Road and Bridge Budget meetings at 1:00 p.m.
March 8	Schedule A meeting for Forest Service at 9:00 a.m. at Road and Bridge

Water Protection Update

Lurline Underbrink Curran said she and Commissioner Linke would be going to the 1177 Meeting on March 28, 2016 in Glenwood Springs. It is her understanding they will be talking about the lien effort.

On the Shoshone Outage Protocol, it is close to wrapping up between the Trans Mountain Diverters which is Denver and Northern only because Colorado Springs and Aurora declined to participate. The Bureau of Reclamation has not decided if they will sign and they are critical to the outage protocol because of Green Mountain. The River District is hopeful that it will be done in the near future. The Shoshone Outage Protocol is for short term outages.

For the Windy Gap Project they are still working on getting money for the Windy Gap Bypass. The \$250,000 that was received from the Gates Foundation and went to TU will be shifted over to Northern so they can contract with Tetra Tech for the remaining portion of the preliminary engineering.

Northern and Denver have been talking with the State Health Department on language for their 401 Certification. The state is concerned that if the county does not get the Windy Gap Bypass to be built the \$2,000,000 that is dedicated by Northern would switch to Learning By Doing. All members of the group are good in the long term but want to make sure we have exhausted every effort to use the \$2,000,000.

Commissioner Linke said he was at Club 20 on March 25 and March 26 for the legislative meetings. He spoke with Noah Harper who is Senator Bennet's regional manager for this area and he said the letter from the Bureau of Reclamation in his opinion was positive and the people at the top are aware of the project and support it.

Lurline Underbrink Curran has a meeting with TU and UCRA. They are going to a meeting with NRCS which has RPP grants. ILVK put in one last year and did not get invited to go to the next step. They are going to put in for it again on the irrigation structures above Kremmling and going to put in Phase 2 as the Windy Gap Bypass and make a connection as to how it helps the entire river and Phase 1 of the project as well as Phase 2.

There are members of the group that are working with GOCO representatives to see if they can find money there. They are also going for the Fishing for Fun if they can get some public access and agreement on that. That negotiation is between Northern and the private owner. There is a survey that needs to be done.

The landfill well is in front of the judge and the division engineer had different questions so those need to be answered. Hopefully within this year the Board will get a decree for the landfill well. Bishop Brogden has to provide additional information toward that and that will be a cost to the County but it is necessary.

The Learning By Doing working group interviewed three bid applicants for the Fraser River Project. It will be brought to the Learning by Doing Management Committee and total group this week. There is not enough money currently for the cost of the project but she understands that the bidder that will be recommended wants to do a two phase project/two year project. She has looked into an ORVIS grant which would be worth \$30,000.

The Preliminary Hearing Statement for Grand Lake clarity has been submitted. The staff of the Water Quality Control Commission wants to recalculate the 3.8 and the 2.5 data. The power producers want to testify at the hearing but she understands that they are willing to try the five-year project knowing that the County will be working for the NEPA process and the alternative method.

Lurline Underbrink Curran has some great concern about the NEPA process. The first thing that has to be done is work on the Purpose and Need which drives the whole NEPA process. She is hoping they will fit into an EA and not a complete EIS but when you listen to the criteria that has to be answered in order to decide which process you are in Ms. Underbrink Curran gets concerned that we are having an exercise in frustration. Especially if the rules stay in place that require a cost benefit analysis. It will be difficult to come up with a cost benefit analysis on our side of why turning the lake green what it costs. In her opinion this could be a contentious process to make sure that Grand County and Grand Lake are not left in the wake of these regulations.

There was a statement at the last meeting that if there was a Federal direction the County would not have to do NEPA. Her retort to that statement was that the Federal direction which is Senate Document 80. This is why she is specific in letting the Board know they need to retain their Environmental Council who knows NEPA upside down and backwards to make sure the County does not get the Purpose and Needs Statement too broad or too narrow. She wonders why they need to do the NEPA process when in the county's opinion there is a federal document that says the esthetic value will be protected. Ms. Underbrink Curran wonders where it says esthetic value means clarity.

The Bureau of Reclamation did receive a \$500,000 grant to finish their water quality model and run some of the alternatives. The water quality model is being done by Hydros and they should blend.

The Byers Peak Ranch filing and the Shorefox filing have influence on the environmental flow application out of the CRCA as well as Windy Gap Firing. The county attorney will brief the board on that.

At the Big Lake Ditch meeting there was good discussion on what alternatives should be brought forward to be modelled. BBA put together a model as part of their contract but then their modeling output will be run through Denver's paxam. Denver is concerned with too many alternatives trying to be run through it. There was a conference call about the possibility of filling the Taussig Reservoir which is not currently connected to the Big Lake Ditch past the divide but could be done easily. That reservoir could be filled with the Big Lake Ditch when it is running big and be used to feed Reeder Creek and that area when Denver is having a problem. They are going to model 15 cfs coming past the Divide Gate and see how that affects what Denver feels their yield should be out of the Big Lake Ditch. The other owners on the Big Lake Ditch would like to know what they are dealing with.

Ms. Underbrink Curran said she emphasized that the County needs to put in the caveat that when the Shoshone call is on, Denver cannot divert but they can feed the Big Lake Ditch.

The capacity of the Taussig Reservoir is 600-acre feet so it would have influence back on Reeder Creek and it flood irrigates that area.

Some of the ranchers are considering pivot irrigation which is very expensive and if the flow is not there every year you cannot pivot irrigate.

Ms. Underbrink Curran said the St. Judes' legislation could affect the CRC environmental flows because the County wants them shepherded through the area.

Interim County Manager Moyer said that David Taussig did talk to him about St. Judes' legislation. This is not on the River District but it is one of many entities that are supporting this legislation. They are looking at hiring a lobbyist and drafting that legislation this year. They will be discussing the legislation with Representative Becker to carry the bill. The cost of the lobbyist could be up to \$30,000 and looking at the possibility of having two lobbyists of around \$15,000 each. They are asking all the West Slope entities that are signing on to the proposed legislation to approve a not to exceed of \$3,000 to hire a lobbyist. Mr. Moyer is asking the Board to approve a not to exceed number of \$3,000 that would go to the hiring of two lobbyists to draft the bill and have Representative Becker carry the bill.

The Board stated they would like more information in writing before making a decision.

Ms. Underbrink Curran stated the Board needs to weigh how important the things the Board secures is to the future.

Commissioner Manguso suggested asking the Middle Park Water Conservation District. They are a taxing entity and may find the money someplace else.

Commissioner Linke stated that there is a bigger principle here that is being overlooked. A lot of times when these things come before the legislators they look at the list of all the different entities that sign off and the long the list is the better chance of that legislation going through is. He believes Grand County should be on the list.

Commissioner Manguso has no problem with signing on but she does not want funds involved.

Ms. Underbrink Curran said they are still working on the hitchhiker guide. Peter Fleming has a big part of the hitchhikers guide explaining the River District's portion but has been hard finding the time to complete the task but he will get it done.

Commissioner Tollett asked about the landfill well and that part of the makeup water is coming out the Granby Reservoir. She asked if this well is really critical because some of the uses were for washing vehicles and toting water around the County.

Ms. Underbrink Curran replied that Road and Bridge takes water for various locations for mag, watering down roads or whatever else is necessary. The County has 15-acre feet from Middle Park which is not for industrial use but if the Windy Gap Project goes forward that got thrown in. There is 15-acre feet there that is replacement water out of the water Grand County has at Middle Park. She said that 15-acre feet is not a lot for some of the things the County has to do. In her opinion the water at the landfill may not be used often but it could be critical, especially in low flow times.

Ms. Underbrink Curran said the water coming out of Granby is coming down the river, it is coming past the area where the County needs it to be, and it would be called out in the fall as replacement water.

Ms. Curran said the 15-acre feet comes from Middle Park, and when Middle Park makes their releases that will be replacement. She believes the decree has a time period when the County has to replace which is in the year which it was taken. She believes it can be released later in the fall.

Water Quality Specialist Katherine Morris said she is working on the Learning by Doing Monitoring Plan. As part of Learning By Doing, the IGA, the Mitigation and Enhancement Coordination Plan, monitoring is a big component of what Learning by Doing does. There are five goals for monitoring and include fostering understanding of the resource, aiding and affected decision making, identification of undesirable changes and critical stream reaches, and identification of desired improvements and evaluating effectiveness of actions taken.

The monitoring subcommittee is working on developing this and it will require iterative steps to establish monitoring priorities in each of the areas of monitoring that they want to track.

Ms. Morris said the aquatic habitat restoration project on the Fraser Flats Bid Evaluation team heard presentations from three companies; ERC, Freestone Aquatics, and Fly Water. They do have a recommendation to the governance committee.

Ms. Morris said that after survey work was completed last fall and funding available for the project now stands at about \$83,000. The project will cost more than that and so grant opportunities are being sought now.

Ms. Morris gave an update on Wild and Scenic monitoring. She said their regular stakeholder meetings for Wild and Scenic and then monitoring of committee meetings. This group has had reviews on three years of flat boating survey reports and all of these years have been high water years so the information is becoming redundant. One of her concerns is that this group is not currently engaged in any water quality monitoring or macroinvertebrate monitoring. They are relying on the monitoring that the state does for Regulation 93 and for their statewide reports. Ms. Morris said she would pay attention in the future because she thinks what happens on the Lower Colorado River may benefit the County.

Ms. Morris said Colorado Parks and Wildlife will not be stocking the Hofer Stream Trout for several years. There was disease that shut down one hatchery and it will take several years to recover the hatchery stock. That also affect kokanee stocking in Granby Reservoir.

Ms. Morris updated on the Union Pacific Railroad Moffat Tunnel discharge. The railroad is waiting to get an easement from Intrawest/Winter Park Resort Association to install a three phase transformer for permanent power.

Ms. Morris stated that Whitewater Park at Pump House Tetra Tech has completed the first iterance of the report monitoring for lateral scour, sediment aggradation, passage of target fish species through the structure, and

effects on habitat for target macro invertebrates. In this issue of the report there were not any issues mentioned except for the lateral scour sediment aggradation and effect on macro invertebrates.

Brown Trout, Blue Head Sucker, and Flannel Mouth Suckers were the three species that were evaluated for passage through the structure. Tetra Tech modeled these fish's ability to travel through the structure across floor paths. It indicates that Brown Trout over 3 inches can swim through the floor path but weaker swimming trout and two sucker species cannot make it through. One of the permit conditions was that the County could demonstrate passage of fish and not just the strongest fish.

Ms. Morris attended a quarterly GCWIN meeting. Tom Clark, mayor of Kremmling retired as GCWIN Chair and she wanted to thank Mr. Clark for his many years of service. Climax is one of the five major funders and they are reducing their contribution by half with an eye toward future decreases. Ryan Lokteff is the current director and he has worked hard on grant funding so there is a positive balance in the reserves so the cost can be absorbed. They are looking into restructuring fee for surface monitoring and member rate changes in 2017.

Ms. Morris was elected as the new board chair and Bruce Hutchins with Grand Number One is the secretary.

Ms. Morris said that Regulation 93 is the Clean Water Act list of threatened and endangered waters. Section A is the 303D List and Section B is the monitor and evaluate list. After each of the parameters/locations there is the letter H or letter L which indicates whether it is a high or low priority for the state.

Ms. Morris wanted the Board to be aware of the areas where there are high priority issues that includes Shadow Mountain Reservoir for arsenic, North Inlet to Grand Lake and Vasquez Creek for copper, dissolved oxygen in Shadow Mountain Reservoir, and temperature in a number of reaches.

The Stream Management Plan annual report review occurred and all of the partners have reviewed it. The river is doing well and moving sediment. There has not been a lot of rock snot growing in abundance in the last several years on the rocks which seems to be tied to embeddedness. That was a surprise that came out of the report and she thinks it is important. Positive impacts are being measured downstream of the Fraser sediment pond as far down as Winter Park Water and Sanitation District macro invertebrates.

The share of the report for Grand County will be \$13,577.

Ms. Morris listed the tasks that she is working on and would like help with prioritization.

1. Water protection budget/reduction strategy
2. Learning by Doing Monitoring Plan – a meeting on March 3, 2016
3. Preparation of materials for the website – CRCA materials are there but hard to find
 - a. Windy Gap Bypass Information
 - b. Moffat Project Information
 - c. Windy Gap Firming Project Information
4. A section to write for the road map to the RICD
5. CDPHE letter regarding the Union Pacific Railroad. She has completed the incident description section and is working on Union Pacific Railroad's report on the incident and then subsequent testing that the railroad did.
6. GCWIN director review and budget reduction strategy
7. Working on annual reporting on the garage and landfill wells
8. Resolve Learning By Doing gauge issue at County Road 84 where there is beaver
9. Want to know what conclusions that CDPHE is doing on the river because there was no data provided.
10. Continuing records work with Elaine
11. Operations and fundraising of committees
12. Three Lakes Technical committee meetings are really ramping up.

Interim County Manager Moyer gave an update on House Bill 1109. The language that the water council as well as Eagle County proposed with regard to bypass flows as well as the Endangered Species Act and complying with the problematic biologic opinion for the Endangered Species Act in Colorado in regard to the fish water. Representative Becker had a meeting in Denver with all entities involved and after they left our side proposed language on bypass flows.

Where that stands today is the Colorado Water Congress approved it on February 26, 2016 and removed the bypass flow language. The Attorney General's Office and the Division of Natural Resources were there on behalf of the state engineers stating that they do not administer those flows which was a contradiction to information provided in the meeting with Representative Becker.

Interim County Manager Moyer stated that a meeting needs to be reconvened with all the parties through Representative Becker so everything can be explained.

Board Business

Commissioner Linke attended a Club 20 meeting last week which he is the Grand County's representative for Club 20. The meeting was held in Grand Junction. It is Club 20's Legislative committee meetings. There are four different committees that meet; water, public lands and natural resources, agriculture, and energy.

When Club 20 signs off on these issues the legislators listen when they are all supporting the same legislation.

Club 20 drafts a policy statement update that is renewed every quarter.

Commissioner Linke moved to convene an Executive Session at 11:48 a.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is emergency access on County Road 6 and the landowner assert private information.

The motion passed unanimously.

Commissioner Linke moved to reconvene the regular meeting at 12:10 p.m.

The motion passed unanimously.

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

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

Jail Inspection

The jail is well maintained but the sally port needs some attention. The refrigerator is on its last legs but the County has money for that.

Northwest Colorado Council of Governments – CDBG, Revolving Loan Fund

Anita Cameron of the Northwest Loan fund is to provide information on the Revolving Loan Fund.

Ms. Cameron introduced Bob Todd, Manager of the CDBG Business Program for the State of Colorado and Attorney Rodger Halpman.

Ms. Cameron said the loan funds serve nine counties in northwest Colorado, with Grand County being one of them. Per the loan policy they are required to have people with business loan making experience and/or business owners and preferably one business attorney. Rodger fills that role of being the business attorney and his primary residence is in Grand County, he is a registered voter in Grand County. It is up to her to fulfill the loan policy to choosing the proper mix of loan committee members and having the representation. All of the loan committee members are volunteers. They review the loan packages of what she recommends and to be on a loan committee call every month. There are also two meetings in person every year.

Ms. Cameron believes that Grand County has given her the most activity overall. She thanked DiAnn Butler and Patrick Brower for that because they are active in making sure events happen and they know about her.

Ms. Cameron said they have funded four loans in Grand Count, and she has been able to facilitate funding outside of what the loan fund does. That additional capital can be found at a bank, with the forest service, or other types of funding. There has been over \$1,000,000 that has been both loaned and facilitated in Grand County.

Ms. Cameron discussed that there can be a long lead time.

County Attorney Hassler said his primary question about the contract was matter of compliance. Under the Federal regulation the County is supposed to conduct public hearings, evaluate the efficiency of the program and whether or not it is achieving local community needs and goals. He asked how the county could best do that. He believes the disconnect between their organization and his perception is the extent the County can identify any of the loan recipients or the businesses benefitted.

A committee member said the requirement for the public meeting is very minimal. They publish a notice in the local paper of legal record, then have a meeting where people have an opportunity to come forward and give their input on the success or non-success and whether they would make a new application. Generally speaking it is not a well-known program outside of those that have used it. He said those are the technical requirement from the Federal side and Grand County has met that.

Mr. Todd said as far as to the people who are involved with the program they try to maintain a high degree of confidentiality among the people who have used it. Most of the people they help are those who are not likely to receive a bank loan. They are willing to share some of the names off line but need to keep basic information confidential.

Mr. Todd said projects only get done if they have a consortium of lenders that get involved. The big focus is where they are going with the jobs.

Mr. Todd said that Grand County has local control over the program and there is a local representative on the loan committee. It is locally driven which they believe is a plus in their abilities to provide some of the services on Grand County's behalf.

County Attorney Hassler stated that the County does understand that Northwest COG and other participating entities are covered by the annual initial publication of the program.

Ms. Cameron said the board is a separate entity than the volunteer loan committee. The volunteer loan committee are people that she recruits who are committed to serving their community.

Ms. Cameron said her average loan is around \$80,000 and they try to do them on short terms of five years or less. If there are longer terms they have a balloon on them because the secondary goal is to get that company to be completely bankable.

Ms. Cameron said they take collateral pretty much same as a bank would take so if a business defaults on a loan they are covered to collect on the collateral.

Mr. Todd said they usually charge interest 2 percent over prime. He said as she makes loans to get them recovered she keeps the monies which are Federal dollars to begin with. Those monies are then classified as revolved funds which Ms. Cameron can use to lend out again. The Revolving Loan Fund can request from the State more money through the contract. The revolved funds have even fewer restrictions. In the end they want one job (FTE) for every \$20,000 put out in the form of a loan. In the revolved side they can do that to a lesser degree with a few more dollars with less jobs created.

There is about \$300,000 loaned in Grand County and about \$700,000 in private dollars.

There are five new inquiries out of Grand County in 2016 so far.

DiAnn Butler and Patrick Brower are the front line that will talk to the businesses applying.

Mr. Halpman stated that he has been practicing in Colorado since 1993. He has done asset based lending. He has history through the state through the CAPGO Program which was back in 2002. He works in EB5 which is foreign investment into the United States.

Interim County Manager Moyer asked how long it takes an average business to go through the process and start up.

Ms. Cameron said from the time she receives their application it depends on if the application is complete. If it is complete it is usually within a month of loan committee. The loan committee has a scheduled call once a month. Once the loan committee approves it, it goes to Mr. Todd at the state for his approval. If the loan is over \$100,000 it goes to the State Loan Committee and that may be another month out. After that it is another ten days before she prepares the loan documents and schedule the loan closing.

Mr. Halpman stated that Ms. Cameron curates the deals so there is a high percentage of approval rating once loans get to committee because she usually does not present loans that would be rejected.

Ms. Cameron stated that she can be contacted at:

970-468-0295 x 119
anita@northwestloanfund.org
www.northwestloanfund.org

Board Business

Great Outdoors Colorado funding source has a new funding cycle which is called the Conservation Easement Transaction Cost Grant. This is a new thing for small easements for landowners that cannot afford the upfront costs for priority projects that meet GOCO's criteria. The current criteria is properties along important rivers in Colorado that is near towns. This is part of a bigger landscape initiative.

This application is a full donated conservation easement to the Land Trust so the conservation value will be completely donated but the upfront cost would be paid for by GOCO through the transaction cost. It will probably be between \$35,000 and \$40,000 to cover costs to complete the easement process. It is a 60-acre parcel on the boundary of Granby. The other parcel on the other side of the railroad tracks is a small property and Liz McIntyre is speaking with those property owners to see if they want to put it under an easement. It is also in the Fraser River Initiative which is one of the conservation projects along with the Colorado River Initiative.

Commissioner Linke moved that the Board sign the letter of support for the conservation easement to Lise Aangeenbrug, Executive Director for a GOCO Trust Fund for a 60-acre parcel of land that Liz McIntyre and Paula Sheridan are working on putting into a conservation easement.

The motion passed unanimously.

Public Hearing – Winter Park-Fraser Valley Rotary Foundation, Special Events Permit

Sara Rosene, Grand County Clerk, stated this was scheduled as a hearing but there were not any remonstrance received so it will not be done as a hearing. Shanna Layley, President of Winter Park/Fraser Valley Rotary Foundation is requesting a special events permit. The events will be held March 19, March 26, April 1, and April 9 at Beavers Lodge at 79303 US Highway 40. They will sell malts, vinous and spirituous liquor from 6:00 p.m. to 9:00 p.m. on those days. All fees have been paid to the State and Grand County and the Sheriff has posted a notice. They have received no remonstrates and she recommended approval.

Commissioner Manguso moved to approve the Winter Park/Fraser Valley Rotary Foundation Special Events Permits as presented by the Clerk and Recorder.

The motion passed unanimously.

Surveyor Update – County Road 8 and County Road 830 / Mulligan Street

Grand County Surveyor Warren Ward said that it is his job to inform the Board and there are some misconceptions floating around that he needed to clarify. He said he has a deep, vested interest and his name has been affected and his reputation has been affected by this matter on County Road 8 and Mulligan Street.

Mr. Ward said they are dealing with a dispute between one landowner and the County and there is no survey dispute. There is no dispute between him and another surveyor. There is one surveyor that disagrees with the survey that Mr. Ward did but that does not actually matter.

Mr. Ward said that if two landowners have a dispute, it is between the landowners. There cannot be a dispute between two surveyors unless the two surveyors own a joint piece of property.

When there is a dispute there are certain things the county can do by law in response to a landowners' dispute.

The property on Mulligan Street is Lot 1 Block 2 Winter Park Ranch First Filing is owned by Mr. Vandis. The County does not have to do anything which is one of its options. The County has not done anything wrong because the County has not have a problem with the County right-of-way. The right of way is a legal at 60 foot.

Mr. Ward said he asked for the plat but he has not seen it. He stated that Tim Shenk is not complying to certain laws and the reason he is not complying with certain laws is because Mr. Shenk has the impression that the County has disregarded the County Surveyor's work and that his work is correct. Mr. Ward stated that he and other people will have to file a complaint with the state board and get his license revoked.

Mr. Ward would like to see the plat and he will add whatever choices the Board has at that point. He is not going to tell the Board what to do because that is not his job.

Mr. Ward said that the second option the Board can do by law is under C.R.S. 38-44-112, Line of Agreement. It is a law that Mr. Ward wrote. It is an old law but in 2006 it was re-written and he is the author of the way it is written now. Whenever there is a dispute between two landowners the Board can agree to an uncertain line. There are certain things that must be done if that option is chosen.

The third option is under C.R.S. 38-44-104 and 109 where the court may appoint a county surveyor if both parties chose that option.

The fourth option is to resolve the matter court. If it goes to court Mr. Ward would show that the County and he since 1972 has done everything correct.

The last option the Board has is to do some kind of a revised plat through a subdivision exemption. If the County chooses to do that, their surveyor must do certain things by law. Mr. Ward said nothing he has seen so far complies with written statute law and there would be legal violations that he would have to file a complaint to the state board and get Tim Shenk's license revoked. This is the step he does not want to do but there is a board rule that says if he does not do that he would lose his license as well as three other surveyors who are aware of the situation.

Mr. Ward said that to get a survey license in this state once a license is issued the surveyor is minimally qualified. The state expects continuing education and as of this year Mr. Ward has thirty years of continuing education and Tim Shenk has zero hours in continuing education. Mr. Ward is a consultant to the State Board and he has represented the State Board in five legal cases. The State Board pays him to advise them on complicated matters between surveyors.

As far as County Road 8 and Mulligan Street goes this started in 1992 and he had the full support of the Board of County Commissioners then.

Mr. Ward showed the commissioners the area of concern and explained the 30-foot error. The error was discovered in 1992 and with the full funding and support of the Board of Commissioners, Mr. Ward did a system of surveys that lead him to get this straightened out. In 2001, Mr. Ward finished Mulligan Street and in 2008 Tim Shenk was hired by one landowner to attempt to discredit Mr. Ward.

In 2008, Vandas said that Mr. Ward's survey was wrong and his land had been taken.

Mr. Ward stated that he resents how this was handled in the past because no one has ever followed the laws that he outlined. Every surveyor that has been involved since 1972 has agreed Mr. Ward that there is not a problem.

Commissioner Manguso told Mr. Ward that she believes this is an issue between him and another surveyor and the County is not to be involved.

Mr. Ward replied that the County is involved and it is his job to inform the Board and then he is done.

County Attorney Hassler said that the way he understood it the resolution was going to satisfy the landowner and also required for the County right-of-way for snow storage and realigned the rights-of-way for the intersection of Mulligan Drive. He believes that is one way of doing a boundary adjustment.

Mr. Ward said that if the Board agrees to a right-of-way for a snow storage easement that is 30 feet from the center of the road they can do that but then they have a 52 foot wide right of way and it is only applicable to Lot 1, Block 2. If the Board wants to do that they have to vacate Mulligan Street because that is a valid, legal 60-foot right-of-way.

Commissioner Manguso said that this is extremely technical and she believes the surveyor, acting manager, attorney, and the planner need to address.

Mr. Ward stated that if the County does a proper subdivision exemption, and the surveyor follows the law, then it is ok.

Interim County Manager Moyer said that the County is at a point where the plat will be recorded in the very near future that took care of an issue between a dispute between the landowner and Grand County. It sounds like this is a third party disagreement between the County Surveyor and the applicant surveyor of record in this case.

Interim County Manager Moyer said that by Mr. Ward bringing up an issue with the plat they need to address that issue before it is recorded. The last thing they want to see happen is for surveyor losing his/her license.

Mr. Ward said he wants the same thing and everyone wants to respond to a landowner who has a dispute.

Interim County Manager Moyer stated that the Board of Commissioners approved this plat already. A resolution is being prepared.

Mr. Ward said that he suggested in October 2014 that the County attempt to obtain the old records of Mr. McClelland.

Commissioner Linke said he spoke with Ben McClelland and Mr. McClelland's widow and they were both agreeable but it has not happened.

Mr. Ward said that in this whole process he got put on the wayside with his original directive from the Commissioners to do the County Road 8 and Mulligan Street. Mike Kervin requested that he finish the job and do a survey as has been done before from Spruce Way to County Road 8. Mr. Ward is conveying that request to the commissioners now.

Commissioner Manguso suggest that Mr. Ward confer with the Interim County Manager and then Mr. Moyer will bring it to the Board.

Mr. Ward has 200 miles of detailed survey work and he has had maybe three unhappy landowners and he believes that is a good thing.

There being no further business to come before the Board, the Regular meeting was adjourned at 4:24 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of May 2016.

E. Jane Tollett, Chair

Attest:

Sara L. Rosene, Grand County Clerk and Recorder