

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

January 24, 2017

Present: Commissioner Richard D. Cimino, Commissioner District 1  
Commissioner Merrit S. Linke, Commissioner District 2  
Commissioner Kristen Manguso, Commissioner District 3 - Chair  
Clerk and Recorder Sara Rosene  
County Attorney Alan Hassler  
County Manager Lee Staab  
EMS Chief Ray Jennings

Those present recited the Pledge of Allegiance.

Approval of Board Minutes

Commissioner Linke moved to approve the Minutes of the meeting of November 15, 2016.

The motion passed unanimously.

Commissioner Linke moved to approve the Minutes of the meeting of January 17, 2017.

The motion passed unanimously.

Road and Bridge Update

Road and Bridge Superintendent Chris Baer stated that the crews are taking care of the wind rows.

Commissioner Cimino moved to approve and authorize the Chair to sign the Annual Fuel Compliance Package to the Colorado Department of Labor and Employment for the six fuel storage sites in Grand County as presented by Micah Benson.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Annual Report for Discharges from the Application of Pesticides COG860000 to the Colorado Department of Public Health and Environment as presented by Amy Sidener.

The motion passed unanimously.

General Public Comments

Ken Fucik of 665 Canal View Drive, Grand Lake, stated that he has been making presentations at conferences since the early 70s and noted that he has never received a letter like the one sent by the Board of Commissioners.

Mr. Fucik stated that the Board sent a letter to discredit, embarrass, and intimidate him before a conference where he is to give a presentation. Mr. Fucik stated he does not understand why the Board did this. Mr. Fucik

noted that the Board also sent the letter to the conference organizers. Mr. Fucik stated that he assumed that the Board intended to have the event organizers take him off the agenda.

Mr. Fucik stated that he listened to the Board's deliberation with regard to this issue and he is concerned that there were six people who did not stop to ask if this possibly infringes on his rights to give his opinion without fear of retribution and intimidation. Mr. Fucik stated that he believes that the Board is to protect the rights of the individuals of this County.

Mr. Fucik stated that the Board members had many opportunities to review the letter and stop it and no one said "stop – this is wrong." Mr. Fucik stated that he is not here for apologies or excuses. Mr. Fucik asked what precipitated the letter. He wondered what was so important that his rights could be infringed upon.

Commissioner Cimino asked what language in the letter intimidated or discredited him.

Mr. Fucik stated that the letter says, "Mr. Fucik does not represent nor speak on behalf of Grand County in water matters." Mr. Fucik stated that the Board is implying that he is going around and representing the County. The conference agenda says, "Ken Fucik, ecologist, Grand Lake." He feels that the letter is meant to discredit him.

Mr. Fucik asked the Board to identify when he said that he represents Grand County on water matters.

Commissioner Linke stated that the letter is factually correct in that it says that Mr. Fucik does not represent Grand County on water matters. Mr. Fucik asked why the letter was sent.

Commissioner Cimino stated that he believes it is important to be clear about organizations that are represented by speakers.

Mr. Fucik stated that he is not representing any organizations.

Commissioner Cimino spoke with Don McKinsey of DARCA and an email was sent indicating that Mr. Fucik was representing Grand County. Mr. Fucik stated that the email said that he was from Grand County.

Mr. Fucik asked why he was not called before the letter was sent.

Commissioner Manguso stated that she understands Mr. Fucik's concerns and stated that personally, she apologizes. In hindsight, she believes that someone from the County should have called Mr. Fucik.

Mr. Fucik stated that it sounds like from the recording of the last meeting that the Board was concerned that Mr. Fucik was jeopardizing the County's agreement and he added that it is not justification for sending the letter. Mr. Fucik stated that the letter is an infringement on his most basic constitutional right in this country.

Commissioner Cimino stated that the only purpose of sending the letter was to provide clarity to the organization hosting the event. There was no intention to do anything but provide clarification. Grand County resident Kirk Klanke stated that Mr. Fucik has an organization that has perception problems. Commissioner Manguso stated that Mr. Fucik was not present representing any organization. Mr. Fucik was present representing himself as an ecologist.

Mr. Klanke stated that he is backing the County approaching this new organization in a sensitive manner. Mr. Klanke came to ask Mr. Fucik to write a mission statement and a set of goals and to make that the leading media approach.

Paul Bruchez offered thanks on the work on the Big Lake Ditch study. They are working on a path to preserve agriculture, sustain environmental resiliency, and continue to work with Denver Water. Mr. Bruchez thanked leadership in clarifying representation of Grand County.

Gary Bumgarner came to speak as a rancher and former commissioner. Mr. Bumgarner asked if Grand County is in support of a water shed plan. He asked if it is a requirement of the RCPP grant. Mr. Bumgarner noted that if a water shed plan is required, he is surprised that in dealing with private property rights that the County has not notified the owners of the rights.

Commissioner Manguso stated that the County does not have a watershed plan at this time. It is a requirement of the RCPP grant.

Commissioner Cimino stated that the Board is looking at potential ways to conduct a watershed plan and the Board should work with as many experts as possible to commission a plan to be designed.

Mr. Bruchez stated that the portion of the RCPP funds that are part of the PL566 dollars, a watershed plan is required. The purpose of that is to evaluate alternatives to what the change in design or construction implementation of those dollars would be. Basically, the federal government is assuring itself that through a public process they are making sure they are not throwing money at something that ends up being a bad idea or bad decision.

Mr. Bruchez believes that the watershed plan is exclusive to the location of PL566 dollars which is basically right at the connectivity channel of Windy Gap and the construction of the new reservoir as it would be. There should not be any other impacts. Because of the engineering process that has already taken place and the different options as they were evaluated compared to the bypass, the key part of the watershed plan is to look at alternatives. Since the County has already taken steps to go in that direction as have many of the stakeholders, Mr. Bruchez believes that it will be a fairly streamlined process.

Grand County Trout Unlimited as the fiscal representative of the RCPP and Northern will be a significant part of that planning. There are options as to how to go forward with that. The NRCS can do that itself and it is based more on a timeframe and a budget, you can contract that out to independent contractors, or it can be done in house. Mr. Bruchez believes that it is leaning in the direction of independent contracting. Northern has several capabilities in house and they are looking to see if that can be streamlined. It will be a process where everyone is involved.

Citizen Eden Recor stated that the Agenda as published has not changed very much. Mr. Recor would like to see the agenda show what Board business the Board will be discussing. Every item on the Agenda should be available to public prior to the meeting.

Mr. Recor would like to see resolutions show cost figures. When the Board is doing a contract, the resolution should identify the costs.

Mr. Recor stated that if the Board is going to discuss someone at a Board meeting, that person should be notified.

Mr. Recor suggested that the Board find a way to move health services outside of county government.

### Departmental Contracts, Comments, Issues

Commissioner Cimino moved to approve the Accounts Agreement for the bank accounts and authorize the Board to sign as presented by Raynette Bakke of the County Treasurer's Office.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Board to sign the USDA Rural Development Grant for the Grand County Reinvention Program as presented by Economic Development Director DiAnn Butler. The documents will be signed outside the meeting.

The motion passed unanimously.

Ms. Butler stated that recently the County received a \$10,000 grant from Freeport McMoRan.

Commissioner Linke moved to approve Resolution No. 2016-6-48, "A RESOLUTION APPROVING THE RENEWAL OF THE GRANBY SAND AND GRAVEL SPECIAL USE PERMIT THAT ALLOWS FOR A SAND AND GRAVEL PIT OPERATION IN THE F-FORESTRY AND OPEN DISTRICT LOCATED IN THE SE1/4SE1/4 OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 76 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF GRAND, STATE OF COLORADO CONSISTING OF 40-ACRES" and authorize the Chair to sign the Special Use Permit as presented by Community Development Director Bill Gray.

The motion passed unanimously.

Commissioner Linke moved to approve Resolution No. 2016-6-49, "A RESOLUTION APPROVING THE RENEWAL OF THE ATH SPECIALITIES AND SALES, INC. SPECIAL USE PERMIT THAT ALLOWS FOR AN EXCAVATING BUSINESS IN THE F-FORESTRY AND OPEN DISTRICT LOCATED IN THE SE1/4SE1/4 OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 76 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF GRAND, STATE OF COLORADO CONSISTING OF 40-ACRES" and authorize the Chair to sign the Special Use Permit as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve the Contract between Grand County and the Bureau of Reclamation for security patrols to be performed over the next five years. The contract is for the Patrol Division of the Grand County Sheriff's Office to provide security patrols on four sites (Granby Dam, FARR pumping plant, Shadow Mountain Dam and the Alva B Adams tunnel) that are owned and maintained by the Bureau of Reclamation and Northern Water as presented by Undersheriff Wayne Schafer.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the 2017 EMPG (Emergency Management Program Grant)-LEMS Annual Program Paper with the Colorado Division of Homeland Security and Emergency Management as presented by EMS and OEM Chief Ray Jennings.

The motion passed unanimously.

Manager and Attorney Items

Consent Agenda

Resolution No. 2017-1-19, "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 WARREN D. WARD, DBA AZIMUTH SURVEY COMPANY, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PREPARATION OF A SURVEY, DRAWING AND LEGAL DESCRIPTION FOR A FISHERMAN'S PARKING AREA ADJACENT TO COUNTY ROAD 83"

Resolution No. 2017HA-1-20, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO EXECUTE A STANDARD FORM TO CONFIRM ACCOUNT BALANCE INFORMATION WITH FINANCIAL INSTITUTIONS"

Resolution No. 2017HA-1-21, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO EXECUTE AN ORGANIZATION/ASSOCIATION SIGNATURE CARD FOR ITS BANK ACCOUNT USED BY SENIOR HOUSING OPTIONS, INC."

Resolution No. 2017-1-22, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A HOLD HARMLESS PROVISION FOR THE USE OF A PORTION OF THE GRANBY ELEMENTARY SCHOOL TO HOST ORIENTATIONS FOR THE "COMMUNITIES THAT CARE" COMMUNITY BOARD"

Resolution No. 2017-1-23, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A LETTER OF AGREEMENT BETWEEN STROHAUER FARMS, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE RENEWAL OF A GRANBY-GRAND COUNTY AIRPORT HANGAR LEASE"

Resolution No. 2017-1-24, "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 LOTIC HYDROLOGICAL, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PREPARATION OF GUIDELINES TO ASSIST LEARNING BY DOING WITH THE PERFORMANCE OF WATER MANAGEMENT PLANNING AND IMPLEMENTATION"

Resolution No. 2017HA-1-25, "A RESOLUTION APPROVING AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO EXECUTE AN UPDATED SIGNATURE CARD FOR THE HOUSING AUTHORITY'S BANK ACCOUNTS"

Commissioner Cimino to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Cimino moved to authorize the Chair to sign the Official Form 410 Proof of Claim for Grand County EMS Billing in the amount of \$1,526.59

The motion passed unanimously.

County Manager Lee Staab provided his weekly update.

January 24 Strategic Planning Workshop  
January 25 Department heads meeting  
January 31 Workshop with Colorado Parks and Wildlife

Open Lands Advisory Committee Nomination Selection

Commissioner Linke moved to appoint the following individuals to be representatives to the Trails Advisory Committee:

From Commissioner Cimino  
Maura McKnight - Fraser  
Joanna Goodman - Winter Park  
Steve Sears – At Large

From Commissioner Linke:  
Cindy Southway – Grand Lake  
Bob Saint - Granby  
Paul Bruchez – At Large

From Commissioner Manguso:

Jeff Miller - Kremmling  
Mike Crosby – Hot Sulphur Springs  
Diana Matheson – At Large

Discussion: The Board members stated that it was a very difficult decision as there were a number of very qualified applicants. Commissioner Cimino encouraged people to attend the meetings and to be involved.

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2017-1-26, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING APPOINTMENTS OF REPRESENTATIVES TO THE GRAND COUNTY OPEN LANDS, RIVERS AND TRAILS ADVISORY COMMITTEE PURSUANT TO RESOLUTION NO. 2016-8-18, AS AMENDED BY RESOLUTION NO. 2016-9-4”

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2017-1-27, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING

**APPOINTMENTS OF MEMBERS TO THE NORTHWEST SUB AREA WORKFORCE DEVELOPMENT BOARD, IDENTIFYING COMMISSIONER REPRESENTATIVES, APPOINTING COMMISSIONER MERRIT LINKE AS THE LOCAL ELECTED OFFICIAL, AND APPOINTING THE STATE OF COLORADO AS THE OPERATOR OF THE WORKFORCE CENTERS IN THE NORTHWEST AREA”**

The motion passed unanimously.

Tim Gagnon Road Infrastructure

Tim Gagnon of Bowman Consulting was present to discuss the Asphalt Maintenance Plan. Road and Bridge and the Engineering Department met in 2013 and started on an Asphalt Maintenance Plan.

The Asphalt Maintenance Plan is used as a planning tool from a budget perspective and an operations standpoint.

If the plan is successful, all of the County will maintain a good structural sections of asphalt. The goal is to keep the structural capacity of the asphalt in place.

Mr. Gagnon stated that asphalt is an asset. Grand County has approximately \$14 million in asphalt as assets. Like any asset, the County needs to maintain those items.

Asphalt does not deteriorate on a linear basis. If you wait until you see the problems on the surface, the repairs are more costly.

In the first 15 years of asphalt, there will be a 40 percent drop in quality. The 60 percent drop is in the last quarter of life.

Mr. Gagnon stated for every dollar spent in preservation, there will be \$4 to \$5 more spent in the reconstruction stage. Mr. Gagnon noted that a new road will last approximately 20 years. Overlays will likely be done twice in that 20 year period.

County Manager Staab will work with staff to update the information.

Mr. Gagnon stated that he will take the current Asphalt Maintenance Plan with all the roads and update to 2017 so that there is a comparison to what was in 2014. They will look at re-prioritize the roads. Mr. Gagnon will work on County Road 5 to get bids.

Commissioner Cimino moved to reappoint Ann Douden and Nancy Knoohuizen to the Board of Trustees of the Grand County Library District Board.

Discussion: The Board of Commissioners agreed that it needs to continue to keep on top of what the Library District is doing.

The motion passed unanimously.

Calendar

January 25                      Department heads meeting (All three Commissioners) at 8:30 a.m.)  
Meeting with EMS / OEM from 10 am to 1 pm (All three Commissioners)

January 26 Meeting with Coroner from 2 pm to 3 pm (All three Commissioners)  
NWCCOG meeting in Eagle  
Meeting with Attorney's Office from 11 am to noon (All three Commissioners)  
Meeting with Public Health from 2 pm to 3 pm (All three Commissioners)  
Northwest TPR in Steamboat Springs

January 27 CCI meetings in Denver

January 31 Meeting with Colorado Parks and Wildlife at 2:00 p.m.

February 1 Personnel Policy Review Committee at 9:00 a.m.  
Farm Bureau meeting in Kremmling

February 2 Community Partnership Panel  
IOG at noon at the Judicial Building

### Meeting Reports

Commissioner Linke attended the Legislative Breakfast and the Grand Enterprise Resource Team meeting at the Granby Library.

Commissioner Linke attended the court hearing with regard to Serene Wellness.

Commissioner Linke attended the Wildfire Council meeting. Commissioner Linke stated that the Wildfire Council is offering free chipping. There are days coming up this summer for chipping.

Commissioner Linke attended the Grand County Higher Education Committee meeting.

Commissioner Cimino had meetings with several County departments.

Commissioner Manguso attended a JSPC Conference Call. There was a discussion on whether a fiscal agent for the JSPC should receive more money.

The Middle Park Medical Foundation is having its Second Annual Spring Bash on March 4 at Snow Mountain Ranch.

Commissioner Linke moved to convene an Executive Session citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(e) determining negotiating strategies and positions and instructing negotiators on for the acquisition of property. The purpose of the Executive Session is to discuss the YMCA tax case. Present for the meeting: Commissioners Cimino, Linke, and Manguso, County Attorney Alan Hassler, County Manager Lee Staab, Assistant County Manager Ed Moyer, County Assessor Tom Weydert, Deputy Assessor Dan Korkowski, County Treasurer Christina Whitmer, and Finance Director Curtis Lange.

The motion passed unanimously.

Commissioner Linke moved to reconvene the regular meeting 12:30 p.m.

The motion passed unanimously.

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



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There being no further business to come before the Board, the meeting was adjourned at 12:30 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this \_\_\_\_\_ day of February 2017.

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Kristen Manguso, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder