

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

Tuesday, March 8, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 – Chair  
Commissioner Merrit Linke, Commissioner District 2  
Commissioner Kristen Manguso, Commissioner District 3  
County Attorney Alan Hassler  
Interim County Manager Ed Moyer  
Interim Finance Director Cathy Henderson

Those present recited the Pledge of Allegiance.

The Board convened a Special meeting of the Grand County Housing Authority for the purpose of approving checks.

Finance Director

Cathy Henderson, Acting Finance Director, presented the Register and Expenditure List to be paid on March 9, 2016 for vendor payments for the Grand County Housing Authority. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve and sign the checks of the Grand County Housing Authority to be paid on March 9, 2016.

The motion passed unanimously.

The Board convened a Special meeting of the Grand County Board of Social Services for the purpose of approving warrants.

Social Services

Cathy Henderson, Acting Finance Director, presented the Warrant Register and Expenditure List to be paid on March 9, 2016, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on March 8, 2016 for payment on March 9, 2016 for the Grand County Board of Social Services.

The motion passed unanimously.

The Board convened a Regular meeting of the Grand County Board of Commissioners.

Finance Director

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

Commissioner Linke moved to approve the wires, interfund transfers, and vouchers payments presented on March 8, 2016 for payment on March 9, 2016 for Grand County.

The motion passed unanimously.

Road and Bridge Update

Assistant Road and Bridge Superintendent Bill Clark presented a services contract with J and M Services, Inc. to trap beavers at a cost not to exceed \$4,000.

Commissioner Manguso moved to authorize the Services Contract between Grand County and J and M Services, Inc. in an amount not to exceed \$4,000. This is for beaver trapping in troubled areas around the County for road protection.

Discussion: Commissioner Tollett stated that she is okay with this due to safety issues.

The motion passed unanimously.

Mr. Clark stated that there was an incident with one of the plow trucks. There was no injury and the damage was minor.

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

No public comments.

Departmental Contracts, Comments, Issues

Chief Deputy Clerk and Recorder Patty Brown presented:

John Claude Cavallera, Owner and Manager of Stillwater Grill, LLC is requesting renewal of a Hotel and Restaurant Liquor License. All of the fees have been paid to the state and Grand County. The Sheriff's letter reflects no adverse action. Ms. Brown recommended approval of the renewal.

Commissioner Linke moved to approve the renewal of the Hotel and Restaurant Liquor License for Stillwater Grill LLC as presented by Patty Brown.

The motion passed unanimously.

Public Health Director Brene Belew-LaDue presented the flu shot budget costs. The Department purchased approximately 900 doses of the vaccine.

The fee from last November was increased from \$20 to \$25. The cost per shot is \$37 so the County is losing \$12 per shot.

Interim County Manager Moyer stated that he is going to check with the County insurance company and if by an employee going to City Market to get a flu shot the insurance company is charging Grand County a fee or if it is part of the monthly claim cost. If the cost is more the shots will be given in-house but if it is less, the County will not order flu shots by the end of the week. Either way, Ms. Belew-LaDue needs to order flu shots by the end of the week because of the deal the County receives.

Ms. Belew-LaDue will keep some flu shots available in office but not as many as in past years because there are people in the public who do not have insurance. Those people pay \$25.

Commissioner Manguso stated that the Board does not want to subsidize the public.

Ms. Belew-LaDue said that part of Public Health is prevention. There will be flu shots from the Vaccine for Children's Program that is ordered every year. Those shots come free but they are for children and some adults. Ms. Belew-LaDue asked the Board if they want her to have flu shots on stock or completely do away with the flu vaccine.

Commissioner Tollett said she is leaning toward doing away with the flu program. She knows people do not want to get the flu but they are not talking about something serious.

Ms. Belew-LaDue disagreed with Commissioner Tollett in the fact that flu can be serious and kills many people every year.

Commissioner Linke said he believes it needs to be looked at from an economic stand point in terms of employees. He would like to know how the cost is off-set by the number of work days missed.

Commissioner Manguso believes that if an employee/spouse/child misses the flu vaccination date they will go to Target/Walmart or some other place to get the shot. Without being able to get all the information needed to make a judgement she thinks the program should stop.

Commissioner Tollett wonder how many people ask for the shot that do not have an alternative and cannot afford to get shots. The Affordable Care Act is not set up to insure that people get insurance in an affordable way.

Commissioner Tollett would be in favor of supporting a small program for those that do not have any other way of the shot.

Commissioner Linke said he would support a small program, including that, for employees if the cost can be justified.

Ms. Belew-LaDue said the cost for the employees would go down because her office would not be travelling. Interim County Manager Moyer said HUB emailed and said the flu shots are to be paid at a hundred percent but they are not sure that applies when one of our employees gets it at a doctor's office or pharmacy. We do not know yet what Cigna is charging us when employees go to the store/clinic.

Commissioner Manguso said that the present program is costing the County more than if people went to a store/clinic. Based on information provided the County is paying twice and she recommends that the County stop the program.

Commissioner Manguso said she would support a program with the senior centers that are Medicare reimbursed.

Commissioner Tollett said if the County can make it cost neutral, she would support continuing those programs. County Attorney Hassler stated that another factor to look at is why insurance company would fully reimburse a private provider and not have the same arrangement with the County.

Ms. Belew-LaDue said the reason for that is there is not a contract with Cigna through Public Health.

Juvenile Services Director Kelly Friesen came to the Board to get formal direction. The Colorado Juvenile Justice Delinquency and Prevention Council has agreed to award her department \$48,387 for their diversion program starting July 2, 2016 and ends June 30, 2017. This is funding that was left over from the current grant cycle. The Council has agreed to give money but in order to receive the monies she needs to fill out the grant application and submit it electronically. This is a reimbursement like Senate Bill 94. The money can be spent on personnel and services. Ms. Friesen also hopes to be awarded the Jag funding to make up the difference.

Commissioner Manguso reiterated that there are fifteen juvenile diversion cases in Grand County and that money can be used for Grand County only.

Ms. Friesen stated that the District Attorney is starting to give her department the more intense kids. Commissioner Linke said he sees no down side and said she should go with it. Commissioner Manguso would like to see the grant before submitting.

Larry Banman is present on behalf of Flying Heels and Pat Jacques, the owner of AdvWoman aka Adventure Woman. The contract will be with Power World and Power World will provide the insurance.

Pat Jacques is the owner of a company called AdvWoman aka Adventure Woman. Ms. Jacques stated her company does empowerment coaching through personal and motorcycle coaching. This is a motorcycle event for women by women. This is a woman and family friendly event. The attendance will be limited to 150 people. They will be doing training on the rodeo grounds and will be offering resources to allow other people to do self-guided tours throughout the county. They are contracting with local businesses, bringing in tents, doing classroom training, and dancing. This is history in the making because this has never been done before. Power World is partnering with her company on this. They have already obtained the insurance through Power World. They will provide bottled water for drinking and will let attendees know to bring jugs which can be filled at Power World.

Commissioners Tollett and Manguso discussed their concerns about the dining area being in the rodeo arena and if there would be glass.

Ms. Jacques responded that they will be using throwaways. At this point they are not sure they will be serving alcohol since it is a family event. There has been discussions about serving alcohol at the dance on Saturday night, and if they do, they will use non glass containers.

Ms. Jacques stated they are getting global exposure already and this is an amazing way to highlight Grand County. They are putting together a guide book for Grand County that will include other activities found in the County. They will be giving out maps at the event showing dual sport rides throughout the county. There are female instructors coming from other states, will teach GPS classes, fitness classes, and travel photography.

This event will raise women and families up. This will be win-win situation for everyone involved. A person does not have to own a motorcycle to participate because there will be rentals available.

All of the commissioners expressed their support for this event.

Ms. Jacques said she already has a vision for next year.

Commissioner Tollett would like to see something in the paper. Commissioner Manguso suggested contacting the Tourism Board.

Ms. Jacques said she is using social media at [pat@AdvWoman.com](mailto:pat@AdvWoman.com).

The website is: [www.adv.com/rallyadvwoman](http://www.adv.com/rallyadvwoman).

Commissioner Linke moved to enter into an agreement by signature of the Chair between Grand County and Power World Sports for use of the Flying Heals Arena for the event just described by Pat Jacques.

The motion passed unanimously.

Community Development Director Bill Gray informed the Board that the County has been receiving complaints regarding the Granby Jones Mobile Home Park. He said there were concerns with the water and sanitary sewer. His office contacted Mr. Jones and his office found out there are problems with the water system. Granby Jones had made improvements to the water system so they added electronic controls to make it more efficient. The problem involves the new computer equipment which is sending bad information to the water tank so it cannot keep an adequate reservoir of water. The owner of Granby Jones has his licensed operator scheduled to be onsite this week. Owner Mr. Jones has sent notices to the residents referencing the problems and that Granby Jones is working on fixing the problem. Mr. Jones also broached the subject that they may have a water leak in the water system but they are not sure where it is.

Mr. Gray stated his department will continue monitoring the problem and the effort/progress Granby Jones is making on the repairs.

Grand County has heard of complaints in reference to waste coming back into the trailers. Mr. Jones told Mr. Gray that they have checked the trailers and they did not find anything that showed their lines were blocked from the street out where they connect to Granby Sanitation.

Mr. Gray said his department would like to contact the people living in the trailers affected but many owners are afraid to file complaints for fear of losing their place of residence.

Mr. Gray said his department will try to stay on top of this. Staff will also see if they can find out more information as it relates to the sanitary sewer issues that seem to be ongoing.

Commissioner Linke said they need to state for the record why this is a Grand County issue and not a Town of Granby problem.

Mr. Gray said that Granby Jones is located in unincorporated Grand County. It is a private water system so it regulated through the State of Colorado.

Commissioner Linke asked what role the state has in administering this.

Mr. Gray responded that it is a permitted private water system through the State of Colorado. At this point in time there were no violations that were identified.

Interim County Manager Moyer said that until this time the County has been playing the mediation role, so the tenants do not get evicted for complaining and the County tries to work with the owner to improve the conditions.

Mr. Gray told the Board he is trying to work through the Carol McCracken/Bruce Kohlwey neighborhood issues in Antlers Ranchettes. Mr. Gray stated that he had asked Commissioner Manguso if she had any information as to whether or not there was a formalized written agreement that Mr. Kohlwey could not keep any more than two skidsteer loaders on the property.

Commissioner Manguso stated that she believed it was done in the Board meeting and it would be in the minutes. It was never formalized in writing and was done shortly after the violation that the County went to court on.

Mr. Gray said he has reached out to Mr. Kohlwey to meet. Mr. Gray believes it would be better if the County received an invitation from Mr. Kohlwey to meet on his property rather than Mr. Gray showing up unannounced.

Sandy Doudna questioned Commissioner Linke on this point about why this is a County problem. Ms. Doudna wondered if there are this many pockets that the towns are shirking and if there is something the County can do to have the towns annex these pockets.

Interim County Manager Moyer said that the towns and municipalities initiate annexation proceedings not the counties.

County Assessor Tom Weydert stated he wanted to remind the commissioners, that when you talking about Granby Jones, you have already set a precedence with the Geisendorfer water situation.

Commissioner Tollett said the Board should discuss the issue of County transfers. The Board has information from Mr. Hassler who gave his interpretation of the C.R.S. as to whether checks were legitimate as inter fund transfers.

Commissioner Tollett said there was an issue brought up last week's lunch staff meeting with accounting on whether or not the County checks were legitimate form of inter fund transfers. Resolution No. 2015-1-35 was quoted based on C.R.S. 30-25-110 questing whether those checks were legitimate transfers and should no inter fund transfers be used instead of checks to move money around between departments. The position of the accounting department was that by using the checks, extra documentation is provided in the system when the transfers occur. These transfers with checks were normally being used when there was some error in the system. If money comes in, it will be booked by the end of the day, which is the law, and it is not always possible to determine where those funds have to be booked. Later the funds may need to be pulled and put in the correct location. Checks are used for this process because they have extra documentation.

County Attorney Hassler said that he provided to the Board, the Treasurer, and the Finance Department a memorandum discussing the County's authority to transfer money by use of checks. It comes down to the Board being authorized to order the payment of money for any lawful purpose and choose a form of any order for this payment of money. The Board's duty to exercise this authority arises from two sources.

Under 30-11-107(1b) the Board must exam and settle all accounts of the receipts and expenses of the County, to exam and settle and allow all accounts chargeable against the county. When so settled, they issue County orders therefore it is provided by law.

Under C.R.S. 30-1-115 the Board must also audit all the internal accounts as it is doing. This includes monthly reports of the county treasurer, the sheriff and the clerk and recorder, and to correct and adjust the same in accordance with the facts.

What the County has been doing is using a form of an order and it is also known that it is checked to move money around. Attorney Hassler believes that is clearly authorized because state statutes do not tell us how to do this. The state statutes refers to transfers but never defines transfers. A transfer can be within a fund, or between funds. The budget laws are primarily concerned with transfers between funds where there are changes in budget appropriation.

A warrant is a document that says if you present this paper to the county treasurer you will be paid. The warrant is a form of order by the Board of County Commissioners to transfer the money. Based on those considerations the county is authorized to use this as a means of bookkeeping.

County Attorney Hassler presented a memorandum on the question of whether or not inter fund transfers being conducted by a check or order complied with the County's own inter fund transfer resolution which is Resolution No. 2015-1-35. This resolution requires that the Board have a means of being on notice of, and approving, these inter fund transfers. The use of checks complies with the inter fund transfer resolution because it presents the information: 1. the need for the transfer, 2. the documentation for the transfer, 3. how the transfer will occur to the Board of County Commissioners by requesting approval of the check.

Curtis Lange of the Accounting Department said there are transactions between departments that occur and there are ongoing charges between departments. The belief in his department is that when the State comes to audit it is easier for them to see a check.

Tina Whitmer said the only question her department is having is when there are mistakes as if something was put into the wrong fund and it needs to be moved to another fund. She said she spoke to Mr. Lange on Sunday on this issue. She would like to find another way to resolve the issue of the money going into the wrong account without having to do a check to move the money. She does understand that when money is put into the wrong account and it needs to be moved it is very difficult to fix. Ms. Whitmer was trying to figure out a way to fix the problem without writing a check. It is not Incode that is wrong, it the Treasurers' account that is wrong. She does not have the legal authority to move money out of a general account and fix a receipt. What Ms. Whitmer would like to find out is if the Board would consider a resolution to allow the accounting office to direct her when there are errors.

Ms. Whitmer said that typically the inter fund transfers do not involve other departments and do not involve receivables/deposits. They involve the accounting office doing accounting journal entries which is moving stuff around.

Ms. Whitmer said that what they are having difficulty with is deposits that are done. It has been her stand that she cannot touch a deposit once it is been done. She does not have the authority over general fund money. Her idea is that when an error happens the accounting office could direct her to void the receipt and put it into the correct account. She believes that would eliminate writing checks to do inter fund transfers.

Mr. Lange stated that a good example happened in February. They received roughly \$10,000 with a wire transfer from the USDA/Forest Service. They were paying the road and bridge department for work and when the bank notifies the treasurer the wire is often cryptic so it often goes into the wrong fund until it can be verified where those funds belong.

Ms. Whitmer said that another suggestion that could be considered is having an account called unidentified wires which the County used to have. The funds would automatically be deposited into that account and until her department was directed it would stay in that account. The Board agreed they like that suggestion.

Ms. Whitmer explained to the Board that she would encourage them not to change writing checks that have to do with a bill from another department. She believes the intent of the law is that when there is a bill a check is to be written. The goal is to not write checks to fix errors. The goal when they changed the credit card to Bank of the West was to get vendors to accept Bank of the West credit card instead of writing checks. The whole goal was to eliminate checks because they are so expensive. There are over 500 checks written in a month. Commissioner Linke wondered why the County cannot initiate ACHs instead of credit cards.

Ms. Whitmer responded that it could be done. There are a lot ways to make a payment other than writing a check.

Commissioner Tollett said the next step is to write up the suggestions for changes and then work them into a resolution so it becomes policy.

Ms. Whitmer said the accounting office has to make the decision as to an ACH file for payment. Incode is very time consuming and if ACH files are used, staff has two processes and those processes have to be done all the way through. The process needs to be evaluated completely as to the worth of the expense of staff or go forward with a new system. It is two processes to do checks and ACHs and if the Board would like, Ms. Whitmer stated that her office could do ACHs and the accounting office could deal with the checks.

Commissioner Tollett stated that accounting and treasury will make a recommendation to the Board. The Board will look at setting up an account for unidentified wires and ACHs with vendors. She also believes it needs to be said that there were no violations of Resolution No. 2015-1-35 and no laws broken through the C.R.S. Ms. Whitmer explained that she has always felt that when you do not follow the intent of the law that you are breaking the law which is why she said that.

Interim Finance Director Cathy Henderson said that there used to be unidentified wire account which was taken away at the direction of the auditors. There is a catch that you cannot keep the wires over 24 hours. Ms. Whitmer said that one of the problems with banking is you have 24 hours to reject wires. She said that once her office receives funds she does not reject that money. If someone wants their money back they would have to demand that it be paid back.

Ms. Henderson said that they keep hearing that checks/check stock is expensive, but if you are not writing checks and creating additional work she does not believe in that. She does not believe there is cost savings but only shifting the cost around. If her department is going to do ACHs there will need to be training and ACHs also require the same documentation. She believes it may be faster but it may not be cheaper.

Commissioner Tollett said it is important for Ms. Henderson to work with Ms. Whitmer and Mr. Lange to come up with a system and recommendation for the Board that incorporates all suggestions.

County Attorney Hassler stated that twice it has come up that interdepartmental bills would be a claim contemplated by C.R.S. 30-10-110 but he does not believe this to be the case. That statute refers to claims held by a person against a county. He believes checks are a valid way of moving money among county departments.

Commissioner Linke stated that what Attorney Hassler is saying is that the claims against the county statute does not apply to money transferring between departments.

County Attorney Hassler responded to Commissioner Linke that that was a correct statement. Commissioner Linke said that the bottom line is that whatever is done needs to be done consistently.

Commissioner Linke moved to sit as the Grand County Housing Authority.

The motion passed unanimously.

Housing Authority Coordinator Sheena Darland presented the Direct Wire Transfer Application Agreement. This is an agreement so each commissioner can get new secure pins to do direct wires for down payment assistant loans.

Commissioner Linke so moved as Sheena Darland described it.

Discussion: Commissioner Manguso said it is a replacement agreement.

Ms. Darland stated that for these direct funds, once someone changes, everybody comes off and then everybody has to go back on. She said that all three commissioners would sign on again today.

Commissioner Manguso reiterated that this authorizes the Board to approve wire transfers for the Housing Authority for down payment assistance.

The motion passed unanimously.

Ms. Darland requested approval for a down payment assistance loan for Nathan Luton in the amount of \$6,900 for a house he is purchasing in Kremmling. There will be a five percent, twenty year amortized loan.

Commissioner Manguso moved to approve the down payment assistance amount in the amount of \$6,900 for Nathan Paul Luton. It is for Lots 23, 24, 25 Block 46, Frontier Investment Companies Addition to the Town of Kremmling. Also authorize Commissioner Linke to do the wire transfer to get the money into the down payment assistance funds before Tuesday.

The motion passed unanimously.

Ms. Darland presented an authorization from the auditors for them to confirm bank balances.

Commissioner Linke moved to authorize the Chair to sign the standard form to confirm account balance information with financial institutions for the Grand County Housing Authority as part of an audit.

The motion passed unanimously.

Commissioner Linke moved to close the meeting for the Grand County Housing Authority and reconvene as Grand County Board of Commissioners.

The motion passed unanimously.

### Manager and Attorney Items

Interim County Manager Moyer presented a lease agreement between Grand County and Northwest Colorado Visiting Nurses Association. This lease agreement is for the lease at 613 1<sup>st</sup> St. There is no rent, it is an in kind donation from the County, the utilities will be split, and the County will provide internet.

Commissioner Manguso moved to authorize the Chair to sign the lease agreement between Grand County and the Northwest Colorado Visiting Nurses Association. This is for Home Health Services and Grand County and hospice which they will be providing. This is a no-cost lease but the in-kind donation is approximately \$1,200 a year.

Discussion: Commissioner Linke said that this was a bad situation that turned out very good.

The motion passed unanimously.

Grand Foundation Director Megan Ledin said the Colorado Department of Higher Education has put aside higher education scholarship dollars for the State of Colorado of which \$11,000 for Grand County has been allocated. A Community Foundation partners with an institution of higher education and is a one for one dollar match. Ms. Ledin does not believe they are in a position to utilize this scholarship money right now for that endeavor because they do not have a set plan going forward besides Hospitality Management with the Grand County Higher Education Initiative.

Ms. Ledin said that Colorado Mountain College approached the Grand Foundation as asked if they could be the higher education institution and collaborate with Grand County on these dollars.

There have been four application deadlines for these funding dollars and the third one is on March 18, 2016 which a letter of intent on a collaborative endeavor needs to be put together. There will be one more deadline after that. Henderson Mine and Mill/Freeport McMoRan has put up \$10,000 to the Colorado Mountain College Foundation of which those dollars are to be split between Grand and Summit Counties. The Grand Foundation via its Grand Gala Scholarship Committee also awards in excess of \$9,000 every year in scholarship dollars and will be using that portion as a match.

Ms. Ledin stated that she is not looking for the County Commissioners to issue any dollars out to this endeavor because they have already raised the money. The County Commissioners come into play because the Commissioners need to sign off that they approve this collaborative endeavor between the Higher Education Institution, the Grand Foundation, and how it affects Grand County and its' students.

County Attorney Hassler stated he has a concern about the agencies direction that it has to go through the counties. The five sections of the statute that established this program do not mention in any place the word "counties." Instead, the intent of the General Assembly is to match non-profits and private financial contributions so he is not sure why the agency has decided to dragoon the County into this role. Because it does not request any county dollars it does comply with the statute. Mr. Hassler stated that if the Board wishes to support the program they may do so but at the same time it is not clear why the county is required.

Ms. Ledin replied that when she met with the Lieutenant Governor's office they said they wanted community buy-in and support for other higher education dollars.

Commissioner Linke moved to approve Resolution No. 2016-3-8, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING PARTNERING WITH COLORADO MOUNTAIN COLLEGE IN APPLYING FOR AND DISTRIBUTING THE COLORADO OPPORTUNITY SCHOLARSHIP 2015-2016 MATCHING FUNDS SCHOLARSHIP"

The motion passed unanimously.

### Treasurer's Report

Commissioner Linke formerly apologized to Ms. Whitmer for comments he made that he thinks caused bad relations with her.

Ms. Whitmer acknowledged Commissioner Linke and thanked him.

Grand County Treasurer Christina presented the Treasurer's report.

### Manager and Attorney Items

Interim County Manager Moyer said they are ready to pay the final pay application which is the retainage of \$37,085.66 for SRE building at the Granby Airport. The County is asking for verification that the subcontractors did get paid. In the contract there was a condition for liquidated damages of \$1,400 per day. The building was to be completed by November 2014 so he asked the Board if the County 1) wants to apply any liquidated damages and 2) can the County occupy the building.

County Attorney Hassler said that liquidated damage provision in a contract is an agreement by the parties that you cannot identify the exact costs of any breach of the agreement. The other factor in liquidated damages is they are not to be punitive.

This contract was entered into on September 23, 2014 and it took 460 days to complete it. The first completion time of 60 days was November 21, 2014. In the summer of 2015 Grand County recognized and allowed additional time. On June 24, 2015 the County allowed an additional sixteen days. On August 26, 2015 the engineer sent the contractor another warning and demanded that the project be completed by September 14, 2015 which was the last date the County made any sort of agreement about extending the contract. None of this waived the additional damages. The engineer deemed the building ready to occupy by a letter dated February 23, 2016. The time frame between September 14, 2015 and the completion date is 163 days. The calculation of  $163 \times \$1,400$  is \$228,200.

County Attorney Hassler said the other consideration in deciding whether to withhold liquidated damages is the Board's continued expressed concern that the subcontractors be paid. There is a pay application of \$37,085.66 by the contractor. The next step would be to publish notice that the County has received this requests for final settlement and during that time the subcontractors can make their claims by notifying the County that they are owed "x" dollars.

County Attorney Hassler's recommendation is to issue the notice of final settlement so that the process can start moving. At that time the County does not need to announce that the County is going to demand liquidated damages. He believes the County should see what the claims against the \$37,000 might be.

Commissioner Tollett believes the County should go ahead with publication but seek liquidated damages. Commissioner Manguso agreed with Commissioner Tollett. Her biggest concern with the building is going to be if it will hold up. She does not think the County is punitive to them, but the County needs to make sure that the building is going to hold up and she does have concerns. There has been a ton of issues and she wants some type of assurance that the County will not have issues.

County Attorney Hassler said there is a nexuses to the contractors continued breach of the contract. The assurances of the future are the warranty which is two years from date of completion.

Liquidated damages come out of what the contractor owes the County out of the final payment.

Interim County Manager Moyer would like to make sure that each and every one of the subs be paid first.

Commissioner Linke reiterated how this contractor was chosen.

1. It was not the County's choice
2. Because it is FFA they have to choose low bidder
3. Preference was given to a minority group
4. The best qualified contractor was not awarded the bid
5. 90 percent of this is paid by the FFA, 5 percent by State and 5 percent by County

Interim County Manager Moyer would like to insure, first and foremost, that each and every sub is paid first. The remaining amount would be liquidated damages. Unless the County could go after their bond for liquidated damages he does not see how they could come up with something that would reflect what is the true pain/breach of contract.

The Commissioners agreed to Interim County Manager Moyer.

### Pepper Stage Coach Estate Final Plat

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 March 8, 2016.

PROJECT NAME: Amended Final Plat Lot 2 Peper-Stagecoach Estates  
APPLICANT: Steven J. Adams and Jennifer W. Armstrong  
LOCATION: Lot 2 Peper-Stagecoach Estates (500 County Road 466)  
APPLICABLE  
REGULATIONS: Grand County Zoning Regulations, Subdivision Regulations  
EXHIBITS: Amended Final Plat, Letter of Application, Vicinity Map  
STAFF PLANNER: Brett Hanlon  
REQUEST: The Applicants are requesting the approval of an Amended Final Plat that would relocate the building envelope on Lot 2 to better accommodate the construction of a new home.

## I. DISCUSSION

The Applicants are proposing an Amended Final Plat that would relocate the existing building envelope on Lot 2 of the Peper-Stagecoach Estates Subdivision. By relocating the building envelope, the Applicants will be able to orient their home in a way that minimizes their building footprint, maximizes views of Shadow Mountain Lake and provides for convenient access from their driveway. If the building envelope is not amended, the corners of the future house would be located slightly over the north and south building envelope line. The overall size of the building envelope is not increased by this Amended Final Plat. The building envelope was originally established to avoid unbuildable areas and steep slopes while also maintaining rock outcroppings and wetlands. It is staff's determination that the new building envelope will achieve all of the objectives of the original building envelope.

## II. REGULATIONS

### A. ZONING REGULATIONS

The zoning of the parcel involved in this proposal is Residential.

(a) This zone allows for single family dwellings, so the proposed use of the lot is consistent with the zoning regulations

(b) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. The proposed Amended Final Plat creates no issues with these required setbacks. (c) The Applicants' lot meets the Minimum Lot Area requirement in the Residential Zoning District.

### B. SUBDIVISION REGULATIONS – 4.3 Final Plat

The Amended Final plat shall contain or be accompanied by the following information:

(a) Title (which shall include the phrase "Amended Final Plat"), bar scale, North arrow and date).

The title of the amended final plat shall be amended to read:

AMENDED FINAL PLAT  
LOT 2 PEPPER-STAGECOACH ESTATES  
BEING A REPLAT OF LOT 2 PEPPER-STAGECOACH ESTATES RECORDED AT RECEPTION NO. 2004-004477  
PART OF THE NE1/4 OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M.  
COUNTY OF GRAND, STATE OF COLORADO CONVEYANCE TO OWNERS RECORDED AT  
RECEPTION # 2014-007245

(b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.

This requirement has been met.

(c) Primary control points, or descriptions, and ties to such control points, to which dimensions, angles, bearings, and similar data on the plat shall be referred.

This requirement has been met.

(d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.

This requirement has been met.

(e) Names and right-of-way width of each street or other right-of-way.

This requirement has been met.

(f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

This requirement has been met.

(g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre, and a statement that all lots shall be used for single-family residences only.

This requirement has been met.

(h) Purpose for which sites, other than residential lots, are dedicated or reserved.

This requirement has been met.

(i) Location and description of monuments.

This requirement has been met.

(j) Current title commitment.

This requirement has been met.

(k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

A part of the Dedication Statement shall be amended to read as follows:

...MORE FULLY DESCRIBED AS FOLLOWS: LOT 2, PEPER-STAGECOACH ESTATES. THAT THEY HAVE CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS AMENDED FINAL PLAT, LOT 2, PEPER-STAGECOACH ESTATES, AND DO HEREBY...

(l) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final plat, to be in substantially the following form.

Reference the Grand County Subdivision Regulations instead of the Grand County Subdivision Exemption Regulations.

(m) Certificates for approval by the Planning Commission and the Board of County Commissioners.

Use the commissioner's certificate that is required by the subdivision regulations.

(n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

Not applicable

(o) A two and one-half by three inch (2 2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

This requirement has been met.

(p) Documented proof of legal access.

Not applicable

(q) A vicinity map.

This requirement has been met.

(r) The subdivider shall provide storm drainage plans, property survey, proof of ownership, sanitary sewer plans.

Not applicable

(s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.

This requirement was met with the approval of the Peper-Stagecoach Estates Subdivision.

(t) No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted.

This requirement was met with the approval of the Peper-Stagecoach Estates Subdivision.

(u) Major Activity Notice

Not applicable

(v) Each month the Board of County Commissioners shall submit copies of the notice of filing.

Not applicable

(w) An 11" x 17" plat with approved addresses and road number as required. This requirement was met with the approval of the Peper-Stagecoach Estates subdivision.

(x) Statement of taxes due showing current taxes paid

A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this Amended Final Plat.

(y) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at [www.blm.gov/gcdb](http://www.blm.gov/gcdb). The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

This will need to be provided prior to the recording of this Amended Final Plat.

### III. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Lot 2, Peper-Stagecoach Estates with the following conditions to be met prior to the recording of the final plat.

1. Label the building envelope to be vacated "Original Platted Building Envelope Hereby Vacated".
2. Label the new building envelope "Building Envelope Established By This Plat".
3. Add a plat note that states "The purpose of this plat is to relocate the building envelope on Lot 2, Peper-Stagecoach Estates."

4. Staff will meet with the surveyor to clarify the label on the plat that states “70’ Witness Corner Edge of Marsh”.
5. Staff will meet with the surveyor to discuss the monuments used to determine the property boundaries.
6. A plat note shall be added that states “All of the notes listed on the original Peper-Stagecoach Estates plat, recorded at Reception No. 2004-004477, shall apply to this Amended Final Plat.”
7. The title of the plat shall be amended (see (a) above).
8. The dedication statement shall be amended (see (k) above).
9. The surveyor’s certificate shall be amended (see (l) above).
10. The commissioner’s certificate shall be amended (see (m) above).
11. A statement of taxes showing current taxes paid shall be submitted (see (x) above).
12. An electronic copy of the plat shall be submitted (see (y) above).
13. The Applicants will be responsible for all recording fees.

[End of Staff’s Certificate]

Commissioner Linke moved to authorize the Amended Final Plat Lot 2 adjusting the building envelope for the Pepper Stagecoach Estate as presented by Brett Hanlon of the Planning Department

The motion passed unanimously.

#### Board Business

Public Health Nurse Brene Belew-LaDue stated that Cigna pays pharmacies \$15 per shot and the providers depending on what is charged.

Interim County Manager Moyer stated that in the email it stated that Cigna felt the average cost to the plan for the pharmacy benefit would be around \$15 and probably more expensive at the physician’s office depending upon the provider.

Ms. Belew-LaDue stated that the employees cost is lower because there is no overhead and the County assures employees are getting the flu shot and hopefully the employees are not missing days of work from being sick.

Commissioner Manguso believes the program should be discontinued. The public is getting cut out of the program.

Ms. Belew-LaDue said her department would still have the vaccine for the public who are on the low end of insurance.

The cost of the vaccine was \$12,900.

In 2015, staff provided 226 shots for employees/families. Average cost would be approximately \$15 per dose.

Commissioner Linke believes that giving shots to employees/families is a small cost in terms of the big scheme of things that might be a benefit to keep people working here. The cost benefits are hidden but positive. Commissioner Linke is in support of giving it to employees this year and only do it in the Administration Building.

The Board members agreed to continue shots for Medicare patients and children.

Interim County Manager Moyer stated that the County needs to evaluate how many employees actually got the shots this year.

Commissioner Manguso stated for the record she is in favor for Medicare only because the County is treating the employees differently than what they are providing for the general public.

### Aspen Ridge Preserve

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 March 8, 2016.

PROJECT NAME: Aspen Ridge Preserve – Sketch Plan Extension  
APPLICANT: Cynthia Ruth Bendall  
LOCATION: 1-mile east of US Hwy 40 off of CR 8 – Lot 3, Aspen Ridge Subdivision Exemption, Grand County, Colorado

#### APPLICABLE

REGULATIONS: Subdivision Regulations  
ZONING: Forestry & Open District  
EXHIBITS: Staff Report ONLY  
STAFF PLANNER: Bill Gray, County Planner  
REQUEST: One (1) year extension of Aspen Ridge Preserve - Sketch Plan

## I. DISCUSSION

Cynthia Ruth Bendall, the new property owner, is requesting a one (1) year extension of the approved subdivision sketch plan for Aspen Ridge Preserve.

Aspen Ridge Preserve is a proposed nine (9) lot subdivision of Lot 3, Aspen Ridge Subdivision Exemption. The Board of County Commissioners approved the sketch plan on May 6, 2014.

Cynthia Ruth Bendall recently purchased the property and it is now under the ownership of the Cynthia Ruth Bendall Management Trust. As the new owner, Ms. Bendall is contemplating pursuing this subdivision and at this time she is looking at moving forward. This extension will allow her time to complete her necessary due diligence and prepare a preliminary plat. Presently, she is considered developing as currently planned, reducing density (# of lots) or not developing the property.

In reviewing the proposed request for this sketch plan there are several considerations that need to be examined more thoroughly by Staff and Applicant prior to a preliminary plat is submitted:

1. The lot is located in an Urban Growth Area. Urban growth areas were located in areas where new development could be served either by existing central and water services or were in close proximity to these services. This is dependent on the feasibility of annexing into Winter Park West Water and Sanitation District and planning a street system with adjacent parcels.
2. The property is zoned Forestry & Open District and supports a more rural density and character. A rezoning to possible Estate District should be considered to increase density to better comply with the county master plan. In addition, the proposed subdivision is adjacent to Four Way Estates, which has a density of 1-unit per acre that would establish some justification for a zone change.
4. Two (2) ways of access are a required design standard for subdivisions. The required Traffic Impact Study needs to evaluate the need of a second access as required by subdivision regulation design standards, the needs to connect current and future street systems to serve future development in the UGA and ensure adequate traffic circulation, and access for emergency service providers.

## II. RECOMMENDATION

Staff recommends approval of the one (1) year extension request for Aspen Ridge Preserve – Sketch Plan to May 31, 2017

[End of Staff's Certificate]

Commissioner Manguso moved to approve the one year extension request for Aspen Ridge Preserve Sketch Plan as presented by Bill Gray.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2016-3-9, "A RESOLUTION GRANTING AN EXTENSION TO THE SUBDIVISION SKETCH PLAN APPROVAL FOR ASPEN RIDGE PRESERVE, LOCATED IN A PORTION OF THE NE1/14SW1/4, SECTION 17, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF GRAND, STATE OF COLORADO"

The motion passed unanimously.

### Board Business

Mr. Hassler advised the Board that it would be wise to have on the agenda a statement that includes the boards it would be convening as at a meeting.

Mr. Moyer provided an outline of the powers of the Grand County Mutual Ditch and Reservoir Company. The Ditch Company owns 115.5 shares of the 400 shares of the Grand County Irrigated Land Company aka Vale Ditch Company.

Mr. Moyer stated that there has been a request of Grand County (and other entities) to help fund a lobbyist with regard to the St. Judes legislation in an amount of approximately \$1,000.

Mr. Moyer stated that the Colorado Supreme Court's majority opinion in St. Jude's Co. vs. Roaring Fork Club, LLC, 351 p.3d442 (Colo.2015) holds that diversions of water in Colorado for recreational, aesthetic, and piscatorial purposes, without storage, are categorically non-beneficial uses of water, for which a water right may not be confirmed.

Commissioner Linke moved to approve funding of \$1,000 as a one-time expense to professional lobbyist to support the St. Judes case legislation.

The motion passed unanimously.

Mr. Moyer stated that House Bill 1109 failed in the House Ag Committee yesterday. Grand County does not have the financial resources to fight this bill. The County was able to craft language that everyone bought into. It was removed yesterday as part of the Ag Committee's approval of the bill. Mr. Moyer understands that Representative Becker made it very clear that she will try to kill the bill if it does not include the stakeholder and county language.

Mr. Moyer stated that Eagle County is drafting a letter of opposition. Mr. Moyer is attempting to find out if Grand County can sign onto the letter.

Commissioner Manguso moved on the condition of approval of the Board of the language to authorize a letter of opposition to House Bill 1109 to be signed outside the regular meeting.

The motion passed unanimously.

### Calendar

March 9	Rural Health Network follow-up meeting Schedule A meeting at 9:00 a.m. at Road and Bridge Learning By Doing meeting
March 10	UCC meeting
March 11	CCI Steering Committee meeting
March 14	Council on Aging at Cliffview
March 16	Legislative Breakfast at Carvers in Winter Park
April 5	Winter Park Town Council meeting

Commissioner Linke reported that he attended a Rural Health Network meeting and there was information provided by the Colorado Fiscal Institute.

Commissioner Tollett met with the Winter Park Advisory Committee. WPRA is a non-profit that owns the mountain and Intrawest owns the base. Sales tax for both Winter Park and Fraser are up. The bus ridership has gone up 30 percent.

Commissioner Manguso attended a QQ meeting where there was a lot of talk about water quality and landuse. Middle Park Water Conservancy District – Stan Cazier, 15 A.F. Allocation and General Services Discussion

Attorney for the Middle Park Water Conservancy District Stan Cazier provided the form that Middle Park Water Conservancy District provides to each of the contractees.

Mr. Cazier stated that Middle Park Water Conservancy District was formed in 1950. At that point in time, John Barnard was the County Attorney for both Grand and Summit Counties. Water conservancy districts in western Colorado (and throughout the state) are somewhat different. Middle Park Water Conservancy District was a defensive water conservancy district. It was formed as Denver was putting pressure on with the proposed Dillion Reservoir. There was the CBT project that was starting to come on line with the completion of Green Mountain Reservoir. Many of the people in Grand and Summit Counties were concerned and this goes back to the 1930s.

Mr. Cazier noted that one of the best books on the CBT project is “The Last Waterhole in the West.” It is a very good history. One of the issues that goes back to Senate Document 80 was the representation of the Grand County interest. There were concerns with the impacts of the project particularly with Grand County but also with Summit County.

The District was formed and there were three identified projects by the Bureau of Reclamation; the Parshall Project, the Troublesome Project, and the Rabbit Ears Project. Those became Middle Park Projects and they were filed on.

Middle Park Water Conservancy District has been active with respect to opposing trans basin diversions. At one point in time, the River District and Middle Park Water Conservancy District had the same attorneys. A lot of the interactions were through the River District but they involve Middle Park Water Conservancy District.

In the mid-1970s, the Windy Gap group had filed for water rights and they were attempting to get those water rights through court. There was an appeal and it went to the Colorado Supreme Court and the Colorado Supreme Court basically said that under the Water Conservancy District Act, any water conservancy district taking water out of the Colorado River Basin has to provide compensatory storage; i.e. Green Mountain Reservoir, Ruedi Reservoir, and the agreements under Windy Gap.

The Colorado Supreme Court ruled that the Windy Gap group failed to provide a plan to protect the west slope. The original negotiations had failed because the River District insisted that there be compensatory storage; i.e. Azure Reservoir. Azure Reservoir was originally owned by Middle Park Water Conservancy District and it would be transferred to the River District. As part of the process, Middle Park Water Conservancy District was provided 5,000-acre feet of future replacement water.

Part of the Supreme Court situation, the Municipal Sub District of the Northern Colorado Water Conservancy District decided that it had to come up with negotiation. The Municipal Subdistrict engaged Middle Park Water Conservancy District at one point in time. Middle Park Water Conservancy District ended up with a settlement in 1980 which is the Windy Gap Agreement. That agreement was modified in 1985.

As part of the 1980 settlement, the 5000-acre feet that Middle Park Water Conservancy District had originally in Azure Reservoir was converted into 2,000 to 3,000-acre feet in Granby Reservoir from the Windy Gap Project and another 2,000-acre feet that would be in Azure that eventually became Wolford Mountain.

Middle Park Water Conservancy District made available to both Grand and Summit Counties some Windy Gap Water. In Grand County’s case, Grand County was interested in 15-acre feet for Parshall in the eventually that it became a town. Summit County had some subdivisions that had not fully qualified under the State Engineer’s criteria to get wells. Summit County was interested in protection for that as well as some in-stream flows.

Middle Park Water Conservancy District made available to almost all municipal entities in Grand and Summit Counties, part of the Windy Gap water at a very cheap rate.

Mr. Cazier noted that it is difficult to provide water that is not there.

Mr. Cazier provided the report that Middle Park Water Conservancy District has to provide annually to the State Division Engineer on how much water is used. Middle Park Water Conservancy District has been able to finagle enough water to squeeze out for the very small users; which is about 2/10-acre foot of consumptive use. Under some circumstances, water that could be released from Wolford Mountain.

Everyone has figured out how critical things are in the Fraser Valley. Wolford Mountain is at the west end of the County and the water is needed at the east end.

Releases were made with the consent of Northern and it is much easier for water users to get together to work. They make releases in the fall and Middle Park Water Conservancy District has been able to take credit for those releases to replace the instream flows.

Subsequent to 1980 is junior to the instream flow below Windy Gap and it starts at 90 and works down to 150 cfs closer to Kremmling. When it goes beneath that, Windy Gap cannot divert. There have not been diversion problems the last three years, but instead we are having too much water.

Middle Park Water Conservancy District has been able to find ways to get water. Windy Gap Reservoir has been able to release up to 100-acre feet for Middle Park Water Conservancy District.

Middle Park Water Conservancy District has had to buy water in Grand County Water and Sanitation District No. 1 reservoir to make up replacements. That is not a whole lot of water at this stage. If everyone asks for their Windy Gap water, it would be impossible to provide. Middle Park Water Conservancy District is continuously looking for other vehicles that they can put water in to tide over the people in the Fraser Valley.

Commissioner Tollett stated that it appears that there needs to be a reservoir in the Fraser Headwaters to release water where needed. Mr. Cazier stated that this has been a problem forever.

Mr. Cazier stated that in the 1980s, Summit County arrived at a settlement that gave them water from Denver. Unfortunately, the River District was successful in Court and won a decision and it was remanded to go and see how many contracts Denver Water has on future users and how much water is needed.

There was an agreement with Eagle County that supported Two Forks.

With the settlements, that left Grand County out on its own. There were people that objected to it. There was an overall agreement to study the Fraser Valley on potential reservoir sites. That study was done by the water and power development authority with participation by the local entities; including the River District and Middle Park Water Conservancy District and some eastern Grand County entities.

The results of that study showed that there was nothing. They went through 350 reservoir sites and there was potentially one at Ranch Creek and it was super expensive. There was potentially one above Fraser.

Grand County is the entity that started Wolford Mountain Reservoir, not anyone else. The initial filings were done cooperatively involving Grand County, Middle Park Water Conservancy District, and the River District. It may not be the exact same location, but Herb Ritschard basically decided that "we needed a reservoir site." The other side is a 1987 agreement because they were having jockeying problems. The original Windy Gap Agreement said, "you are going to build Azure Reservoir, but if you cannot it has to be some place in Grand County." There were two sites being considered and they were Rock Creek and Muddy Creek. There was a lot of in-betweens.

The River District agreed that if there was a feasible project it would be in the Fraser Valley. Middle Park Water Conservancy District basically conveyed all the water to River District. The River District was to build the reservoir and Middle Park Water Conservancy District provided the water. That did not happen.

The Clinton Agreement in 1992 was part of the answer. The 900-acre feet that was made available in the headwaters of the Fraser, was about 1/3 of what was necessary under some of the older studies. There was a methodology. When that failed, it led to the 1992 agreement. In the 1992 agreement which is the Clinton offshoot, Denver Water agreed to release 920-acre feet in the upper Fraser and people often think that is free water. Denver Water required that the same water it provided. Middle Park Water Conservancy District made approximately 600-acre feet available in Wolford Mountain Reservoir at \$100 per acre foot to all the four entities.

The agreement provided that Middle Park Water Conservancy District make 600-acre feet available for \$100 per acre foot and in return Denver Water agreed to bypass water in the upper Fraser.

Everyone knows that we need storage in the Fraser Valley, but it has been impossible to get any locations. Middle Park Water Conservancy District has interest in Sunset Ridge Pond. Middle Park Water Conservancy

District has an agreement between the River District and Middle Park Water Conservancy District to look at the conditional water rights in that area.

The Colorado River Cooperative Agreement (CRCA) provides a couple of benefits. There is 350-acre feet but it is not wet water without having to provide replacement. The replacement will be extremely expensive, if and when, you can get it. Except under very limited circumstances, Denver will bypass the minimum stream flows because minimum stream flows are critically important but the original United States Forest Service Special Use Permit allowed Denver in drought conditions (like 1977 and 2002) to release less water. That is a bad problem for two reasons; 1) it means there is less water to divert and 2) dilution flows. It means that the river is in a bad situation.

Commissioner Linke stated it has been said that the Boulder Gross Enlargement (will take more water) but will benefit Grand County because it stores in big water years and allows water to flow west to keep the Fraser River flowing.

Mr. Cazier stated that it is not new water. It means that they are taking the water later on. They can bypass water that suits the benefits and it is good for Middle Park Water Conservancy District. Getting water anytime versus never getting it is good for Middle Park Water Conservancy District.

Mr. Cazier stated that there are pluses and minuses in the CRCA across the board. It is thought that without the CRCA, the legislature could have taken back the compensatory storage provision. At that time, Northern had a lot more muscle than Denver Water had over the last 10 years.

Gross Reservoir is going to be enlarged and there will be more water in it and it will be filled in the wet years. Grand County got 1,000-acre feet and 2,000-acre feet in Williams Fork under certain circumstances. That was water that Grand County would not have otherwise seen.

The Blue River Decree was a major issue to Denver Water. The Blue River Decree has certain restrictions on utilization of water from Dillion Reservoir and the east slope.

Mr. Moyer stated that Grand County had to augment water through Middle Park Water Conservancy District for the Garage Well at the Fraser Road and Bridge shop. That is part of the 15-acre feet to be able to drill a well at that location.

Commissioner Manguso asked if Middle Park Water Conservancy District would do the type of wells like the Garage Well and the Landfill well instead of the County hiring an outside attorney.

Mr. Cazier responded that it is up to the budget. The budget for Middle Park Water Conservancy District is about \$300,000 and it has been adversely affected by TABOR.

Commissioner Manguso stated that three or four people from Grand County have been going to the Wild and Scenic. There should be a way to close the gap. There is a lot of time and money spent sending people to all the meetings.

Mr. Cazier stated that people have wanted to get more involved and felt that their interests were that important that they had to stay involved in the process. The hope is that each organization will not have to send so many people every time.

Commissioner Manguso stated that she hopes that the entities can start consolidating efforts and communicating better.

Mr. Cazier stated that the CRCA and Windy Gap should nail down as much water as the east slope should be able to get out of Grand County.

Mr. Cazier stated that one of the dynamics of water law is that you always have to look behind you.

When they received their decrees, all of the ranchers in the Fraser Valley were senior. They could all call. During the drought, Denver Water bought as many ranches as possible in the Fraser Valley so there is no longer a call.

Mr. Moyer stated that he understands that .20 acre feet is attributed to the use of the Garage Well and the Landfill Well. He wondered what happens with the remaining 14.88 acre feet of the 15 acre feet.

Mr. Cazier stated that Middle Park Water Conservancy District sends a letter to everyone asking about water use. Originally people were honest because the contract says to not ask for more than you can use. Now everyone sends in as much as they can take.

At the end of the year, if there is water left, whoever the east slope diverter is gets the water. That has always been true with the Windy Gap Project.

Mr. Cazier stated that if there is more water and completely fills up Granby Reservoir, any water placed in there by the Windy Gap participants will be pushed out. The CBT will always take precedent. Windy Gap was designed to take the slot in the system and allow water to be transferred through that was not needed in many years.

Out of the Windy Gap water that is pumped in there, Middle Park Water Conservancy District would be spilled last after Windy Gap water.

There are restrictions on Middle Park Water Conservancy District's ability to use Windy Gap water. It cannot be for in-stream flows. It cannot be used for an industrial use.

Middle Park Water Conservancy District wanted to get out of the Windy Gap Firming Project:

1. Firm up the water supply.
2. Try to keep 3,000-acre feet
3. Make it more usable

Mr. Moyer understands that the amount of water that Middle Park Water Conservancy District does not use that goes to Grand County that is the water that would spill first. Mr. Cazier stated that in most years, that water will go to Grand County.

Mr. Moyer asked if Grand County could elect to send the 14.88-acre out of Granby at the same time like the 5412 water.

Mr. Cazier stated that if there is a beneficial use for it, yes. Grand County has to have an arguable beneficial use to get it to Grand Junction on a contract.

Commissioner Manguso asked for Middle Park Water Conservancy District's position on the St. Judes case.

Mr. Cazier stated that it is a difficult issue.

Mr. Moyer understands that the County needs to let Middle Park Water Conservancy District know by September 1, 2016, if it would like the 15-acre feet pumped for spring of 2017. Mr. Cazier confirmed that is true. Middle Park Water Conservancy District will send out a notification asking what the County would like with regard to the 15-acre feet. Mr. Cazier noted that there will likely not be 15-acre feet.

Mr. Cazier stated that Senate Document 80 is an agreement between Northern and the West Slope. It leaves things to be desired about fish flows. After that decision, the Bureau of Reclamation decided on who is protected and then sold the rest of the water. They tried to define the class of people as being those people on wells outside. Everyone objected and it started the process of negotiating an operating policy at Green Mountain Reservoir and who was protected.

After a lot of negotiation, they came up with an operating policy that was based upon 1997 when the Bureau of Reclamation admitted they were bypassing water to protect users. With the operating policies, people who had water rights perfected by use prior to October 15, 1977 would be protected by Green Mountain Reservoir releases. That is called the historic users agreement.

There is a class of people between 1979 and 1984 that had water rights vested and were absolute and are not protected. Many people believe that is inappropriate because they had no knowledge they would not be protected. When the operating policy came out, certain entities were bypassing water to have that protection.

Commissioner Linke asked about the meaning of "selective subordination." Mr. Cazier stated that if you selective subordinate to 1970 water right, you are subordinating to everything up to 1970. It is really a "no call."

Mr. Cazier stated that his Board consists of Jack Buckheister, Duane Scholl, Peg Toft, Sean Flannigan, Mike Jim Landazi, and Tom Long,

### Consent Agenda

Resolution No. 2016-3-1, "A RESOLUTION APPROVING THE APPOINTMENTS OF SARA ROSENE AND PATRICIA BROWN AS THE ELECTION OFFICIALS TO CONDUCT THE ELECTION FOR THE GRAND COUNTY PERSONNEL POLICY REVIEW COMMITTEE"

Resolution No. 2016-3-2, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING STAFF TO ELECTRONICALLY EXECUTE AND SUBMIT A PROVIDER PARTICIPATION AGREEMENT BY AND BETWEEN THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR REVALIDATION AS A MEDICAID PROVIDER"

Resolution No. 2016-3-3, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN WILL JONES AND REBECCA JONES, INDIVIDUALLY, D/B/A GET SMASHED, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR PROVISION OF TECHNICAL EXPERTISE AND ADMINISTRATION SERVICES FOR THE 2016 DEMOLITION DERBY"

Resolution No. 2016-3-4, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN COLORADO TIRE RECYCLING, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE REMOVAL AND DISPOSAL OF TIRES"

Resolution No. 2016-3-5, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN POWER TO THE PEOPLE, AN ELECTRIC SERVICE COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION, REPLACEMENT AND REPAIR OF LIGHT FIXTURES AT A GRAND COUNTY ROAD AND BRIDGE SHOP"

Resolution No. 2016-3-6, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING REINVESTMENT OF COLORADO EMPLOYMENT FIRST DOLLARS BACK INTO THE EMPLOYMENT FIRST PROGRAM"

Resolution No. 2016-3-7, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE ISSUANCE OF A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENT PERMIT TO WINTER PARK/FRASER VALLEY ROTARY FOUNDATION, INC. FOR USE AT BEAVER'S LODGE DURING EVENTS TO BE HELD ON FOUR DATES"

Commissioner Manguso moved to approve the consent agenda as presented.

The motion passed unanimously.

Mr. Hassler presented the Board with a revised Confidentiality Agreement with Freeport McMoRan. The County received a letter requesting to change to an averaging period of one year.

The taxpayer information stays with the County Assessor. In order for the County change the averaging period, the Board must receive confidential information regarding Freeport McMoRan.

Commissioner Manguso moved to approve the Confidentiality Agreement between the Grand County Board of Commissioners and Freeport McMoRan to be signed by the Chair.

The motion passed unanimously.

Commissioner Linke stated that the Board had a discussion regarding placing a term limits question on the ballot.

Mr. Hassler stated that there was a question about placing a lifetime limit on a person and he is still researching that.

Commissioner Tollett stated that there was a good resolution regarding the checks and vouchers. Commissioner Tollett was not happy with how the issue was brought up. Commissioner Tollett understood that there was frustration with how the checks were written. Resolution No. 2015-5-20 includes a communication policy. The communication policy notes that general interaction with appointed officials is encouraged while respecting lines of supervision. Upon the Commissioners receiving information regarding an appointed official or matter within a department that is in need of action, Commissioners will contact County Manager or Assistant County Manager regarding the matter. The County Manager will contact the appointed official and then report to the Commissioners.

In the situation regarding the checks and vouchers, the Interim County Manager was bypassed. Commissioner Tollett stated that in the future, if an issue like this comes up, that it is worked through the County Manager.

There being no further business to come before the Board, the Regular meeting was adjourned at 3:35 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, Clerk and Recorder