

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

July 27, 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

Those present recited the Pledge Allegiance.

Minutes

Commissioner Linke moved to approve the Minutes of April 19, 2016 of the Board of County Commissioner, Board of Social Services, and the Grand County Housing Authority.

The motion passed unanimously.

Finance Director

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

Finance Director Curtis Lange, presented the Warrant Register and Expenditure List to be paid on June 29, 2016 for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve checks presented on June 27, 2016 for payment on June 29, 2016 for Grand County Housing Authority.

The motion passed unanimously.

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

Finance Director Curtis Lange, presented the Warrant Register and Expenditure List to be paid on June 29, 2016 for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve vouchers presented on June 27, 2016 for payment on June 29, 2016, for Grand County Department of Social Services.

The motion passed unanimously.

The Board reconvened the Regular meeting of the Board of Commissioners.

Finance Director Curtis Lange, presented the Warrant Register and Expenditure List to be paid on June 29, 2016 for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve vouchers and wire payments presented on June 27, 2016 for payment on June 29, 2016, for Grand County.

The motion passed unanimously.

The total payments for the week was about \$117,000.

Interim County Manager Moyer stated that the Board received information on Lot 42, Block 5, Moraine Park regarding a down payment assistance loan. There is a person who is applying for a Treasurer's Deed on this lot. The remaining balance due to the County on this property is \$1,440.77. The only way for the County to go after that is to foreclose on the property. The cost of foreclosing on the property far exceeds the amount due on that.

Mr. Lange stated that when the property goes to tax sale, all the liens are wiped off the property.

Mr. Moyer stated that the Housing Authority has a loan agreement with the Department of Local Affairs in the amount of \$235,000. This is for the replacement of the Cliffview fire suppression system. This has been

reviewed by legal and Mr. Moyer noted that this is a deferred loan. No principle or interest is due until such time that the Housing Authority would sell the property or refinance the current loan. Mr. Moyer would like Mr. Lange to look at the loan agreement.

Road and Bridge Update

Micha Benson of Road and Bridge presented the Board with a contract amendment for the BLM. The County applies magnesium chloride to the Pump House and Radium Roads every year. This amendment allows the County to bill the BLM for the work that was done this year.

Commissioner Manguso moved to approve the amendment of solicitation or modification of contract to exercise option year one and provide additional funding in the amount of \$5,000 as presented.

The motion passed unanimously.

Commissioner Manguso stated that she understands that on the Shorefox partnership for one day, there are some contractors that felt that this should have been bid.

Commissioner Manguso stated that this is a one-day internal thing between the Town and the County. The County was trying to help the Town of Granby to get this open before the 4th of July.

Commissioner Linke stated that he heard a great compliment over what a good job was done on applying the magnesium chloride on County Road 60.

General Public Comments

No public comments.

Commissioner Linke moved to adjourn as the regular Board of County Commissioners and reconvene as the Grand County Department of Social Services.

The motion passed unanimously.

Social Services Director Glen Chambers presented an Agreement Amendment Number 2 with the County and the Department of Health Care Policy and Financing. This is an amendment to the base contract that was signed in fiscal year 2014/2015.

Commissioner Linke moved to authorize the Chair to sign Amendment 2 of the Agreement with State of Colorado regarding the Department of Health Care Policy and Financing as presented.

The motion passed unanimously.

Commissioner Linke moved to adjourn as the Board of Social Services and reconvene as the Board of County Commissioners.

The motion passed unanimously.

Manager and Attorney Items

Commissioner Linke moved to approve Resolution No. 2016-6-37, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO IN SUPPORT OF THE NATIONAL PARK SYSTEM"

The motion passed unanimously.

Departmental Contracts, Comments, Issues

Community Development Director Bill Gray stated that Gary Erickson is asking for the Board to authorize consent for the Board of Health to consider a setback reduction for an on-site wastewater treatment system.

Commissioner Manguso moved to authorize Mr. Moyer to write an email to Bill Gray stating it is ok that Mr. Gary Erickson request a setback reduction.

The motion passed unanimously.

Mr. Gray stated that Team Player Productions (Divide Music Fest) has requested a waiver of the Building Permit Fees for the temporary structures that will be erected as part of the Divide Music Fest to be held June 22 through 24.

Mr. Gray stated that attendance is much less than expected. Instead of 10,000, Team Player Productions is expecting 3,000 to 5,000 daily.

Commissioner Manguso stated that she is against waiving the fees. The fees are a part of doing business.

Commissioner Linke stated that he can see both sides of this issue. It is economic development and the County supports that. It is a for-profit business, so they should pay.

Commissioner Linke moved to deny a fee waiver request for Team Player Productions.

The motion passed unanimously.

Commissioner Manguso would like an hourly fee for plan review and asked Mr. Gray to look into the matter.

Manager and Attorney Items

Mr. Moyer received a request from the Grand Lake Area Historical Society requesting the County to waive the building permit fee for the Smith Eslick Cottage Court. This is different than the fee waiver previously discussed; this is for a nonprofit on private property and it is open to the public.

Commissioner Linke moved to approve the fee waiver for the building permit fees for the Smith Eslick Cottage Court restoration.

The motion passed unanimously.

Mr. Moyer stated that regarding the Grand County Library District, there are seven board members; one from each Commissioner District and four at-large members. It appears that there are only three at-large members. Commissioner Tollett stated that Ann Doudan lives in District 2 and has a Fraser post office box. The term of the current president expired December 31, 2015.

Mr. Moyer stated that the Board counts on the Executive Director of the Library Board to provide a letter requesting Board members or reappointment of Board members.

Commissioner Manguso stated that she understands that the Library Board is considering closing the Hot Sulphur Springs Library and possibly creating kiosks in the Kremmling and Grand Lake.

Commissioner Manguso stated that Roxanne White (from Kremmling) is resigning in August and Leslie Crosby (from Hot Sulphur Springs) has missed a number of meetings.

Commissioner Manguso stated that she would like better representation from the west end of the County on the Library Board.

Commissioner Manguso stated that she understands that the Library Board is to bring forward proposed members to the Board. She would like to appoint people that she feels will represent the west end of the County.

The cost of the west end libraries and the Grand Lake Library are a very small cost to the Districts.

Commissioner Manguso noted that the debt balloon in 2020 for the Library District to \$1.6 million per year. Right now they are paying \$150,000 per year.

Commissioner Manguso stated that she would like to know what the Board of Directors of the Library District plan for 2020.

Commissioner Tollett stated that she is very concerned that the Library Board is talking about closing the west end libraries.

Commissioner Manguso stated that this is not a poke at the current Board or the Executive Director. This Board inherited this. Grand County owns the building that houses the Hot Sulphur Springs Library and the Town of Kremmling owns the Kremmling Library. The District pays \$1 per year for each of those buildings.

The Board of Commissioners will reach out to the Library Board to have a joint meeting.

Mr. Moyer stated that the Board discussed having a conversation regarding marijuana excise tax and sales tax. Mr. Moyer invited the Town of Fraser and a representative of IgadI to the meeting.

Mr. Moyer stated that he is working on a grant philosophy for the Board.

Mr. Moyer presented the Board with the First Amendment to the Flying Heels Rental Agreement for an event from July 21 through 24 between Grand County and Power World, LLC.

Commissioner Manguso moved to approve the First Amendment to the Flying Heels Rental Agreement for an event to be held July 21 through 24 between Grand County and Power World, LLC to correct the fee from \$200 to \$100.

The motion passed unanimously.

Mr. Hassler stated that he met with a representative of Mountain Parks Electric and received the results of the investigation of Santoy repeater site and the possibility for service to Grand County Internet Services. Mountain Parks Electric will put a feeder on a pole for \$800. Grand County Internet would have to provide the electrician to install leader loop on the pole. Mountain Parks Electric will connect the service and install a meter. The other possibility is to use a meter pedestal which would be underground service from the power connection to Grand County Internet equipment and that would cost \$1,900. Grand County Internet would have to have an electrician to do the install. Mountain Parks Electric would do the actual connection. Grand County Internet needs to apply for service. Mountain Parks Electric has offered to waive the \$500 deposit and capacity charge based on the fact that this is an existing load.

The next step is to let Grand County Internet Services know that they need to go to Mountain Parks Electric to make application.

Consent Agenda

Resolution No. 2016-6-23, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE COUNTY OF JACKSON, THE COUNTY OF MOFFAT, THE COUNTY OF RIO BLANCO, THE COUNTY OF ROUTT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING JOINT COOPERATION FOR CHILD WELFARE SUBSTANCE ABUSE AND MENTAL HEALTH CORE SERVICES"

Resolution No. 2016-6-24, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN ANNETTE DUGWYLER AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-6-25, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN JAMIE VIEFHAUS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-6-26, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN SAMANTHA CHARYTONIUK AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-6-27, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN DR. BAROFFIO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2016-6-28, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO,

SITTING AS THE GRAND COUNTY BOARD OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN RIVER VIEW COUNSELING, PLLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2016-6-29, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN ASPEN WIND COUNSELING, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2016-6-30, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN CREATE CONNECTIVITY COUNSELING PLLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2016-6-31, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF SOCIAL SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN LUNA COUNSELING LLP AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2016-6-32, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CAPITAL EXPENDITURE BY GRAND COUNTY EMS FOR THE PURCHASE OF EDUCATION AND TRAINING EQUIPMENT”

Resolution No. 2016-6-33, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A LEASE AGREEMENT BETWEEN PAUL MARTIN AND JULIE MARTIN AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Commissioner Linke moved to approve the Resolutions listed on the Consent Agenda.

The motion passed unanimously.

Mr. Hassler stated that the County can provide for mill levy increases for capital for Road and Bridge and to backfill on rebates of taxes.

Mr. Hassler stated that he is working with the insurance company for the vendor fee add on for the fairgrounds and eventually Flying Heels Arena.

Board Business /Correspondence/Calendar/Meetings Report

Mr. Moyer stated that with regard to the Moffat Firming Project, CDPHE did issue a conditional 401 Permit Certification. Staff will be looking at some specific items in the Colorado River Cooperative Agreement on the technical side of monitoring within the Fraser River Enhancement Plan to make sure they are consistent. The state will be notified of the inconsistencies.

Calendars

June 27	Grand Lake Town Hall meeting at 7:30 p.m.
June 28	QQ meeting at the Donovan Pavilion in Vail from 10 a.m. to 3 p.m.
July 11	Council on Aging

Meeting Reports

Commissioners Linke attended a Grand Enterprise meeting last Thursday. It was a resource team update/status. Commissioner Linke stated that Grand Enterprise has well over 100 clients at this point.

Commissioners Manguso and Linke attended the irrigators meeting in Kremmling last Friday. He stated that one concept he took away from the meeting is that the hydrograph has changed. The rapid snow melt caused the decay side of the graph to be much steeper than it usually is. The peak appears to be over, but Commissioner Linke stated there could possibly be a third peak.

Lake Granby is spilling. Mr. Moyer stated that the amount was approximately 1,200 acre feet which occurred approximately a month ago. That amount was going to be 200-300 cfs which is actually a flushing flow for that segment of river. The peak was approximately 1200 cfs. Commissioner Tollett noted that flooding occurred at 2,400 cfs. This year's flows are nothing like those of 2011. Commissioner Manguso noted that it does nonetheless flood some properties.

Mr. Moyer stated that the amount of flow at the Kremmling gage today was 3,420 cfs. On Friday it was 4,500 cfs. So it has come down approximately 1,000 cfs since Saturday. Commissioner Manguso stated that there was a request for the reservoirs to do releases early.

Commissioner Linke stated that he learned that the Moffat Tunnel has a capacity such that if it was running full at approximately 11,050 cfs, Boulder Creek could not take the flow. It is never allowed to flow full. Commissioner Linke stated that most of the reservoirs on the east side are full. Commissioner Tollett expressed concern that the extra flow that has spilled could be missed in August and September if the County experiences a dry summer. The loss of flows could affect the rivers.

Mr. Moyer reiterated that this extra flow was not anticipated. There was different modeling that did not take this into account. When you reach the overflow point, the water has to flow. Mr. Moyer thought the comments related to releasing the water earlier at lower flows were good, but this was a very unique situation. This was a "perfect storm" of having all three rivers flowing at peak at the same time. A lot of the high elevation snow came down very quickly.

Commissioner Manguso went to the library meeting in Kremmling. She had nothing more to report beyond what was already covered.

Commissioner Tollett went to Grand County Economic Developments meeting. Martin Woros also attended. Commissioner Tollett stated that attendees were happy to see that the County is raising the profile of broadband. They know that what can be done is limited, but they do feel good about the CAF 2. One person was not happy with it. Commissioner Tollett stated that there were four more years of CAF 2. What the County is hoping to do is develop a partnership and perhaps nudge them into doing work in areas of Grand County where we see more need than in other Grand County locations. Mr. Woros is predicting that the areas that are going to receive updates due to fiber installation will see the increases by the end of August.

They also had a discussion about Shorefox and those types of developments. Some people were not aware of that or what it could mean for Granby and Grand County. Another topic of discussion was a possible business inventory of Grand County. Commissioner Tollett noted that she had talked to one person recently who wanted to start a business but a similar business had started just six months before that. She stated that they did not realize that someone like Patrick Brower or Diane Butler existed or that there was perhaps tax relief for new businesses starting up.

Commissioner Tollett stated that she was happy to see what the Historical Association had done at the Cozens' Ranch this year. It looks like the Association is really strong. The Town of Fraser donated a significant amount of money for the effort. She stated that museum is now much more visible from Highway 40 because of improved signage contributed by the Town.

Commissioner Tollett stated that the Ethics Committee is getting close to putting out something to the County for feedback. They have had some good discussions with Colleen Reynolds about how it would fit in the personnel manual and how people would resolve disputes in the County. She stated they have another week's worth of work on that. Commissioner Manguso stated she was still in favor of someone outside of the county listening to grievances so that people do not have to worry about retaliation. Commissioner Tollett stated there was not much interest in that but there was a good discussion about having a multi-functional committee that would hear things so that people are not just working through their chain of command.

Mr. Hassler stated that if a supervisor is sexually harassing an employee, there needs to be a safety valve outside the chain of command. A complaint along the line of a grievance should go outside the chain of command. A grievance is a different thing.

Assessor – Abatement & Refund Referees

County Assessor Tom Weydert stated that he had a workshop last week regarding referees sitting in abatement hearings. Mr. Hassler has prepared a resolution to hear abatements.

Mr. Hassler stated that an abatement is similar to a protest, as a property owner you have the right to protest the valuation of your property.

Mr. Hassler stated that it would be beneficial to consolidate all the abatements.

Commissioner Manguso moved to approve Resolution No. 2016-6-38, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE LIST OF REFEREES FOR THE 2016 BOARD OF COUNTY COMMISSIONERS ABATEMENT AND REFUND HEARINGS. The referees will be Stewart Thomson and Doug Doudna who are both qualified to hearing abatements.

The motion passed unanimously.

Public Health Nurse – Board of Health Update

Grand County Public Health Home Care and Senior Nutrition Supervisor Brene Belew-LaDue gave an update on Home Health. She stated that Home Health shut down in February. Her office is continuing to close it down. They continue to refer patients to Northwest Colorado Health, knowing that they are taking patients on a case by case basis because they still do not have a physical therapist.

Ms. Belew-LaDue stated that part of the shutdown process is to print all of their patient records that reside in the software program they used between June 1 and February 12. There are approximately 83 records. Ms. Belew-LaDue stated that the records are taking time to print because the system was designed to store records more in the "cloud" than in printed form. When they are done printing; the records will go the basement in the Court House. The medical records have to be kept for seven years for adults and if the patients started as a child, the records have to be kept for 10 years past their 18th birthday. One issue is that the software will shut down after June 30th. One of the staff members that was supposed to be doing this is now on FMLA. The contract can be extended for another month for \$200 if needed.

The new employee that started in April has resigned effective the end of this week. Senior Nutrition is advertising for the position. When asked what happened, Ms. Belew-LaDue stated that the pay is extremely low. It is one of the lowest paying positions in the County. She also stated that day care was an issue for this particular person. This position is responsible for cooking and delivering meals. It is also Home Care. The position pays approximately \$11/hour. Commissioner Manguso noted that they have talked about doing a salary survey by somebody totally independent who has not done this type of work for Grand County. Commissioner Tollett noted that weekly she is hearing more and more examples of how these are needed. Commissioner Tollett stated she thought people are doing more than the job descriptions say they are. Commissioners agreed that this issue should be addressed as a Board agenda item. Mr. Moyer was directed to put this on the agenda for next week and to make sure that Mr. Franek and Ms. Reynolds are at the meeting.

Ms. Belew-LaDue stated that with regard to the Nurse/Family partnership, the nurse came on board in October. At this point, she has 16 clients and five referrals pending. A case load for a nurse family partnership full-time employee is 25. They are going to increase her hours. There will be some clients coming from outside of Grand County. Ms. Belew-LaDue stated that she is working on a Spanish medical interpreter contract.

Ms. Belew-LaDue stated that the Nurse/Family partnership is an evidence-based program that has been studied for 30 years. The study has shown that getting a nurse into the home to work with a first-time mother decreases recidivism and truancy. It also helps to get the mother back to work and increases education. The studies show that having a nurse come in with a lay person increases all of the positive aspects of the program. The program is in all of Colorado. Grand County was one of the last ones to be part of the program. Nurses go into homes and visit from prenatal through the child's age of two years. The nurse is with the family for approximately 2 ½ years for a total of 60-70 visits. It is for first time mothers and is also income dependent.

Grand County Public Health Home Care and Senior Nutrition had a financial risk management assessment from the State Health Department. They went through finance records and contracts and grants. Ms. Belew-LaDue stated that the County remains a low risk agency. They will therefore audit Grand County every three years. That is the best rating available.

Ms. Belew-LaDue presented an Emergency Preparedness Public Health Complexity Analysis tool that came out of CCI. Ms. Belew-LaDue will talk to Ray Jennings and Nowell Curran about this to see if they wanted to pursue this further. This can be used for all kinds of emergencies. This Complexity Analysis is weighted based on the relevance of public health factors to inform the decision to declare a Public Health Emergency. Ms. Belew-LaDue stated it is a good black and white tool that could be used in an emergency. The emergency manager and public health director from Montrose County put this together. Mr. Moyer stated he participated in two exercises at CCI using this and it is a great tool to help identify what level you are at depending on the emergency. Ms. Belew-LaDue stated that she thought the tool was broad enough for any department to use. Commissioner Linke stated that he thought it fit in with the County's role playing because it has the protocol in

place so that if an event happens you are not trying to make decisions in an emotional environment. He liked that Ms. Belew-LaDue would be bringing in the Sheriff and Emergency Services into the discussion.

Executive Director for the Grand County Rural Health Network Jen Fanning updated Commissioners on the long term solution for Health and Human Services in Grand County. When Home Health and Hospice went away it pushed Grand County into action to do things a better way. She wanted to inform Commissioners that her department is moving on that. The Rural Health Network has done an overall community education meeting in January. In March, the Rural Health Network did three different visioning meetings. In May, the Rural Health Network did a work group meeting and a focus group for the Hispanic community in which 18 Spanish speaking residents attended. The Rural Health Network intends to do another work group in June and July. The Rural Health Network will do a bigger community meeting in August. Ms. Fanning stated that sustainability is the overriding issue. Anything the Rural Health Network does will have to be sustainable.

Commissioner Manguso stated that Home Health did not really go away because the Visiting Nurse Association came in and took over. The County still has both of those out there. Commissioner Manguso does not want it out there that Grand County does not have those services. Ms. Fanning agreed and stated that she will try to educate the community that Northwest Colorado Health is present and doing these services.

Commissioner Manguso stated that she thought Middle Park Medical Center is starting to grow. It looks like they are starting to fix some of their long-term issues. Their new CEO appears to be turning things around. Commissioner Manguso hopes that Ms. Fanning's meetings are involving Middle Park Medical Center as a partner. Commissioner Manguso thought that was important because at the end of the day they should be taking more of those services over. Commissioner Tollett stated that the Middle Park Medical Center was represented in the last meeting and that their comments were helpful. It was interesting that transportation was such a big issue because that is coming up after broadband the number two issue for the Economic Development. Ms. Fanning stated that they have made sure that there is good representation from Economic Development to make sure the communication between her group and other groups is in place.

The other update item Ms. Fanning spoke to was the Mental Health Navigator program. She is actively working on that. There is a navigator who is employed by Mind Springs Health whose start dates are next week. The Mental Health Navigator Program was modeled after their very successful Patient Navigator Program that they do in partnership with Middle Park Medical Center. The County was the first in the state to have a nurse navigator. They did that as part of a whole community health assessment that occurred in 2010. The community said we needed a nurse. Currently, the Rural Health Navigator does all of the severe cases in the primary care clinics.

Commissioner Tollett asked about the aspects of the Patient Navigator program that worked so well that caused Ms. Fanning to transition the program to the Mental Health Navigator program. Ms. Fanning stated that having a registered nurse was a big piece. They use a patient activation measure to show where a patient was when they started and where they were when they ended. The Grand County Rural Health Network measure is twice the national average. There is a lot of data showing that when patients have a higher empowerment, they are healthier.

Ms. Fanning stated that a second positive aspect is partnerships. The County's navigators talk all the time with the Middle Park Navigators. It is a community program whereas everywhere else in the state multiple stand-alone Navigator programs that need to be more coordinated. The coordination helps contain the problems associated with "doctor hopping." She stated that all of the providers like the program. Ms. Fanning is hopeful that this will be the case for the Mental Health Navigator as well.

Commissioner Linke noted that Northwest Colorado Visiting Nurses Association changed its name to Northwest Colorado Health on June 1, 2016. Ms. Fanning stated that they do much more than just visiting nurses. Their mission has expanded and they wanted that to be reflected in their name.

District Attorney Overview

District Attorney Brett D. Barkey provided an overview of the 14th Judicial District Attorney's Office. With Mr. Barkey is District Administrator Donna Zuillian, Deputy District Attorney Catherine Brown, and Chief Investigator Jeff Winters. Mr. Winters is the only investigator for this office and he covers 9,000 square miles which is all three counties in the district.

Mr. Barkey stated the mission for his office:

We support community safety through fair and ethical prosecution of criminal offenders.

Core principles:

Service – serving al with dignity and respect

Excellence – Highest level of professionalism and effectiveness in all that we do.

Mr. Barkey stated that he continues to use the Grand Jury effectively.

Mr. Barkey utilizes a Critical Incident Team. It was used on March 9, 2015 in Dinosaur and September 15, 2015 regarding an officer-involved shooting in Tabernash.

Mr. Barkey stated that he believe that staffing levels are appropriate and Grand County remains the smallest office.

The classification of cases by type in Grand County in 2015 were

14 percent drugs
32 percent violence
7 percent sex assault
18 percent property
29 percent miscellaneous

The most notable cases in Grand County are:

Pending:

Chris Boatsman – sex assault
Mercedes Myers – sex assault

Recently resolved

Brigid Irish – Pleaded guilty theft, embezzlement of public funds, attempt to influence a public official by deceit and abuse of public records. Sentenced to 6 years prison.

Emmanuel Robles – convicted by jury of sexual assault, sentenced to 6 years to life DOC

Conor MacLaird – pleaded guilty to attempted first degree assault on a peace officer. Facing 5 to 12 years.

Mr. Barkey noted the following needs:

1. Office needs a single email domain to avoid confusion for public, especially victims
2. Office needs single, secure repository for data retrievable from anywhere. Now they are limited to a share drive in each office, not retrievable from anywhere else.
3. Entire office will need to be ready to support a single platform for “e-discovery,” and to go paperless and wireless in the courtrooms in all three counties.
4. IT support from each separate county results in, inconsistent, unconnected, patchwork applications dependent on each separate county’s capabilities, funding and priorities. This approach does not address the District’s needs as a whole
5. Met with all three county IT managers. All willing to help, none wants the lead.

Proposed solutions to the needs:

1. Migrated to single email domain for the office across all three counties out of existing budget
bbarkey@14da.org
2. Established single office website using official Colorado government portal...
<https://www.colorado.gov/14thjudicialda>
3. Transitioning to laptops for all attorneys as first step towards a “paperless office.” Funding out of existing budget.
4. Assessing cloud-based document storage solutions for attorney work-product. If able, will fund out of existing budget. If not, we will be back to see you.
5. Assessing other hardware/support needs (servers, staff etc.) for state-mandated e-discovery and paperless environmentwe will get back to you on this.

Staffing

Team Members – 22 total

9 attorneys
1 Prosecutorial fellow (state funded, ends 8/31/2016)
1 Investigator

11 Administrative Team Members (includes 3 part-time and one additional single-county funded part-time position)

Moffat County (8 total)

3 Attorneys, 4 Admin Team, 1 Investigator

District Administrator's primary office

Chief Investigator's primary office

Routt County (9 total)

4 attorneys, 4 admin team

1 prosecution fellow (state funded, ends 8/31/2016)

Juvenile diversion officer now also SB-94

District's ADA's primary office

Grand County (5 total)

2 attorneys, 3 admin team

Anticipate return of unspent 2015 money:

Moffat \$20,000

Routt \$27,000

Grand \$18,000

Requesting authority to purchase 2 used vehicles for ADA and Administrator,

- No more than \$15,000 each
- Use 2016 unspent funds (we would normally return to counties post-audit in 2017)
- Or use 2015 unspent funds

Both travel extensively for the office over the three counties and state-wide

- Currently paid mileage
- Anticipate net operation savings

2017 Budget Issues

Salary Parity for attorneys

- 2015 survey by Colorado District Attorney's Council reveals gross disparity
- Our salaries are lower than DA offices in similar jurisdictions and some neighboring jurisdictions
- Increased difficulty in attracting and keeping both entry level and experienced prosecutors

Fiscal Responsibility

Fall 2015

- Cut an attorney position; cut a part-time admin positions
- Returned from 2014 budget
 - \$29,000 to Moffat County
 - \$40,000 to Routt County
 - \$26,500 to Grand County

Fall 2014

- Shifted full-time Routt County diversion office to part-time
- Returned from 2013 budget
 - \$18,894 to Moffat County
 - \$40,502 to Routt County
 - \$18,522 to Grand County

Fall 2013

- Eliminated a full time position in favor of 2 part-time positions (net overall savings)
- Returned from 2012 budget
 - \$29,452 to Moffat County
 - \$44,970 to Routt County
 - \$33,924 to Grand County

2018 and Beyond

- State Mandated Free E-discovery
 - DA's office will lose \$30,000 in annual revenue from discover beginning Feb 2017
 - Typically use such revenues to purchase vehicles, if needed, or return to counties

2018, 2020

- Will have a fund future vehicle replacements in 2018 for investigator and 2020 for district attorney

2021

- Address salary parity for new incoming DA

Commissioner Manguso suggested that the District Attorney look at County vehicles that will be auctioned off.

Public Hearing – ATH Specialties & Sales Inc., Special Use Permit Renewal
Public Hearing – Granby Sand & Gravel LLC, Special Use Permit Renewal

The public hearing scheduled to begin at 1:30 p.m. was called to order by Chairman Tollett as 1:30 p.m. County Attorney Alan Hassler set record.

ATH Exhibits

- A. Application dated April 19, 2016
- B. Public Notice –Middle Park Times, May 26, 2016
- C. Proof of Publication – Middle Park Times, May 26, 2016
- D. Vicinity Map
- E. List of Interested Parties, including the Town of Granby and Colorado Parks & Wildlife
- F. Certified Mailings to all property owners within 500’ as established by the Grand County GIS System
- G. Public Review Sheets (no signatures)
- H. Grand County BOCC Resolution No. 2015-7-67
- I. Certificate of Recommendation dated July 27, 2016

Granby Sand and Gravel

- A. Application dated April 19, 2016
- B. Public Notice –Middle Park Times, May 26, 2016
- C. Proof of Publication – Middle Park Times, May 26, 2016
- D. Vicinity Map
- E. List of Interested Parties, including the Town of Granby and Colorado Parks & Wildlife
- F. Certified Mailings to all property owners within 500’ as established by the Grand County GIS System
- G. Public Review Sheets (no signatures)
- H. 2015/2016 Load Counts
- I. Granby Sand & Gravel LLC Mine Training Plan dated December 30, 2015
- J. Colorado Division of Reclamation, Mining and Safety Inspection Report dated April 22, 2016
- K. Copy of Reclamation Bond dated May 9, 2016
- L. Stormwater Management Plan Revised may 6, 2015
- M. Grand County BOCC Resolution No. 2015-7-66
- N. Certificate of Recommendation dated July 27, 2016

PROJECT NAME: Granby Sand & Gravel SUP Renewal and ATH Willits Company Inc.
APPLICANT: Granby Sand & Gravel, LLC and ATH Specialties and Sales, Inc. represented by Todd Hammerlund and Amanda Hammerlund
LOCATION: 1830 CR 60, 1 miles east of the Granby in the SE1/4 SE1/4, Section 33, Township 2 North, Range 76 West of the 6th PM
APPLICABLE REGULATIONS: Zoning Regulations
EXHIBITS: Request for Renewal, SUP 2015-7-66 Granby Sand & Gravel SUP for a Gravel Pit Operation, 2015-7-67 ATH SUP for an Excavating/Construction Business, Colorado Division of Reclamation, Mining & Safety Inspection Report date April 22, 2016, and Mining Maps
STAFF PLANNER: Bill Gray
REQUEST: Part I- RENEWAL of Granby Sand and Gravel SUP with a requested "life of the operation" term.
Part II - RENEWAL of ATH SUP with a requested "life of the operation" term.

The Staff Report has been prepared in two (2) parts:

- Part I- RENEWAL of Granby Sand and Gravel SUP with a requested "life of the operation" term.
- Part II- RENEWAL of ATH SUP with a requested "life of the operation" term.

The Granby Sand & Gravel SUP and ATH SUP are operated from the same 40-acre parcel. As such, the impacts of both operations are shared or common to one another not only because they operate from the same location but are each under the management of Todd and Amanda Hammerlund. Both of these SUP's were approved by the BOCC on July 7, 2015 with a 1-year term.

Granby Sand & Gravel is a sand and gravel operation on 40-acres that includes the mining and processing of aggregate material (crushing, screening and washing), and the maintenance and repair of equipment. Mining is permitted over the 40-acres, except for a 25-foot setback/buffer from all property boundaries of the property and an approximate 2 acre "do not disturb area" located in the southwest corner of the site.

ATH Specialties & Sales, Inc. ("ATH"). ATH is an excavating business that provides construction services in the following areas: 1) general excavation; 2) underground utilities (e.g., water, sanitary sewer, storm sewer, etc) and; 3) snow removal.

The limited term was established for several reasons:

- a. New Permittee and successor operator
- b. Compliance issues with the Gravel Pit operation
 - Trucks operating outside of hours
 - Trucks not having covered loads
 - Storage of junk materials, including scrap metals, tires, wood, insulation
 - Not submitting copy of state 112 permit
 - Not submitting mine training plan
 - Exposing possible ground water and taking no corrective action
 - No noxious weed control
 - Mining within 25' setback and leaving an unsafe and unstablized vertical highwall.
- c. Initiating use of an excavating business prior to having an approved SUP
- d. Establish a performance record with the BOCC

Nearly a full year has passed for both of these Special Use Permits and they are not up for renewal. The Permittee has been conscientious of the operation standards for each of the uses. They are observing posted speed limits, hours of operations, number of permitted daily trips. These are good indicators as traffic impact has been a significant issue over the years. There has been very limited mining and processing done over the past year so we have not seen the effect of the adjusted conditions pertaining to permitted mining hours. The changes to the traffic conditions should prove to adequately limit truck traffic from the uses.

PART 1 - GRAVEL OPERATION RENEWAL

- a. The vertical Highwall has been backfilled and the 25 foot required setback has been re-established. Final grading and seeding is still required. The slope appears to be stable.
- b. The successor operator and reclamation bond is in place.
- c. Quarterly traffic reports demonstrate compliance with truck trip standards.
- d. The water pond has been filled in as required.
- e. Noxious weed control is being actively managed by the Applicant.
- f. Floor of mining area and entrance/exit access road has been treated with magnesium chloride to control dust.
- g. Hours of operation for the operation and mining have been adhered to by the Applicant.
- h. A Mine Safety Plan and Stormwater Management Plan and Permit are in place as required.
- h. Applicant's renewal includes a request for a life of operation term. During the public hearing for the SUP transfer there was much discussed about a life of operation term. There was a strong feeling during the hearing that a performance track record is necessary prior to changing a term from a defined time period to a life of operation. Even though the Applicant has operated according to permit requirements, one year is not a sufficient period of time to establish a clear performance record. Like many SUP's in the County there needs to be an interim step. A five (5) year renewal is more appropriate for this case.

PART II - EXCAVATING BUSINESS RENEWAL

a. The Applicant is required to install and maintain a permanent berm along the east boundary of the site for visual impacts and noise. The berm is partially installed for a distance of about approximately 400' along the boundary. Aside from its main purposes, the berm will also assist in maintaining the required 25' setback for the gravel operation.

1. The berm shall be completely installed, which includes a minimum height of 5', stabilized slopes of no greater than 3:1, and have a top cover of top soil and seeded with native grass seed no later than November 30, 2016.

b. Operating conditions for the excavating business have been adhered to by the Applicant. There are no identified issues with the permit at this time.

c. Applicant's renewal includes a request for a life of operation term. During the public hearing for the SUP transfer there was much discussed about a life of operation term. There was a strong feeling during the hearing that a performance track record is necessary prior to changing a term from a defined time period to a life of operation. Even though the Applicant has operated according to permit requirements, one year is not a sufficient period of time to establish a clear performance record. Like many SUP's in the County there needs to be an interim step. A five (5) year renewal is more appropriate for this case.

STAFF RECOMMENDATION - Granby Sand and Gravel LLC Special Use Permit

Staff recommends renewal of the Granby Sand and Gravel, LLC Special Use Permit for a gravel operation in the Forestry and Open District with the following conditions:

1. Final grading and seeding of the highwall in the northeast corner of the site is completed by November 30, 2016.
2. The renewal term for the SUP is set for five (5) years or until July 7, 2021

STAFF RECOMMENDATION - ATH Specialties and Sales, Inc. Special Use Permit

Staff recommends approval of the ATH Special Use Permit with the following conditions:

1. The berm shall be completely installed, which includes a minimum height of 5', stabilized slopes of no greater than 3:1, and have a top cover of top soil and seeded with native grass seed no later than November 30, 2016.
2. The renewal term for the SUP is set for five (5) years or until July 7, 2021.

[End of Staff's Certificate]

Commissioner Linke reported that his family is the land owner of quarry gravel pit. Commissioner Linke stated that he does not receive any personal benefit from that. He offered to abstain from voting if Mr. Hassler feels that it is necessary for him to do so.

Mr. Hassler asked if Commissioner Linke's vote affects the competitor's place in the market. Commissioner Linke stated that he does not believe it does. Mr. Hassler asked the applicant if he has any objection to Commissioner Linke hearing the application. The applicant has no objection to Commissioner Linke hearing the application.

Applicant Todd Hammerlund stated that he has one concern over the staff's recommendation and that is the term of the permit of only five years. Mr. Hammerlund stated that he is investing a lot into the community and into Granby Sand and Gravel. Mr. Hammerlund asked if at the end of the five years, how he could be assured that the County will not change the number of trips allowed. Commissioner Manguso stated that any permit condition could be changed.

Mr. Hammerlund stated that if he is going to invest, for example \$100,000 in a platform scale, in five years the County could take his trip times away. That scale would be useless.

Mr. Hammerlund noted that life time only means that if he continues to meet the terms of the permit, he can continue to operate.

Commissioner Manguso stated that the Board can change the permit at any time. It does not matter if it is a life-time permit.

Commissioner Linke stated that the applicant has taken care of the issues from last year. He noted that he does not have a problem issuing a lifetime permit. Commissioner Linke stated that if there is a violation, the County has the right to pull the permit.

Mr. Hammerlund stated that he was required to do the berm above the high wall on the northeast corner. Joe and Tina Hanes asked him to berm a section on the southeast corner. Mr. Gray brought up the berm that is in between. Mr. Hammerlund had already decided to do that.

Mr. Gray stated that it is the Special Use Permit.

Commissioner Manguso noted that the condition is not extremely clear on that issue.

Joe Hanes stated that he is speaking on behalf of himself and his wife. They are the landowners of the two properties directly to the east of the gravel pit.

With regard to the berm, the condition does say that the berm runs the entire east side of the gravel pit. Mr. Hanes' main concern was to help block the operations. It helps block the sound and the visual effects.

Mr. Hanes stated that it is possible to see a trailer but it is not that bad. Mr. Hanes asked Mr. Hammerlund to grade and seed so that it looks appealing. It is part of the conditions to seed. That was not done as of yet. Mr. Hanes stated that he understands that Mr. Hammerlund has been spraying for weeds and Mr. Hammerlund wants to mine the dirt under the berm. Mr. Hanes understands that Mr. Hammerlund wants to reconfigure the entire berm. Mr. Hanes understands that the work needs to be done by November 30, 2016. It needs to be completed as well as graded and seeded.

Mr. Hanes stated that while that is happening, there may be a problem with dust control. Mr. Hanes would like to know how that work will happen.

Mr. Hanes stated that they have their house listed for sale. The only concern from buyers is the "unsightly gravel pit." With berm graded and seeded, it will visually improve the impacts.

Mr. Hanes stated that they bought the property in 2008. At that time, it was the Willits pit. There was not a lot going on there. Mr. Hanes spoke with Mr. Willits and he was not using it and he let everything go.

Mr. Hanes stated that the backup beepers are really loud. He understands that Mr. Willits is working on that.

Liz McIntyre stated that there was not a permitted pit when she bought her property. She is much happier than she was 18 months ago. She stated that since the public hearing was held to mine on the property, she has maintained that it is a bad location for a pit based on access on County Road 60 through cabin village based on the seniors.

Ms. McIntyre stated that she opposes this. Ms. McIntyre stated given the constraints of the location, the applicants has been very conscientious in the traffic and transportation issues and they have tried to fixed the issues with the pit. Ms. McIntyre stated that she would like more work on the back-up beepers.

Ms. McIntyre stated that she believes five years is reasonable.

Ms. McIntyre stated that making an investment is a balance. If there are increased safety risks and public welfare risks as a Board of Commissioners, it is the Board's obligation to protect the public safety. It should not matter if it is a five-year permit or longer.

Commissioner Manguso asked if the request for a 5-year permit is because they have not been through a full crushing season. Ms. McIntyre stated that they would like to see their operation for a year.

Terri Pratt stated that she lives on County 60, just down the road from the pit. Ms. Pratt commended the Hammerlunds with regard to the traffic on the road. Ms. Pratt noted that the Hammerlunds have done a good job at trying to comply with the mess they walked into.

Ms. Pratt stated that the Hammerlunds have not been through a crushing season. Also, Mr. Hammerlund is worried about making an investment in the community and having it pulled out from under them. Ms. Pratt noted that we all take that risk. Mr. Hammerlund is worried over the number of truck trips. Ms. Pratt understands that he can take as many trucks as he wants through Legacy and not affect the County Road.

Commissioner Tollett stated that she has done a number of environmental permits which are different from this but similar. There is a time limit on those. Commissioner Tollett wants people to invest in the community but she is not in favor of lifetime permits.

Commissioner Tollett noted a concern over the fact that there has not been a full crushing season.

Commissioner Manguso stated that she would like to see a 10-year permit.

Commissioner Linke stated that he would like to see a lifetime permit. He sees no point in waiting to complete this until the crushing season is over.

Paula Sheridan who lives at 1791 County Road 60 stated that she has been in the Board meetings for the last 15 years with five different operators. There have been violations of every single condition of those permits. They have never been shut down; not even for a day. There have been operators who have violated all the conditions

repeatedly. Ms. Sheridan stated that she gathered evidence of the violations and gave to the Planning Department. They have never been shut down.

Ms. Sheridan stated that she is not concerned over the length of the permit as long as she is given assurance that if the applicants go out of compliance, there will be action by the Board of Commissioners.

Terri Pratt stated that a few years ago, her pit was shut down because of dust. She was warned once and then the County got a complaint and the Planning Department shut them down. It was the summer of very bad wind. The Pratts had to run a water truck all summer.

Ms. McIntyre stated that in the state regulations it says that if a pit is not used for a certain period of time, the reclamation will start. That is different from the County permit.

Ms. McIntyre stated that she would like the following to be added under the section of permit referring to "lifetime:"

"In compliance with state reclamation regulations."

Ms. McIntyre asked if the Hammerlunds would consider a good neighbor policy that the drivers agree to be conscientious.

Mr. Hammerlund will have the workers sign a good neighborhood policy. Mr. Gray will look into different types of good neighbor policies.

Commissioner Linke moved to approve the Special Use Permit for ATH Specialties and Sales including a change from a five-year to a life time permit and adding the good neighbor policy.

Commissioner Linke	aye
Commissioner Manguso	aye
Commissioner Tollett	no

The motion passed.

Commissioner Tollett noted that she is not in favor of a lifetime permit.

Commissioner Linke moved to approve the Special Use Permit renewal for Granby Sand and Gravel LLC with the change of a five year to a lifetime permit including the change that adds the following language "in compliance with the state reclamation regulations."

Commissioner Linke	aye
Commissioner Manguso	aye
Commissioner Tollett	no

The motion passed.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

Public Hearing – Grand County Road 137 Road Vacation

The public hearing scheduled to begin at 2:30 p.m. was called to order by Chairman Tollett at 2:44 p.m. County Attorney Hassler set the record.

- A. Public Notice – Middle Park Times, May 12, 2016
- B. Proof of Publication – Middle Park Times, May 12, 2016
- C. Vicinity Map depicting as established by the Grand County GIS System
- D. List of property owners of Gore Lakes Subdivision, Units 1, 2 & 3, mailed meeting notices by First Class Mail for the June 8, 2016 Planning Commission meeting and the June 27, 2016 Board of County Commissioners Hearing
- E. Public Review Sheets (no names)
- F. Copy of letter questionnaire mailed to Property Owners dated January 14, 2016
- G. List of Property owners who received this questionnaire mailing
- H. Copy of Follow-up letter of deadline to return the questionnaire
- I. Questionnaire Responses in Opposition

- J. Questionnaire Responses in Support
- K. Questionnaire Responses No Opinion
- L. Response letter from Grand County EMS
- M. Email from Michael Massarotti to Alan Green (Road & Bridge Dept) dated January 19, 2016
- N. Email from Alan Green to Ken Haynes dated January 20, 2016
- O. Email from Joe Kupernik to Ken Haynes dated January 20, 2016
- P. Email from Michael Massarotti to Alan Green dated January 21, 2016 (9:38 a.m.)
- Q. Email from Michael Massarotti to Alan Green dated January 21, 2016 (2:08 p.m.)
- R. Email from Michael Massarotti dated January 21, 2016 (3:02 p.m.)
- S. Letter of Opposition from Josie Allen
- T. Letter of Opposition from Tiffany A & Alan L Goff
- U. Letter of Interest from Nelson Cole
- V. Email of Support from David Watts dated June 26, 2016
- W. Planning Commission Resolution No 2016-6-2
- X. Certificate of Recommendation dated June 27, 2016 (with the following exhibits)
 - 1) Vicinity map showing the location of the road vacation
 - 2) Gore Lakes Unit 1 Plat with location of the locked gate and road vacation
 - 3) Gore Lakes Unit 2 Plat with the location of the road vacation
 - 4) Amended Plat Gore Lakes with the location of the road vacation
 - 5) Photo of locked gate
 - 6) Survey Response Map
 - 7) Table of unaffected vs. affected lots, survey responses & comments
- Y. Proposed Grand County BOCC Resolution

PROJECT NAME: Grand County Road 137 Vacation
APPLICANT: Grand County
LOCATION: Gore Lakes Unit 1 and Gore Lakes Unit 2
APPLICABLE REGULATIONS: State Statutes regarding Road Vacation Proceedings C.R.S. 43-2, Part 3
EXHIBITS: Exhibit A – Vicinity map showing the location of the road vacation
Exhibit B - Gore Lakes Unit 1 plat with the location of the locked gate and road vacation indicated.
Exhibit C – Gore Lakes Unit 2 plat with the location of the road vacation indicated
Exhibit D - Amended Plat of Gore Lakes with the location of the road vacation indicated
Exhibit E – Photo of the locked gate
Exhibit F – Survey response map
Exhibit G – Table of unaffected vs. affected lots, survey responses and comments
STAFF PLANNER: Brett Hanlon
REQUEST: The Board of County Commissioners should consider the vacation of an approximately 1.02- mile portion of GCR 137, beginning where the road crosses the westerly property line of Lot 23, Amended Plat of Gore Lakes, and terminating at the eastern end of GCR 137 as depicted on the plat of Gore Lakes Unit 2.

I. DISCUSSION

Over the last few years, Grand County Road and Bridge (GCRB) has received numerous calls regarding a locked gate across a portion of Grand County Road (GCR) 137. This locked gate is located in the Gore Lakes Unit 1 Subdivision (See Exhibit A). Based on discussions with residents, the gate has been in existence for at least thirty (30) years. It is presumed that residents in either Gore Lakes Unit 1 or Gore Lakes Unit 2 are responsible for constructing the gate. GCR 137 is a publicly dedicated road and this gate is restricting the access to the public for which it was dedicated. According to state law, it is unlawful to obstruct a public right-of-way. To remedy this violation of state law, the gate must be removed or a portion of GCR 137 must be vacated—which is what is being proposed today.

Although GCR 137 is an unimproved road, it is maintained by GCRB as a Secondary Maintained Road. Currently, GCRB performs summer and winter maintenance on GCR 137 up to the locked gate but does not perform any maintenance east of the locked gate. County snow plows plow up to a turnaround area that is approximately 450 feet to the northwest of the locked gate. GCRB brought the issue of the locked gate to the attention of the Board of County Commissioners (BOCC) in late 2015. The BOCC directed GCRB to survey residents of the Gore Lakes Unit 1 and Unit 2 subdivisions to determine the residents' attitudes in regard to a vacation of a portion of GCR 137. The responses from the survey showed that thirty-six (36) residents are in favor of vacating the portion of the road east of the locked gate (yes responses + y/n responses), while eighteen (18) residents are against vacating the road east of the locked gate (see Exhibit F). Two residents responded that

they had no opinion. Of the twenty-four (24) survey responses collected from property owners who rely on the portion of GCR 137 to be vacated for access to their properties, twenty (20) responded that they were in favor of the road vacation and four (4) were against the road vacation (see Exhibit F).

Based on this favorable response, the BOCC directed staff to initiate proceedings to consider vacating this section of GCR 137. It should be noted that GCR 137 is a dead end road that does not provide access to any notable public interest. The road only provides access to private property. Also, because the portion of GCR 137 to be vacated is not maintained, it is likely that these homes are only used seasonally.

II. REGULATIONS

A. ROAD VACATION – CRS 43-2-303, Methods of Vacation

The following is the statutory authority and criteria for vacating a county road right-of-way:

- (1) All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:
 - a) The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.
 - (b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.
 - (c) If such roadway constitutes the boundary line between two counties, such roadway or any part thereof may be vacated only by the joint action of the boards of county commissioners of both counties.
 - (d) If said roadway constitutes the boundary line of a city or town, it may be vacated only by joint action of the board of county commissioners of the county and the duly constituted authority of the city or town.
- (2)
 - (a) No platted or deeded roadway or part thereof or un-platted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.
 - (b) If any roadway has been established as a county road at any time, such roadway shall not be vacated by any method other than a resolution approved by the board of county commissioners of the county. No later than ten days prior to any county commissioner meeting at which a resolution to vacate a county roadway is to be presented, the county commissioners shall mail a notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the county commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting.
 - (c) If any roadway has been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.
 - (d) If any roadway has been established as a state highway, such roadway shall not be vacated or abandoned by any method other than a resolution approved by the transportation commission pursuant to section 43-1-106 (11).
 - (e) Paragraphs (b), (c), and (d) of this subsection (2) shall not apply to any roadway that has been established but has not been used as a roadway after such establishment.
 - (f) If any roadway is vacated or abandoned, the documents vacating or abandoning such roadway shall be recorded pursuant to the requirements of section 43-1-202.7.

(3) In the event of vacation under subsection (1) of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

(4) Any written instrument of vacation or a re-subdivision plat purporting to vacate or relocate roadways or portions thereof which remains of record in the counties where the roadways affected are situated for a period of seven years shall be prima facie evidence of an effective vacation of such former roadways. This subsection (4) shall not apply during the pendency of an action commenced prior to the expiration of said seven-year period to

set aside, modify, or annul the vacation or when the vacation has been set aside, modified, or annulled by proper order or decree of a competent court and such notice of pendency of action or a certified copy of such decree has been recorded in the recorder's office of the county where the property is located.

Summary of Regulations

The State Statute entitled "Vacation Proceedings: Roads, Streets, Highways" (C.R.S. 43-2-Part 3) governs the vacation of roads. Included in this statute is the authority for the BOCC to vacate roadways. If this request is approved, the County will surrender all of its interest in the road and the associated right-of-way.

C.R.S. 43-2-Part 3 states that once vacated, title in the vacated roadway shall vest in the owners of the abutting land. Each abutting owner will take ownership to the center line of the roadway. The statute also gives the BOCC the authority to establish a private-access easement to ensure that all properties retain the legal access that was provided by the roadway to be vacated. Unless the residents affected by this road vacation decide to draft their own easement agreement, the requirements that are needed to establish a private-access easement will be addressed by the BOCC Resolution that will vacate the portion GCR 137. So, as soon as the GCR 137 right-of-way is vacated, the private access easement will be in place.

In review of the proposed road vacation, staff makes the following findings:

- The portion of GCR 137 proposed to be vacated is located entirely within the county and may be vacated by the BOCC.
- No land adjoining the GCR 137 right-of-way or connected to GCR 137 by access easement will be left without a private-access easement connecting said land with an established public road.
- Correct notice has been made that allows the BOCC to consider the proposed vacation. The proposed vacation request complies with the applicable criteria necessary to approve a road vacation. III. STAFF

COMMENTS

The point of beginning for the road vacation is not at the locked gate, it is approximately 100 feet to the west of the locked gate. The legal description of the road vacation needed a definitive, permanent, platted location. So, the westerly property line of Lot 23, Amended Plat of Gore Lakes, where it crosses GCR 137 is being used as the point of beginning for the legal description of the vacation. The eastern end of GCR 137 as depicted on the plat of Gore Lakes Unit 2 is the description of the ending point of the road vacation. An approximately 1.02-mile portion of GCR 137 is being considered for vacation.

The BOCC may want to consider requiring the affected property owners (property owners that rely on this portion of GCR 137 for legal access) to sign an easement agreement. A complication with requiring an easement agreement such as this is that it may require all affected property owners to come to an agreement and sign the easement agreement. However, having the affected property owners come to an agreement in regard to emergency access, a contact person for the locked gate, maintenance of the road, allowing utilities in the easement, etc. could create a more manageable situation in the future. A private-access easement will be established regardless of if the affected property owners sign an easement agreement or not. However, the BOCC does not have the authority to state that the private-access easement can be used for future utilities. Existing utilities in the right-of-way are permitted to stay. If an easement agreement was signed by all affected property owners, they could address future utilities and the BOCC would not need to establish a private-access easement.

Staff requested comments from Kremmling Fire, the Grand County Sheriff's Department and Grand County EMS regarding the locked gate and the potential road vacation. EMS stated that they would treat the locked gate situation the same as any gated subdivision. They would cut the lock or force open the gate in the event of a 911 call. EMS requested that the property owners behind the locked gate be required to sign a letter of understanding where they would acknowledge that law enforcement, fire, and EMS responders will be delayed if the gate is closed and locked. Also, EMS would like this letter of understanding to state that it is the property owners' responsibility to pay for the repairs to the gate (and a new lock) if the gate is damaged by responding units. The Sheriff's Department was in agreement with the idea of a letter of understanding. The Sheriff's Department explained that not all of their officers carry bolt cutters, so delays in response time could be significant. The Sheriff's Department pulled the emergency call records for the last few years. There have been three calls since 2013: a car ran out of gas, cattle wandered onto private property and a tree fell on a power line. In each of these cases, it was undocumented how emergency responders got past the gate.

When a roadway vacation is being considered, the County is required to provide notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Many property owners who rely on GCR 137 to access their properties indirectly—indirectly, because they have access easements that stem off of GCR 137—would not need to be notified according to State Statute because

their properties are not adjacent to the roadway. However, for this road vacation, all property owners within Gore Lakes Unit 1, Unit 2 and Unit 3 were notified directly by first-class mail. Additionally, staff identified a metes and bounds parcel that relied on GCR 137 indirectly for access. The owner of this property was contacted by Community Development staff. Staff informed him of the public hearing date / time and invited him to submit comments. The owner explained that he had responded to the survey that was sent to him a while back. He is in favor of the road vacation and the locked gate remaining. In addition to the direct public notice that was mailed, and called, to the property owners in and around Gore Lakes Units 1, 2 and 3, notice was published in the Middle Park Times at least 10 days prior to the public hearing, which is compliant with the State Statute.

Also, as discussed above, property owners in Gore Lakes Unit 1 and 2 received surveys that asked for their opinion in regard to the potential road vacation. The answers to these surveys can be found on a map which is included as Exhibit F. The comments that accompanied these survey responses can be found in a table of unaffected vs. affected properties, survey responses and comments (Exhibit G).

To ensure that the County has conveyed all of its interest in GCR 137 behind the locked gate to the affected property owners, quitclaim deeds may need to be signed by the County.

IV. STAFF RECOMMENDATION

It has been determined that this proposed road vacation meets the requirements of the State Statute. Staff recommends the approval of the vacation of a portion of GCR 137 and the establishment of a private-access easement to provide access to all homes currently relying on this portion of GCR 137 for access to their properties. This recommendation for approval is contingent upon the following conditions:

1. A letter of notice shall be sent to all properties that rely on GCR 137 for access. This letter of notice shall state:
 - a. Law enforcement, EMS and fire responders will be delayed due to the presence of the locked gate
 - b. It is the property owners' responsibility to pay for any damage to the gate or lock that results from emergency responders opening the gate
2. The code to the lock on the gate shall be provided to the Grand County Dispatch / Communications Center. Community Development staff will confirm with the Sheriff's Department that the code to the lock has been provided.

[End of Staff's Certificate]

Bill Honer stated that he and his wife own 242 County Road 134. Mr. Honer stated his parents-in-law own Lot 18.

Mr. Honer stated that the gate has been in place since about 1975. At that time, it was by the highway. In about 1979, the people by the highway started moving in fulltime. They did not want the hassle of the gate, so the gate was moved two or three times.

All the properties behind the current gate are part-time residents. There is one family that lives there all summer long.

The gate went up because there were people breaking into the cabins. The cabins are very secluded.

There are a number of ponds and lakes in the subdivision and people were coming in to fish.

A vast majority of the people behind the gate have voted in favor of vacating the road.

Work on the road is taken care of by donations.

Commissioner Manguso is concerned that the resolution establishes a private access easement to provide access. Commissioner Manguso stated that there needs to be a dedicated width. If it is the existing road, it needs to be defined.

Mr. Hassler stated that there is a reservation in the resolution that the title to the vacated road goes according to statute. The perpetual private access agreement is reserved for the purposes of ingress and egress in and to the lots over across and through the lot on the existing road as shown on the amended plat of Gore Lakes 1 and Gore Lakes 2. That it is a legal description.

Mr. Hassler stated that there may need to be a survey of the road to make sure that there is an exact description of the road as built and that can be incorporated into the resolution.

Mr. Honer stated that the County is saying that it will put on the centerline of the road and the County will create an easement 60 feet in width. If the road is not in the center of the right-of-way 60-foot in width the County has no right to dedicate an easement. If the road completely leaves the County's right-of-way, the County cannot give the people in Gore Lakes an easement. It would need to be done parcel by parcel. The County can only give a 60-foot wide easement and if the road is not in that easement, the people in Gore Lakes would have the right to move the road if there is a problem. Hopefully, the road is at least partly in the 60-foot easement.

Mr. Hassler stated that the only thing the County can vacate is what is on the plat.

Mr. Honer stated that he might be able to collect enough money for a survey to be done on the road.

Commissioner Manguso asked if would be possible to get the property owners to recognize the existing road where it is and dedicate an easement. Mr. Honer stated that he could likely get the people who voted yes to do that. There were two along the road that voted no.

Commissioner Manguso stated that she does not want to vacate this and create more problems.

Mr. Honer suggested that everyone who signs an easement gets an easement. Anyone who does not sign will be out of luck until they sign the easement. Mr. Honer stated that he has a concern for the front part.

Mr. Honer stated that he could look to see where people have pins and know where they are, they would not have to hire a surveyor. Mr. Honer could return a drawing to the County showing where the property pins are and where the road is and that it is in the right-of-way. If they do that, they will not have to spend money on a surveyor.

Commissioner Linke moved to continue the public hearing to August 16, 2016 at 11:30 a.m.

The motion passed unanimously.

Board Business

Mr. Moyer received a request on behalf of Mr. Baer for the three contract amendments, one for Ground Engineering, one for Bowman Colorado Group, LLC, and one for Everist Materials LLC dba Morrow and Sons Construction. All three of the amendments are extending the date of the current contract for construction on County Road 804.

Commissioner Manguso moved to approve the Fourth Amendment between Everist Materials LLC dba Morrow and Sons Construction and Grand County extending the contract through July 31, 2016. There is no monetary impact on Grand County.

The motion passed unanimously.

Commissioner Manguso moved to approve the Second Amendment between Bowman Colorado Group LLC and Grand County extending the contract through August July 31, 2016. There is no monetary impact on Grand County. This is for repair of the construction defects for phase 3 of the County Road 804 project.

The motion passed unanimously.

Commissioner Manguso moved to approve the Third Amendment between Ground Engineering and Grand County extending the contract through August 31, 2016. There is no monetary impact on Grand County. This is for repair of the construction defects for phase 3 of the County Road 804 project.

The motion passed unanimously.

Colorado Headwaters Land Trust/Trust for Public Lands/Colorado Open Lands – Presentation of 2nd Polling for Sales Tax Initiative

David Weinstein with the Trust for Public Lands stated that he spoke with the Board in February about the January poll. Mr. Weinstein stated that they got back into the field with the second poll to double check some of the numbers that had been tested. It was also to narrow down on some financing mechanisms that were most palatable from the first poll. There was a deeper dive on the tax tolerance.

The following introduced themselves:

- Sydney Macy – Conservation Fund
- Nick Meyer – Colorado Headwaters Land Trust
- Cray Healy – Colorado Headwaters Land Trust
- Jordan Vanna – Colorado Open Lands
- Anna Drexler-Dreis – Interim Executive Director of Colorado Headwaters Land Trust
- Lucia Del Puppo and Dave Metz of Fairbank, Maslin, Maullin, Metz & Associates joined by phone. They are a public research firm based in California and Wisconsin.

Mr. Weinstein stated that the Land Trust has grown in its scope, the type of easements they are doing, and the trajectory they are on. The growth that is coming and the constraints on the resources are coming. There are market forces at work that they have no control over. Grand County is such a great place to be. The efforts of the Land Trust and the conservation values they try to protect are what bring people to Grand County. Our open space, scenery, agriculture, historical heritage, and wildlife help make Grand County so great.

Ms. Drexler-Dreis stated that the Land Trust wants to protect the values of Grand County. There are a lot of landowners who want to do conservation easements and want to go through the process and protect their land and keep it the same. It is getting harder for landowners to do that. Having this chunk of money available for them to use for land conservation would be helpful for the land trust.

Ms. Del Puppo stated that the poll being discussed is a follow-up poll to one that was conducted in January.

Survey Methodology:

- 300 telephone interviews with voters likely to cast ballots in November 2016 in Grand County
- Interviews conducted May 24-31, 2016
- Interviews on landlines and cell phones
- Margin of sampling error of +/- 5.7% at the 95% confidence level
- Some percentages may not sum to 100% due to rounding
- Selected comparisons to January baseline survey

Ms. Del Puppo stated that there were questions that asked for people to identify if the following are seen as serious problems: government waste, budget shortfalls, and unemployment Historical heritage and wildlife to protect.

		Extremely serious problem	Very serious problem	Somewhat serious problem	Not too serious a problem	Don't know	Extremely serious/Very serious
Waste and mismanagement in County government	May	25%	27%	29%	15%		52%
	January	30%	35%	23%	9%		65%
Budget shortfalls in County government	May	17%	25%	33%	17%	8%	42%
	January	23%	33%	28%	12%		56%
Jobs and unemployment	May	12%	30%	33%	22%		42%
	January	32%	24%	21%	22%		56%
Budget cuts to essential County services	May	18%	20%	31%	23%	8%	38%
	January	26%	23%	35%	12%	5%	48%
The condition of the local economy	May	9%	25%	42%	22%		34%
	January	23%	32%	31%	12%		55%
The amount you pay in local taxes	May	9%	15%	34%	38%		24%
	January	20%	25%	26%	29%		45%

Ms. Del Puppo stated that the question was then asked how much voters continue to be very concerned by the loss of water in the Colorado and Fraser Rivers.

		Extremely serious problem	Very serious problem	Somewhat serious problem	Not too serious a problem	Don't know	Extremely serious/Very serious
Loss of water in the Colorado and Fraser Rivers	May	28%	30%	26%	14%		58%
	January	33%	39%	19%	7%		72%
Loss of fish and wildlife habitat	May	19%	25%	28%	25%		44%
	January	20%	35%	21%	22%		56%
Loss of wetlands	May	15%	20%	32%	29%		34%
	January	17%	25%	29%	27%		42%
Loss of agricultural land	May	10%	17%	37%	32%		27%
	January	13%	28%	34%	21%		41%

Ms. Del Puppo provided the proposed ballot question:

Shall Grand County taxes be increased by up to \$1 million annually beginning January 1, 2017, and by whatever amounts received thereafter, with a sales tax increase of four-tenths of 1% (or four cents on a \$10 purchase) for the purposes of protecting and enhancing our quality of life by:

- *Keeping water in the Colorado River and other rivers, like the Fraser River, available for agriculture, ranching, and recreation;*
- *Conserving natural areas and scenic open spaces, wildlife habitat, wetlands, and fishing sites; and*
- *Maintaining and expanding hiking and biking trails?*

Ms. Del Puppo stated that a majority of the voters back the measure though a smaller group for the one at the higher rate:

	.25% - January		.4% - May	
Definitely approve	30%	Total Approve 67%	34%	Total Approve 56%
Probably approve	27%		19%	
Undecided, lean approve	9%		3%	
Undecided, lean reject	3%	Total Reject 32%	2%	Total Reject 41%
Probably reject	9%		9%	
Definitely reject	19%		30%	
Undecided	1%		3%	

Mr. Metz stated that one takeaway was that a .25 percent sales tax was more acceptable than the .4 percent sales tax.

Arguments that encouraged people to vote for a tax measure:

1. **Headwaters/Watershed.** Grand County is home to the headwaters of the Colorado River, one of the biggest rivers in the West; millions of people depend on the Colorado River watershed as their water supply. This measure would protect this precious natural resource, local water quality, and the ranches and natural areas that depend on the river.
2. **Wetland Preservation.** Grand County’s wetlands play an important role in the Colorado River’s water quality by serving as a natural filter for the river water but, as water gets diverted away from Grand County, the wetlands are drying up. This measure will keep water in the Colorado and Fraser Rivers so that the wetlands can continue to do their job and keep our water clear.
3. **Visitors Pay.** The majority of this tax would be paid for by visitors to Grand County, not residents. Fifty-eight percent of this sales tax would be paid for by tourists to the County – and every penny would benefit our natural areas.
4. **Forest Restoration.** Grand County’s forests are home to wildlife habitats and provide local families with the opportunity for hiking, exploring, and outdoor activities. This measure would protect Grand County’s forests and their wildlife habitats from wildfire, invasive species, and diseases so that children and families can continue to enjoy them.

Mr. Weinstein stated that there is a need for this program. If the Board is willing to put this on the ballot, the group will go forward to determine what the best level of tax.

Commissioner Tollett stated that this is a great cause. The question is “how would this fair with voters against other issues such as the library or purchasing more water rights.” Commissioner Tollett stated that she does not know where this would stand in the scheme of things. She wondered if the County would want to spend voter capital on this. There is an interest in transportation systems.

Mr. Weinstein asked if there are tax issues that are going to appear on the ballot.

Mr. Moyer stated that the Board may consider a marijuana excise or sales tax.

Commissioner Manguso asked who actually allocates the funds. She wondered if the Board of Commissioners could use the funds in the way it feels appropriate.

Mr. Weinstein stated there is guiding document that identifies where the funds are to go. There will be an oversight committee for the funds.

Commissioner Tollett stated that the Board of Commissioners needs to stay out of this. She wonders if this really what the County wants. She is concerned about water issues.

Commissioner Manguso stated that she understands that the question today is if this group can move forward with a ballot question. Commissioner Manguso stated that she is fine with this being put on the ballot.

Commissioner Linke is in favor of the group furthering its work to develop a question. His criteria is that he would like to see the protection of water. That has to be in there. It is something people are willing to spend money on.

Ms. Macy stated that seeing the results of the survey, they feel that protecting lands with easements, keeping traditional ranchers on the properties is the way to protect the land. In addition, that is the way to protect the water.

Commissioner Tollett stated that the mission is great; keeping the water rights with the land is right on. There needs to be a pretty good education program. With the issues in Grand County, Commissioner Tollett would like to be more focused with a ballot question. The library is becoming an overwhelming worry.

Commissioner Tollett stated that she is not so sure about putting this on the ballot.

Commissioner Manguso stated that the group has done its research and she is a firm believer that the voters know what they want. Commissioner Manguso believes that the voters in the County are educated and spend a fair amount of time studying the ballot.

Commissioner Linke understands that the question is if staff can work with the group to formulate a question. The Board of Commissioners will have to approve the question. Commissioner Linke is fine with moving forward to put a question on the ballot.

Mr. Moyer stated that it would be important for this group to talk with the towns about this possible increase in sales tax.

Board Business

Mr. Moyer stated that the Board requested that staff bring forward information on a salary survey. The Board wants the conversation on the agenda.

There being no further business to come before the Board, the Regular meeting was adjourned at 4:40 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of July 2016.

E. Jane Tollett, Chair

Attest:

Sara L. Rosene, Clerk and Recorder