

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

April 12, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 – Chair
Commissioner Merrit Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3
Clerk and Recorder Sara Rosene
County Attorney Alan Hassler
Interim County Manager Ed Moyer
Finance Director Curtis Lange
Information Services Director Martin Woros
Juvenile Services Director Kelly Friesen

Those present recited the Pledge of Allegiance.

Finance Director

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

Finance Director Curtis Lange presented the Register and Expenditure List to be paid on April 13, 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 April 13, 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.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on April 13, 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 April 12, 2016 for payment on April 13, 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 Curtis Lange presented the wires and vouchers for Grand County to be paid on April 13, 2016.

Commissioner Linke moved to approve the wires and vouchers payments presented on April 12, 2016 for payment on April 13, 2016 for Grand County.

The motion passed unanimously.

Inter fund transfers were to pay Road and Bridge back for fuel and maintenance. The general fund is moving \$50,000 to the airport for operating costs.

Road and Bridge Update

Road and Bridge sent an email report:

“Good morning to all, Grand County Road Department has begun some blade work in all 4 districts. Many roads still remain rough and I do believe we still have plenty of moisture to come (snow). Crews are checking culverts and ditches and will be starting to watch run-off as the temperatures begin to rise. We will continue to blade as the weather will permit and continue to make the transition from winter into spring/summer work. If you have any questions feel free to call me anytime.

Chris Baer

Thank You, smile and have a great day.
Grand County Road & Bridge Superintendent”

Commissioner Linke mentioned that Road and Bridge is not present at the meeting because it was felt that the crews did not need to be present. Reading an email update into the record was a better use of their time.

Interim County Manager Ed Moyer spoke to the contract with Ideal Fencing to repair the guard rail on County Road 804 not to exceed \$5,970. It was bid out and the County received two quotes. Insurance will not cover the cost but they will help the County try to recover the costs from the insurance company of the person who caused the damage.

Commissioner Manguso moved to approve the construction contract between the Board of Commissioners and Ideal Fencing Corporation to construct repairs to a section of guard rail along County Road 804 in the amount not to exceed \$5,970.

The motion passed unanimously.

Mr. Moyer wanted the record to show that the County had put out a revised agenda late yesterday morning. A new item scheduled for 1:00 p.m. which is the amended intergovernmental agreement between Tabernash Meadows Water and Sanitation District and the Board of County Commissioners for the operation of the wastewater treatment facility and the waste water collection system. This was an agenda sent out and posted in a timely manner.

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

Eden Recor went to the last staff meeting. After having observed this type of meeting he does not see a need to record staff meetings. He felt it was a very positive meeting.

Mr. Recor spoke to issues related to Henderson Mill three year versus five year tax averaging methods. He wanted to make the Board aware that the averaging continues past productions. The County stands to lose approximately \$6,000,000 in a three versus five-year averaging scenario. Mr. Recor presented a spreadsheet showing a five-year averaging with 2016 at zero production. Taxes collected would be \$1,802,742. Carrying that out for the next three years would show a total of \$10,000,000 in taxes collected. Calculations using a three-year averaging showed a total of \$5,000,000. Going from a five-year averaging to a three-year averaging will cost the County between \$3 and \$6 million.

Grand County Assessor Tom Weydert stated that he is present to speak under public comment. Mr. Weydert's comment was about last week's meeting that the commissioners had with DOLA Representative Greg Winkler. Mr. Weydert's main concern was with the decision of the Board to go into executive session rather than discuss issues surrounding the search for county manager openly. Mr. Weydert found Commissioner Tollett's actions of ending the search process for county manager disturbing. Mr. Weydert was even more disturbed about Commissioner Linke's comment because he has the most seniority. He wondered why Commissioner Linke agreed to go into executive session. There should be only select reasons for going into executive sessions and the county's lawyer had expressed the opinion the executive session was not appropriate for this discussion. This is in an embarrassment. Mr. Weydert wondered why the commissioners waited until the final stages of candidate selection before stopping the search process.

Eden Recor mentioned that he was not going to comment on the search for county manager because the Board is going to meet with Mr. Winkler again this Thursday. He hopes that some decisions will be made that will start the healing. Mr. Recor hopes that the Board can agree to get a good interim county manager.

Commissioner Manguso wanted to clarify that the County has not paid DOLA for its assistance in the manager search.

Departmental Contracts, Comments, Issues

Director of Information Systems Martin Woros brought forward a request to sign a contract to continue the maintenance and support for the County's Laser Fiche. This is to continue existing contract that is renewed annually. The amount is for \$5,778.

Commissioner Linke moved to approve the contract as presented by the IS Director.

Commissioner Manguso aye
Commissioner Linke aye
Commissioner Tollett Abstained (because she has not read the contract)

The motion passed.

Interim Manager Ed Moyer reported that the Clerk's office is experiencing problems with the copier in the Clerk's Office. The County typically gets a six-year life span out of a copier. The County currently has only had three years with this copier. It is heavily utilized. Mr. Woros has met with Peak Performance and will be working on making a change.

Mr. Woros will be looking for a way to move records from the County's system for use by the public that will not be quite as burdensome and that minimizes the risk to the County. Significant changes to the system performed last week caused problems with access to files. Mr. Woros agreed that people not familiar with the drop box system can find themselves caught up in a circle. Commissioner Manguso asked whether the County could go back to the old way of listing pdfs on the web site. Mr. Woros thought something like that could be done and still maintain security, but it might have costs associated with the approach. Eden Recor thought that the beginning of April was when he started seeing the drop box system that did not really work.

Veteran Service Office Duane Dailey submitted the 1st quarter VSO report. The report is a compilation of the monthly reports he presents to the Board. The veteran's assistance grant had three applicants and recipients for that.

Last week Mr. Daily had the CVA 26 submitted to the Board. This has historically been signed by the Board's designee. Mr. Dailey submits the signed form to the state and the county receives the money afterwards. He would like to combine the reporting so that the Board sees only the State's form. The Board's designee will continue to sign the CVA.

Mr. Dailey has asked Mr. Hassler and his staff to create a proclamation honoring Vietnam Veterans. We had four people from Grand County killed in Vietnam. This will be presented prior to the veteran's dinner as part of a 50-year anniversary of Vietnam.

County Sheriff Brett Schroetlin presented a lease agreement with Stillwater Community Chapel for renewal of a lease of facility to store search and rescue vehicles for \$700 per month.

Commissioner Linke moved to enter into a facilities lease between the Board of County Commissioners and Stillwater Community Chapel for the storage of a search and rescue vehicle as presented for \$700 per month.

The motion passed unanimously.

The County Attorney and the County Sherriff's offices have been working on the adoption of the Model Traffic Code. This is something that is extremely important to the County. This is a funding source that is currently being sent to the State that should be kept local. It does not change how laws are enforced, but it simply directs money to a local level.

Mr. Hassler and staff have written an ordinance for review of the Model Traffic Code. The Model Traffic Code will be considered under the adoption by reference. The County will not have to publish the entire code. The County will publish a proposed ordinance that states the Board of County Commissioners will consider the Model Traffic Code and adopt it by referring to it in the ordinance. The Board is required to hold a hearing on the adoption. The hearing will occur after publication that the Board is going to consider the Model Traffic Code. Mr. Hassler proposed that the hearing be set for May 3, 2016. The advantage to adopting codes by reference is that there is not a complete publication of the entire code. The ordinance itself is only 8 pages and that is what will be published to notify the public that the entire code is under consideration.

In the proposed ordinance the County adopts the Model Traffic Code and makes a number of modifications made to reflect local conditions. Specific deletions proposed are:

- County charge of illegal possession of blue and red lights
- Use of electronic traffic light changers
- Careless driving with bodily injury or death
- The State's classification of offences, penalties, and surcharges

- Classification of county offences and the model traffic codes because the county ordinance covers the same material
- Model traffic code will not affect traffic tickets issued to juveniles

Grand County will not adopt several items of the code because the state system is better established to handle some charges. Instead of re-writing some items, the County just adopts the state system.

The County's authority to issue penalty assessment is under Title 16 of the State statutes and not 42 which is the traffic statutes. The County will have to adopt a penalty assessment system. The amendments proposed do that. The Sheriff will propose that the state laws apply to things classified as a class 1 traffic misdemeanor. The County would take on the enforcement of class 2 misdemeanors. The maximum penalties for Class 1 misdemeanors are \$15 to \$100 penalties. Class 2 misdemeanors penalties range from \$150 to \$300 and/or imprisonment of 10 to 90 days.

Sheriff Schroetlin is proposing to adopt the State's fine schedule. This will keep the burden off of the deputies in the field.

The deputies are used to using the State's fine schedule. The State traffic statutes do have a number of surcharges and penalties that will not be adopted by the County. These fund various state programs under Title 42 that the County does not have the authority to collect. The County will fall back to Title 16 and will adopt other surcharges:

- Grand County administrative surcharge will be 25 percent of the ticket written. The 25 percent County surcharge adopted in the ordinance will be placed in an account in the County general fund to be known as Law Enforcement Training and Enforcement Fund to be used for purchase of law enforcement training and equipment for the Grand County Sheriff's office.
- State surcharge that applies to a County ticket (judicial district victim and witnesses and law enforcement fund surcharge) will be \$10 on every ticket.
- The traumatic brain injury fund surcharge applies to speeding and is \$15 per ticket

Mr. Hassler stated that staff is also proposing a standard plea offer. For certain tickets the driver can pay the ticket and have a reduction in the number of points reported to the Department of Revenue. This will be done simply to reduce the administrative costs. Under the model traffic code, deputies will be in court telling the judge what happened. The District Attorney will only be involved in traffic first degree misdemeanors. If the ticket involves a state charge (for example a DUI), then the State will probably take over prosecution of the entire ticket. The new ordinance also adopts several provisions of State Law such as doubled fines in construction, school, and wildlife zones.

The procedure for adoption of the ordinance is introduction which was done in today's meeting. Three copies of the model traffic code are to be certified by the County Clerk as exact copies of what the Board is examining. These are available for review by interested persons. The County modifications are not available on the Colorado Department of Transportation website. The ordinance needs to be introduced by the entire title. It must be read and the motion should also cover that public hearing be set for May 3 and the County Clerk must certify the three copies.

Commissioner Tollett asked Sheriff Schroetlin to give a summary of why this change is important. Sheriff Schroetlin said that currently when a deputy stops someone for speeding, a fine is assessed and paid and the money is sent directly to the Colorado State general fund. Under the proposed ordinance, the deputy will perform the same functions of stopping and issuing the penalty, but he/she will instead mark the box on the back of the ticket that directs that the distribution of the money is to be handled locally. This allows the County to utilize the funds at a local level. Procedurally on the side of the road there will be no difference. There would be no changes to violations. All state laws would continue to be enforced. Fifty-nine counties and nearly every municipality in the state do the Model Traffic Code. It is a very standard practice in the state. Grand County just has not gone through the steps to set it up.

Commissioner Tollett asked how much money was involved. There were no firm figures. An estimate was forwarded by Sheriff Schroetlin that based on one \$200 traffic ticket per day per deputy the value for 14 current deputies would possibly be between \$150,000 and \$200,000. The only real cost would be time and a little administrative work that would be absorbed by current staff. Money would have to be received, recorded and moved internally. Credit card payments would have to be processed. The State would also have to be notified of payment and non-payment of fines.

Commissioner Manguso brought up a concern that the amount of enforcement of various traffic rules could change due to the motivation of the deputy. Though it was agreed by commissioners that the current Sheriff's group would not change their enforcement behavior due to the ordinance, it was asked whether this change could be repealed at a later date if it was determined that there were more problems with the new ordinance than were originally anticipated. Mr. Hassler indicated that it can be changed or amended at a later date if needed through normal procedure.

Commissioner Manguso moved to consider an ordinance for the regulation of traffic by Board of County Commissioners of Grand County, Colorado. "Adopting by reference the 2010 Addition of the Model Traffic Code and amending said model traffic code as set forth therein adopting by reference the penalty assessment procedure of Colorado Revised Statute 16-22-01 as authorized by CRS 30-10-402 (1) providing penalties for violation thereof and adopting by reference the fine schedule set forth in CRS 42-4-1701 (4)(A)(i)(a) through 42-4-1701 (4)(A)(i)(p) as amended and CRS 42-4-1701 (4)(A)(2)(a) as amended CRS 42-4-1701(4)(a)(3)(a) through CRS 42-4-1701(4)(a)(3)(b) as amended adopting by reference the penalty points schedule set forth in CRS 42-2-127 as amended imposing surcharges for violations thereof establishing a schedule of standard plea offers establishing a law enforcement training and equipment fund to which Grand County administrative surcharges will be paid and repealing all ordinances in conflict thereof." We are setting a publication date of the 21st of April that will be in the Middle Park Times and the hearing will be set on May 3rd at 9:00 a.m. Be it ordained by the Board of County Commissioners, County of Grand, State of Colorado."

Motion was passed unanimously.

Eden Recor indicated that this discussion took 45 minutes and suggested that the Board consider moving this type of discussion to the normal Board meeting and not during department updates.

Tom Weydert agreed with Mr. Recor that there was a discussions at the staff meeting that anything that will take longer than five minutes should be its own agenda item. Mr. Weydert stated that Commissioner Tollett is disobeying the Board's own guidance. Commissioner Tollett stated that the Board is trying to get a better handle on the agenda and asked him to give the Board a chance to make it happen.

Water Quality Specialist Katherine Morris stated that the Water Quality Control Commission did approve the proposal. The 3.8 meters and 2.5 meters were adopted as goal qualifiers, not standards. Generally goal qualifiers are used when a water body is not attaining a standard. A Total Maximum Daily Load (TMDL) is in place in order to try and obtain that attainment. Grand Lake is not optimal for a TMDL. Normally regulated discharges would be discharging to the water body. This is an interesting scenario. There are two precedence where this approach has been used that does not involve TMDLs.

The EPA now is uncertain to their response to this. The EPA has to approve it before it becomes final. Interestingly, EPA was prepared to accept the 3.8 and 2.5 meters as standards, but now with the goal qualifiers, the EPA is holding back. What the State has proposed and the Commission has approved will require modification to the MOU to remove a clause about when the standards are approved the MOU will be valid.

Commissioner Manguso moved to amend the previous motion on the Model Traffic Code changing the time of the hearing to 3:00 p.m. on the 3rd of May, 2016.

The motion passed unanimously.

Manager and Attorney Items

Mr. Moyer stated that he has been working on the Tabernash Meadows Water and Sanitation District IGA.

Mr. Moyer understood that there was a securities discussion last week. Mr. Moyer stated that there are two securities maturing in May. These probably need to be dealt with during the Treasure's report.

The Board has a report from water counsel on the CLP Granby LLC water application. Water counsel filed an opposition to CLP's motion to dismiss with prejudice. They obtained the dismissal without prejudice. The date of CLP's original application cannot be used to establish a water right that might impact the County's right when a new application is made.

Consent Agenda

Resolution No. 2016-4-2, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A BUSINESS ASSOCIATE AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AND EACH PARTY USING THE MEETING MILESTONES INITIATIVE MOBILE APPLICATION"

Resolution No. 2016-4-3, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING THE KREMMLING AREA CHAMBER OF COMMERCE TO USE PORTIONS OF THE GRAND COUNTY FAIRGROUNDS FOR LIQUOR SALES DURING CERTAIN EVENTS, SUBJECT TO APPROVED AND ISSUED SPECIAL EVENT LIQUOR PERMITS"

Resolution No. 2016-4-4, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MAINTENANCE AGREEMENT CONTRACT BETWEEN PEAK PERFORMANCE COPIER & SUPPLY, INC. D/B/A PEAK PERFORMANCE IMAGING SOLUTIONS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Mr. Moyer informed the Board that he did bid the contract for county engineer services. The County has received several proposals. He asked that the Board give him a top three list by Friday at noon that will be discussed at next Tuesday's meeting.

Board Business

The Board received a CORA from Peter Ralph regarding Climax.

The Board received a letter of thanks from Sani King for the business the County has done with them over the years.

USDA Forest Service sent a letter about the Arapahoe-Roosevelt National Forest Sulphur Ranger District is considering purchasing 5.74 acres from the Rocky Mountain Conservancy.

Calendar

April 14 UCC meeting in Kremmling
Fairboard workshop at 10:15 a.m.
Meeting with DOLA at 2:00 p.m.
Meeting with Dr. Nichols at 4:00 p.m.
IOG at noon
April 15 Children's Fair from 10:00 a.m. to noon
April 18 Mayor and Manager's meeting in Fraser at 9:00 a.m.
Staff meeting at 8:00 a.m.
April 20 Legislative breakfast at Carvers at 8:00

Meetings Reports

Commissioner Linke went to CCI last Thursday and Friday. He testified at the capital regarding the salary bill requesting the county move to a lower subcategory as they wish. He reviewed the following bills that he thought related to Grand County:

House Bill 16-067 - Broad band personal property tax exemption. CCI opposed that because there is no backfill position for schools.

Senate Bill 16-172 - concerned the election by a person to receive electronic notification of certain tax disputes. Currently, notification can only be done by US Mail. CCI's position is to support it.

House Bill 16-1420 - a Colorado health care affordability and sustainability factor that takes the hospital provider fee out from under the TABOR cap. CCI's position on this is monitor at this time. They like the bill in concept but there is some in the bill they do not like.

House Bill 16-1183 - aligning federal changes to the Child Care Assistance Program. CCI's position is to monitor with a recommendation to set up an allocation committee because the allocation as proposed in the bill does not work for the smaller counties.

House Bill 16-1383 - Child welfare predictive analytic pilot program. CCI opposes this unless it is amended. The bill requires the Department of Social Services fund an analytic data system that looks like yet another study instead of getting money to the actual services.

House Bill 16-1401 - Retail Food Establishment License and Inspection. CCI opposes this bill unless amended to not cause increased fees on businesses that would be inspected. CCI's position is that they do need the fee increase, but they do not want the extra requirements that would come with it. There needs to be:

1. Flexibility for counties to set their own fees
2. Removal of the supplanting language which is language that re-directs the funding
3. Have flexibility within the grading system for counties to develop their own grading system for restaurants.

This house bill was an attempt to help the services of counties be self-sustaining. Grand County does not yet have its own restaurant inspection service. There are three counties that do not. The State still provides that for them. Grand County has looked into having its own service but it was found that the program could not be self-sustaining. Commissioner Linke believes that Grand County will eventually be required to have its own service.

House Bill 16-1313 authorizes a local government master plan to include a water plan goal. It allows flexibility but does not mandate. CCI's position is to support as amended.

House Bill 16-173 Golf Cart Crossing State Highways. This bill was significant to Commissioner Linke because it is another cornerstone of bringing local control to counties which is always a CCI position.

House Bill 16-1336 - Forms a committee to look at standardizing health care costs across the state. Commissioner Tollett reported that this bill will be heard in the Senate committee meeting Thursday at 1:30. Anyone can sign up to testify. This is the first hearing in the Senate. It passed easily in the House.

Commissioner Linke passed out a report from Natalie Moest, Chief Economist, of the Legislative Council Staff. It is an economic and state budget outlook report that has some good information in it. It spoke to the oil business in Colorado. Weld County is the only county in the country that is having any significant oil and gas business. The reason is because those wells are highly productive with a better grade of crude oil and a lower cost to drill the wells. Twenty-one of the 28 wells in Colorado are in Weld County. Commissioner Linke requested that the report be placed in the record.

Commissioner Linke received by mail a copy of the draft environment impact statement for the Enfit American Oil Utility Corridor Project. He passed this on to Mr. Moyer. Commissioners did not think that this project will impact Grand County.

Mike Ritschard, Grand County Representative to the Colorado River Water Conservation District, to discuss obligations under and implementation of the Colorado River Cooperative Mike Ritschard spoke to Grand County's obligations under an implementation of the Colorado River Water Cooperative Agreement.

Mr. Ritschard stated that he will have his orientation with the River District next week.

Mr. Ritschard stated that the St. Jude bill has been pulled.

A lobbying effort hopes to introduce the bill next year. There is substantial opposition to the bill. The Colorado Farm Bureau is part of that opposition. The Farm Bureau is supportive the Prior Appropriation Doctrine and wants no damage done to it.

Middle Park Farm Bureau will send a resolution to the State to get it to recognize that this issue affects the whole state. There is a need to be more sensitive to the headwater counties and look at the expanded use of these recreational waters as they relate to instream flows. It is probably more that the definition of beneficial use with the Farm Bureau and that is probably why it opposes the bill. Mr. Ritschard feels that some of the headwater county chapters of Farm Bureau are going to have to communicate to the Farm Bureau that there is more to the issue than what is being considered.

Commissioner Manguso sees from the District's meeting summary that the River District is funneling a lot of money to the lower Gunnison for irrigation. Commissioner Manguso wondered how Grand County can get to use the River District in the same way. Mr. Ritschard stated that Chris Treese, legislative aid, is working to get more money into Colorado for water.

The River District is going to work for all water projects within the River district. The Gunnison project is a major project, but this project in Grand County is also a high priority. The River District is working on getting more funding for the Windy Gap, but it will take Grand County and Middle Park Water Conservation District to be supporting and lobbying these issues. It will take combined effort to get this to work.

There might be two issues related to support from Grand County. Most of the County money that has gone into efforts to promote this has been on the attorney side instead of the marketing/lobbying side.

Mr. Moyer did mention that an interest group did go to Washington DC in December and did lobby for Windy Gap. Lurline Underbrink Curran and Commissioner Tollett also went to Ft. Collins to talk to Bureau of Reclamation.

Commissioner Tollett mentioned that we know that there is a window to get this money for this year. Commissioner Tollett will be meeting with the Governance Committee in the next couple weeks. One of the things she will be asking about is how Grand County can make an even bigger push to get this money. There is work going on toward the lobbying front, but she agrees that there does need to be more of a full frontal push. More leadership perhaps by the County to say that this is critical to Grand County and to the river because it links all of the projects we want to do downstream of Windy Gap.

Mr. Ritschard stated that there is more benefit to what happens down country than up here. We do have to recognize that there are 14 other counties involved with this. These other counties have a little more of a working knowledge of what is going on. Nonetheless, if it benefits up here, it will benefit down. That is why Grand County can make a strong push on certain things, but it will only go so far. Mr. Ritschard does not think that they are going to back away from protecting water on the Western Slope. He does think that though they don't prioritize on projects currently, if it something that Grand County wants to pursue he can take it back and ask the River District to prioritize this year. There could be problems with this approach. He would not be concerned with the money going to Gunnison. They must have at one point in time been more organized and centrally focused and had projects that more tightly fit the scenario under what the funds were going to be used.

Commissioner Tollett thought that Mr. Ritschard should attend the monthly meetings with Lurline Underbrink Curran and Katherine Morris so there could be a good water discussion. That will enable Mr. Ritschard to hear what the County is hearing and possibly give him better direction. Mr. Ritschard agreed. The next Governance meeting is May 3rd.

On other items, there will be a two day strategic planning workshop setting the direction for the River District for the next five to 10 years. The District may at that time be asking for the County's vision.

In 2009, the River District Board adopted the mission statement which is "To lead in the protection, conservation, use and development of water resources of the Colorado River basin for the welfare of the District, and to safeguard for all waters of the Colorado River to which the state is entitled."

Mr. Ritschard noted some issues with what was on the River District's CRCA web site regarding where negotiations may be going. They speak to confidentiality and yet he wonders how confidential some of that information is. Commissioner Tollett said that we still need to respect the District's request for maintaining confidentiality.

Mr. Ritschard also gave an update on the District's perspective on Denver and Consolidated Ditches. The 1940 agreement between Denver and Consolidated Ditches provides that Denver will not capture and reuse the return flows on the Front Range. The River District supports Denver on the litigation against consolidation for the reuse of that water. Mr. Moyer added that that proposal is contemplated in the CRCA agreement with Denver as well. The Board has received information and how that provides additional water to the West Slope. Mr. Ritschard said that it will also add water to Denver's system. Mr. Ritschard will send updates to the Board after his orientation meeting.

Commissioner Linke moved to convene an Executive Session at 11:00 a.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal

advice on a specific legal question. The topic of the meeting is to confer with attorneys on matters related to CRCA obligations and implementation. The purpose of the executive session should be expanded to discuss additional water matter related to the consolidated ditch.

The motion passed unanimously.

Commissioner Linke moved to reconvene the regular meeting at 11:44 a.m.

The motion passed unanimously.

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

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

Commissioner Linke moved to convene an Executive Session citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(e) determining negotiating strategies and positions and instructing negotiators on for the acquisition of property. The purpose of the meeting is regarding water matters to determine positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiators. The purpose of the executive session should be expanded to discuss additional water matter related to the consolidated ditch.

The motion passed unanimously.

Commissioner Linke moved to reconvene the regular meeting 11:44 a.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.

The motion passed unanimously.

County Attorney Hassler summarized executive session. There was a discussion on water issues. There are two items for the Board's discussion and consideration to direct action upon. The first is that there is a water case being prosecuted by Consolidated Ditches on the South Platt River against Denver Water's reuse of water. The Board is considering whether to support Denver Water's position on that case. The reason for support would be that if Denver is allowed to re-use the water before it turns it back to the South Platt. If the Board of Commissioners decides to support Denver Water Board, the question would be if it is direct support or through the Colorado Water Conservancy District.

The second item is the County's water counsel presented a proposed stipulation in the Byers water case. The stipulation would bind the other parties to allowing Grand County to bypass from the Moffat Project to go past the Byers Peak point of diversion and not be used by Byers Peak so that the water can be used by Grand County.

The Board agreed to direct water counsel to follow the stipulation in the Byers Peak water case. They also agreed to direct that Grand County not join in the River District's amicus brief in the Denver Water case but to acknowledge that Grand County is supportive and wants the River District to take the lead in that case.

Treasurer's Report

County Treasurer Christina Whitmer presented the Treasurer's monthly and quarterly reports.

Commissioner Manguso indicated that she thinks that the Board needs to decide what to do with securities and how to handle them in the future. Commissioner Manguso thinks that the Board needs authorize the Treasurer to do what she has done in the past.

Commissioner Tollett praised the Treasurer and her staff for doing a good job investing the County's money. Commissioner Tollett is asking for communication from the Treasurer on financial activities. Ms. Whitmer indicated that she is willing to communicate more information on day-to-day activities that goes on with investments, but she does not want her hands tied by the Board. The decisions to sell securities for revenue for the County are made based off of the market and the portfolio. Under the current circumstances; however, the Commissioners will have to make a decision on how much they are willing to loose in securities if there is a need to sell something because cash is running low. These are of course decisions that Ms. Whitmer would involve the Commissioners in because the County has not had to face these kind of decisions in the past.

The problem right now is that the Commissioners need to make a decision on how the securities are to be handled. They also need to create a directive to whomever they want to do the investments because the \$11 million is not being managed currently. The Treasurer is not going to make those decisions until there is a resolution that gives her that authority. There are resolutions that authorize banks, investments and institutions that are broadly written, but that is the way the County has chosen to handle investments because the County has never been big enough to have an investment manager. Ms. Whitmer feels that because the issue of investing has been brought up, it needs to be a very clear resolution on what the Board wants the Treasurer to do.

Commissioner Manguso would like to see the County continue to do what has been done in the past. She gets communication on maturing bonds from the Treasurer every month. To Commissioner Manguso, this is enough communication. Commissioner Manguso does not need micro manage to the point of analyzing emails between the Treasurer and her broker.

Commissioner Linke agreed. He is completely happy with the Treasurer continuing to manage these. The additional information that is coming out of the Treasurer's Report is great.

Commissioner Tollett did want to see more of the discussion that the Treasurer was having with others regarding bonds if only for the education they provide Board members and the public on how the County's money is being handled. She also appreciated what Treasurer did in the fall of 2015 when she alerted the Board that the County was having trouble with cash.

Commissioner Manguso asked if the Treasurer needed a resolution to satisfy the County Attorney's statutory concerns and to make it as clean as possible so similar problems do not occur again. Ms. Whitmer indicated though she felt that she did already have the authority to invest the County's money, given the problems that have been raised, she would like the Board to ratify precisely what it wants with regard to investments.

Board gave direction to Mr. Hassler to write a resolution that would both include current policy and resolutions as well as address statutory issues that he has raised.

The Treasurer would like the Board's permission to move forward on the items coming up. The Board verbally authorized the Ms. Whitmer to deal with Liberty Bank and asked her to follow up with a resolution the following week.

It was mentioned that Ms. Whitmer and Curtis Lange have been communicating and strategizing. This is important in that the Treasurer focuses on paying bills but does not necessarily know what the County's needs will be in the future.

After some discussion about whether a resolution needed to be made each time a bond was called, Ed Moyer suggested that he, Ms. Whitmer and Mr. Hassler get together and communicate and frame it all into a new resolution. The Board agreed, indicating that they would like to see a resolution that would essentially enable Ms. Whitmer to invest as she has in the past while addressing any legal issues that Mr. Hassler is concerned about.

Transparency issues related to this meeting will be addressed with a report of the meeting in the next Treasurer's Report.

County Attorney Alan Hassler announced to commissioners that this is an abatement hearing that needs to be conducted as a hearing which would mean that each party have the opportunity to present its side in order for questions to be asked about the application and the Assessor's response.

Petitioners were not present for the hearing. The petitioner's case will consist of a letter that was sent to Commissioners was placed in the drop box.

Commissioner Tollett announced: A matter before the Board is requested abatement number AB16-04 for 2015 taxes for the following property: Blue Valley Acres Block 2 Lot 15
Owners: Charles and Charlotte Johnson schedule R001810.

The issue is the petitioners own an improved 4.8 ac parcel in BVA with an 1876 sq. ft. modular with 3 beds and 2 baths. Petitioners missed a deadline to appeal a 2015 and are filing for an abatement now. According to the letter the petitioners submitted with their abatement the home is in need of a new roof, new flooring and new handrails on the deck. Based on these deficiencies and using a current listing in Blue Valley they believe the value of the home should be \$175,000 for 2015.

Mr. Hassler stated that the record to be set will consists of the letter from the petitioners. The Board also has in front of it a report from Becky Allison of Grand County Assessor's Office. Ms. Allison is here to present Assessor's Office response to that letter.

Ms. Allison told the Board that she received a call in July of 2015 from the owners stating that they wanted to appeal their value. She told them that they were too late. They needed to wait to either appeal this year or file an abatement. They filed an abatement for 2015 taxes. They are requesting a value of \$175,000. The current value on the property is \$265,130. She did do a field inspection of the property on March 2, 2016. She spoke with the petitioner's son, Charles Johnson Jr. He and his wife live on this property. He stated the house does need a roof and will be putting on as soon as the weather clears up this year. He said that materials are on site and there are no other issues with the house. She did look at comparable sales in Blue Valley Acres and believes that the current value of \$265,130 is appropriate for 2015 and 2016. It is her recommendation that the County deny this petition for abatement based on the comparable sales that she presented in her report.

Commission Linke asked whether the improvements to the roof would make a difference to the value. Ms. Allison said no.

Commissioner Manguso moved to deny the request for abatement on abatement number AB16-014 for 2015 taxes as presented by Becky Allison.

The motion passed unanimously.

Amended and Restated Intergovernmental Agreement between the Tabernash Meadows Water & Sanitation District and the Board of County Commissioners, County of Grand for operation and maintenance of the Wastewater Treatment Facility and Wastewater Collection System

At the last meeting LL Kourse and Ed Moyer were directed to work on an amended and reinstated Intergovernmental Agreement (IGA) between Tabernash Meadows Water and Sanitation District and the Board of Commissioners, County of Grand for operation and maintenance of the Wastewater Treatment Facility and Wastewater Collection System. The purpose for the amendment is to address the current capacity, ownership and tap reconciliation based on that capacity. The County has 247 taps of which 146.2 have been sold with 120.8 remaining and the District having 467 taps with 270 sold and 197 remaining.

The total taps with the capacity is 714 based on a 200,000 gallon per day hydraulic capacity. The IGA also addresses ownership of the joint facilities which are that wastewater treatment facility and the interceptor line. Those are owned jointly with the County being one-third owner and the District being two-thirds owner. The District owns 100 percent of the collection system within the District and the County on behalf of the community owns 100 percent of the community collection system. The IGA also identifies the joint ownership and maintenance of the 18" interceptor line. That is part of the 1/3 – 2/3 joint facility ownership. There is a stipulation in the IGA that certain manhole repairs to be made in 2016 were budgeted in 2015. This work will be done within 2 weeks.

In 2017 the District will assume two-thirds of the maintenance of the interceptor line as contemplated in the original IGA. The reinstated IGA also contains a new provision for a 75 percent capacity trigger. When 535.5 (75 percent of 714) taps are sold it would trigger a plant performance evaluation. The 75 percent allows a five

percent buffer before there is a need to begin to re-design. Grand County has approximately 59 taps to sell before the 75 percent is reached. The district has 80 remaining taps to sell before the 75 percent capacity is reached. Ms. Kourse noted that the last 25 percent of the remaining taps would be very expensive and probably not worth selling because they would have to design at 80 percent and construct by 95 percent. It could also be that at 75 percent a performance evaluation will show that the plant is able to operate at the 75 percent well or it could also show that the system is actually at 95 percent of capacity. Nobody knows how the plant will operate in that range until it is there. Right now it is hard to operate because the plant is underwhelmed. A plant performance evaluation will be a really cheap way of finding out where the plant is. That was why Ms. Kourse feels so strongly about getting this language in the IGA.

The IGA also clarifies the community annual assessment that owners currently pay with their property taxes. This goes directly toward repaying the USDA Rural Development and DOLA loans that funded the original infrastructure and taps.

The IGA also identifies the operation and maintenance prepayment to the District by the County. The District's operation and maintenance costs are determined and split into 1/12 portions throughout the year in order to keep the District from having to spend money and wait for the County to pay them back.

The IGA also identifies annual budget requirements and the requirement for a joint meeting between the District Board and the Board of Commissioners to set the annual budget, which includes capital.

The IGA also allows the community to sell taps outside the community service area with the condition that it can only be to properties that will be annexed or included within the District. In that scenario the community would get the proceeds from the tap sale and the District would see the quarterly operation and maintenance service fees.

Irene Cooke spoke to a concern she had with this language. The District thought it had a deal nearly completed until it received a memo from Mr. Moyer yesterday that contained several changes. The particularly troublesome changes were in sections 5 and 16. Ms. Cooke was confused as to why the new language was inserted into sections 5 and 16. Mr. Moyer explained that this language was inserted to ensure that there was no loophole that would allow the Red Hawk Ranch property to connect to the existing manhole.

It was suggested by LL that instead of including language that might detract from that desire, the agreement contain a couple of sentences that state that everyone understands that these agreements can be re-negotiated in the future. Mr. Moyer's concern was that every time someone wanted to expand the community boundaries, the entire IGA would have to be renegotiated. LL commented that is what probably should happen so that everything could be re-evaluated if boundaries are expanded.

Ms. Cooke spoke up during discussion to say that they were losing sight of the real issue why all were there today. The real issue is that the current District Board members who negotiated this IGA will be leaving and replaced after that night. She does not want to go to the new board and tell them about several more steps that will need to occur before a final agreement can be executed. She would like something that the current board can sign at 6 p.m. tonight. Otherwise the IGA will go to the new board and will defeat the purpose of why they and the County have put so much effort into this agreement over the last few months.

Commissioner Manguso asked what Ms. Cooke wanted to see happen. Her response was that all of the added language should be taken out. It is confusing and unnecessary and it reads contrary to what both the Board and the Commissioners wanted to see happen. In the end they do not want to add language that would expand the community boundary without having to amend the IGA in the future. The Commissioners all agreed that the new board could still go through the IGA and change the service area by amendment if they both agreed to it without the new language of the redlines in section 5. All language referring to expanding the community service area would be taken out.

Ms. Cooke also asked that language referring to best practices provided by the District Engineer left in section 4.3.

Mr. Moyer spoke to insurance language in section 4.8.4 of the IGA. Any approval of the final agreement will have to be based upon final legal review. He went through the document with Mr. Hassler last night. Other than a couple minor changes, the only issue that Mr. Hassler brought to his attention was in the insurance section. As an owner, the County should be named as an "insured" rather than as an "additionally insured." Also the insurance requirements today are workmen's compensation and general liability. It should also provide applicable property insurance. Ms. Cooke and Ms. Kourse agreed to the changes.

A discussion focused on service fee billing. Commissioners feel that billing needs to remain a district obligation. However the current scenario with the Grand County Treasurer fulfilling that obligation for the District is okay. It might be possible that with a future Treasurer, the District would have to assume that obligation. Commissioners would not be able to speak for another elected official in the future.

Both parties agreed that the final document with changes discussed will stand as the agreement. Mr. Moyer stated that he recommends that the Board of County Commissioners adopt the amended and reinstated Intergovernmental Agreement between the Tabernash Meadows Water and Sanitation District and the Board of County Commissioners, County of Grand, for the operation and maintenance of the Waste Water Treatment Facility and Waste Water Collection System with the changes as discussed and made and contingent upon final legal review by both the District and the County's legal.

Commissioner Linke moved to approve the Intergovernmental Agreement as described by Mr. Moyer.

The motion passed unanimously.

Commissioner Manguso moved to execute a friendly amendment to the motion that the Chair is authorized to sign the IGA outside of this meeting.

The motion passed unanimously.

East and West School Districts to discuss the Forest Reserve Fund Allocations

East Grand School District Business Manager Donette Schmiedbauer is present to negotiate for the allocation of the Forest Reserve monies. Last year the County gave 100 percent to the school districts. The districts would like to ask for 100 percent again. Ms. Schmiedbauer understands that last year it was realized that perhaps the community would benefit in total if the 100 percent continued to go to the school districts. Forest Reserve money that is retained by the County is subtracted from the total PILT money that the County receives from another fund. Ms. Schmiedbauer estimates that over the last few years approximately \$1.2 million has been lost because of the County and school districts shared the Forest reserve money 50-50.

Ms. Schmiedbauer contacted six other school districts and heard back from four to find out what their share is. It is all over the board; Clear Creek gets 75 percent, Eagle and Steamboat get 100 percent, and Summit gets 50 percent. There are different understandings on the impacts splitting the money has on PILT monies.

Mr. Moyer stated that last year was unique. Last year, the entire state of Colorado get less than \$6 million. The choice last year was 100 percent schools or 100 percent Road and Bridge. Any time there is over \$6 million, it must be allocated 25/25 between the schools and the County. The remainder 50 percent would have to be negotiated.

Ms. Schmiedbauer also got clarification from Jarratt Biggs who oversees funding with the DOLA on the law regarding distribution of Federal Reserve money. It is guaranteed by law that school districts get a minimum of 25 percent and the other 75 percent is up to negotiation.

Commissioner Manguso noted that the County took a gamble last year that the PILT money would be reimbursed completely not knowing what would happen this year.

Superintendent East Grand School District Jody Mimmack stressed that it is important that the schools get 100 percent. Eighty-five percent of the district budget is based on personnel. The state of Colorado is experiencing a significant teacher shortage. If they are unable to keep up with paying staff decent wages and benefits, the district will have a hard time filling positions. Mike Page, Superintendent West Grand noted that approximately 300 – 400 teachers attended a recent job fair at UNC. Ten years ago there were well over 1,500 teachers. Information on all of the graduates from the schools of education programs across the state indicated that there were only two or three students who graduated in math education. Wyoming has a state teaching base salary well into the \$40,000s. Colorado's base salary is in the low \$30,000's.

Commissioner Manguso indicated that if the County did give the Districts 100 percent of the Federal Reserve money and the PILT funding for 2018 did not occur, the County would probably try to recover that difference in future years. Commissioner Manguso also asked Mr. Lange and Mr. Moyer how certain they are that PILT would be approved in the coming years. There is a risk, but Mr. Lange does not remember it not being approved.

In 2015, \$951,000 was 100 percent of the fund and it was given to the school districts. West Grand received 25.85 percent and East Grand received 74.15 percent based on student population. This year, 100 percent of the fund will be approximately \$1,000,000. The funds have not arrived at the County yet.

Commissioner Manguso asked Ms. Schmiedbauer to provide the information regarding how other counties receipts of PILT funds were affected by various sharing scenarios. Ms. Schmiedbauer will share information on districts with which she has communicated.

Current deficit for the East Grand School District is \$250,000 on a \$10,000,000 budget. West Grand has not run into a deficit yet, but it won't be long.

Commissioners agreed to set discussion and decision for next week.

Public Hearing – Off Highway Vehicle (OHV) Hearing

The public hearing scheduled to begin at 2:00 p.m. was called to order by Chairman Tollett at 2:01 p.m. County Attorney Hassler set the record.

This hearing on opening county roads to OHV use hearings to determine which routes on county roads will be open for OHV use. The decision by the Board of County Commissioners is based upon the evidence that is in the record. The Board has had access to the maps and the exhibits. Those go into the decision. The Board will also consider comments from the public on any of the proposed routes. Mr. Hassler asked that people avoid parroting what others have said.

- Exhibit 1 Agenda
- Exhibit 2 Public hearing legal notice
- Exhibit 3a Proof of publication Middle Park Times
- Exhibit 3b Proof of publication Grand Gazette
- Exhibit 4 Letter from Road and Bridge Superintendent
- Exhibit 5 Courtesy notice to OHV businesses in Grand County
- Exhibit 5a Mailing addresses for courtesy notice
- Exhibit 6 Email and letter from Larry Ivy
- Exhibit 7 Certificate of recommendation
- Exhibit 8 Letter and OHV call report from Sheriff Schroetlin
- Exhibit 9 Proposed OHV routes with maps – 6 pages
- Exhibit 10 11x17 aerial of County Road 451 and surrounding area
- Exhibit 11 Email from Jim Hansen
- Exhibit 12 Email from Ed and Sharon Peterson
- Exhibit 13 Email from Mike and Mandy Hanifen
- Exhibit 14 2nd email from Mike and Mandy Hanifen
- Exhibit 15 Email from Avis, Natalie, Brian and Nolan Gray
- Exhibit 16 Email from Charles and Barbara Houck
- Exhibit 17 Email from Robert and Michelle Roberts
- Exhibit 18 Letter from Raymond Miller
- Exhibit 19 Email from Charles Garcia
- Exhibit 20 2nd email from Charles Garcia
- Exhibit 2 Email from Claire Tomasek
- Exhibit 22 Email from Dennis Stafford
- Exhibit 23 Email from USFS – Craig Magwire
- Exhibit 24 Email and letter from Jack Zielenski
- Exhibit 25 Letter via email from John Spence
- Exhibit 26 Email and letter from Mike Foscha
- Exhibit 27 Email from Jean Harlow
- Exhibit 28 Email and letter from Larry Ivy
- Exhibit 29 Email from Mary Harlow
- Exhibit 30 2nd email from Larry Ivy
- Exhibit 31 Letter from Schmid
- Exhibit 32 Letter from Stellenga with map
- Exhibit 33 Email from Petra Recor
- Exhibit 34 Email from Ed Fisher
- Exhibit 35 Presentation packet from Larry Ivy

Commissioner Tollett stated that Road and Bridge is the applicant. The Board will first hear from the applicant and then from residents.

Road and Bridge Superintendent Chris Baer thanked the Board for its support over the years.

Alan Green of Grand County Road and Bridge received a request from Larry Ivy that County Road 451 be considered for OH use. Mr. Green stated that Mr. Ivy was not aware that he was not allowed to use the road under state law.

Dennis Stafford lives at the end of County Road 451. At the end of that road, neighbors are building a home on a property that has access into the Forest through a gate at the back of the property. For the rest of the neighborhood there is not access to the Forest. People have to go to County Road 4 and then up a small stretch into the Forest. Mr. Stafford has always used County Road 451 and 452 to access the corners of his property to check his fences and to visit his neighbors. He is in favor of keeping County Road 451 open for OHV use. Mr. Stafford stated that he speaks also for two of his neighbors. He notes that both roads are open to motorcycles and snowmobiles. For them not to be able to use OHVs on the same roads is puzzling.

Mr. Larry Ivy stated that his family purchased the property in Stillwater Small Tracts in 1957. He moved back in 1995 after 27 years in the service. His parents never complained about people using County Road 451. Historically, County Roads 451 and 4 were always open to access to fishing or the Forest. A year ago he and a neighbor were stopped by a state trooper who lives in the area and was told that OHV use on the road was illegal. Mr. Ivy stated that he has neighbors that ask him to help them with their properties when they are not there. He gets on a four wheeler and drives down to help them. He stated that that is how it has always been until a sign came up a year or two ago.

Mr. Ivy addressed an email from Mandy Hanifen that listed problems she has encountered on the road. Speaking about County Road 451, in twenty years he has only picked up a couple of cans and no glass. He has only had to stop kids on four wheelers a couple of times to ask them to slow down. It is not a big problem.

Mr. Ivy said that historically, residents would access the forest by traveling 0.3 miles on County Road 451 and 0.2 miles on County Road 4. Mr. Ivy is only asking that County Road 451 be open at this time because it was more important to him to visit his neighbors than to gain access to the Forest. He does not see a safety problem. He does not think there is a litter problem on County Road 451. There was a trespass problem for a while until a "No National Forest Access" sign was put up by the County. That seemed to fix the trespass problem. Mr. Ivy would like the area free of restrictions that are not necessary which includes the OHV restrictions on County Road 451. He would also like the Commissioners to consider down the road opening up the small stretch of County Road 4 to OHV to allow Forest access.

Ed Fisher commented in support of opening County Road 451 to OHVs. Mr. Fisher owns property between County Roads 451 and 452. He thought he is probably the best judge of all the traffic that comes through there. Mr. Fisher has been at his property since 1994. There isn't that much traffic there. There has never been any problems with OHVs. If he cannot ride a short distance from Stillwater to the Forest, it would mean he would have to load his machine on a trailer and haul it for a mile to a crowded staging site. They also have friends and family who visit and ride. He noted that the speed limit on County Roads 451 and 452 is 25 miles per hour, which is another reason there is not a problem.

Berle Harden has a property that borders County Roads 451 and 452. She feels she is the most impacted by people coming up both roads. She said she has had no complaints. People using the road do not litter. The effort to trailer the ATVs for a couple hours of riding time in the Forest is to her ridiculous. Her property is also divided by County Road 451. If County Road 451 is closed to OHVs they would have to load up the ATV and move it across the road in order to maintain the other side of the property.

Jack Zielinski also lives on County Road 451. He is for opening the road to OHV use. Being able to use an OHV on the road was one of the main reasons for purchasing in the area. One of the possible concerns of opening the road is the racing around but the fact that there has only been one call in the last three years is evidence that the people self-police on County Road 451. If there were to be a problem on the road such as speeding, Mr. Zielinski would call the sheriff. He is not interested on doing anything on County Road 452. Robert Roberts stated that he is the state trooper that lives in the back on County Road 452. He has had numerous contacts with individuals on County Road 4. Mr. Roberts stated that he does not know all of the local residents. When he met Mr. Ivy at County Road 4, he did not know he was a local resident. Mr. Roberts does not have a problem with residents driving to maintain property. His concern is that tourists will look on the

Grand County website and note that County Road 451 is open to OHV. They won't see the "No Access to US Forest Service" sign. He has had several people come to his house to ask how to get onto the Forest Service. He has no problem with local residents using OHVs on the road.

Mike Hanifen agreed the locals needed to get around the area on OHV. They do move around to each other's houses on their ATVs to work or visit. There are a couple rentals on County Road 451. The children at these rentals are occasionally allowed to drive up and down the road. It is rare, but when they do that, it is very annoying. As long as locals don't abuse the "illegal move" of driving on County Roads 451 or 452, he doesn't see any issue with locals continuing to ride on the road. He would like to refer to the sign when people are abusing the road. He feels that once tourists are on County Road 451, they will continue on to County Road 452. He prefers to keep the restriction on County Road 451 because its affect is to restrict tourists - not locals.

Ray Miller bought property from BLM and he has been building a house for approximately one year and a half. He has been there on the property often working on the house. He was unaware that the road was closed to OHV use until recently. Had he known earlier, he would have submitted several complaints. Last summer on the average of every other weekend there were groups of ATV riders who raced back and forth, racing, careening and stirring up dust and making noise on and off most of the day. They were a constant irritation. He agrees with Mr. Roberts that people unfamiliar with the area come in looking for access to the Forest Service land. Several driveways parallel the Forest boundary. One of them provides non-motorized access to the Forest. OHV users have been illegally accessing through the area. They have created a huge matrix of illegal trails. They had also cut trails with saws, creating a very damaging access. The Forest Service has mitigated the damage, but is concerned that the damage will re-occur. Mr. Miller also stated that he has had to pick up a lot of litter and parts and pieces from machines near where people make this illegal entry on the weekends. Mr. Miller also complained that an ATV came onto his property and did a considerable amount of damage to a wetland area.

Mr. Miller stated that the neighbors are not the problem and understands their concern with having to trailer their ATVs. But, he notes that everyone else has to do that to go to Idleglenn. Other neighborhoods are not exempted. Like Mr. Hanifen, he has turned a blind eye to his neighbors using discrete and responsible use to get from one neighbor to another. That is not the problem. The problem is the people deliberately trying to get access to the Forest where it is not allowed. If the road is opened to public use, then there is no tool to control that.

Mr. Miller's final comment was that he feels that the neighbor's desire to be legal is not an adequate justification for opening the road to legal use.

Mr. Ivy spoke in rebuttal. Mr. Miller is Mandy Hanifen's brother. He is building the house for his mother. He does not live in the area. The access to the Forest that he spoke about is not a legal access. It is an easement that Mr. Ivy's family granted and has in the past allowed people to access the forest via that path. He has since closed the access to use because of the friction between him and Mr. Miller.

Dennis Stafford stated that the blocking of this access has had the effect of blocking access to the Spence cabin by the matriarch of the Spence family because of the size and weight of the gate. On the gate the sign says no motorized vehicles. After November 15th snowmobiles can go up the road where they never went before.

Chris Baer recommended approval of all of the existing routes. Mr. Baer commented that County Road 4 is not approved for OHV travel. People who choose to travel on this road are doing that on their own. County Road 452 has nothing to do with this current application. He has gone through the letters word for word. It is a mixed deal. His recommendation is to put approval on a trial basis – on a "sunset" approval. Mr. Baer would like to post on County Road 452 coming out of the National Forest a sign saying "No OHV allowed" from that point towards County Road 451.

Mr. Hassler counseled that the Board could entertain a motion to approve as presented, specifically addressing County Road 451. The Board could also decide to take it under advisement and discuss it at a later meeting.

Commissioner Manguso noted that snowmobiles and the neighbors are allowed on the road. She noted that common sense will go a long way on this." She encouraged Mr. Baer and Mr. Greene to use signage to control the public. She also noted that the rental properties seem to be the biggest issue with the neighbors. She encouraged the group to contact the Community Development Department. All short term rentals have to be licensed. If renters are breaking laws out there, then there is a way for the department to control things.

Commissioner Linke agreed with Commissioner Manguso. It seemed to him to be more like a community usage and he didn't see that many problems out there. He liked the idea of the self-policing. The letters he read did not indicate problems that made him not want to approve this road.

Mr. Greene noted that approving County Road 451 on a sunset basis is not a new idea. The same thing was done in Old Park.

Commissioner Manguso moved to approve the OHV routes for the 2016 year, including County Road 451 on a one-year trial.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing regarding the OHV routes for 2016.

The motion passed unanimously.

Public Hearing – MMK Limited dba Grand Life Solutions, application for a retail marijuana store

The public hearing scheduled to begin at 2:45 p.m. was called to order by Chairman Tollett at 3:00 p.m. Commissioner Tollett: "The matter before the Board is an application for license for a retail marijuana store to be located at 10863 U.S. Highway 34 unit A by MMK Limited dba Grand Life Solutions, owned by Kevin Speier and Matt Brien. This is a new license." Documents have been available to the Board electronically and as physical documents.

Mr. Hassler set the record:

- Exhibit A State application
- Exhibit B Trade name registration
- Exhibit C Certificate of good standing from Colorado Secretary of State
- Exhibit D The entity documents for the applicant limited liability company
- Exhibit E Documents showing legal possession consisting of a lease and sublease
- Exhibit F Diagram of premises
- Exhibit G Notes, securities instruments and financial obligations – none
- Exhibit H Explanation of funding sources
- Exhibit I Operating and investment accounts with financial institutions – none
- Exhibit J Colorado sales tax license
- Exhibit K Colorado retail marijuana license bond
- Exhibit L Proof of fees submitted to State
- Exhibit M Grand County marijuana business license application
- Exhibit N Proof of fees submitted to the County
- Exhibit O Grand County Department of Community Development marijuana license review and update
- Exhibit P Letter from applicant regarding previous marijuana licenses
- Exhibit Q Supplemental information provided to the State - none
- Exhibit R State of Colorado marijuana conditional license
- Exhibit S Land use within 1000 foot buffer
- Exhibit T Map of 2 mile radius the proposed neighborhood
- Exhibit U Grand County Assessors property record and schedule number
- Exhibit V Proof that property taxes are paid 2014 only
- Exhibit W Applicant's marijuana management plan
- Exhibit X Marijuana license applications and badges for current employees
- Exhibit Y Notifications and postings
- Exhibit Z Public comments
- Exhibit AA Petitions
- Exhibit BB Marijuana license reviews and responses
- Exhibit CC Postcards sent to citizens by applicant – supplemental exhibit by applicant
- Exhibit DD Community outreach efforts – supplemental exhibit by applicant
- Exhibit EE Proof of approval of modification of premises by State - supplemental exhibit by applicant
- Exhibit FF Marijuana management plan - supplemental exhibit by applicant
- Exhibit GG Pictures of property - supplemental exhibit by applicant
- Exhibit HH Commitment letter to Grand Lake - supplemental exhibit by applicant"

Commissioner Tollett stated that the Clerk and Recorder has designated a 2-mile radius as the neighborhood. Sara Rosene indicated that was correct. The applicant did not object to the designation of a 2-mile radius as the neighborhood.

Commissioner Linke moved to set 2-mile radius for the neighborhood.

The motion passed unanimously.

To: Grand County Board of County Commissioners
From: Sara L. Rosene, Grand County Clerk and Recorder
Date: April 12, 2016
Re: Retail Marijuana Store (the term “retail marijuana” is commonly known as “recreational marijuana”)
Applicant: MMK Limited dba Grand Life Solutions
Kevin Speier, 50 percent owner
Matt Brien, 50 percent owner
Location: 10863 US Hwy 34, Unit A
Grand Lake, CO 80447
Lot 1, Armstrong Subdivision Exemption
Zone District: Business/Tourist
Applicable
Regulations: Resolution No. 2014-1-26 and Ordinance #14 and Ordinance #14-1
Request: The Applicant is requesting a County Retail Marijuana Store License

Discussion:

Grand County Board of County Commissioners passed Resolution No. 2014-1-26 and Ordinance #14 and Ordinance 14-1 to exercise the authority of the County of Grand to allow state licensed marijuana establishments to exist in unincorporated Grand County in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions. This regulation and ordinance is adopted pursuant to constitutional and statutory authority as well as the county’s authority under its police power in order to preserve the public health, safety, and general welfare.

The applicant for this Retail Marijuana Store is MMK Limited, dba Grand Life Solutions. Kevin Speier and Matt Brien are the owners of the business. The proposed location is 10863 US Highway 34, Grand Lake, CO 80447. The land is owned by Scott R. and Lisa N. Turan. The Turans have a master lease with Spartak. The lease to Spartak is for a 3,000 square foot building with a term ending May 31, 2017.

In the original lease with Spartak, MMK was leasing Unit A for sales and Unit B for cultivation. There are two buildings on the property which were originally known as Units A and B. When the modification of premise was done, the new Unit A was only part of the original Unit A and Unit B appears to be the remainder of the building. The second building does not appear to be part of the modified lease.

A modified Sublease now has Unit A as 1,040 square feet for a store. There is no mention of Unit B or a cultivation facility in the building.

Applications for Retail Marijuana Licenses are submitted to the State of Colorado Marijuana Enforcement Division. The State then begins its review process. The State collects the state fees and within seven days remits the initial application and \$2,500 to the local jurisdiction. If additional documentation is needed, it is requested of the applicant. This information is not forwarded to the local authority by the State. The state then must make a determination to approve or deny the license no sooner than 45 days and no later than 90 days. Once the license is approved, the Conditional State license is remitted to the local authority.

Grand County uses the initial state license application and the County application to start the review process. In addition to the County application, a fee of \$500 is required.

Grand County makes the notifications required in the County Ordinance. The County Clerk’s review includes the following:

1. Review of the initial state application.
2. Review of the documents included with the County application.
3. Receipt of the \$500 fee

4. Contact with both the state and the applicant to obtain any additional documents or to receive clarification.

During the review process, the County Clerk's Office makes courtesy notification to all landowners, taxing districts, hospitals, and towns within 1,000 of the proposed license location.

After the final review, the Clerk and Recorder schedules a public hearing to be heard by the Board of County Commissioners.

Compliance with Grand County Resolution No. 2014-1-26 and Ordinance #14 and Ordinance #14-1

"Retail Marijuana Store" has the same meaning as defined in section 16(2)(n) of article XVIII of the state constitution. "Retail marijuana store" means any entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers."

Section 5 – Ordinance #14 – Application

County application:

1. *Operating Fee or Operating Renewal Fee (cash or check only). This fee is non-refundable and not dependent on the approval of an application.*

County portion of state fee is \$2,500 and has been received by County.

County application and license fee is \$500 and has been received by County.

2. *Written approval from Grand County Community Development Department.*

The Grand County Department of Community Development has begun its review of a retail marijuana store at 10863 US Hwy. 34 which is to be considered in conjunction with a Marijuana License Application for MMK Limited.

In order to confirm that the proposed retail marijuana store meets applicable building and zoning codes, the following items need to be submitted:

- Plans of the building that demonstrate that the proposed retail store meets all applicable requirements of the 2009 International Building Code and any local amendments
- An approved state highway access permit
- An updated traffic assessment that incorporates feedback from CDOT's Review (Reference August 3rd letter from CDOT to Turnkey Consulting outlining the conditions of acceptable traffic assessment).
- Proof of sanitation from Three Lakes Water and Sanitation District will need to be provided based on a sewer tap re-assessment that identifies the change in use.
- Provide written documentation from the Colorado Division of Water Resources that commercial well permit #274482-A is sufficient for the multiple businesses on site.
- An odor mitigation plan will not be required as part of this building permit, but excessive odor can be addressed through the enforcement of the Grand County Zoning Regulations (*Section IX – Business Zoning District – Retail activity is permitted in this district provided the uses do not allow objectionable or obnoxious amounts of noise, odor, dust, smoke, vibration or other similar impacts to be disseminated outside the Business Zoning District*)
- A revised site plan that includes the following elements:
 - Trash storage and the required screening of trash areas (*All trash storage areas shall be aesthetically screened from public view. Storage areas must be well drained by located out of the drainage courses and must be inaccessible to animals either by fencing or through the use of suitable containers.*)
 - Snow storage location and removal strategy (*A snow removal and storage plan must accompany all development proposals. Storage sites must be well drained and preferably located in a sunny, well drained spot.*)
 - Access, parking, landscaping and stormwater drainage (*The proposed development shall minimize the number of access roads and individual parking areas. Development access roads shall be combined, with the intent of minimizing intersections on public roadways. Traffic loops shall be used to the maximum extent possible. All access roads shall be visually screened from public roadways to the greatest extent possible. All parking facilities are to be landscaped, preferably with*

evergreen varieties and large shrubs. Parking design should facilitate use, snow removal, drainage, emergency access and must be screened or buffered from public roadways. Use of vegetative islands within parking areas are encouraged. Parking stalls and drive aisles will need to comply with Section 14.4 of the Grand County Zoning Regulations.)

- *The location of the proposed business sign (The location of the sign will need to be set back at least 10 feet from all property lines.)*

3. *For renewals, a letter from the Department of Revenue or other evidence that all applicable excise tax and sales taxes have been paid during the prior licensed term.*

N/A

4. *A letter from the Marijuana Enforcement Division or other evidence stating that the applicant has not violated any State Regulations during any previous licensed term at any establishment owned or operated by applicant or any of its affiliated business entities. If the applicant has violated any State or Local Regulations during any previous term, the applicant shall provide a detailed description of all violations and how the applicant has satisfactorily corrected and mitigated any such violations.*

Or

Letter from applicant stating that he/she has had no such license in Colorado.

Applicant provided letter (Exhibit P) as this is the first year of operation for MMK Limited d.b.a. Grand Life Solutions, it has not had any state regulatory violations. This is a statement of fact as MMK Limited has not been previously licensed.

5. *A copy of the applicant's State of Colorado Marijuana Business Application (excluding fingerprint cards) for the licensed period being applied for and proof that the applicant has submitted all necessary documentation to the State to obtain a State License.*

The Colorado Department of Revenue Marijuana Enforcement Division provided the initial application. The applicant has provided an affidavit that all supplemental documents provided to the State of Colorado Marijuana Enforcement Division have been provided to the County. The Department of Revenue Marijuana Enforcement Division has issued the State Retail Marijuana Store license for this location.

6. *Detailed map showing any alcohol or drug treatment facility, child care establishment, school or church within 1000 feet of the proposed location. A detailed map showing the 2 mile radius ("the neighborhood") around the property.*

The applicant has submitted a map showing property within 1,000 feet of the proposed location. The applicant provided a list of owners within identify land uses within 1,000 feet of the proposed location.

7. *The Grand County Assessor's schedule number for the proposed location. All buildings associated with the schedule number must correspond to the diagram of proposed licensed premises.*

Assessor's Schedule No. R173494 is a tract of land of approximately 5.180 acres located at Lot 1, Armstrong Subdivision Exemption. Unit A (to be used for the store) is approximately 1,040 square feet in a building that is 2,940 square feet. The building is currently being used as a yoga studio and heating and electric business.

8. *Letter from the Grand County Treasurer showing that all property taxes have been paid and no tax liens exist on the property where the business will be conducted.*

Applicant stated that proof of taxes paid will be provided prior to the issuance of the license.

9. *A copy of applicant's applicable state sales tax license.*

Applicant has provided a copy of a current Colorado Sales Tax License.

10. *A copy of a marijuana management plan detailing the training program for employees and staff that shall contain, at a minimum, educational and operation standards on the prevention of sale or distribution of marijuana products to anyone under the age of twenty-one (21) years old. Such plan should detail any efforts being made or proposed to be made by the applicant to educate the community or otherwise participate in community outreach regarding the topic of underage marijuana use.*

From applicant:

MMK Limited
Marijuana Management Plan (*Revised*)

MMK Limited takes the management and control of the marijuana and marijuana products it sells, holds, and tracks very seriously. The following is a marijuana management plan that MMK Limited will enforce to manage the marijuana and marijuana products in its possession during the regular course of business.

1) Tracking

MMK Limited, in compliance with the state mandated marijuana information tracking system (METRC), will track the marijuana and marijuana products in its position from seed to sale. The METRC system uses RFID tags to tag every plant through its life cycle through harvest, to packaging, to manufacturing, to wholesale, to sale. MMK Limited will only be operating a retail dispensary to start and will be purchasing all marijuana and marijuana products from state licensed cultivators, manufactures, and wholesalers. When product is purchased from licensed vendors, MMK will log all new product into their inventory tracking system and update inventory received to the state tracking system within 24 hours of acquiring new product. All new inventories will be stored in our secure storage room in safes and video monitored 24/7. Each day for operation, the shelves will be stocked with product out of the storage room and tracked from storage to shelf in the state tracking system, while at the end of each business day, all product is removed from the shelf, checked back into storage while the inventory is balanced according to daily sales, along with a closing day state tracking system update. All products will be stored in restricted access area, of which will be locked and video monitored 24/7. (See attachment 4)

2) Control of the Premise

The interior and exterior of the entire building will be video monitored and recorded 24 hours a day, saved and logged for 40 days. All customers that enter the premise must be identified and carded immediately before any "shopping" or viewing of the product or products. All customers will be required to show valid government issued proof of age and identity. We will only serve customers 21 years of age or older after their ID has been scanned, documented, and verified. Staff will be trained as set fourth below on how to identify fake documents. All customers' form of identification will be scanned and utilized to create a customer account, specific to individual customers. Once the identity and age is verified, then the customer can purchase products from MMK. MMK will not sell products to any individual under the age of 21. All entrances, ID checks, and sales will be video monitored and stored at all times.

3) Staff Training on the Prevention of Sale to Minors

Staff will be required to read; attend an in house class, and be quizzed on The Law Enforcement Guide to False Identification and Illegal ID use, a copy of which is attached hereto, pages 7-21. The guide is informative in assisting retailers on how to identify false or fake IDs or the use of IDs by people other than the individual posted on the document. All identifications will be checked by using an ID-E-600 ID scanner to prevent the use of fake IDs or the reuse of the same ID-in a 24-hour period by the same individual or any other individual. See attached specifications and descriptions of the ID-E-600 ID scanner.

Staff is required to complete TIPS training to prevent serving to intoxicated individuals and identify if an individual is attempting to use another persons ID.

TIPS® (Training for Intervention Procedures) is the global leader in education and training for the responsible-service, sale, and consumption of alcohol. Proven effective by third-party studies, TIPS is a skills-based training program that is designed to prevent intoxication, underage drinking, and drunk driving.

Over the past 35 years, TIPS has certified over 4 million participants and trainers. TIPS training is conducted in all 50 states and the District of Columbia, and in over 50 different countries. Join the thousands of businesses and organizations that already enjoy the benefits of TIPS.

MMK will be getting state certified through the "Responsible Vendor Program" designed by the Marijuana Enforcement Division and the state. All employees will be required to comply with all of the programs certifications. See attachment #2 for details.

All employees will be trained and proficient in the curriculum developed by the Marijuana Education Initiative, in order to provide the most recent information to customers and the community on youth reduction of use and abstinence. (See attachment 3) **MMK LIMITED DOES NOT SUPPORT AND IS FULLY AGAINST YOUTH CONSUMPTION. MMK LIMITED WILL MAKE ANY AND ALL EFFORTS TO PROMOTE COMPLETE YOUTH ABSTINANCE!!!!**

4) Safe Storage and Transportation

All products will be stored in 24/7 video monitored safes during non business hours. All products will be sold in discrete child-proof containers. We will offer a full variety of pet and child safe locking storage containers. All products not being delivered by supplier will be transported by armored vehicles. (See attachment #1, Blue Line)

5) Attachments

- 1) Blue Line Letter of Intent
- 2) Responsible Vendor Program designation
- 3) Marijuana Education Initiative Materials
- 4) METRC guidelines
- 5) State Mandated Retail Marijuana Store Statutes

11. *Copy of a completed Marijuana Employee License Application provided to the State of Colorado for all employees within 30 days of employment.*

Applicant has provided license applications on current employees and will provide license applications on future employees.

The State of Colorado issues cards based on the applications. The cards and applications are identified as follows:

- | | |
|-------------|--|
| Red card | Colorado Associated Key Marijuana License Application is for the owner of a business and must be renewed annually |
| Green Card | Medical Marijuana Key Employee License Application is for managers of the business, can be used anywhere in the state and is renewed every two years |
| Blue Card | Medical Marijuana Support Employee License Application is for support workers , can be used anywhere in the state, and is renewed every two years |
| Yellow card | Retail Marijuana Occupational Employee License Application, is for retail only support, can be used anywhere in the state, and is renewed every year |

Section 6 – Classes of licensing authorized

1. *Retail marijuana stores may operate only in the Business or Tourist zones within unincorporated Grand County.*

Section 7 – Schedule Hearing and Notice

(a) Upon receipt of a complete application for a marijuana establishment, the Clerk and Recorder shall schedule a public hearing before the Board of County Commissioners not less than thirty days from the date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation.

On October 7, 2015 the applicant made application to the Board of County Commissioners. Publication in the Middle Times was on March 17, 2016 and posting was completed on March 8, 2016.

(b) Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and address of the applicant, such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

Signs posted are in compliance with this section. A postcard notification was made to all landowners within 2 miles of the proposed location. Notification was made by email to all individuals on the interested party list. The complete file is posted on the County's website.

Notification was made to Department of Planning and Zoning, Grand County Sheriff's Department, and Grand Lake Fire Protection District. Courtesy notification was made to all property owners within 1,000 feet of the premises, all taxing districts in which the property is located, Kremmling Memorial Hospital District dba Middle Park Medical Center, Grand County EMS, Grand County Public Health, Grand County Juvenile Services, Grand County Road and Bridge, Colorado State Patrol, Grand County Rural Health Network, Town of Granby, Town of Grand Lake, Granby Police Department, Colorado River Water Conservation District, East Grand School District, Grand County Social Services, Grand Lake Metropolitan Recreation District, Middle Park Conservation District, Grand County Library District, Three Lakes Water and Sanitation District, Grand Fire Protection District No. 1, and Colorado Department of Transportation.

A second notification was sent with the hearing date and time to these same entities.

Section 8 – Public Hearing

(a) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses. As used in this section, "party of interest" means any of the following:

- a. The applicant;*
- b. An adult resident of the neighborhood under consideration;*
- c. The owner or manager of a business located in the neighborhood under consideration;*
- d. An authorized representative of a registered neighborhood organization that encompasses all or part of the neighborhood under consideration; or*
- e. The Board of County Commissioners*

(b) As used in this section, the term "neighborhood" shall have the same meaning as the Board of County Commissioners utilizes for purposes of issuance of liquor licenses.

(c) The Board of County Commissioners has authority to refuse to issue any marijuana establishment license for good cause, subject to judicial review pursuant to C.R.C.P. 106. For purposes of this subsection (c), the term "good cause" means:

- 1. The applicant has violated, does not meet, or has failed to comply with any of the terms conditions, or provisions of the Colorado Retail and/or Medical Marijuana Code or any rule or regulation promulgated pursuant thereto, or this regulation and ordinance or any rule or regulation promulgated pursuant to this regulation and ordinance;*
- 2. With respect to second or additional retail or medical marijuana establishment license applied for by the same applicant, the Board of County Commissioners shall consider the effect on competition of the granting or disapproving of additional license to such licensee, and no application for a second or additional license that would have effect or restraining competition shall be approved.*
- 3. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the marijuana establishment is proposed to be located.*

(d) Before entering any decision approving or denying the application, the Board of County Commissioners shall consider, except where this regulation and ordinance specifically provides otherwise, the facts and evidence adduced as a result of public hearing required by this section, and any other pertinent matters affecting the qualifications of the applicant for the conduct of business as a marijuana establishment.

(e) The Board of County Commissioners shall also consider:

- 1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, or otherwise; and*
- 2. The number and availability of other marijuana establishments in or near the neighborhood under consideration; and*
- 3. Whether the issuance of such license would result in or add to an undue concentration of marijuana establishments and, as a result, require the use of additional law enforcement resources.*

(f) Any decision of the Board of County Commissioners approving or denying an application shall be in writing stating the reasons therefor, within thirty days after the date of the public hearing, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application and to the state licensing authority.

The County Clerk and Recorder has received a number of written comments by mail or email. The count will be made available at the hearing. All comments are posted at www.co.grand.co.us/720/Applications-in-Process

The Clerk and Recorder has received a number of petitions and comments. The Clerk and Recorder has made every effort to determine the proximity to the license of every individual who signed the petitions. The efforts we employ to determine the proximity to the license for comments and petitions is

1. Check voter registration information
2. MV Registration Information
3. Driver License information
4. Assessor's property tax records

This count will be made available at the hearing.

Comments	Against	For	Neutral	Total
Within the 2 Mile Radius	64	27	2	93
Outside the 2 Mile Radius/Unknown	9	24	1	34

Note: There are comments on the web page and these number equate to people not comments. Two people on one comment would be counted as two comments.

Section 9. Licensing requirements – Provisions applicable to all licenses

In addition to those requirements of the Colorado Medical and/or Retail Marijuana Codes the following shall be required of all licenses:

(a) Notice of applications to departments and agencies. Upon receipt of an application for any class of local license, the Clerk and Recorder shall give notice of the application to the Department of Planning and Zoning and the Grand County Sheriff's Department, and the Local Fire District. Any applicant for a license under this regulation and ordinance shall obtain any and all necessary permits, licenses, and other regulatory approvals from the other affected county departments and agencies prior to the issuance of a license under this regulation and ordinance.

Notification was made to Department of Planning and Zoning, Grand County Sheriff's Department, and Grand Lake Fire Protection District. Courtesy notification was made to all property owners within 1,000 feet of the premises, all taxing districts in which the property is located, Kremmling Memorial Hospital District dba Middle Park Medical Center, Grand County EMS, Grand County Public Health, Grand County Juvenile Services, Grand County Road and Bridge, Colorado State Patrol, Grand County Rural Health Network, Town of Granby, Town of Grand Lake, Granby Police Department, Colorado River Water Conservation District, East Grand School District, Grand County Social Services, Grand Lake Metropolitan Recreation District, Middle Park Conservation District, Grand County Library District, Three Lakes Water and Sanitation District, Grand Fire Protection District No. 1, and Colorado Department of Transportation.

(b) Background checks and determination of good character and state residency. Prior to the issuance of any local license, the Board of County Commissioners shall make a finding and determine as to the good moral character of the applicant and compliance with state residency requirements in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code and/or the Colorado Medical Marijuana Code. In so doing, the Board may incorporate any findings as to good character and residency previously made by the state licensing authority, and shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

A background check for the initial application was performed by the State of Colorado. A background check with fingerprints prior to beginning work and annually is required by Grand County.

(c)Area maps. All applications for marijuana establishment submitted pursuant to this regulation and ordinance shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school, church or child care establishment, to any other marijuana establishments, or to any alcohol or drug treatment facility.

The applicant has submitted a map and referenced Assessor's property records showing the land uses within 1,000 of the proposed location. The applicant states that there are no alcohol or drug treatment facilities, child care establishments, schools or churches within 1000 feet of the proposed location. In addition, the applicant has provided a map showing the 2-mile radius around the property. Note: My office has been notified that there is a church and day care facility just outside the 1,000-foot radius.

(d)Additional prohibited locations. No retail or medical marijuana license shall be issued for the following locations:

(1)Within one thousand (1,000) feet of any school, child care establishment, alcohol or drug treatment facility or church, with the distance computed by direct measurement in a straight line from the nearest property line of the land use for the school, child care facility, alcohol or drug treatment facility, or church to the nearest portion of the building in which the marijuana establishment is located.

(e)Off-site delivery of product by licensee prohibited. All sales and distribution of retail or medical marijuana by a licensed marijuana establishment shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from delivering retail or medical marijuana to any person at any other location.

(f)Signs and advertising.

(1)Any person or premises licensed as a marijuana establishment shall comply with all county ordinances and regulations regulating signs and advertising. In addition, no licensed marijuana establishment shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.

(2)Except as otherwise provided in this subsection (2), it shall be unlawful for any person licensed under this regulation and ordinance or any other person to advertise any marijuana product anywhere in the county where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the Grand County Zoning Regulations; any sign mounted on a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this paragraph (2) shall not apply to:

(a)Any sign located on the same zoned lot as a marijuana establishment which exists solely for the purpose of identifying the location of the marijuana establishment and which otherwise complies with the Grand County Zoning Regulations and any other applicable county laws and regulations; or

(b)Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the county; or

(c)Advertising which is purely incidental to sponsorship of a charitable event by a marijuana establishment.

Comments

The Grand County Clerk and Recorder has received all documentation required by Grand County Resolution No. 2014-1-26 and Ordinance No. 14 and Ordinance No. 14-1. The fees required by law and statute have been remitted.

All standard language and conditions of the Grand County Resolution No. 2014-1-26 and Ordinance No. 14 and Ordinance No. 14-1 shall be made part of any approved license.

If, after taking testimony at the public hearing, the Board of Commissioners approves the license, the Clerk and Recorder recommends that a license be issued only after the following items identified by the Community Development Department are complete and a Certificate of Occupancy has been issued.

1. Plans of the building that demonstrate that the proposed retail store meets all applicable requirements of the 2009 International Building Code and any local amendments.

MMK/Scott Turan have been issued a building permit (BP #16-016) for the proposed retail use. Prior to the marijuana licensed being issued a C.O. for the retail use is require to be issued by Grand County Community Development (CD).

2. An approved state highway access permit.

MMK has been issued a highway access permit by CDOT. The access improvements are required to be completed and approved by CDOT prior to the issuance of a license for the proposed establishment.

This has been provided with some items of note:

- a. The total traffic volume shall be 43 DHV (design hourly volume) that will include 39 DHV for a recreational marijuana dispensary, office, and grow facility; 3 DHV for 3 single-family homes on adjacent property sharing this driveway; and 1 DHV for a timber splitting operation.
 - b. The south access to the property will be closed and removed.
 - c. The vegetation along the west side of Highway 34 shall be removed within the highway right-of-way.
2. An updated traffic assessment that incorporates feedback from CDOT's Review (Reference August 3rd letter from CDOT to Turnkey Consulting outlining the conditions of acceptable traffic assessment).
 3. Proof of sanitation from Three Lakes Water and Sanitation District will need to be provided based on a sewer tap re-assessment that identifies the change in use.

Three Lakes Water and Sanitation District assessed the proposed retail use and have made an initial determination that the existing 1.0 sfe tap is adequate to serve the retail use. Prior to the issuance of any license or C.O. MMK will coordinate with Three Lakes Water and Sanitation District an on-site assessment to confirm that the 1.0 sfe tap is adequate for the proposed use in accordance with TLWSD standards.

4. Provide written documentation from the Colorado Division of Water Resources that commercial well permit #274482-A is sufficient for the multiple businesses on site.

Proof of water has been provided (Commercial well permit #274482-A).

5. An odor mitigation plan will not be required as part of this building permit, but excessive odor can be addressed through the enforcement of the Grand County Zoning Regulations (*Section IX – Business Zoning District – Retail activity is permitted in this district provided the uses do not allow objectionable or obnoxious amounts of noise, odor, dust, smoke, vibration or other similar impacts to be disseminated outside the Business Zoning District*)

No odor mitigation plan is required as odor can be addressed through County Zoning Regulations if it becomes an issue with this retail establishment.

6. A revised site plan that includes the following elements:
 - Trash storage and the required screening of trash areas (*All trash storage areas shall be aesthetically screened from public view. Storage areas must be well drained by located out of the drainage courses and must be inaccessible to animals either by fencing or through the use of suitable containers.*)

- Snow storage location and removal strategy (*A snow removal and storage plan must accompany all development proposals. Storage sites must be well drained and preferably located in a sunny, well drained spot.*)
- Access, parking, landscaping and stormwater drainage (*The proposed development shall minimize the number of access roads and individual parking areas. Development access roads shall be combined, with the intent of minimizing intersections on public roadways. Traffic loops shall be used to the maximum extent possible. All access roads shall be visually screened from public roadways to the greatest extent possible. All parking facilities are to be landscaped, preferably with evergreen varieties and large shrubs. Parking design should facilitate use, snow removal, drainage, emergency access and must be screened or buffered from public roadways. Use of vegetative islands within parking areas are encouraged. Parking stalls and drive aisles will need to comply with Section 14.4 of the Grand County Zoning Regulations.*)

MMK has submitted site plan that demonstrates compliance with county parking standards with the change of use.

- The location of the proposed business sign (*The location of the sign will need to be set back at least 10 feet from all property lines.*)

In addition, the Clerk and Recorder recommends:

1. Applicant must provide proof of training of employees as identified in staff training section of the applicant's Marijuana Management Plan prior to renewal of the County license.
2. Applicant must provide proof of Community Outreach as identified in the community outreach section of the applicant's Marijuana Management Plan prior to renewal of the County license.
3. All employees of MMK Limited dba Grand Life Solutions must complete a background check by being fingerprinted and having the finger prints sent to the Colorado Bureau of Investigation with the report sent to the County Clerk and Recorder. This must be done prior to beginning work and annually at renewal.
4. Upon employment, applicant must provide the appropriate application for the employee as well as the state issued card as identified below:
 - Red card Colorado Associated Key Marijuana License Application is for the owner of a business and must be renewed annually
 - Green Card Medical Marijuana Key Employee License Application is for managers of the business, can be used anywhere in the state and is renewed every two years
 - Blue Card Medical Marijuana Support Employee License Application is for support workers, can be used anywhere in the state, and is renewed every two years
 - Yellow card Retail Marijuana Occupational Employee License Application, is for retail only support, can be used anywhere in the state, and is renewed every year

[End of comments from the Clerk]

Matt Brien co-owner and CEO of MMK, Limited stated that he has lived in Colorado for five years. Mr. Brien graduated from Penn State with a bachelor's degree in Agricultural Business Management. Mr. Brien noted that he and his partner have worked hard to get to this spot today. He wanted all to know that anyone can come to them with issues in the future and the issues will be addressed. He noted that their business will have to fully comply with everything they agree to this day because if they don't, they will be jeopardizing their license in the future.

Kevin Speier, CEO and co-owner of MMK Limited stated that he has been a Colorado resident for over 10 years. He attended University of Colorado, with a bachelor's degree in Science with focus in Psychology, Ecology and Evolutionary Biology. He thanked the County and the Clerk and Recorder and Community Development Department for their efforts in helping MMK compile the application.

Mr. Speier noted that this is not a public forum to address the pros and cons of marijuana or the impact it may have on an individual. It is about the business license application in Grand County. There have been a number of concerns have been brought up by the public that he will address briefly. A number of concerns are related to an increase in traffic. CDOT has proven that the facility will not present a negative impact on the traffic in the area.

Other individuals have expressed concerns surrounding criminal activity. The owners have worked to prevent any increase in criminal activity by developing relationships with local law enforcement. Concerns with the

business impacting youth were voiced. He stated that MMK would not do that. There is no minor access to the facility and they fully condone youth abstinence within their communities. They are working on implementing new educational curriculum into the East Grand School District with the help of the Marijuana Education Initiative. They do not condone any underage use.

Concern about property values decreasing have been expressed. Mr. Speier stated that values will increase if they gain licensure. A higher purchase price that is higher than the neighboring prices causes the values to increase.

With respect to the image of Grand Lake, MMK chose a property that was 3 ½ mile south of the town with a building that is not visible to Highway 34. There is no access to the property by pedestrians or tourists.

Mr. Speier spoke to general education of marijuana products next. Every customer will be educated to ensure that they have safe and responsible use of the products. Currently there is no entity educating consumers on the laws surrounding marijuana use and the expectations of the communities. Without MMK educating individual marijuana users in the area, it will continue to be unmanaged and uncontrolled. People will bring marijuana in the area and use it without regulation or a responsible entity.

Mr. Speier stated that there is a large amount of support and a desire for this business. He pointed to 133 petition signatures within the 2 mile radius of the location in support of the location versus 108 petition signatures against as proof that the community accepts this business.

Mr. Speier stated that they have gone through considerable lengths to reach out to the community. They made a commitment to the Town of Grand Lake of one percent of all gross revenues. They will also be contributing to the development of a community center and a medical care facility within the Town. He stated that there have not been any bribes given to the Town. In fact, the Town has no control over the licensure of this business. MMK is also sponsoring a post prom safe access event for the East Grand School District for a healthy sober environment after prom. Finally, they are currently sponsoring articles in the newspaper, to educate the public on the industry to help prevent any negative impacts of the industry from happening in the community.

In regard to the application, Mr. Speier noted that they complied with all the document requirements. They have a very strict and stringent marijuana management program that entails responsible vendor programming and State tracking and testing. He noted that there currently is not safe access for adults to this product within 30 miles of the location. Several people have expressed a desire to have a facility located closer in order to provide safe access to legal product and to not rely on a black market entity should they desire to not travel the long distance. The location is zoned commercial. There have been a number of businesses on the property. The property is buffered by 5 acres to the surrounding community.

In closing, Mr. Speier stated that MMK has been a very active part of this community and will become a more active part of the community to contribute to the health, safety and welfare and the positive benefits of the community. They intend to become a part of the community to protect it in relationship to this product that has existed in the area in an unregulated and uncontrolled fashion.

Ron Stern is the attorney representing the applicant. Mr. Stern has been a resident of Grand County for 40 years and has four children go through the East Grand School system. He stated that each child had access to marijuana. He knows one of them used it and suspects that another one did. There would never have been a problem for any of them to obtain it. He cannot believe that situation has changed. Underage use of marijuana will continue via the black market the same as before. Insofar as children having greater access to marijuana, this application is neutral.

Commissioner Tollett stated that residents within the two-mile radius were provided the opportunity to comment and ask questions of the applicant. Questions will be compiled and given to MMK to answer at the end. Commissioner Tollett asked the public to not ask a similar question to one that has already been asked. She asked that everyone keep to two minutes, so everyone could have a chance to talk.

Commissioner Manguso counseled that this is not about the uses or effects of marijuana use. The application is about the location – is this the right location to put a retail shop – yes or no.

Commissioner Linke counseled that this is about this license for this location. The Board's criteria is not whether marijuana is good or bad for you, but rather it is about this license going at this location. It is only about the criteria that they are given to use. He asked that speakers keep comments to this and that they all be respectful to one another.

Commissioner Tollett asked for comments from residents within a two-mile residence to speak first. Non-residents would be given one to two minutes if there is time.

Francesca Cowgill stated that she purchased a house behind The Bluebird Hotel in March. She is for this location being a legalized facility. If she were to become somebody who wanted to try marijuana in the future for pain management, she would like to have the ability to do it on an experimental basis – not because she got a prescription from a doctor. She thinks the community is aging too quickly. Making a facility like this happen in that location will keep it out of town in a safer and more isolated location. It will encourage more young people to visit the town and she thinks the community needs that now.

Matt Woody owns commercial property within the two-mile radius – Spirit Lake Motor Sports. He is not for or against. He stated that his business is in an area that is tough to be in business. He feels that the area is shrinking in business. He thinks any business around him is good business. He wants to give marijuana in the area a try. He feels the Grand Lake area needs more young people.

Danette Mullinex lives at 1175 County Road 442 near Grand Lake. She has lived in the area for 42 years. Ms. Mullinex thinks this is a good business and a great opportunity for people to use marijuana instead of going through the black market. She stated that it is a great opportunity for a new business to come into town to help support the area. She believes that needs to happen because Grand Lake is going down fast.

Dee Mullinex lives at 201 County Road 4491 and she stated she is in support of any kind of business bringing good business to the community.

Clyde Smith lives at Soda Springs. He rents parts of Scott and Lisa's lot which is right next to the location. He is in favor of the business locating there. He believes that pot is the only medication that takes the pain of arthritis away from his hands and is therefore for it.

Kathleen Jacoby lives at 843 County Road 64 and she is in support of the location. It is in a better spot than the previous application. It cannot be seen from the road. It is here for the people and it is here for taxes for a community that wants to partake.

Ken Fife, 61 Clayton Dr. which is 2.5 miles from the location. He also has two related businesses in the county and wanted to say that he approved of this business also.

Anne Ginsberg lives at 205 County Road 668 stated that she is realtor in Grand County. She originally had this property listed several years ago. She believes it is a perfect property for this business. It is not visible from the road. She stated it is a perfect opportunity for Grand Lake. She stated Grand Lake needs money and businesses and this is a perfect opportunity.

Lisa Turan is one of the owners of the property at 10863 Highway 34. She stated she Scott Turan have had multiple businesses approach them with many ideas that didn't feel right. When she was approached by Kevin and Matt she felt they were not a fly by night group with suspect ideas for business. She would not do anything that she believed would hurt the community. She stated that the substance is probably already here within a two-mile radius of where everyone lives anyway. She believes this would inject life into the community and this end of the County is lagging behind the Tabernash and Fraser area.

Mark Hutcheson lives at 989 County Road 4 and he supports the location. He believes it is going to happen eventually – given enough time there will be a retail pot shop in the area. This is one of the best suited properties for this business. He stated that with its offset from the highway it is more hidden from the highway. He also stated that as another business owner watching business dwindle and the elementary school closing the retail store is a good idea. The area needs positive business owners who will be involved in the community. Based on the businessmen's comments and that they have done their due diligence, he would prefer to see them do it as opposed to someone moving here recently who doesn't have a connection with the community.

Commissioner Tollett next asked for comments from people living outside of the two mile radius.

Scott Penson who lives at 672 County Road 405 is support of allowing this business at this location. He stated they followed proper protocol for obtaining the license.

Jim Funk who lives at 220 Tall Pine Circle which is three miles north of the proposed site. He approves of the project and the location. He stated that he works in the industry selling packaging, labeling and branding and knows the operators. He is comfortable with them being the right operator and this being the right location.

William Bassett who lives at 74 Janie Lane is in support of the location. He feels it is great for the community to bring business in. We need the revenue and the location is secluded and away from the city and therefore beneficial for everyone.

Sam Conger lives at 725 Grand Ave in Grand Lake. He is for the location. He stated he has been in the community for 22 years and has businesses and commercial property in Granby and Grand Lake. The location not visible from the road. He asked rhetorically whether the area wanted to miss out on marijuana tourism, but without something nearby, Grand Lake could fail to get some of the revenue. He is also concerned with substantial amounts of commercial real estate that is vacant. These are not good locations for a business like this, but this one is. By putting this business on this site, the supply and demand makes the occupation of the other locations by other businesses more profitable.

Bob Ramsey lives at 431 Lake Ave, Grand Lake and he is for location. It is much less visible than other retail locations that do not appear to have problems.

Jay Boisdringen of 112 Belview, Grand Lake has been a resident of Grand County for 27 years. He has been in this business for two years. He stated that he probably looked at a dozen properties in Grand County and was going to buy this property. It is probably the best property that he saw that was not visible to the public.

Anthony Varanchosy, owner/operator of the Honest Marijuana Company in Oak Creek outside of Steamboat Springs stated that he has employed several trades that used to work in the dying coal industry. Marijuana retail also brings more life to areas. He stated that he has watched Matt and Keven from a distance and thinks that this dispensary would operate at a level or above any other operation in the State. Their business would be a benefit to community.

Ray Miller, 1019 Mountain Avenue, Grand Lake and has been a resident since 1979. He has been a federally commissioned law enforcement officer since 1982. He originally had some concerns about the application but has addressed them with the applicants and believes they have done their due diligence. He believes they have selected a superb location. He stated that he believes the retail store at this location will eliminate the black market in this community and warrants consideration.

Michael Kennecom, owner of LSS Integrated Systems. He does security and surveillance for most of the grow and retail facilities in Routt County and Oak Creek. He stated that he has seen the marijuana industry bring back life into Steamboat Springs. The Colorado Department of Revenue monitors everything that goes on inside and outside of the building. It is all under strict surveillance. It is all backed up.

Commissioner Tollett thanked all for keeping their comments succinct. She then asked for comments against the facility location. First would come people who reside within the two-mile radius.

Jen Cannon, 1366 County Road 64 stated that she is a nurse and has worked in an emergency room in Illinois for 7 years. She stated she has seen the devastation that alcohol can do. If there are more people that are high on marijuana, she doesn't want them on the highway.

Greg Champlain of 128 County Road 4656 stated he has a cabin that has been in the family since 1967. He has been vacationing there since then and hopes to continue to bring his grandchildren there. He is very concerned that this facility at this location will create the demand for a drug vacation instead of a family vacation. Grand Lake has been fantastic as a family vacation spot and would like to see it stay that way. He noted that the good jobs are not available to a marijuana user. Current drug testing eliminates them from consideration. He does not see it as a good thing for the community.

Doug Brader who lives at 55 County Road 4652 stated that he came to the meeting today as the voice of 114 neighbors and residents who signed a petition against any and all marijuana retail outlets on Highway 34. He stated this was the 2nd of three applications. The first was denied in November. The signers are aware that this is the 2nd of the three. He stated that this is a residential area with families and grandchildren. It is not a strip mall or an industrial area. The signers of the petition do not need this type of business in this area.

Rich Olivo lives at 354 County Road 4421 and he has lived there for 16 years. Mr. Olivo had a question for the applicants: "Do you drug test your employees?" He stated that his wife has breathing problems. Up until four years ago they never had a problem with the air quality. Since marijuana has been legalized, people have been smoking marijuana in the area. The smoke causes a severe reaction in her. He does not want the smoke exacerbating her problem. He believes Grand County already has enough supply outlets. He pointed out that

people cannot go into the Park with the marijuana because it is against federal law. So people buy, then use, and then they drive. He doesn't want anyone who is impaired driving in a dangerous manner on the highway.

Julie Goreman of 95 County Road 6471, had a question for the applicants: "Where do you live?" She disagreed the location it is not in sight of the highway. She stated that she sees it every day. The location is on a curve. There is a lot of wildlife in the area. They will have to build exit lanes on the highway to make it safe. She stated she has nothing against marijuana. She only has a problem with the location.

Mike Fudge of 499 County Road 465 stated that he has been a resident of Grand County for the last 40 years. He would like to keep the gateway to Rocky Mountain National Park clear of any marijuana shops or anything that would be a detriment to the area tourism. Mr. Fudge owns a transportation business and is concerned that anyone using marijuana is eliminated from the applicant pool. With the County short of employees, this doesn't help.

Peggy Vernon of 44 County Road 4654 stated that her family has resided in Grand County for over 37 years. She is opposed to any dispensary on Highway 34. It is sandwiched between Granby and Grand Lake, both of which have moratoriums against marijuana dispensaries. She believes it will place put strain on wildlife officers/law enforcement who are already overworked. She stated that marijuana related emergency visits have increased 57 percent from 2011 to 2013 and admissions have increased 82 percent. She stated this is a high altitude. Tourists do not acclimate to the altitude well. The combination of high altitude, alcohol and marijuana will result in more emergency room visits. We do not have enough emergency room personnel to support that. Safety around dispensaries is another issue. She stated that robberies around Denver dispensaries have more than doubled. She asked finally "Is this the kind of person that you want to bring into Grand Lake to rejuvenate Grand Lake?"

Dwight Hall lives at 275 County Road 4454 inside 1000-foot radius. He commented that "Grand Lake won't allow a McDonalds, why would we want a marijuana dispensary?" It is not the type of business that we want. Grand Lake does not allow marijuana dispensaries and the area around the location represents Grand Lake.

Johannes Knies lives at 8 County Road 463 above the Brown Bear. He stated this is round two and nothing has changed. The location is a mile or two down from the first location. The location is surrounded by neighborhoods. He commented "It is all the same, Folks. Don't get suckered into some dumb deal here." The city of Grand Lake said no and Granby said no to them. We are a family friendly community. There is nothing in it for us. There is nothing in it for anything except money for them. "These guys are from Denver. They don't even live here. They are going to tell us what kind of town we need? Say NO. Don't let the Town of Granby be smarter than us".

Marilyn Brader stated that she agrees with her husband in that she is totally opposed.

Terry Gleason live within one half mile of the facility. His background is safety and health in mining. He had three things he was concerned about. He stated he has seen effects of marijuana in many different formats. The first concern he had was the stress that could be placed on law enforcement. Bad things can happen when people use marijuana in excess. Yellowstone National Park did a study on marijuana problems over the last few years. The number of marijuana cases jumped from 21 in 2010 to 80 in 2014. He asked the Board to imagine Rocky Mountain National Park, the second most visited park in the country with a marijuana store four miles from its main gate.

Rod Vernon lives at 44 County Road 4654 stated that what he heard mostly from proponents was all about money, not quality of life. He pointed out that if this was such a great business he wondered why they keep talking about hiding it from the road. He is also not sure that having the store at this location will get rid of black market. Black market will likely be cheaper because the legal product will be regulated.

Donna VanTassel who lives at 116 County Road 465 stated that she is a native of southern Colorado and recently moved to Grand Lake. Unless it is medical, she personally sees no reason for it. This is the wrong area for a recreational dispensary.

Daniel Roswold of 94 Lakeview Drive stated the reason she moved from Denver is because dispensaries are everywhere there. She doesn't want to live around it.

Jim Addison of 212 County Road 6423 feels that the only way property values would be increased would be through more drug tourism. That is something he does not want. It would have a bad effect on the community. Legal marijuana is much stronger than black market stuff. Tourists who are not used to the strength of legal

marijuana will be more affected than those local residents in Denver who are more used to it. He also said that the location is visible from the highway and they are planning to remove all vegetation on the hill. Finally, he questioned how applicants could get 117 for and 2 against on a petition unless it was presented during their open house. He could not believe that the applicants could get those numbers if they were in fact out in the neighborhood.

Dale Baan lives within the 1,000-foot radius of the location. He believes that this location is more of a heavy commercial area and is not good for retail.

Mitch Auker lives at 325 County Road 4650 and he noticed that the application did not have an air quality monitoring stipulation. He stated that there was recently an issue at Soda Springs where someone was growing. There was a bad smell next door that he likened to there being a skunk outside the door. He also questioned whether a marijuana store could breathe life back into the area if record setting years at RMNP couldn't. Finally, he was concerned with younger children having more access to marijuana that a nearby dispensary would provide. He does not think the Highway 34 corridor is the place a marijuana dispensary.

Katy Knies who lives at 8 County Road 463 read an excerpt from a Nov 15th edition of the Sky Hi Daily News titled Commissioners Deny a Marijuana Application: "One concern repeatedly raised was the proximity of the location to Rocky Mountain National Park and Arapaho National Forest. Residents said they believed a dispensary near federal property where marijuana is illegal could put a burden on federal law enforcement. Others said they felt the area's residential character wasn't right for a dispensary. Commissioner Kris Manguso said she felt the area's residential character should influence the Board's decision. People live there. It is there home. So the thing that hit me, probably the most, is that it is the character. It is residential. I think the safety concerns are very, very real." Ms. Knies agrees with those statements and noted that she is against the establishment.

Ryan Lokteff lives at 259 Trail Ridge Drive about 1500 feet north of the site. He stated he has a 4 year old. He pointed out that you cannot guarantee that people who buy product at this store will not distribute it themselves. He believes it will happen and it will get into the County. Another concern of his is the visibility of the shop. You can see it from the highway. If more vegetation is removed, you will see it more. Lastly, though property values might go up on paper due to the sale, he pointed out that he and his wife just purchased the property on Trail Ridge. If there was a marijuana store that close to the property, they would have reconsidered. It has been said that this is a proper place because it is outside of town and it is away from town. Yes, it is outside of town but it is in their neighborhood. That should be a consideration as well.

Alan Green of 27 County Road 444 stated that his within the 1000-foot radius. He is not opposed to any business coming into Grand County. He is also not opposed to medical or recreational marijuana use in Grand County. He is opposed to the location and the proximity of this to the residential properties. He is concerned over the safety. There have been numerous accidents not too far from this location. The addition of marijuana intoxication to the normal distractions of the area will worsen the problem. Mr. Green maintains that this is not the location for people to purchase marijuana and go out into the community with it.

Stephanie Wahl lives at 12692 US highway 34 and she is opposed to the location. Signage will make the location more visible from the road. The location is at a bad curve. It is a dangerous road. It is hard to see. In the last two weeks she has had someone go off the road near to her house. A moose was also hit near her house. "Any location on highway 34 is a bad location." She also thought that economic development of the area would be negatively affected by the inclusion of a marijuana dispensary. Any dispensary with a Grand Lake address on it would be a bad thing for Grand Lake. It does not help the economic development efforts of Grand Lake. She hoped that the Board would say no to this location – "We don't need it, we don't want it. This is a residential area and it is bad for the community." Lastly, she met a financial backer of the project at the open house. He is from Florida. She felt we should consider what kind of money the project might be bringing into the County.

Paul Linton lives at 12259 Highway 34 and it is next to the Black Bear which he owned for 18 years. He spoke to travel statistics on Highway 34. There are close to two million cars going into the Park. This is not a good location for Matt and Kevin. That is a dangerous area through there. There are cars that will try to pass doing 60 to 65 miles per hour when the speed limit is 50 miles per hour. He is sure there will be accidents there. He asserted that marijuana is also a serious drug. His question to the Kevin and Matt was "How you will feel every time when you sell package of yours when you are giving them a narcotic that is 17.1 percent stronger than it was in the 90s and it is a dangerous drug"

Tim Hartman with Allegiant management stated that he represents many of the owners at Mountain Shadow Estates and Wild Acres. He stated that most of the people are opposed to the facility being at that location.

Kathy Woodward of Lot 2 Armstrong Subdivision stated she has a summer home just behind the proposed location. She did not object to the brewery thinking it would not bother them. It was terrible. The smell was bad and the birds scattered the litter all over the place. She would have objected if she knew this would happen. Her point is that we don't know what will happen until it does. It is too late after it is there.

Jim Capps lives at 122 County Road 4652 within the two-mile radius. He is a retired ranger in law enforcement. He stated that he is totally opposed to this proposition. It is not good for the community and the town and is hoping it does not pass.

Harry Canon of 1366 County Road 64 stated that he opposes the establishment of any moderate retail business at that location. If you look at both entrance and exit, access to the highway is limited in terms of visibility.

Rich Rosene of 1428 County Road 2201 is also opposed to this as a resident of Grand County. He does not feel the corridor between Granby and Grand Lake is an appropriate location for marijuana shops. Both Granby and Grand Lake are opposed. He believes that with the location being residential, high traffic volume and both ends of the corridor being against marijuana, stores, outlets, and growth facilities is indicative that the area does not want and should not get a marijuana store imposed upon it.

Marsha House of Winding River Resort and On the Trail Snowmobile and ATV Rentals located at the entrance of Rocky Mountain National Park. She and her husband are against this. Their business has been in existence for over 40 years. The motto of her business is "Making memories for families." They have a family friendly property. As soon as the marijuana law was passed, they posted a sign that said no marijuana could be on their property. Ms. House stated that the profits and margins at Winding River and On the Trail and level of business has been going up over the last three to four years. She does not agree with the concept that it is about the money and that Grand Lake is dying. It is not going to die. It is one of the oldest towns in the area. It has a ton of amenities to offer. This type of business is not the type of business that Grand Lake needs.

Jim Abrahamsen lives at 84 County Road 4660 and he is very much against the project because of the idea that this is on a two-lane highway with traffic coming in and out of Rocky Mountain National Park. During the winter months it is a one-lane loop because you can't go over the mountain. They do not need another marijuana facility especially on what is basically a two-lane cul-de-sac.

Robert Roberts stated that he lives in the area. He is very aware of the highway and what goes on. He asked the applicants whether they have an idea of how they will work with CDOT to limit the issues that will happen with this, how much extra signage will be required, and what kind of site distances issues they will have.

Betty Stafford of 550 County Road 451 (within the two-mile radius) asked if there are plans for the future. Ms. Stafford wanted to know if there is a plan for a grow facility or manufacturing of infused products.

Martin Ginsberg lives within two miles and has a rental within two miles and has another rental property in Winter Park. Mr. Ginsberg stated that he is neither for nor against. He commented that he heard in the beginning that this discussion was about the location itself and not the moral issues. He would like to remind the Board to pay attention to what the real issues are and not some of the emotional appeals that have been heard.

Mariette McGrath stated that she lives on County Road 60. She is very much opposed to this. She feels that this is a great County and that people that come here that is important.

Commissioner Tollett closed the public comments.

Kevin Speier stated that he appreciated everyone coming to express his/her opinion. Everyone's opinion in this room means something to him as a business owner in the community. Mr. Speier values his family's safety as well as that of others. The highway is a very important part of the County and maintaining its safety. The access to the property is very important to maintain. There is wildlife. There is a snow season and there are tourists. Mr. Speier has hired professional entities to determine traffic flow and rates to and from the property.

According to CDOT Regulations, he is mandated to close down one access point from the property to the state highway as they are only allowed to have one access point. Mr. Speier has cleared the property sight distances for safe access to the property.

Mr. Speier has taken great lengths to ensure that the property is safe to access and they will follow and comply with all rules set forth in the CDOT Regulations to ensure the safety of the property prior to the opening and operation.

Mr. Speier stated that his business will not affect children directly. He will do everything and anything he can to prevent any negative consequences from occurring from the business in the community outside of the business and outside of property.

The business will in no way shape or form negatively impact, affect, or contribute to substance use and/or abuse of a minor population within the community. They have taken a stance personally and politically and responsibly as business owners to help contribute to the current efforts that are being placed forth and put forth in the county to prevent underage use of substances and abuse of substance. Mr. Speier stated that they will grow those relationships.

Mr. Speier stated that they have developed signage in accordance to the rules of Grand County Community Development and the Three Lakes Design Review.

With regard to the question on drug testing employees, Mr. Speier stated that he does not condone the use of any substance for any of his employees. Whether he will implement strict and stringent drug testing is to be determined in the future but it is something they have considered. No employee is allowed to be on the premises under the influence of any intoxicating substance.

Commissioner Tollett stated that one of the questions was where Mr. Speier and Mr. Brien live. Mr. Stern stated that the question has nothing to do with the applicant. It is not a factor.

Mr. Speier stated that he is proprietary constituent and business owner at 10863 US Highway 34. He has been under lease at that property for over a year.

Commissioner Tollett stated that one of the questions was around the building being visible from the street and vegetation being removed.

Mr. Speier stated that vegetation is being removed to create safety for the highway. This is a CDOT requirement that is mandated for sight access purposes to make sure that the highway is safe for people entering and exiting the property and driving on the highway.

Mr. Speier stated that there is air quality management according to the Community Development review. There is no growing or manufacturing on the property, there is no air quality management control implemented on the property. There is no use of substances on the property, there will be no odors emitted from the property. The applicant will comply with all State and County regulations in regard to odors when and if that becomes an issue.

Commissioner Tollett stated that another question was with regard to future plans for the business.

Mr. Speier stated that the plans are to be determined by the community. Commissioner Tollett sought clarification by asking whether right now the only plans are for retail and they have no plans for anything else unless the community wants it. He could not comment to his future plans as a business owner without understanding how the current business will operate within the community.

Mr. Speier stated that MMK's trash regulations do not allow for any trash, litter or product to be outside of the buildings. All trash will be locked and stored in a monitored location that is verified by the State. All trash must be mixed with soil, cardboard and papers in larger than a 50 percent ratio. Prior to the trash entering a disposal container for removal it must be in compliance, verified, weighed and checked and approved by the Marijuana Enforcement Division.

MMK does not have a bank account in Grand County. MMK has hired the same security firm that is used in the Tabernash facilities to transport goods and money. All banks in Grand County currently will deny them the issuance of licensure. Mr. Speier believes the best way to traffic money and product would be through a professional security service.

Commissioner Linke asked how this fits with federal law. Mr. Speier said that the service (Blue Line) has the legal ability to take money from clients to transport those monies from one location to another with monitoring and tracking of all monies.

Mr. Speier stated that MMK would not have a smoke shop. It is against Colorado law and the business regulations to which they be held.

The name of the business is "Grand Life Solutions" because it is trying to give individuals safe access to a product that they do not have to go to lengths to obtain. Black market products could potentially harm others via contaminants and uncontrolled products.

Mr. Speier stated that he will dispose of waste in compliance with state law and County regulations. The local trash companies to dispose of the material in the manner in which they are required.

Mr. Speier stated that the Colorado Department of Public Health and Environment has implemented strict testing requirements for products. The wholesaler must have the product tested both for quantities of the elements that people are looking for and pesticides, contaminants, molds and other harmful substances. The retailer must then also send samples in for testing. The product is kept in a safe until the retailer has verification from the Marijuana Enforcement Division, the Department of Health and the Department of Revenue that the product is verified as safe and releasable for sale. There are many state warning labels on the product.

A concern was raised about consumption of product in the parking lot of an existing facility immediately after purchase. Mr. Speier stated that MMK will not allow people to consume the product on the property. He would be able to determine the names of the individuals who were breaking this law based on their IDs and would blacklist them from being able to purchase products in the future. He added that he would personally call the Sherriff's office to enforce this.

Mr. Speier summarized his rebuttal by stating that every concern that was raised today has been addressed in their application. Mr. Speier and Mr. Brien truly care about the community and are diligently looking for ways to prevent the negative circumstances from occurring.

Commissioner Manguso stated that she has two concerns. The first was on the history of the original subdivision exemption. She thought that the three lots were originally residential and Lot 1 was changed to allow for the original Stillwater Chapel. The status of the water well was in question. Her second concern was that the property and its two neighbors would share the same access from the highway. A fence and a security gate would have to be constructed. Mr. Speier stated that MMK would construct security measures with direct involvement from and no cost to their neighbors.

Mr. Hassler spoke to guidelines for the decision:

1. The Board can choose to approve the application if:
 - a. evidence of compliance and no violation of the Colorado Retail Marijuana Code or the Medical Marijuana Code are shown,
 - b. the State has issued a conditional license which indicates compliance,
 - c. the Clerk and Recorder has stated the application procedure is complete indicating compliance with codes as well as County regulations,
 - d. evidence that the issuance of the license will not adversely affect the health, welfare or public safety of neighborhood is shown,
 - e. the reasonable requirements of the neighborhood indicate approval,
 - f. the desires of the adult inhabitants of the neighborhood indicate approval,
 - g. The number and availability of marijuana establishments in or near the neighborhood indicate approval.
2. Issuance of the license could also be stayed until the happening of some event such as if the water well question were big enough in the Board's mind they could condition a grant on receiving a satisfactory resolution
3. In considering whether the license should be denied the Board must find that there is good cause to deny the license by considering all of the following factors:
 - a. evidence that the reasonable requirements of the neighborhood do not support the establishment,
 - b. evidence indicated that the desires of the adult inhabitants do not desire the establishment,
 - c. evidence of the number and availability of other establishments,
 - d. evidence that the issuance would cause an undue concentration of establishments which would require the use of additional law enforcement resources

- e. evidence of violation of the code or of the County regulation
 - f. failure to meet the code or County regulation (for example where the applicant is unable to meet the code by way of desires of the neighborhood),
 - g. Failure to comply with the code or regulation as in failure of the applicant to complete an affirmative step. (Mr. Hassler mentioned here that he believes he heard that all affirmative steps required have been completed)
 - h. Evidence that the issuance will adversely impact the health, welfare or public safety of the neighborhood.
4. If the Board chooses to approve the application, then it needs to also consider whether it is incorporating the staff recommendations and requirements set out in the County Clerk's summary report that appears on pages 10 and 11 of the report.

Commissioner Manguso moved to deny the MMK Marijuana Retail License Application.

Discussion: Commissioner Linke noted that there were comments pro and con. Some arguments were emotional and got off the track about the pros and cons of marijuana, but most people talked about the particular location. He also stated that, while it is not the job of the Board to replace the roles of parents, their decision today does send a message. What was most critical to him was that he did not hear that the majority of the adult inhabitants wanted this facility in this location. The desires of the neighborhood are not in favor of this. The other thing that was important to him was that both Granby and Grand Lake were adamantly opposed to having marijuana in their towns. A decision to put a marijuana facility between these two towns would indicate a lack of respect for their desires by the County.

Commissioner Tollett commented that this is the marijuana facility of our dreams. It is not directly on the highway. It is a small operation. The documentation is well done. The applicant is committing money to the community. She read all of the 99 letters on the web page. These indicated that the people that live within the neighborhood are against this facility. She noted that many of the people have been there a long time and that they should have the right to control what goes into their neighborhood. The decision to approve is not best for the people who live there. While it is a great business plan, she feels the Board needs to listen to the community.

Commissioner Manguso stated that just as the County asks the State for local control, so too have the residents of the area asked for local control. They took time and effort to indicate their desires. She is also aware that one of the neighbors who would share a driveway with this facility is very strongly opposed to it. She will give them that control. She stated that she is sure there is a location for a retail marijuana facility but the Grand Lake area is not that location. She agreed with Commissioner Linke that this area is between two towns that have strongly said no. She also noted that Tabernash did not present the same opposition and the retail marijuana was approved there.

Commissioner Linke agreed all previous discussion. He stated that this is what local control looks like – a room full of people controlling their destiny in their neighborhood. There were also 106 letters that were overwhelmingly against the facility. He feels that the Board should respect that.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously

There being no further business to come before the Board, the Regular meeting was adjourned at 5:32 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of June 2016.

E. Jane Tollett, Chair

Attest:

Sara L. Rosene, Clerk and Recorder