

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

Tuesday, March 15, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 – Chair
Commissioner Merrit S. Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3
County Attorney Alan Hassler
Interim County Manager Ed Moyer
Road and Bridge Superintendent Ken Haynes
Community Development Director Bill Gray
Interim Finance Director Cathy Henderson

Those present recited the Pledge of Allegiance.

The Board abstained from the voting on the minutes presented as the minutes were presented too late.

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 16, 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 16, 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 16, 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 15, 2016 for payment on March 16, 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 and vouchers payments presented on March 15, 2016 for payment on March 16, 2016 for Grand County.

The motion passed unanimously.

Road and Bridge Update

Road and Bridge Superintendent Ken Haynes stated that he would like to defer to the County Attorney with regard to information on County Road 137. A survey was sent out with regard to how people felt about vacation of a part of the road. The tallies were as follows: 34 yes, 18 no, two no opinion, and four not answered. A letter was sent to property owners adjacent to County Road 137 for Gore Lake Filings 1, 2, and 3 asking if they wanted to vacate the road so they can keep the locked gate up.

County Attorney Hassler stated that state law prohibits any barrier across a county road. There are a number of people who are willing to surrender public access but the question is whether or not the Board wishes to surrender public access on the road. If the County vacates the road, the owner's access has been abandoned. The County has the authority to grant cross easements as they vacate so there would be remaining access. Mr. Hassler suggests that the owners tell the Board to what extent and what kind of agreements they would like for access and then develop their own access plan. To protect the County's interest, Mr. Hassler suggested the Board require an indemnification clause from those owners stating that they understand they are surrendering this public access and they will agree to indemnify the County from any expense or cost the County might incur from future claims for failure to serve.

Commissioner Manguso said the County has vacated roads in the past and she does not believe an indemnification clause has ever been required. She believes all they need to do is grant an easement or the County would not vacate the road. There would be legal access because of the easement.

Commissioner Tollett thought the locked gate should come down so there is full fire department access but not maintain the road.

Mr. Haynes said the County would not want to maintain the road because it is not up to Road and Bridge Standards. It is actually a primitive trail.

Commissioner Manguso believes they should proceed with the vacation as has been done in the past and leave the gate.

Mr. Haynes said it is unknown if the gate is on a property boundary line.

Community Development Director Bill Gray believes the residents should file application and let the County know what they want, unless the Board feels it (the County) is the applicant.

Commissioner Linke believes the County is the applicant because the County initiated this based on input from the community.

Interim County Manager Moyer stated that at a minimum the County needs to reserve a public easement for access and utilities upon being vacated.

Commissioner Linke believes the County should proceed with vacation, get it off the County, and do whatever needs to be done in terms of easements. Staff should ask the maintainer of the gate to work with the fire department so they have access. Commissioner Linke would like to give notification to the residents that the County has never maintained the road and will not maintain the road.

Mr. Gray asked if the Board wants to vacate all the roads which are County Roads 137 and 138 or just vacate the portion of the County road from the gate up.

Commissioner Linke stated that the conversation is just County Road 137.

Commissioner Manguso stated it would be up to Mr. Gray to figure out what roads are involved.

County Attorney Hassler reiterated that if they are vacating from the gate there are no other county roads involved.

Commissioner Linke gave direction to vacate the road (County Road 137) from the gated portion to the end of road, which accesses no other roads, and leave the gate alone.

Mr. Haynes said there is an issue with Grand County's Avenue A, B and C within the town boundaries of Granby. Frost is coming out and the compaction was not done when they were installing the water lines so his department is deferring all the calls to the Town of Granby. Road and Bridge knew they were going to fall apart this spring.

Commissioner Manguso said the County gave the Town of Granby \$200,000 for the water and provided additional gravel.

Mr. Haynes responded that the County did give the Town of Granby gravel but Road and Bridge did its own project for the citizens of A, B, and C by putting on additional gravel to stabilize the road. There was a problem with the compaction not the material.

Mr. Haynes stated he has not seen anything coming out of the drains on County Road 1 but is anticipating it in April or May.

Public/General Comments

No public comments.

Departmental Contracts, Comments, and Issues

Grand County Home Care Administrator Tina Strang presented a provider agreement with Rocky Mountain Human Services formerly Denver Options. Ms. Strang said they have had this contract with this group starting in 2012-2013. This agreement would allow Home Care to bill Rocky Mountain Human Services for services provided to anyone within their services.

Commissioner Tollett said the agreement was listed as being made January 1, 2016 and she wondered if payments were retroactive to January 1st. Ms. Strang replied that that was correct.

Commissioner Tollett questioned the length of the contract which is for six month to June 30, 2016.

Ms. Strang stated that the State of Colorado redoes the payment schedule for Medicaid rates and they go by the fiscal year which starts July 1st. The reason it took so long to complete the contract was because the state revised the contract from the contract received in previous years.

Commissioner Tollett questioned the discrepancy in the amount of reimbursement of 90 percent in Medicaid versus the contract which states the reimbursement is 95 percent in Paragraph 3F.

Commissioner Tollett stated that the contract talks about Professional Services. Her concept of Home Care is services provided to keep people in their home but this contract gets into equine therapy, music therapy, and movement therapy. She wondered if the County is actually helping provide those or is this boiler-plate contract language.

Ms. Strang said it is boiler-plate contract language and the reason they are trying to get this particular contract signed is for an individual who actually is with the NSCD doing that therapy. Her office is providing services that are within their licensed capabilities at the ski area.

Commissioner Linke asked if the County is obligated for expenses involved with equine therapy. Ms. Strang answered no. Ms. Strang said they have the ability to accept or not accept clients on a case to case basis. There is no place in the contract that would limit the County to one individual but in the past, historically, the County has provided services to the one individual through this contract.

Commissioner Manguso questioned the ability to get reimbursed back to January 1st. She does struggle with this being for one individual and wondered what it cost the County.

Ms. Strang responded that her office is not getting any additional licenses or certifications to provide services for this one individual. Her office is currently Medicaid certified in home care and currently holds a state license that allows them to see between eighteen and twenty people as their census for home care each year. This contract allows Grand County to bill an additional organization to provide the services that they are already certified and licensed to do. If this contract does not go through they would be looking for other pay sources. Under Medicaid regulations and under certain stipulations, the family is allowed to have these services paid for.

Commissioner Manguso said she struggles with this for one individual, and Commissioner Tollett concurred.

This person does not live in the Grand County.

Commissioner Linke asked again what the cost is to Grand County.

Ms. Strang said because this is a Medicaid reimbursable her office does bill for the time to drive to and bill for the time at the ski area. Grand County is reimbursed at the 95 percent of the Medicaid rate. Ms. Strang said there is cost to review the contract every year but she has never clocked the amount of time spent on that. When doing costs analysis Home Care, she does billing based on per fifteen minute increments so she looks at everything per hour which is a different payment model than Home Health. At the end of the year she looks at how many hours were billed, how much revenue was brought in, and the total expenses looking at how much support the County provided for the program. In this case, County staff does only four or five visits per year.

Commissioner Tollett suggested approving this but take a close look on whether Grand County should renew this. Ms. Strang would like to see the contract for the next six months before June 1st so the Board has more time to talk about it.

Ms. Strang said staff worked closely with NSCD this year on this particular case.

Commissioner Manguso agreed with approving the contract.

Ms. Strang stated that her department has a long history with this individual (almost 10 years) and the billing has varied and how the County is paid varies.

Commissioner Manguso moved to approve the Generic Provider Agreement for supported living services for home and community based services persons with developmental disabilities program and children's extensive support services. This is between Denver Options Incorporated doing business as Rocky Mountain Human Services, this is a non-profit corporation, and the Board of County Commissioners.

The motion passed unanimously.

Grand County Community Development Bill Gray presented Resolution No. 2015-12-57, "A RESOLUTION APPROVING THE SECOND AMENDED FINAL PLAT ARAPAHOE RIDGE CONDOMINIUMS, A REPLAT OF ARAPAHOE RIDGE CONDOMINIUMS RECORDED AT RECEPTION #163715 AND AMENDED ARAPAHOE RIDGE CONDOMINIUMS RECORDED AT RECEPTION #178455, A PART OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO"

Commissioner Manguso moved to approve Resolution 2015-12-57 as presented and authorize Commissioner Linke to sign the mylar.

The motion passed unanimously.

Grand County Economic Development Director DiAnn Butler presented the Capodagli Jackson Consulting Event Agreement for the Disney Way classes that are being offered this spring and fall. Ms. Butler feels confident that the County can clear costs and possibly make money. Staff is working on a DOLA Grant/Ready Grant that would put a marketing and operation plan together for the event space.

Ms. Butler stated that Bill Capodagli has agreed to provide keynotes when he is in Colorado. Grand County will receive \$2,000 for the first keynote.

Ms. Butler explained how Grand County came to be mentioned in The Disney Way Third Edition. In a conversation with Mr. Capodagli a year ago she mentioned how great it would be if there could be a base camp in Grand Lake so he would not have to travel as much, and it would be great for Grand County to develop its customer centric culture. Mr. Capodagli wrote a story about the will of a community, how it unified and is collectively working together. In presales, the book is up to about 7,000 but there are usually about a half million copies in eight languages. McGraw Hill Publishing has been reaching out to newspapers so Ms. Butler is hoping to be getting some press buzz at the state level.

Commissioner Linke moved to authorize the contract with Capodagli Jackson Consulting regarding the Disney Way Pixar Way Events Agreement between Grand County and Capodagli Jackson Consulting as presented by DiAnn Butler, Grand County Economic Development.

Discussion: County Attorney Hassler said this is not in the County's standard contract format. This is bare bones agreement and there are a lot of things that are ordinarily handled with a contract that are not resolved in this contract. If there is a problem it would most likely go to court to resolve any questions. There has not been problems in the prior years with the provider.

The motion passed unanimously.

EMS Chief Ray Jennings asked for release of capital. There is \$125,000 budgeted for capital for 2016 and he is estimating his actual cap request is \$123,448 which is offset by about \$44,000 in grant funding. The actual out is in the \$78,000 range which is a good deal for the County financially. It helps his department replace older equipment as well as bring each of the ambulances up to the same standard and care with Lucas CPR device. A used, refurbished LifePak 12 is priced out at \$4,100 and that device should last the next six to ten years. There are multiple vendors selling this device to be able to get maintenance.

It is time to replace the stretchers that were purchased in 2004 because of wear and tear. Chief Jennings hopes to replace all the stretchers through the next three years. There are ten ambulances and thirteen stretchers with the double transports having two stretchers.

Commissioner Tollett asked how much the cardiac monitors cost and Chief Jennings responded that a new monitor is in the price range of \$30,000 to \$31,000.

Commissioner Manguso asked what the power cot was compared to a stretcher and Chief Jennings responded that the power cots have a power source to lift and lower it and a load. With the power cot the providers do not have to lift the patient in and out of the ambulance which takes the weight off their backs and rotator cuffs.

Interim County Manager Moyer said EMS did a transfer back to the County of \$150,000. In looking at this year to last year EMS is up \$84,000 in cash. EMS is seeing a positive trend in its financial abilities and hopes to be able to pay back the other \$100,000.

Commissioner Linke moved to authorize release of capital funds from the EMS budget to purchase the equipment as presented by Ray Jennings, EMS Chief.

The motion passed unanimously.

Chief Jennings said there is a Minus Zero Concert coming up in Winter Park at the ski area. He is working with Winter Park and requiring they provide a detox center so it does not over stimulate the resources of his department. Chief Jennings is requiring they pay for two ambulances to be available.

Manager and Attorney items

Interim County Manager Moyer presented some updated information regarding the WAPA (Western Area Power Authority) easement. WAPA had an appraiser that came up with price per acre based on agriculture land, 35 acre tracts, and commercial. Mr. Moyer was hoping for more information on other easements WAPA is acquiring. Mr. Moyer will confer with Assessor Weydert to see if he concurs on how WAPA came up with some of the comparables.

Interim County Manager Moyer has been in contact with the US Army Corp of Engineers regarding the Fraser Valley Parkway Project. He stated that permit expires on April 18, 2017 and there is a programmatic agreement that was approved in conjunction with that to address the State Historical Preservation Office (SHPO) concerns. That agreement is between SHPO, Corp of Engineers and Grand County and that agreement expired in March 2015. It is difficult to go through the Corp of Engineers process and obtain the 404 Permit whether it is an individual permit for the entire project or it is a nationwide project for each segment. Those permits are only good for five years and there is a lot of time and expense obtaining these permits. Mr. Moyer is trying to look at what options there are pertaining to the 404 permit.

Commissioner Linke wondered that if this is an alternative to Highway 40, shouldn't CDOT be involved with an alternative route? Commissioner Linke does not believe it is fruitful for Grand County to spend more money and keep the permits up when there is no foreseeable sign in the future that the project is going to go.

Commissioner Manguso stated that they need to stop referring to this as the Fraser Valley Parkway and start using the county road number that was assigned.

Interim County Manager Moyer said at this time the County does not have the financial resources to move that project forward and it is not a priority.

The Board agreed that at this time it does not want to pursue this project.

Commissioner Manguso said that at some time the Board needs to talk to Road and Bridge Superintendent Haynes or his successor about the condition of some of the roads. She thinks the Board should consider chip seal to save some of the paved roads because it is a cheaper alternative to asphalt.

Interim County Manager Moyer presented a fee waiver request for a fundraiser for the Seniors Pot Luck. It is for a Flea Market on May 14 and 15, 2016.

Commissioner Manguso moved to approve the fee waiver for the Senior Pot Luck Flea Market. It is a fundraiser for senior pot luck meals.

The motion passed unanimously.

Mr. Moyer presented a fee waiver request from the West Grand High School Junior Class for the 2016 prom on April 30, 2016 to be held at the dance hall.

Commissioner Manguso moved to approve the fee waiver request for the West Grand Junior Class for their prom to use the dance barn for the 2016 Prom.

The motion passed unanimously.

The Board asked that the fee waiver request forms to be filled out completely.

Interim County Manager Moyer said that on Law Day EMS is looking at conducting an incident. He believes that should be held on a different day because it is important for the commissioners be in attendance for Law Day.

Commissioner Manguso said Chief Jennings would have an ambulance for Law Day which would not interfere with conducting an incident.

Interim County Manager Moyer believes it is important that all commissioners, administration and department heads participate in an incident. It is good training for the county should there be a catastrophic event.

Consent Agenda

Resolution No. 2016-3-11, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A LEASE AGREEMENT BY AND BETWEEN THE NORTHWEST COLORADO VISITING NURSE ASSOCIATION, INCORPORATED AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, FOR OFFICE SPACE"

Resolution No. 2016-3-12, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A RENTAL AGREEMENT BY AND BETWEEN POWER WORLD, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016HA-3-13, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY, APPROVING A LOAN FROM THE GRAND COUNTY HOUSING AUTHORITY DOWN PAYMENT ASSISTANCE PROGRAM, AND AUTHORIZING COMMISSIONER LINKE TO EXECUTE THE WIRE TRANSFER REQUEST"

Resolution No. 2016HA-3-14, "A RESOLUTION APPROVING AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY, TO EXECUTE AN UPDATED BANK OF THE WEST DIRECTWIRE FUNDS TRANSFER APPLICATION AND AGREEMENT, SCHEDULE A"

Resolution No. 2016-3-15, "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 J & M UNLIMITED INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE CAPTURE AND REMOVAL OF NUISANCE BEAVERS FROM COUNTY ROAD RIGHTS-OF-WAY"

Resolution No. 2016HA-3-16, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY, TO EXECUTE A STANDARD FORM TO CONFIRM ACCOUNT BALANCE INFORMATION WITH FINANCIAL INSTITUTIONS"

Resolution No. 2016-3-17, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CONTRIBUTION IN THE AMOUNT OF \$1000.00 TO SUPPORT LOBBYING EFFORTS FOR A DRAFT BILL THAT WILL CONFIRM THE BENEFICIAL USE OF WATER FOR PISCATORIAL, RECREATION, AND AESTHETIC PURPOSES"

Resolution No. 2016-3-18, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONFIDENTIALITY AGREEMENT BY AND BETWEEN CLIMAX MOLYBDENUM COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Commissioner Linke moved to approve the Consent Agenda which includes the resolutions as presented on the agenda for today.

The motion passed unanimously.

County Attorney Alan Hassler stated that he spoke with a citizen regarding a marijuana license that is coming up for consideration. Mr. Hassler stated that the Board can only take input at the time of the hearing. Mr. Hassler told the individual that because she cannot be present for the hearing, she will need to make her comments in writing.

Board Business

Commissioner Tollett presented a letter from the Grand County Tourism Board. Commissioner Tollett said she would like to attend some of the Tourism Board meetings. It was recommended that she not attend the meetings but meet with the representative from her district.

Calendars

March 15	Economic Development Subcommittee on Broadband meeting at Mountain Parks Electric Economic Development meeting at Mountain Park Electric
March 16	Legislative breakfast meeting at Carvers at 8:00 a.m. Interviews
March 18	Tabernash Meadows Water & Sanitation at 3:00 p.m.
March 21	Sulphur Ranger District Meeting at 5:30 p.m. at Fire Department in Granby Meeting with Craig Magwire of the US Forest Service Commissioner Tollett television interview with Jerry Nissen at 3:15 p.m.
March 22	Rural Health Network meeting in Kremmling Department Head meeting Granby Town Meeting regarding Shorefox
March 23	Grand Enterprise Initiative Management Team having a phone conference meeting at 4:00 p.m.
March 25	CRCA Implementation meeting in Grand Junction

Commissioner Linke may attend the Sage Grouse Meeting in Rifle for finalization of appointee.

EMS Chief Ray Jennings reminded the Board that the Board will met with Dr. Nichols at 4:00 p.m. at the Granby EMS on April 14, 2016.

Commissioner Manguso attended Grand County Council on Aging on March 14, 2016. The Council asked if they could wash the Council on Aging's vehicle at one of the County's heated facilities. EMS Chief Jennings will work with the Council on that.

Commissioner Manguso stated that Council on Aging transports of veterans to the VA in Denver. Council on Aging is a non-profit, they do not have a set fee, they do not charge a fee but they are having more of these requests. Commissioner Manguso noted this is a duplication of services. The Council does not have the money to be doing this. Commissioner Manguso believes that Duane Dailey and Lisa Jonas need to coordinate on this.

Veterans Service Officer Duane Dailey said that at the direction of the Board when he got a vehicle he was not to be in competition with a revenue stream for the Council on Aging. Mr. Dailey said he would gladly transport these veterans instead of Council on Aging.

Commissioner Manguso attended the most recent Utility Coordinating Committee breakfast.

Commissioner Manguso went to Brigid Irish's sentencing on March 11. Ms. Irish received six years, 400 hours, 32 years' probation and \$431,000 restitution. It is likely that Ms. Irish will not pay back the money so there was a desire have Ms. Irish spend time at Department of Corrections.

Commissioner Tollett went to Learning by Doing. The group discussed Fraser Flats but mainly discussed the monitoring program. There is going to be another governance meeting to talk about the interaction and how the governance committee should be working. Learning By Doing has an impressive list of grants.

Commission Linke spent March 11 at the CCI steering committees. Glen Chambers was there for the session on Health and Human Services Steering Committee. There was conversation on House Bill 16-1224 regarding the need to consider trafficking of children as child abuse. House Bill 16-1336 titled "To Study a Single Geographic Area Individual Health Plan" regarding the high costs that resort communities have for health care was discussed.

Commissioner Linke stated that CCI voted to support Senate Bill 16-069 titled "Community Paramedic Regulation."

Commissioner Linke stated that House Bill 16-1255 titled "To Manage Forests to Improve Water Supply Conditions" is still moving through the system.

Commissioner Linke stated that House Bill 16-1313 authorizes local government master plan to include water plan goal and it was opposed by CCI because the way the current legislation reads you can do it anyway.

Commissioner Linke stated that at CCI talked about the Colorado Habitat Exchange which is a program to help locals get ahead of the sage grouse management with Parks and Wildlife.

There is a bill that came up sponsored by John Becker that any tax credits in a conservation easement that got disallowed, the land would be taken out the perpetuity requirements. If passed, that would allow the conservation easement to go away and a property owner could then sell or develop that land. Commissioner Linke believes this bill has a good chance of passing.

Office of Emergency Management – Readopt the Emergency Operating Plan (EOP)

Grand County Emergency Manager Nowell Curran presented a Re-Adoption of the Grand County Emergency Operations Plan (EOP) from 2012. A lot of the updates are to with the pre-disaster mitigation plan that was adopted last year. This re-adoption would indicate 2016.

Ms. Curran stated that on March 29 OEM is having a table top exercise that will be in relation to the full scale exercise that will be held in Grand County on May 5 and 6, 2016.

Chief Jennings suggested having a workshop before the exercise.

County Attorney Hassler noted that on Page 9 of the proposed plan the second line should read "Grand County."

Commissioner Linke moved to adopt the new Emergency Operations Plan as referenced and presented by Nowell Curran and Ray Jennings as amended.

The motion passed unanimously.

Climax Molybdenum, a Freeport McMoRan Company, a request to change property tax valuation method for production (mine by proceeds valuation) from five-year averaging to annual valuation

County Attorney Hassler said the matter before the Board of County Commissioners is a request by AMAX to change the way its property is valued as a producing mine. The production can be valued on an averaging basis and to start the averaging basis the mining company asks the Board to agree to averaging. AMAX did this a number of years ago and it has been under a five-year averaging plan since then. Last November the Board received a letter asking to go to a three-year average and then in February the Board received a letter requesting to go to one-year averaging but that effectively changes the production to annual evaluation for taxation purposes.

In order to handle this request, the Board has entered into a confidentiality agreement with AMAX so if the Board is to receive any information that is confidential in hands of the Assessor, the information will come in before the Board in an executive session and the information in the Board's hands is extended the same confidentiality as in the Assessor hands. It is not public information. In order to evaluate the request the Board could ask the Assessor to join in an executive session and discuss what is under these confidential production numbers. The rest of the process would be to return to public hearing and make a decision on whether or not to grant the request. The statute that allows averaging leaves this decision entirely in the hands of the Board of County Commissioners to grant or deny the request to change the valuation period.

The Board needs to notify AMAX of its' decision by March 17, 2016.

County Attorney Hassler suggested that the Board ask any questions they may have about general process and then consider going into an executive session with the Assessor to hear what production numbers are that are not laid out in the AMAX letter.

Commissioner Tollett said she would like more information before making a decision.

Commissioner Manguso said she would like to hear from County Assessor Tom Weydert.

Mr. Weydert said he and Attorney Hassler did have a conversation and according to the statute it is in the commissioner's court to accept or deny Henderson's request.

County Attorney Hassler said this executive session is contemplated by the confidentiality of the agreement between the parties in C.R.S. 24-6-402(4)(g) non-disclosable information under the assessors laws and public record laws.

Commissioner Linke moved to convene an executive session at 11:33 a.m. This is in compliance with CRS 24-6-402(4)(g), which states, "Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act", part 2 of article 72 of this title; except that all consideration of documents or records that are work product as defined in section 24-72-202(6.5) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4). The topic of the meeting is regarding non-disclosable information under the Assessor's laws and public records. Included with the Board, County Attorney, Interim County Manager is Curtis Lange, Dan Korkowski, Tom Weydert, and the representatives from Henderson.

The motion passed unanimously

Commissioner Linke moved to reconvene the regular meeting 2:00 p.m.

The motion passed unanimously.

I, E. Jane Tollett, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

Manager and Attorney Items

County Attorney Hassler stated that last week the Board of County Commissioners was discussing emergency egress from parts of County Road 6. Chief Jennings said his preference was not to preemptively start establishing emergency exit routes. Mr. Jennings' position was that the County should not be paying for

licenses for such an access. County Attorney Hassler and Chief Jennings made the recommendation to the Board that the Board drop the Waldon Hollow matter and send the owners a letter notifying the owners that the County will not purchase an easement. The Board concurred.

County Attorney Hassler spoke about the SanToy Mountain Easement and the electrical service for Mr. Recor's internet company that was mentioned last week. Attorney Hassler contacted Mountain Parks Electric and he is waiting for a response on what the process is to amend the tariff.

In regard to JBlanco and the final pay request, County Attorney Hassler contacted companies that have submitted early claims for payment ahead of final payment publications. Mr. Hassler stated that he does know that the following need to be paid: Denver Electrical \$3,828.70 and Diamond Excavating \$3,535. There are other subcontractors that need to be paid.

Interim County Manager Moyer stated that staff has not made final notice because Todd Green of CDOT Aeronautics believes Kevin Lewey with the FFA wants to look at where the County is now, what has been done with the crack, and just review everything. Mr. Moyer needs to speak with Mr. Lewey before the final notice of payment goes out. There is a \$37,000 retainage.

County Attorney Hassler said under both the bond provisions and the contract provisions, the County basically has a one-year warranty on the crack in the concrete. The one-year warranty is bonded.

Interim County Manager Moyer said the crack looks bigger because it was grounded out before it was grouted. There are a lot of hairline cracks.

County Attorney Hassler said there is Off-Highway Vehicle Road hearing coming up. The statute requirement for this kind of hearing is to publish one time to state there is going to be a hearing. In the past, the County has published a second notification. Mr. Hassler would like direction on whether to make the second publication. It was recommended to do the official publication and a display ad.

County Attorney Hassler gave the Board a proposed letter in support of Senate Bill 16-145. The bill is one that the Colorado Water Conservation District asked to be heard. The bill will create a simplified method for creation of sub districts within the CRWCD. The bill could be heard as early at 1:30 p.m. tomorrow.

Commissioner Linke moved to authorize the Board to sign the letter regarding Senate Bill 16-145 creation of sub districts to be signed outside the meeting.

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 2:03 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