

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

June 14, 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  
County Assessor Tom Weydert  
County Treasurer Christina Whitmer  
Information Services Director Martin Woros  
Juvenile Services Director Kelly Friesen

Those present recited the Pledge of Allegiance.

Minutes

Commissioner Linke moved to approve the Meeting Minutes of the Grand County Board of Commissioners, Grand County Department of Social Services, and Grand County Housing Authority of April 12, 2016, as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the Meeting Minutes of the Grand County Board of Commissioners, Grand County Department of Social Services, and Grand County Housing Authority of April 26, 2016, as presented.

The motion passed unanimously.

Finance Director

Finance Director Curtis Lange presented the checks to be paid on June 15, 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 June 15, 2016.

The motion passed unanimously.

The total amount of the Housing Authority checks is \$10,628.60.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on June 14, 2016, for vendor payments for the Grand County Department of Social Services. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on June 14, 2016 for payment on June 15, 2016 for the Grand County Board of Social Services.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on June 14, 2016, for vendor payments for the Grand County. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the warrants, wire payments, and interfund transfers presented on June 14, 2016 for payment on June 15, 2016 for Grand County.

The motion passed unanimously.

There are a number of large payments. The total amount of the warrants is \$174,219.08.

General Public Comments

Eden Recor stated that he attended a broadband meeting and there was a conversation regarding “dig once.” This is to allow for cable to be put into the trench when a trench is dug. If we could do this, we could get fiber into a lot of places.

This is allowed in some counties and it can be part of Grand County’s policy.

Recently there was a discussion about Lurline Underbrink Curran’s Water Protection Contract. Mr. Recor asked if the Board was going to have an agenda item regarding the renewal of that contract.

Mr. Moyer stated that if someone cuts across a County right-of-way, that person must get a road cut permit. The “dig once” idea is something that needs to be reviewed by Community Development.

Jay Clough is present to discuss what was discussed 10 months ago with Young Life. Mr. Clough stated that it is a health and safety issue with Young Life. Mr. Clough stated that the Board agreed to do some analysis on County Road 517. Mr. Clough stated that people do not comply with the speed limit.

This process was started in 1996 when Young Life built its camp. The people on County Roads 50 and 517 are not getting what they were promised in the original Special Use Permit. County Road 517 is being used as a primary access in and out of the property by Young Life. Most of the time, the access on County Road 50 is locked down. All of the employees and service providers come down County Road 517.

Mr. Clough stated that the County spent a lot of money on County Road 50S. The buses are using County Road 50S. There have been issues. There was loss of life at Young Life.

Mr. Clough wondered why the County has a special use permit process when permittees just do whatever they please.

Mr. Clough suggested that all the Young Life traffic be required to come in and out on the roads they were required to do.

People are not adhering to a 25 mile per hour speed limit.

Commissioner Manguso understood that Mr. Clough had asked the County to put a traffic counter on County Road 517. Commissioner Manguso would like to see a traffic counter put on the road.

Mr. Clough stated that the people in the neighborhood sat down with the County and Young Life and came up with a compromise. That compromise has been voided. The problem there is a health and safety issue.

Mr. Clough stated that the people who negotiated the deal in 1996 are no longer there.

Commissioner Tollett suggested that the County get Mr. Clough and Young Life together and work this out.

Mr. Moyer stated that he and Mr. Gray will look at every condition that is in the current Special Use Permit to make a determination if Young Life is in compliance.

Mr. Clough stated that County Road 517 was to be used for construction.

Commissioner Manguso stated that she would like to see a traffic counter placed on County Road 517 and Commissioner Linke agrees.

Mr. Moyer will get with Road and Bridge to get traffic counters placed.

#### Departmental Contracts, Comments, Issues

Juvenile Services Director Kelly Friesen presented a Grant Agreement between Grand County and the State of Colorado, Department of Public Safety, Division of Criminal Justice. The funds will be made available July 1, 2016. In a past meeting, the Board authorized Ms. Friesen to apply for the grant.

Commissioner Linke moved to authorize the Chair to sign the Grant Agreement between Grand County and the State of Colorado, Department of Public Safety, Division of Criminal Justice for a Juvenile Diversion Program as presented.

The motion passed unanimously.

Larry Banman stated that on behalf of the Middle Park Fair Board he is proposing a general liability policy for vendors. This will allow vendors to be added at \$70 per vendor.

The cost of insurance is prohibiting smaller vendors from joining the fair. There are 13 vendors for which Mr. Banman is seeking contracts. What the fair is paying the vendors is \$72 to \$7,200. For some vendors, the Middle Park Fair is the only event used for fundraising.

The cost for this insurance is \$2,500. The vendors will pay \$70 per vendor.

Mr. Hassler stated that the County can decide to waive the requirement for this insurance if a vendor already has insurance.

Commissioner Manguso stated that the County does require the roping clubs to provide insurance.

Pat Pryor stated that everyone wants to be treated fairly. The fairgrounds lost a three-day roping event because of the insurance requirement.

Commissioner Manguso moved to approve the facility use fee waiver fee for Middle Park Roping Club on June 19 and 25 and July 31<sup>st</sup>.

Discussion: Commissioner Linke asked if the East Grand Roping Club gets the same consideration. Mr. Moyer stated that he wants to make sure that both facilities are treated the same. Commissioner Tollett would like the County to consider an administrative approval for waiving fees.

The motion passed unanimously.

Community Development Director Bill Gray stated that Gary Erickson contacted the County about a right-of-way that is adjacent to County Roads 50 and 510. The right-of-way on County Road 510 is oddly shaped. Mr. Erickson asked if the County is interested in selling Mr. Erickson the oddly shaped piece in order for Mr. Erickson to replace his septic system.

Commissioner Manguso stated that this has come up before and it was denied. Commissioner Manguso asked Mr. Gray to do some more research.

Mr. Gray stated that the property is fenced.

Mr. Gray stated that at this time, in order for Mr. Erickson to replace his septic, he would have to go with an advanced system. Mr. Erickson has some options without doing this.

Mr. Gray stated that in 1998 or 1999, the County included in its regulations a provision for accessory dwelling units. The regulation was passed to help with long term housing needs. Properties could have a rental unit.

The change was based on a decision from the State of Colorado. This allowed for a house-hold use only permit to serve two dwelling units. That allowance has changed. Now the state requires a house-hold use only permit for each dwelling or augment water.

Mr. Gray stated that a property owner has built fence in the right-of-way at County Roads 5 and 521. Mr. Gray will likely do a notice of violation. It is a safety issue and it obstructs the sight lines.

Commissioner Manguso stated that she would like a copy of the Notice of Violation. Mr. Gray stated that he is working on a spreadsheet of all the violations.

Commissioner Linke stated that County Road 609 is County maintained. Commissioner Linke noted that there is a locked gate on the road. County Road 606 is not a County maintained road and the people on that road want to be on the maintenance schedule. Staff agreed that this request needs to go to Road and Bridge.

Undersheriff Wayne Shafer stated that the Sheriff's Office will be sending people to out-of-state training. In October, four employees will be attending the Eforce user's conference in Utah. The cost for each person is \$995 and there is money in the training budget for this.

Clerk and Recorder Sara Rosene presented:

Darrell Clapper, Owner/President of CWREVIVAL Enterprise, LLC dba Chuck Wagon Café and Bar is requesting renewal of his Tavern Liquor License.

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

I would like to recommend approval of the renewal request for his Tavern License.

Commissioner Linke moved to approve renewal of the Tavern License for CWREVIVAL Enterprise, LLC dba Chuck Wagon Café and Bar as presented.

The motion passed unanimously.

Dale Heckerson, Manager of Ranch Operations, Inc., dba C Lazy U Ranch is requesting renewal of his Tavern Liquor License.

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

I would like to recommend approval of the renewal request for his Tavern License.

Commissioner Manguso moved to approve renewal of the Tavern License for Ranch Operations, Inc., dba C Lazy U Ranch as presented.

The motion passed unanimously.

#### Manager and Attorney Items

Mr. Moyer presented the Board with a lease between Grand County and Dennis and Rita Coutts for snow storage at a cost of \$200.

Commissioner Manguso moved to authorize the Chair to sign the Lease between Grand County and Dennis M. and Rita Coutts in the amount of \$200.

The motion passed unanimously.

Mr. Moyer stated that the Board executed the Grand Lake Clarity Stakeholders Memorandum of Understanding. There was provision under the effective date and the Water Quality Commission and a numeric standard. The Water Quality Commission approved a narrative standard which outlines goal qualifiers. That section was struck. It went to Northern Water for the portion that was struck. County Environmental Counsel requested that the Chair initial the change.

Commissioner Manguso moved to approve and authorize the Chair to initial the change to the Memorandum of Understanding with the Grand Lake Clarity Stakeholders.

The motion passed unanimously.

Mr. Moyer stated that the Board has scheduled a staff meeting and workshop on June 21 at 1:30. The irrigators will meet on June 24 at 1:30 at the Extension Hall.

Mr. Moyer stated that there will be a Wild and Scenic stakeholders meeting in Summit County.

Mr. Moyer noted that there is a Building Inspector leaving and moving out of state as well as the Executive Secretary.

Mr. Hassler stated that the Innsbruck owners group will be providing information to Mr. Hassler in the near future.

With regard to Santoy, Mr. Hassler is meeting with the engineer from Mountain Parks Electric tomorrow.

There has been an unemployment appeal through the Sheriff's Office. She has been denied unemployment at every stage. The Sheriff's office testified at the hearing.

With regard to Rowley Park access, Mr. Hassler is still working with Denver Water.

#### Consent Agenda

Resolution No. 2016-6-3, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN OPTION LETTER TO RENEW A SERVICES CONTRACT BETWEEN THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS ALPINE AREA AGENCY ON AGING AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR SENIOR NUTRITION SERVICES"

Resolution No. 2016-6-4, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A TASK ORDER AMENDMENT #2 BETWEEN THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ADMINISTRATION OF THE IMMUNIZATION CORE SERVICES PROJECT"

Resolution No. 2016-6-5, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN TWS AVIATION FUEL SYSTEMS, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ANNUAL MAINTENANCE OF THE FUEL SYSTEMS LOCATED AT THE GRANBY-GRAND COUNTY AIRPORT AND THE KREMMLING-MCELROY AIRFIELD"

Resolution No. 2016-6-6, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF RYAN FOSHA AS A REPRESENTATIVE TO THE GRAND COUNTY AIRPORT ADVISORY BOARD"

Resolution No. 2016-6-7, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN EDUCATION AFFILIATION AGREEMENT BY AND BETWEEN HCA-HEALTHONE LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE CLINICAL EDUCATION OF EMT AND PARAMEDIC STUDENTS"

Resolution No. 2016-6-8, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN BOLEN'S CLEANING & MAINTENANCE, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-6-9, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE LIST OF REFEREES AND THE LIST OF ARBITRATORS FOR THE 2016 BOARD OF EQUALIZATION HEARINGS AND TAXPAYER APPEALS OF THE BOARD OF EQUALIZATION'S DECISION"

Resolution No. 2016-6-10, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN RUSTY BRANSTETTER DBA RUSTY PIPES PLUMBING & MECHANICAL AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION OF NEW PUBLIC RESTROOM FIXTURES FOR THE CSU EXTENSION HALL AND MIDDLE PARK FAIRGROUND GRANDSTANDS"

Resolution No. 2016-6-11, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN MOUNTAIN STATES SNOWCATS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO SNOWPLOW COUNTY ROAD 80 (AKA FSR 149 OR CORONA PASS ROAD) CLEAR FROM SNOW"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Manguso stated that she thought there would be a conversation on the Investment Policy. Commissioner Manguso stated that the County is losing interest because investing is not taking place because there is no policy.

Commissioner Manguso stated that she understands that the fear is that if the Treasurer invests, then it is a violation of state statute. Commissioner Manguso stated the Treasurer understood that she could not invest.

Mr. Hassler stated that there is policy in place based on state statute. The question arose about notifying the Board of Commissioners regarding securities that were disposed.

The Treasurer is out for five weeks. If it is not resolved today, the County will continue to lose thousands of dollars on interest income, according to Commissioner Manguso.

Mr. Moyer suggested that the Board might have time to meet with the Treasurer later this afternoon after the water quality update.

#### Board Business/Correspondence/Calendar/Meetings Report

Commissioner Linke stated that the Board needs to finalize the list of the Citizen Committee members who will interview candidates for the County Manager position. The Board agreed to each pick five, compare, and come up with four.

Commissioner Manguso chose:

Ingrid Carlstrom  
Jolene Linke  
Chas McConnell  
Liz McIntyre  
Pat Rupert  
Brad White

Commissioner Tollett chose:

Mike Green  
Jolene Linke  
Jane Mather  
Liz McIntyre  
Travis Poulin  
Brad White

Commissioner Linke chose:

Mike Green  
Ingrid Karlstrom  
Jane Mather  
Liz McIntyre  
Travis Poulin  
Brad White

Final selected were:

Brad White  
Liz McIntyre  
Mike Green  
Ingrid Karlstrom  
Travis Poulin - alternate

Mr. Moyer stated that the County just has to be clear that there are questions that each interview panel has and that they cannot have their own questions. There will be a discussion with the panel at 7:45 a.m. and make it clear that each panel must keep to the specific interview questions. The public is welcome to listen to the interviews but cannot ask questions.

Commissioner Linke noted that candidates should be able to expand on answers beyond what was asked. The candidates can add whatever they want.

Mr. Hassler stated that the newspaper asked for a list of the questions to be asked during the interviews. His research revealed that the questions are not disclosable documents under the Colorado Open Records Law. Mr. Moyer asked how the County should make notice of the meeting. Mr. Hassler stated that this does not need to be a special meeting since no decisions will be made. The County can notice this as an "open to the public workshop." Commissioner Linke stated that the notice should contain the schedule and locations of the interviews.

Mr. Hassler suggested that Court Security be notified that there will be additional traffic throughout the day. He will send an email to the Sheriff's Office.

### Board Business

Mr. Moyer presented a Conservation Trust Fund request from the Town of Winter Park for opening Corona Pass in the amount of \$4,200. This falls under the maintenance category for County Road 80 which is also Rollins Pass Road or Corona Pass. Mr. Hassler stated that the State was contacted and presented with a write-up on how opening the road is recreationally related. The County has been told this would be an approvable use of Conservation Trust Funds.

Commissioner Manguso noted that Winter Park had agreed to give the County \$1,200 out of their general fund. It appears now that Winter Park will not be paying anything to open the road. It will all come from the County and from Conservation Trust Funds. Commissioner Tollett stated that she had originally suggested Winter Park would pay \$1,200, Conservation Trust Funds would pay \$3,000 and the County would pay \$4,200. Commissioner Tollett stated that the feedback she received back from the other Commissioners was have them apply for half of it with is \$4,200. Mr. Moyer and Commissioner Linke agreed. Commissioner Tollett suggested they vote on the Conservation Trust Fund request now and discuss the \$1,200 with Winter Park later.

Commissioner Linke moved to accept the request for Conservation Trust Fund money for the opening of Rollins Pass Road in the amount of \$4,200. That amount will be split evenly among the three districts.

The motion passed unanimously.

Commissioner Tollett noted the County will give the Town of Winter Park \$4,200 from Conservation Trust Fund and see if they are still willing to donate the \$1,200 which will reduce the general fund monies to \$3,000.

The next item discussed was the ambulance standby request from the Town of Kremmling. It was understood by Commissioners that Chief Jennings would make the decision whether to stage the ambulance.

The Board agreed that they would allow Chief Jennings to use his discretion whether or not to stage and incur the extra cost. This request was simply a notification that was put in the drop box to keep the Board of County Commissioners informed. Mr. Moyer noted that there typically are several notifications like this one throughout the year. In the past, staff has put notification in Commissioner's drop box so that the Board is aware of them. Commissioner Manguso stated that the actual decision has been given to Chief Jennings by the Board of County Commissioners. Commissioner Linke stated that he agreed and that the only reason Chief Jennings would need to come to the Board of County Commissioners for money would be for a large event that would require a budget supplemental.

### Calendar

- June 15 Legislative Breakfast in Black Hawk  
Meet 'n Greet for manager candidates at Mountain Parks Electric from 5:00 p.m. to 7:00 p.m.  
Headwater Trail Alliance meeting at Road and Bridge at 9:00 a.m.
- June 16 County Manager Interview at 7:45 a.m.  
Ride the Rockies traveling through Grand County
- June 16 & 17 Commissioner Manguso will provide assistance with ballot pick up
- June 17 Special Meeting of the Board of Commissioners with water counsel with a possible executive session at 11:00 a.m.
- June 17 Commissioner Manguso meeting with a group of Hot Sulphur Springs residents on the Library at 9:30 a.m.
- June 18 Muddle Shuffle at the Fairgrounds
- June 20 Staff meeting at 1:00 p.m.
- June 20 Elected Officials meeting at 10:30 a.m.
- June 22 Grand Enterprise meeting at the Granby Town Hall at 6:30 p.m.
- June 27 Town of Grand Lake annual meeting with Board of County Commissioners at Grand Lake Town Hall at 7:30 p.m.
- June 27 Board of County Commissioners meeting instead of Tuesday

### Meetings

Commissioners Linke and Manguso and Mr. Moyer went to the CCI meetings. Commissioner Linke was elected to be vice chair of the mountain district. There are eleven counties in that group. Commissioner Linke stated one topic of discussion was about doing a survey to formalize a mission for the future. Mr. Moyer stated

that the survey was CCI's attempt to look at that strategy and it is a self-reflection; particularly with a couple counties questioning what services CCI provides. There are two counties that are not members at this time.

Commissioner Linke stated there were some contentious issues that the business meeting was taking on. One of the big meetings was on the transfer of Federal Lands to the states. He stated that it sounds like a good idea in theory, but at the same time, 14,000 people in Grand County are not going to have a lot of control when 3,000,000 people live in the Front Range. The topic was finally simply killed.

Commissioner Linke stated that he did have a conversation with Abel Chavez. Commissioner Linke encouraged him to make sure he was fulfilling the needs of Grand County with CenturyLink's work. Mr. Chavez assured Commissioner Linke that he was.

Commissioners Manguso and Linke attended the Mayor/Manager meeting in Grand Lake yesterday. The meeting started off with a discussion of Shorefox and the plans that Granby has for that property. Commissioner Linke stated that it was a great use of the property and he thinks it will work. Commissioner Manguso stated that they also talked about annexing some of the County properties.

Community Development Director Bill Gray stated that there is community interest with a lot of the properties along Highway 40 at the west end of Granby. Mr. Gray thought it was important that Granby work on redevelopment along that stretch of Highway 40 in accordance with what they might want rather than what the County zoning would allow.

Commissioner Manguso stated that she spoke with the mayor about marijuana. She thought that if they really do not want marijuana in the town, then the County needs to annex those properties. She noted they are already served by the Town water and sewer. Commissioner Manguso stated that the town needs to take control of it so that they can control its own community.

Commissioner Tollett stated that she had some concerns with Commissioner Manguso's picking up the ballots. Clerk and Recorder Rosene stated she would be happy to talk about the process and how she gets election judges and the responsibilities of election judges. Commissioner Tollett noted that if there was a question of paying someone to pick up the ballots, she would like to look at that.

#### Treasurer's Report

Tina Whitmer, County Treasurer, presented the Treasurers report.

County Treasurer Christina Whitmer presented Resolution No. 2016-6-12, "A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW 'COLORADO RIVER CA ESCROW' ACCOUNT". This is in the amount of \$5,112.75 to Winter Park Water and Sanitation District for payment of work completed by URS Corporation.

Commissioner Manguso moved to approve Resolution No. 2016-6-12 as presented.

The motion passed unanimously.

Ms. Whitmer presented a request for capital release in the amount of \$3,224 to replace the envelope opener. The Treasurer's Office has had one since 2002 and it is now broken. She stated that it costs almost as much to fix it as it does to purchase a new one. Ms. Whitmer got two quotes for the same machine. This was not something that was in her budget because they did not do any capital requests. She stated that this was a very necessary piece of equipment.

Commissioner Manguso moved to release capital in the amount of \$3,224 for a letter opener for the Treasurer.

The motion passed unanimously.

#### Lake Granby Tract B – Sketch Plan

The following is all or part of staff's Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on June 14, 2016.

PROJECT NAME: Lake Granby Tract B Subdivision – Sketch Plan  
APPLICANT: Lake Granby Tract B, LLC and Thompson Investment Trust 12/8/2010 represented by Jim and Jake Donahue

LOCATION: 3.374 – acres located SW ¼ SW ¼, Section 34, Township 3 North, Range 76 West, County of Grand, State of Colorado

ZONING: Mobile Home District

APPLICABLE

REGULATIONS: Master Plan, Zoning Regulations, and Subdivision Regulations

EXHIBITS: Sketch Plan Application

STAFF PLANNER: Bill Gray, County Planner

REQUEST: The Applicant is requesting sketch plan approval of a three (3) lot subdivision.

## I. DISCUSSION

The Applicant is proposing a three (3) lot subdivision of a 3.374 acre parcel. It is located near Highland Marina, Lake Shore Mobile Home Park and McElwain Subdivision and is approximately 7.5 miles north of Granby. The lots of this proposed subdivision range in size from 1.5 acres to .5 acres and a small open space parcel (Tract “B”) .6 acres. Main access to the subdivision is proposed from US 34. Secondary or emergency access is available through the drives of the adjacent Marina Property.

Water is to be provided by individual wells for each of the 3 lots. The property has an approved augmentation plan for three (3) household use only wells (Case No. 07CW134). Wastewater treatment is planned to be provided by Three Lakes Water and Sanitation District. This area of the County is served by Excel Energy and Mountain Park Electric. There is adequate infrastructure to serve this three lot single family residential development.

Proposed lot 3 is under the ownership of the Thompson Investment Trust (Thompson Trust) and is currently used as a gravel and heavy equipment storage area. This use has been in existence for over fifty (50) years and is a pre-existing, non-conforming use. This use is planned to continue for the foreseeable future. Ultimately, it is intended for the lot to change uses to a single-family residential use.

The important issues with the proposed development are as follows:

- US Highway 34 Access
- Water Quality Protection and Shoreline Enhancement
- Fire Protection
- Restoration of Lot 3

### A. PARCEL HISTORY

In 2001, L. Richard Thompson transferred a 3.348 acre metes and bounds parcel to Lionel Richard and Thelma C. Thompson Living Trust with Lionel Richard Thompson A/K/A L. Richard Thompson A/K/A R.L. Thompson A/K/A Dick Thompson and Thelma C. Thompson as Trustee by Quit Claim Deed recorded at Reception No. 2001- 005665. In 2006, Lake Granby Tract B, LLC, (James E. Donahue) purchased 1.217 acres of the 3.348 acres by Warranty Deed recorded at Reception No. 2006-005559. This purchase by Lake Granby Tract B, LLC resulted in a violation of Senate Bill 35, which states splitting any land under 35 acres in size is subject to subdivision regulations. This subdivision request will encompass the entire 3.374 parcel of land.

At the time the property was purchased by Lake Granby Tract B, LLC, Grand Lake Title and Escrow Inc. required James E. Donahue as registered agent, to sign a Hold Harmless Agreement dated May 30, 2006, stating the following:

“WHEREAS, James E. Donahue as registered agent of the Lake Granby Tract B LLC and purchaser of the described property attached, understand that said parcel has not been properly subdivided according to Grand County regulations. By signing this agreement, Grand Lake Title LLC and Agents Title Insurance Company are hereby waived of any claim, responsibility, for the property not being correctly subdivided.”

Section 1.8 of the Grand County Subdivision Regulations regarding violations reads, in part, as follows:

“No person shall be prosecuted, tried, or punished under this paragraph unless indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen (18) months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land. The Board of County Commissioners may provide for the enforcement of subdivision regulations by means of withholding Building Permits.”

Since the transaction was more than eighteen (18) months ago, staff is withholding building permits on the property until the violation is cured.

Finally, this project was originally submitted in 2006. The Applicant was required to amend the property into a growth boundary prior to subdivision, which occurred at the October 2006 Planning Commission meeting by Resolution No. 2006-10-1. The Applicant originally had a sketch plan approved for this subdivision by the County in 2010 and its approval expired. A subsequent application was submitted again in 2013 with the same result. The Applicant has resubmitted the 2013 sketch plan application again to initiate the subdivision process.

## II. GRAND COUNTY MASTER PLAN

The proposed development is located in a Growth Boundary of Grand County. The County made the subject land a growth area by Planning Commission Resolution No. 2006-10-1. Growth areas, in part, are intended to recognize existing developed areas within the County as potential growth areas for infill and redevelopment. Lake Granby Tract B and the immediately adjacent marina and mobile home park are extremely suited for new development.

## III. GRAND COUNTY ZONING REGULATIONS

The property is zoned Mobile Home District. Single family dwellings are a use by right in this zone district. All lots are to be served by Three Lakes Water and Sanitation District for the sewage requirements. The minimum area of a lot on subdivision land served by either public water or public sewage facilities in this zone district is 15,000 square feet, and all proposed lots comply with this requirement. Zoning regulations have a requirement that each lot also meet a minimum width of sixty (60) feet in this zone district. All lots meet this requirement as well.

The Applicant desires that no mobile homes shall be allowed to be constructed on any of the three lots. This will have to be implemented by a private covenant as Zoning Regulation permit this use.

The location of the full pool elevation line for Lake Granby is important for this development as County zoning regulations require 30 foot water quality setback. It appears that this development will not have an issue meeting this standard. The plat needs to clearly identify the high water mark for Lake Granby so that it is a known site characteristic that must be when future lot owners design their residences on Lot 1 and Lot 2. The sketch plan clearly identifies this physical feature. All future maps, including any final plat, should also label this feature along the North line of Lot 1 and where Lake Granby traverses near Lot 3 and Tract B.

The development is located within the Three Lakes Design Review Area. It is an overlay zone district that exists from approximately Rocky Mountain National Park on the north end to County Road 6 on the south end. The district specifies various design criteria to be used when developing plans. It is the intent of the standards to foster sensitive and creative design. The key element of design that is stressed is the achievement of blending and appropriateness of the built form to the natural environment and to protect views from public spaces. Compliance with the design standards is extremely important for this project due to its shoreline location. A note referencing these standards needs included on the preliminary plat.

- This development is located in the geographic area of the County known as the Three Lakes Design Review Area and is subject to all Design Criteria and Standards.

The sketch plan indicates that the Developer desires to screen the subdivision from adjacent properties. This screening plan should be clearly laid out to ensure compliance with the Three Lakes Design Standards. The County very mindful of water quality, and believes that permanent water quality/erosion control measures need to be installed along the common boundary of the access easement and the lakeshore. Further, Lot 3 has been impacted by its use as rock and gravel storage yard for an excavating business. A restoration plan for this lot needs development to make it suitable for future residential development as intended by this proposal. Timing and responsibility of this restoration needs to be a component of this plan.

A Landscape Plan showing the Applicant's proposed screening plan, addresses water quality protection, gives definition to the shoreline, enhance the visual quality of the shoreline and site restoration for Lot 3 is required to be submitted with the preliminary plat.

The project conceptually complies with Grand County Zoning Regulations

## IV. GRAND COUNTY SUBDIVISION REGULATIONS

## 7.1 SKETCH PLAN

(1) The following items shall be submitted by the applicant with the sketch plan:

(a) Relevant site characteristics and analyses applicable to the proposed subdivision.

According to the proposal, the properties eastern boundary is adjacent to Lake Granby. The sketch plan shows the required thirty (30) foot buffer from the high water line to the building envelopes, on the east side. Vision Land Consultants has prepared a document that shows the highwater mark to the north of the property is 115 feet from the actual property line, which complies with the required 30 foot water quality setback requirement.

Staff is concerned with building height and the visual impact from both U.S. Highway 34 which is designated as a National Scenic Byway, as well from recreational users on Lake Granby.  The applicant will be required to develop building architecture (size, materials) and design infrastructure based on the Three Lakes Design Review Overlay in order to minimize intrusion into the view shed. The design requirements shall be submitted for review with any preliminary plat.

## ROADS

The traffic impact analysis states there is a 30 foot access and utility easement through Highland Marina that connects to Lot 1. Further, aerial photographs of the site show this gravel driveway extending through the proposed subdivision and connecting with an existing road that accesses US Highway 34 through the Highland Marina. This access easement shall be shown on any preliminary plat and refer to the recording information of the easement. With the secondary access through Highland Marina, the proposed access is in compliance with Section 2.2(1) and (14) of the Grand County Subdivision regulations which requires that all subdivisions provide two (2) points of ingress/egress.

This request is to allow for three (3) lots, with the access to Lot 3 located immediately upon entering the property off Hwy 34. Grand County Road & Bridge Standards consider the access to be a driveway, as there would be two (2) lots served, resulting in 16 ADT's, below the 20 ADT's allowed. Section 3.3 of the Road and Bridge Standards states that the County has the authority to determine which classification applies to any given road. In this case, staff is recommending the County classify the entire roadway as a driveway, as the access to Lot 3 will be immediately off Hwy 34 and the access and utility easement will truly serve only two (2) lots. This is supported by the fact that lots 1 and 2 are bordered on two sides by lake frontage, and no additional lots or properties will be served by this private access easement.

Lake Granby Tract B, LLC plans to request a variance to the road and bridge standard which requires a 25' wide easement for a driveway, asking for 20' instead. It also states the driveway will be constructed in accordance with driveway standards, and be built to the required 14' width. Any request for a variance shall be submitted with the preliminary plat.

There is an existing access to Hwy 34 that serves the Thompson's gravel storage area. A Colorado Department of Transportation (CDOT) access permit or written acknowledgement from CDOT that no permit is required shall be provided with any preliminary plat submittal.

## UTILITIES, WATER AND SEWER

Subdivision Regulations require all electric utilities to be placed underground.  A note shall be added to any preliminary plat stating that all utility services must be placed underground.

The sketch plan delineates utility easements along all roadways. Staff would like to note that the public utility companies will be reviewing this development request at the preliminary plat stage, which will determine if the proposed utility easement layout is sufficient in accommodating necessary utility services for said subdivision. The location and size of existing and proposed utilities and/or easements contained within or adjacent to this property is required to be provided with any preliminary plat submittal.

These lots will be served by central sewage facilities operated by the Three Lakes Water and Sanitation District. The applicant shall provide guarantee of available sanitation facilities for this development request in the form of written verification from the Three Lakes Water and Sanitation District stating that they have the ability to serve the three (3) single-family residential lots contained within this request.

The three (3) single-family residential lots will be served by individual wells. A copy of the approved water augmentation plan shall be provided with any preliminary plat and a physical water supply report provided by either a geologist or engineer.

In order to address long term water quality concerns, if this proposal is approved, the applicant will be required to provide \$500.00 per lot to be held either by Grand County, or turned over to a properly formed Sanitation District, for future water quality measures. The applicant will be required to enter into a water quality agreement as well.

b. Reports concerning streams, lakes, topography, geology, soils and vegetation.

This site primarily consists of grasses, shrubs and coniferous trees of moderate density to no trees and slopes of approximately ten percent (10%) to the north/northeast.

A preliminary site analysis by Ground Engineering determined that the subsurface consists primarily of sand, siltstone and claystone. The report described these soils as “moderately to very highly expansive.” The report further states that geotechnical evaluations of individual building sites should be done to determine if swelling materials and/or collapsible materials are present in the foundation soils. With this in mind, the following note shall be placed on any preliminary plat:

A site specific soil and foundation report is required to be provided with submittal of a building permit application to the Grand County Building Department that recommends the most appropriate foundation system for each structure. The soils and foundation engineer should inspect all foundations prior to the placement of any footing structures within the excavation and certify that the foundation is designed correctly for existing soils. This certification is required prior to request for a footing inspection by the Grand County Building Department.

According to the letter of application, the general drainage concept associated with this development will route on-site generated stormwater via drainage swales and roadside ditches that will discharge to historic drainage ways. The Phase 1 drainage report does not propose a detention facility at this time, however, it does recognize the proximity of this proposed development to Lake Granby and states that “water quality will be addressed, designed and analyzed as a part of future submittals”. The Applicant is placed on notice that this will be extremely important on this project, considering the proximity of the driving surface and the building envelopes to the lake.

All design of these improvements will adhere to the Grand County Storm Drainage Design and Criteria Manual and the Denver Regional Council of Governments and Urban Drainage and Flood Control District Criteria. The drainage plan provided in conjunction with the preliminary plat submittal shall address water quality concerns, the retention of stormwater run-off and how erosion/sedimentation will be minimized. The applicants engineer should be aware that this project will be reviewed under the 208 Water Quality Standards, in addition to the Grand County Drainage Standards, and should be designed accordingly.

c. Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.

The Geologic Hazard Assessment and Preliminary Geotechnical Recommendations dated December 7, 2006, and prepared by Ground Engineering, Consultants state the site appears to be feasible for development with respect to geologic concerns. The report discusses the possibility of swelling materials and/or collapsible materials being present in the foundation soils. As stated above, a plat note will be required to address this possibility. Further, the Colorado Geological Survey is a preliminary plat review agency and will be commenting on the proposal.

d. In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.

Staff understands that the potential for radon gas exists countywide, specifically in areas underlain by the Troublesome formation (Tt). Currently, the US EPA guideline for acceptable indoor radon gas levels is 4.0 picoCuries of Radon per liter of air ( $\square$  Ci/l). Reports have indicated that radon sample results from an EPA Radon Study, in association with the Tt formation, has an average radon concentration of twice (2x) the US EPA guideline (8.0  $\square$  Ci/l+). Reports have also concluded that 1 of 6 sample results was (5x) the EPA guideline.

The only way to determine if radon is present is to test for it after construction. In many cases where the structure is built over a ventilated crawl space, radon will not present a problem, since buildup is minimized. However, homes with at grade or below grade levels need to have an under slab ventilation system installed during construction to minimize buildup. The report prepared by Ground Engineering recommends that the

Architect consider radon mitigation measures for the proposed structures and incorporate appropriate systems into the design. With the above in mind, the following note shall be added to any preliminary plat:

Units with at grade or below grade levels shall be required to have an underslab ventilation system installed during construction to minimize radon build up.

e. Repealed.

f. A sketch drawing and other documentation showing the proposed layout or plan of development, including the total development area, the total number and types of dwelling units and other buildings, the total area of green belt and open space and their location, and the proposed area for school sites if applicable.

This subdivision request will create three (3) single-family residential lots; lots 1 and 2 are proposed to be 0.53 acres in size and lot 3 will be 1.53 acres in size. Open space is shown as two (2) separate tracts; Tract "A" being 0.073 acres and Tract "B" consisting of 0.597 acres, combining into 0.670 acres or 20.02%, which complies with the 20% open space requirement.

The Grand County Subdivision Regulations require that all subdivisions provide for on-site fire suppression facilities, in compliance with the requirements contained therein. The applicant is put on notice that the Grand Lake Fire Protection District (GLFPD) is a preliminary plat review agency and may require that this subdivision provide additional means of fire suppression. Therefore, the applicant should meet with GLFPD to determine what their requirements will be in conjunction with this proposal. A fire suppression plan specific to this development request shall be provided with any preliminary plat submittal. Staff would also note that any approved augmentation plan for this development request must also include sufficient water rights necessary for fire suppression.

County Subdivision Regulations requires a school land dedication or fees-in-lieu. The determination of school fees will be provided at Preliminary Plat.

Colorado Parks and Wildlife is a preliminary plat review agency for all proposed subdivisions. Review of CPW maps indicate that the parcel is not within a critical winter range, nor in a migratory route for any species. In any case, the applicant should meet with CPW to determine if there will be any requirements associated with this proposal. The same is true in regard to the United States Forest Service for this subdivision.

Comprehensive cost estimates for extension and underground placement of utilities, road construction, revegetation and all other improvements should be provided with any preliminary plat submittal. These cost estimates must be reviewed and approved by Grand County.

All required on and off-site improvements outlined with this certificate shall be required to be guaranteed through a Subdivision Improvements Agreement (SIA).

The applicant shall provide a current title commitment, prepared within the last six (6) months, with any preliminary plat submittal for this request. If any Deed of Trust is found to encumber the property, proper releases or amendments to the Deed of Trust will be required. In addition, the lien holder will be required to sign off on any final plat, with an appropriate Mortgagee Holders Certificate provided on said plat.

Covenants for this proposed development must be provided with any preliminary plat submittal and be reviewed and accepted by the County Attorney.

## V. STAFF RECOMMENDATION

Staff recommends approval of the Lake Granby Tract B Sketch Plan with the following conditions to be met with any preliminary plat submittal:

1. A copy of the approved water augmentation plan showing water for three (3) lots shall be provided with any preliminary plat submittal.
2. A physical water supply report from a geologist or engineer is required.
3. All variance requests to County Standards shall be submitted.
4. A landscape plan detailing permanent water quality/erosion control measures along the common boundary of the access easement and the lakeshore, shoreline enhancement and Lot 3 site restoration shall be provided.
5. A fire suppression plan specific to this development request shall be provided with any preliminary plat submittal.

6. Draft Covenants for this proposed development must be provided with any preliminary plat submittal and be reviewed and accepted by the County Attorney.
7. The 30 foot access and utility easement through Highland Marina shall be shown on any preliminary plat and refer to the recording information of the easement.
8. The following notes shall be added to any preliminary plat:

This property is located within the geographic area of the County known as the Three Lakes Design Review Area and is subject to all design criteria of the overlay zoning district.

Units with at grade or below grade levels shall be required to have an underslab ventilation system installed during construction to minimize radon build up.

All extension of utility services shall be placed underground.

A site specific soil and foundation report is required to be provided with submittal of a building permit application to the Grand County Building Department that recommends the most appropriate foundation system for each structure. The soils and foundation engineer should inspect all foundations prior to the placement of any footing structures within the excavation and certify that the foundation is designed correctly for existing soils. This certification is required prior to request for a footing inspection by the Grand County Building Department.

9. All items addressed in the sketch staff report and all preliminary plat requirement are met.

[End of Staff's Certificate]

Commissioner Tollett asked the following questions:

1. If they can get sewer from Three Lakes Water and Sanitation District, could they not get water from them as well? Mr. Moyer stated that Three Lakes does not provide central water. It only provides central sanitary sewer within its district boundary. The Three Lakes district was legislatively formed in 1979 to specifically provide for waste water treatment because of point source problems with the lakes.
2. What does the Water Quality requirements do for the applicants? Mr. Gray stated that it is simply a water quality protection fund that Grand County in that agreement would be able to use for water quality protection and water quantity issues anywhere in the County. The County holds that money.
3. Are the fire suppression requirements new building code requirements? Mr. Gray that the applicant will be working with Grand Fire Protection District and with the County Subdivision Regulations to insure that there is adequate fire protection.

Sandy Doudna stated from the audience stated that it was her understanding that the first 30 feet of shore of Lake Granby belongs to the Forest Service. She asked how the landscaping would work. Mr. Gray stated that the United States Bureau of Reclamation actually owns Lake Granby. The thirty feet that is being talked about is from the property line of this parcel and Grand County has a water quality setback.

Mr. Gray stated that the County is not requiring the buildings to be sprinkled.

Commissioner Manguso moved to approve Lake Granby Tract B Subdivision – Sketch Plan as with staff's conditions.

The motion passed unanimously.

2<sup>nd</sup> Amended Fletcher Thomas Outright Exemption – Parcel B, (removing a building envelope)

The following is all or part of staff's Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on June 14, 2016

PROJECT NAME: Amended Final Plat, Parcel B, Fletcher Thomas Outright Exemption  
APPLICANT: Buck Blessing  
LOCATION: 952 GCR 697 (Jericho Road)  
APPLICABLE  
REGULATIONS: Grand County Zoning Regulations and Outright Exemption Regulations  
EXHIBITS: Exhibit 1 - Amended Final Plat, Exhibit 2 - Site Photos, Exhibit 3 - Vicinity Map  
STAFF PLANNER: Brett Hanlon

REQUEST: The applicant is requesting an amended final plat to amend Parcel B, Unamended Fletcher Thomas Outright Exemption in order to eliminate the building envelope and strike plat note #4.

## I. DISCUSSION

The applicant is requesting an amended final plat for Parcel B of the Unamended Fletcher Thomas Outright Exemption in order to eliminate the building envelope and strike plat note #4. Currently, the building envelope on Parcel B is set back 30 feet from Grand Lake, 30 feet from Jericho Road, 10 feet from the easterly property line and 20 feet from the westerly property line. The elimination of the building envelope will enable the property owner to expand his deck. The deck will still need to comply with all Grand County land use standards, but currently the building envelope is more restrictive than those standards. For example the zoning regulations necessitate five foot (5') side yard setbacks whereas the building envelope necessitates a 10 foot (10') and a 20 foot (20') side yard setback. In addition to the removal of the building envelope the applicant is proposing to strike plat note #4. Plat note #4 states, "BUILDING ENVELOPE-ALL PORTIONS OF THE STRUCTURE MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE. THIS INCLUDES DECKS, ROOF OVERHANGS AND STAIRWAYS. Based on the fact that, if approved, there will be no building envelope, this plat note should be removed.

If the building envelope and plat note #4—which prohibits overhangs over the building envelope line—are removed, the applicant would be able to cantilever his deck three feet (3') over the property's setback lines. Section 14.2 (2) of the Grand County Zoning Regulations states, "Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than three feet (3'). Although the zoning regulations would allow the deck to cantilever over setback lines, the applicant would need permission from Three Lakes Water and Sanitation District to encroach any further into the sewer easement that exists on the property—even if the deck is cantilevered into the sewer easement. There are currently no plans that show how the deck will be expanded, so issues with deck construction will be addressed when the applicant applies for a building permit.

The applicant's original plan was to construct a stairway to the west over a Three Lakes Water and Sanitation District sewer easement and lift station. However, the applicant was unable to successfully update his existing encroachment agreement with Three Lakes Water and Sanitation District. So, although the plans for the deck expansion project will need to be changed so that they don't increase the encroachment over the lift station, the owner still wishes to proceed with his proposal to remove the building envelope from the property. Based on discussions with the applicant, it is likely that the deck project will include infilling the existing stairway which starts in the middle of the existing deck and constructing a stairway that descends off of one of the sides of the deck. The project may also involve cantilevering the deck over one or more setback lines.

## II. BACKGROUND

The building envelope was originally established in 1998 with the approval of the Fletcher Thomas Outright Exemption. The building envelope was established to preserve the view corridor from Grand Lake and the Town of Grand Lake. It is staff's determination that any change in the deck's configuration will have a negligible impact on views from Grand Lake or the Town of Grand Lake (see Exhibit 2). Any addition to the deck or new stairway will be nearly invisible from the south due to multiple mature trees. It will be completely invisible from the north because it will be shielded by a large retaining wall. Any project will also have minimal impacts on views from the east or west.

## III. REGULATIONS

### A. Zoning

The zoning of this lot is residential.

- (a) Any potential deck expansion project would be allowed in this zone district.
- (b) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. The proposed amended final plat is consistent with these requirements. Any potential deck project will need to conform to these requirements.
- (c) The applicant's lot is served by central sewer service but not public water. The minimum lot size in the Residential Zone District for land that is served by either public water or public sewer, but not both, is 15,000 square feet. The applicant's lot is 15,001 feet and therefore meets the minimum lot size requirement in the Residential Zone District.

### B. Outright Exemption Regulations – 3.2 Plat

As an approved outright exemption, the Amended Final Plat, Parcel B, Fletcher Thomas Outright Exemption will need to meet the drawing requirements of an outright exemption.

1. Outright Exemption Regulations – 3.2 Plat

The final outright exemption plat shall contain or be accompanied by the following information:

(a) Title (which shall include the phrase “Outright Exemption”), bar scale, North arrow and date.

This requirement has been met.

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

This requirement has been met.

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

This requirement has been met.

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

This requirement has been met.

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

This requirement has been met.

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

This requirement has been met.

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

This requirement has been met.

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

This requirement has been met.

(i) Location and description of monuments

This requirement has been met.

(j) A recent (within 6 months) title commitment for the property.

This requirement has been met.

(k) Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners)

This requirement has been met.

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

Reference the Outright Exemption Regulations in this certificate.

(m) Certificate of approval by the Board of County Commissioners as follows: (If public dedications are included, the certificate shall be in the form required by the Board of County Commissioners for approval of subdivision plats.)

Use the certificate that is required by the Outright Exemption Regulations.

(n) Certification by the applicant's attorney, the professional engineering, designing or planning firm, if any, and a statement by the owner ensuring compliance with the design standards and all other requirements of the Grand County Outright Exemption Regulations and the statement of requirements issued by the Board of County Commissioners.

This certificate will need to be added.

(o) A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

This requirement has been met.

(p) Vicinity map

This requirement has been met.

(q) Documented proof of legal access.

This requirement has been met.

(r) Documented proof of the availability of sewer and water supply. Proof of adequate water supply for any proposed development shall be submitted pursuant to C.R.S. § 29-20-103.

This requirement has been met.

(s) Statement of taxes due showing current taxes paid.

This will need to be provided prior to the recording of the outright exemption plat.

(t) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.

This will need to be provided prior to the recording of the outright exemption plat.

### III. STAFF COMMENTS

Staff is in support of the removal of the building envelope. It is staff's opinion that the removal of the building envelope, and any deck expansion project that conforms with the zoning regulations, will result in minimal visual impacts. There is an existing driveway and retaining wall that have already been constructed over the building envelope line. The retaining wall that exists on the property will effectively screen any deck expansion project from view. Due to the fact that the driveway and retaining wall have already been built over the building envelope line, the building envelope is serving very little purpose at this point.

Staff has received a letter of support from the property owner of Parcel A, Unamended Fletcher Thomas Outright Exemption.

### IV. STAFF RECOMMENDATION

Staff recommends the approval of Amended Final Plat, Parcel B, Fletcher Thomas Outright Exemption with the following conditions to be met prior to the recording of the amended final plat.

1. Remove plat note #4 from the plat.
2. The surveyor's certificate shall be amended so that it references the outright exemption regulations (see (l) above).
3. The commissioner's certificate shall be amended to reference the outright exemption regulations (see (m) above).
4. An ensuring statement shall be added to the plat (see (n) above).
5. Remove the well permit number from the plat.
6. Label the address of Parcel B as a part of the parcel's label in the following style—952 GCR 697.

7. All of the text in the plat certificates shall be the same size.
8. Note # 5 shall say, "THE PURPOSE OF THIS AMENDED FINAL PLAT IS TO REMOVE THE BUILDING ENVELOPE FROM PARCEL B.
9. A statement of taxes showing that all current taxes have been paid shall be submitted (see (s) above).
10. An electronic copy of the approved final plat shall be submitted (see (t) above).

[End of Staff's Certificate]

Mr. Blessing stated that he believes the retaining wall was built at the time of construction in 1999. It is a stone retaining wall and is three to four feet high. The deck is a permitted deck.

Commissioner Linke moved to approve Amended Final Plat, Parcel B, Fletcher Thomas Outright Exemption as presented.

The motion passed unanimously.

#### Winter Park Horseman's Association – Special Events Liquor License

Clerk and Recorder Sara Rosene presented:

Janette Fudge/Secretary & Event Manager of the Winter Park Horseman's Association Inc. is requesting a Special Events Permit. The events will be held on July 2, 9, 16, 23, 30 and August 6 and 13, 2016 at High Country Stampede Rodeo at 1741 County Road 73 Fraser, CO 80442.

They will sell malt, vinous and spirituous liquor from 12:00 p.m. until 12:00 a.m. each day.

All fees have been paid to the State and to Grand County. The Sheriff's Office has posted a notice and no remonstrance have been received; therefore, I would like to recommend approval of their request.

Commissioner Linke moved to approve the Special Events Liquor License for Winter Park Horseman's Association, Inc. for July 2, 9, 16, 23, 30 and August 6 and 13 as presented.

The motion passed unanimously.

#### Board Correspondence

Mr. Moyer stated that the Board has a letter from East Grand Water Quality Board to the Colorado Department of Public Health and Environment. This is in regard to the Discharge Permit for Union Pacific Railroad at the Moffat Tunnel. There is an extension of time to allow for additional comments.

The Board has a letter from Natural Energy Resources Company. The subject is modeling of Central Colorado Project for Western Clean Water and Energy meetings.

The Board received notification that Roxanne White is resigning from the Grand County Library Board.

The Board received a thank you email from a citizen along Highway 34 regarding a recent marijuana application.

The Board received 43 letters from Granby Elementary students thanking the Board for the \$10,000 Conservation Trust Fund expenditure for the playground.

#### Road and Bridge Update / Asphalt and Repair Recommendations

Mr. Baer stated that County Road 3 is ready for Ride the Rockies tomorrow. District 2 is working on County Road 41 and applying magnesium chloride from left over material.

Mr. Baer will be moving bleachers to Flying Heels arena for the 4<sup>th</sup> of the July.

Mr. Baer stated that Ideal Fencing is scheduling the guard rail installation on County Road 804. He hopes to have that completed in the next three weeks.

Plowing will begin on Corona Pass on June 20.

County Road 8 and Highway 40 striping will take place this summer.

The Board agreed that Road and Bridge can do the salt run this year.

Commissioner Linke moved to approve out-of-state travel for Road and Bridge employees for acquisition of salt.

The motion passed unanimously.

Mr. Baer thanked the Board and noted that the crews like to take this trip.

Grand County Road and Bridge Superintendent Chris Baer presented:

May 26, 2016

I have attached recommendations for the asphalt maintenance and repairs for the summer of 2016. None of these include the County's portion of the labor/equipment cost.

These are rough estimates and do not include any unforeseen obstacles. Road and Bridge will make every effort to save money when and where we can.

I'm working on other options for CR 858 and CR 22. I have spoken with Gordan Adams from Eagle County on another product that he has tried and had good luck with. Other roads that are towards the top of your asphalt maintenance plan are CR 64 and CR 6 and these can be crack sealed to buy us some time.

CR 49 and 610 need attention this year. (See attachments)

CR 5 I believe can be done in sections over the next couple of years. I would recommend at least the culvert at Crooked Creek be done this year and some of the other culverts/ asphalt patches.

This will allow time for crews to achieve other maintenance items that need to be done in each district and allow for crack sealing the roads that we need to stay on top of.

CR 53 is in pretty rough shape, I will try to make contact with the YMCA and see if I can promote some team work on getting CR 53 resurfaced. At this time we will continue to fill pot holes and try to stay ahead.

Thank you,

Chris Baer  
Grand County Road & Bridge Superintendent

Mr. Baer asked the Board for a dollar amount of how much money he can spend.

Commissioner Tollett stated that she is ok with releasing the \$160,000 to get going right now on County Roads 549 and 610. Also releasing an initial \$50,000 for patches on County Roads 22, 64, and 6 with the opportunity to come back for more if that does not make. It sounds like County Road 858 is a total job. County Road 53 is up in the air until Mr. Baer hears from the YMCA.

Commissioner Manguso stated that she prefers to give Mr. Baer a certain dollar amount such as \$300,000 and let Mr. Baer make use of it where he can with the employees he has. Commissioner Manguso does not want to be in the weeds on this and she trusts Mr. Baer to make the correct decision.

Commissioner Manguso is in support of providing Mr. Baer \$1 million each year to maintain the roads. It is extremely important for Grand County to maintain the roads.

Commission Linke agrees with Commissioner Manguso about giving Mr. Baer what he needs and then Mr. Baer uses his discretion. Mr. Baer needs to work with Mr. Moyer to assure that this fits into the budget picture.

Commissioner Tollett stated that staff was asked to spend money sparingly this year. Mr. Baer did a great analysis on County Roads 5, 49, and 610.

Commissioner Manguso moved to release capital to up \$200,000 for Mr. Baer to repair County Roads 5, 79, and 610 as he sees fit.

The motion passed unanimously.

Jail Inspection

The visit to the jail was cancelled.

### Water Protection Update

Lurline Underbrink Curran:

1177

The Roundtable meets every other month in Glenwood Springs. It will meet July 25, 2016.

### Shoshone Outage Protocol

The Shoshone Outage Protocol is still an outstanding issue but it is reported that it is inching closer to conclusion. The River District is coordinating and directing this effort. It is my understanding that Northern is close to agreement if not already in agreement with their portion of this issue. However, the document is not fully executed, so not complete as of this report.

### Windy Gap FIRMING Project

The west slope group asked Northern/Municipal Subdistrict if they would, like Denver has agreed, stick to the current temperature standard for their permit. Northern/Subdistrict has stated they will stick to the language in the 1041 permit which is adherence to the "current standard" whatever that may turn out to be, up or down.

Northern is leading a group to develop alternative temperature standards. This request was presented at the end of the hearing.

Katherine and I are working with Quantity and Quality (QQ) to make sure the County's concerns with temperature standards and the potential relationship to the impacts of the WGFP are well-represented. Lane, Torie and Barbara are handling the rule making on behalf of Grand County through its membership in QQ.

QQ, Trout Unlimited (TU), Environmental Protection Agency (EPA), among others objected to the Division's proposal to adopt shoulder season and transition zone standards at this time as being too simplistic, and asked that the Commission not make any changes at this time to the existing standard until the temperature work group further study these issues. In response, the Division has agreed not to pursue its initial proposal for shoulder season & transition zones.

However, Northern, together with some other parties, submitted a last minute proposal on June 7 to the Water Quality Control Commission (WQCC) requesting that the Commission adopt the Division's initial proposal with a delayed effective date. QQ will object to this approach.

As a member of the Learning by Doing (LBD) management committee, and after consultation with other management members, we have asked Northern to present at the September LBD meeting. It is important for the group to understand Northern's position and proposed actions on the temperature issue. They have agreed and Kiki has placed them on the agenda. They are not available for the July meeting.

### Windy Gap Bypass

Still no communication on the Water Smart Grant but we all remain hopeful. The project proposed, in conjunction with the ILVK, would be a very beneficial project for the Colorado River.

TU has met with Walden Hollow Fishing Club and Ouray Ranch to determine if they have any objections to asking BOR to move \$1M of the \$1.5M allocated to improve the Colorado River from Granby Reservoir to confluence with Fraser. They support this request as taking Windy Gap Reservoir off channel would allow migration of fish and aquatic food and enhance their portion of the river. A formal request to the Bureau of Reclamation (BOR) will be prepared for the signatories of the Windy Gap Bypass Agreement to sign.

### CRCA Implementation

This matter is ongoing and is a negotiation. The County Attorney is keeping the BOCC apprised of the steps that are being taken in this matter in executive session.

### LBD

As Commissioner Tollett and I were both unavailable for the last LBD meeting, Katherine Morris attended and represented Grand County on both the technical and governance committee. Katherine will report on this meeting.

The Fraser River Project is still a top priority. The Fishing is Fun Grant that was submitted requires public access for a 20 year period. Since the public portion of this project is owned by Grand County Water &

Sanitation District #1, we are waiting to see if their board can agree to this stipulation. We were not approved for the Orvis Grant. How this project will proceed will be discussed at the July LBD meeting.

#### Grand Lake Clarity

The first adaptive management committee meeting was held on June 1, 2016 in Winter Park. Grand County, River District, NWCCOG, Grand Lake Shoreline Association and Town of Grand Lake were present representing the west slope. The BOR unveiled three proposed options for operating the C-BT this season to protect clarity and meet the WQCC standards. Stop pump, low and steady pumping, and pulse pumping were offered. The east slope parties and the west slope parties caucused separately and gave the BOR their recommendations. West slope preferred the low and slow as this option has never been implemented and with the Front Range reservoirs full and a good water year apparent, it is an opportunity to obtain information that is not currently available. The east slope preferred pulse pumping. The BOR will prepare a final operating plan to present to the group by June 15th. Comments will be due by June 17th. (Attached is a copy of the presentation by the BOR.)

The BOR stated it was pleasantly surprised with the cooperation and thoughtful consideration given to the proposals and the willingness to work together and make a recommendation together. Of course, operations could change depending on weather and demand as the summer progresses. The final determination on operations is at the sole discretion of the BOR. Weekly calls will allow everyone to be aware of any changes that may occur in the operating plan and provide an opportunity to voice concerns/questions.

#### Grand Lake Clarity Technical Meetings

Katherine and I attended the first meeting of the technical committee since the WQCC decision. The group got a presentation on NEPA 101 and 102 so that we would all better understand the process and timeline. The next meeting will begin work on the Purpose and Need Statement which drives the entire EA process. This statement is critical to making sure the process is focused properly.

It is imperative that Barb Green attend any meeting where the Purpose and Need Statement is drafted, discussed and finalized.

#### Big Lake Ditch

I spoke with Denver Water last week. The Bishop Brogden information is being run through Denver's PACSM model and should be completed shortly. When that is done, a meeting here in Grand County will be held with users on the ditch as well as BOCC.

#### Moffat Firming

There is no official announcement on when a permit on either project from the lead agency for each may be forthcoming. Denver feels their permit may not be forthcoming until 2017 or possibly 2018. They have a Federal Energy Regulatory Commission (FERC) issue that is associated with their project along with 1041 permitting by Boulder County.

#### Hitchhikers Guide

I communicated with Peter Fleming and he apologizes for delay in getting his portion of the Guide completed. Felt he would be able to have it completed within the next two to three weeks but having been in several meetings with Peter in the last few weeks, know that he is swamped. Will continue to communicate with him and work with him to get this complete.

#### Grand County RICD

The as-built drawings of this project were supplied to the State Engineer as required. I was at the river recently and the project is great. Huge waves in the river where they belong. All revegetation coming in well and the structure being heavily used. The river was running 4800 cfs when I was witnessing the structure.

#### Colorado Water Education Foundation

Dave Little and I were once again invited to address this year's group interested in becoming better water leaders. The group met at the Inn at Silvercreek. Dave and I went over the struggles and successes of the CRCA and how it was accomplished. We had many questions and positive comments.

#### Katherine Morris:

##### LBD

We made a very good presentation to the Fishing is Fun committee in early May. There is a copy in your supplemental materials. We should hear if we have been awarded the grant anytime now.

Last meeting report:

The group is working to clarify details with respect to revegetation and timing of construction and monitoring activities. The Fishing is Fun grant includes a requirement that projects not be contracted in advance of a decision about the FIF award, so we are waiting on this news to begin phase I.

I lead the monitoring committee, which has been asked to summarize in a matrix all of the monitoring requirements from the guidance documents, including the LBD IGAs, MECP, Windy Gap IGA, 401, etc. The operations subcommittee presented a draft framework for water management planning and implementation. Plans will always depend upon operational flexibility, which there is little of this year due to two construction projects (Jim Creek siphon and Vasquez work) in the Fraser Basin.

Weekly operations calls began on May 25th, and will be every Wednesday at 2:00 unless cancelled in the week prior.

Because projects take so long to implement, LBD needs to begin planning efforts for a 2018 project.  
River Habitat Monitoring Plan:

I worked with Denver Water to fine-tune the monitoring plan for the restoration project. There are still a few finishing touches to add regarding vegetation monitoring, but the plan will be implemented and used for work with the Corps permit.

Stream Management Plan Annual Monitoring & Reporting:

I have been working with stakeholders to obtain approval on scopes of work from GCWIN and Tetra Tech and finalize funding commitments. Now we're in the process with our legal department of developing the funding MOU, and contracts with GCWIN and Tetra Tech. I hope to be able to bring the MOU and two contracts to you within the next few weeks.

Wild and Scenic Monitoring Committee:

The Wild and Scenic group is required to propose monitoring, and is currently recommending addition of one real-time temperature station between State Bridge and Dotsero. This group will ask the stakeholder group if it wants to monitor for macroinvertebrates. This process is much more difficult than it would seem because the stakeholder group has not agreed upon monitoring needs. I created a short summary of monitoring guidance, which is in your supplemental materials folder.

GCWIN:

GCWIN had an in-person quarterly board meeting in mid-May and agreed to put out a request for proposals to address our programming needs. Ryan Lokteff is working on developing these documents.

Grand Lake Clarity:

Northern Water volunteered to provide the water quality model runs for proposed clarity operations using the CE-Qual-W2 model for the 2016 clarity period.

Fraser River Sourcewater Protection Planning:

Presentations from CDOT and NRCS. Noteworthy: traction sand application average is 339 tons per mile on Berthoud Pass from 2008 – 2015.

Union Pacific Railroad Moffat Tunnel Discharge:

I am working on comments on about 80 pages contained in 3 draft permit documents for UPRR's Moffat Tunnel Discharge. East Grand Water Quality Board has already submitted their comment letter, which is included in your correspondence folder. The main issue appears to be that CDPHE did not consider the test results from the sediment samples that we submitted, showing contamination with semi-volatile and diesel range organics. The reason given for not considering the results is because they don't have regulatory control under the Clean Water Act over sediments. The contaminated sediment accumulation is a direct result of delivery to the stream via the discharge, and to disregard this secondary line of evidence when the primary line of evidence, a contaminated water sample, was not available, seems wrong. I will endeavor to make that case in my comments.

Commissioner Tollett stated that there needs to be a conversation about the transition with Ms. Underbrink Curran. Commissioner Tollett stated that Ed Moyer is a key part of the transition once the County has a County Manager.

Commissioner Tollett would like to talk with Ms. Underbrink Curran about this and bring something back to the other Board members.

### Board Business

Commissioner Tollett stated that the Board invited County Treasurer Whitmer to the Board meeting to discuss the sale and management of securities.

In March, Mr. Hassler sent a memo to the Board of County Commissioners pointing out that certain statutes CRS 30-10-708(2) controls the sale of securities. The Board shall authorize any action disposing of securities whether by sale or by any other method. The statute requires that the Board of County Commissioners identifies what happens with the proceeds of any sale. This was simply reading statute and reporting to the Board.

Mr. Hassler stated that the impetus for that was that a group of securities had apparently been called and the Board had not be apprised and had not given any direction. This lead to a fairly complete review by the Treasurer and of investment policies. After some discussion with Treasurer, Mr. Hassler thought he was on track and he prepared two resolutions that he thought contained what the Treasurer wanted and referred to existing policies and practices.

None of the policies were inaccurate. The Treasurer identified a number of other items and concerns about the resolution, so on May 16 Mr. Hassler prepared another set of resolutions based on what he thought the Treasurer felt was necessary.

Sometime after that, the Treasurer submitted her draft of a resolution. None of the investment policies that have been in place for a long time have been changed. Mr. Hassler stated that the Treasurer submitted a proposed resolution that she has asked the Board to consider and Mr. Hassler has comments on that.

Commissioner Tollett stated that the Board wanted more information when securities were sold based on the conditions. It is County money and Commissionera are still responsible. The Board is getting that now by email from the Treasurer. Commissioner Tollett added that the Board understands when some of these laws were written, it was before the days of email sales.

Commissioner Tollett stated that on April 5, Ms. Whitmer gave the Board some decisions that said Ms. Whitmer could continue the way she has been doing things or the Commissioners could take on the task of investing or the County could get a third party investor.

The key thing is that nothing has changed as far as the resolution allowing the Treasurer to invest money. If there are monies that need to be invested, Commissioner Tollett believes that Ms. Whitmer is covered by the current resolutions.

Commissioner Tollett believes that there is nothing that is keeping Treasurer Whitmer from doing investments. Commissioner Tollett hopes that Ms. Whitmer and Mr. Hassler are working together to make sure all the resolutions are up to date.

Commissioner Linke does not remember any direction from the Board in the form of a resolution telling Ms. Whitmer to stop investing.

Treasurer Whitmer stated that a legal opinion was written by Mr. Hassler that basically accused Ms. Whitmer of not following the statutes. At that point, Ms. Whitmer ceased investing and informed the Board of that until it could be ratified what the Board wants Ms. Whitmer to do.

Ms. Whitmer suggested that the Board re-read the letter from Mr. Hassler.

Ms. Whitmer stated that she had a meeting with Mr. Moyer and Mr. Hassler and made it clear that the resolution could be done in one resolution and that it could be simplified. There was no need to re-write the statutes in the resolution. Ms. Whitmer felt that she was spinning her wheels trying to communicate with Mr. Hassler how it needed to be done.

Ms. Whitmer stated that the Board directed the County Attorney to write a resolution giving her the authority that she has had for the last 26 years. The resolutions that he is writing does not do that. In an effort to help, Ms. Whitmer wrote a resolution that gives her that authority that she has had for the last 26 years.

Ms. Whitmer stated that when she was legally accused of not following the statute, it is her responsibility to stop what she is doing and get it addressed.

Ms. Whitmer stated that if the Board were to compare the resolutions written by Mr. Hassler and the one written by her, the problem is clear. Ms. Whitmer stated that she cannot help the Board understand that.

Ms. Whitmer stated that this is an issue between the Board and the County Attorney. Ms. Whitmer is waiting to hear when the Board resolves the problem.

Commissioner Tollett stated that the Board offered a workshop between the Board, the County Treasurer and the County Attorney and Ms. Whitmer turned down the offer. Commissioner Tollett stated that she had hoped that Ms. Whitmer would be part of the solution.

Ms. Whitmer stated that the issue is the sale of securities. When a bond is called, it is not being sold. There is nothing for the Board to authorize. Ms. Whitmer believes there is no need for a resolution and that was not the intent of the law.

Mr. Hassler stated that the law covers "sale or other disposition." Another disposition (even though it is involuntary) would be a call. At that point, the Board is to direct the disposition of proceeds. In the proposed resolution, the disposition of proceeds in that situation whether it is a choice or not, the Treasurer is to decide. It does not designate a depository.

Commissioner Manguso stated that the Board and the Treasurer are at a stalemate. The County is not investing. The Treasurer is an elected official that the Board cannot tell her what to do, nor should it. That is also the case with the Assessor and the Clerk.

Commissioner Manguso suggested that the Board accept the Treasurer's resolution and move forward.

Ms. Whitmer stated that her resolution states that any security that is sold or purchased, Ms. Whitmer is given the authority. She did not put "call" in the resolution because the Board has nothing to direct.

Commissioner Manguso stated that the statute has not changed. The Treasurer has taken the same action over all these years. What is happening does not make sense.

Commissioner Tollett stated there is nothing that is stopping the Treasurer from investing. The conversation is about how the policies are written in Grand County. Commissioner Tollett asked that the Treasurer and the County Attorney and the Board work together.

Ms. Whitmer stated that she is not going to invest until the Board and the Attorney fix the issue.

Mr. Hassler stated that the memo he sent had a concern about the change in securities held. His memo stated that there is no supporting resolution by the Board of County Commissioners. The policy does not relieve the Treasurer of obligation under CRS 30-10-708. The other statutes state that there is remedial action.

Mr. Hassler went through the existing resolutions and one of the drafting errors that started early on is the confusion of investment and deposit. These are two separate activities. The deposit activity is strictly a statutory direction to the Treasurer.

When there is a discussion of investment policies, it is a little more complicated. That is the problem with the old resolutions. The old resolutions confuse and combine the two different activities and what can be done.

Mr. Hassler was trying to straighten out some of the confusion and make it clear that there are deposit activities controlled by the statute and investment activities that are responsibilities of the Board. Everything he wrote was with regard to the responsibilities of the Board.

Commissioner Tollett stated that she appreciates what Mr. Hassler has done with regard to assuring that this is correct.

Commissioners Linke and Tollett agreed that there was no direction from the Board to stop making investments.

Ms. Whitmer stated that she stopped investing because of the memorandum written by the County Attorney.

Commissioner Manguso suggested that the Board recognize all the existing resolutions and investment policies. When the Treasurer sells a security, the Treasurer could then send an email to the Board. The County Attorney can then do a resolution based on the email.

Ms. Whitmer stated that her resolution re-ratifies the resolutions that were unclear and it restates the resolution.

Mr. Hassler stated that Ms. Whitmer's resolution does not contain the proper citation. There are several mis-statements and mis-cites in it.

Ms. Whitmer stated that she does not think a workshop is necessary. She met with Mr. Moyer and felt that Mr. Moyer understood what needed to be done. When Ms. Whitmer got the resolutions, she felt like nothing had been accomplished.

Ms. Whitmer stated that the Board may want to take over investing.

Commissioner Manguso stated that she understands the quandary. Commissioner Manguso stated that technically, Ms. Whitmer was not barred from investing. If Ms. Whitmer cannot dispose of securities, Commissioner Manguso wondered how Ms. Whitmer could invest if she does not have the authority to dispose.

Commissioner Linke believes that everyone involved wants the Treasurer to continue doing what she has been doing, but Commissioner Linke wants to assure that it is done in compliance with statute.

Commissioner Linke suggested that Mr. Hassler be allowed to "tweak" the resolution presented by the Treasurer.

Ms. Whitmer stated that she has been notifying the Board when a security is called. She added that she will not sell a security without being given the authority to do so. That is something that came about because of Mr. Hassler's letter and the concern over selling securities.

Commissioner Tollett stated that she wants to be informed. She does not have wanted to sell securities.

Ms. Whitmer stated that Mr. Hassler has a problem with the section in her resolution that states she has the authority to deposit funds into banks that have been authorized. The resolution specifically states that she can invest or deposit into any financial institution that is qualified as a public depository. That covers everything. That covers every CD that is purchased.

Ms. Whitmer stated that the part of the resolution that is at issue is with regard to a call being a disposal. Ms. Whitmer stated that she is asking for the authority to sell and purchase securities. Ms. Whitmer added that it was to sell securities for the purpose of covering County indebtedness.

Commissioner Tollett stated that it sounds like for the short term, the Attorney could write a resolution confirming the disposition of a security. That will get everyone over the immediate hump and after Ms. Whitmer comes back, everyone can work together to get the wording of the resolutions correct.

Ms. Whitmer stated that she will provide the Board with an email letting the Board know that a security has been called.

Commissioner Tollett stated that Mr. Hassler can write the resolution and Commissioner Tollett understands that Ms. Whitmer can start investing again.

Ms. Whitmer stated that she will not invest until this is resolved. Ms. Whitmer stated that she wants a resolution confirming her authority because the Board has a legal opinion stating that she is not following the statute.

The Board agreed to adopt Ms. Whitmer's resolution adding that the Board will be informed upon the change in any securities held. Ms. Whitmer agreed with that change.

Commissioner Tollett stated that she would like to hear about the election judge process because she is concerned over a commissioner collecting ballots for the election.

County Clerk and Recorder Sara Rosene stated that Title 1, Article 6 talks about how the County is to get election judges. That law has not changed over the years. The Secretary of State did make some rule changes this year.

People sign up at their precinct caucus and the county assembly to be election judges. The list of judges is ratified by the parties. The judges have to be a registered voter of the County, physically and mentally able to perform and complete the assigned tasks, attend a class of instruction for the job being performed, cannot be a candidate whose name appears on the ballot or immediate family related by blood, marriage, or civil union to the second degree.

Once the Clerk's office gets the list of judges, the Clerk is required to send a letter asking the judges to confirm his/her qualifications.

Ms. Rosene stated that for many years she has been able to get a high number of Republican election judges. This is year, Ms. Rosene has not been quite as successful. She added that she got a long list of Democrats who are willing to serve.

Ms. Rosene stated that she is required by law to have one person from each party to perform the election tasks. Ms. Rosene stated that she has used a number of unaffiliated judges, but the law is clear that she needs to use partisan election judges.

After the Clerk has been given the list of judges, it is not unusual that people find they are not able to serve.

Once the Clerk has a list of qualified judges who have confirmed they can serve, the Clerk schedules the judges for the different jobs.

If judges find they cannot serve and the Clerk has gone through the list of judges, the Clerk then goes back to the party and asks that judges be ratified even though they did not attend the caucus or assembly.

An election judge serves a two-year term. The judges appoint this year would serve in 2016 and 2017.

Ms. Rosene stated that the jobs for election judges have changed over the years. In the past, election judges served in precinct on Election Day.

Now, Colorado has all mail ballot elections and it allows for very little interaction with voters. There is a Voter Service and Polling Center (VSPC) at the County Administration Building.

Ms. Rosene stated that she performs a background check on all judges. Ms. Rosene can remove judges for cause or the parties can do a preemptive removal of a judge from that party.

Ms. Rosene stated that for every function, there must be at least one judge from either party. The judges used in this election are as follows:

1. Judges preparing ballots for mailing.
2. Judges working in the VSPC (these judges must take classes)
3. Judges that pick up ballots delivered at remote locations (these judges must take a class)
4. Judges verifying signatures (these judges must take classes)
5. Judges processing ballot envelopes (these judges must take a class)
6. Judges reviewing ballots (these judges must take a class)
7. Counting judges (these judges must take a class)

Ms. Rosene noted that Commissioner Tollett has a concern with one of the election judges. Ms. Rosene stated that she does not remove election judges unless he/she cannot serve in the capacity assigned.

Commissioners Manguso and Linke stated that they worked as election judges last year and found that the election is run very tight.

Ms. Rosene noted that the integrity of an election is extremely important. Ms. Rosene stated that to protect the integrity of the election, to assure that every voter this is qualified to vote is given that opportunity, to assure that every ballot is counted that qualifies, she goes to great length.

Ms. Rosene stated that on every piece of equipment and on every ballot box, her office keeps a chain of custody log. Once a ballot leaves a drop-off location, it is sealed and accompanied by a judge from each of the parties.

Commissioner Tollett stated that she is comfortable with the process but it seems too close to have fellow elected officials helping.

Commissioner Manguso moved to approve Resolution No. 2016-6-13, "A RESOLUTION CONFIRMING INVESTMENT AND DEPOSIT POLICY"

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 4:19 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this \_\_\_\_\_ day of July 2016.

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E. Jane Tollett, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder