

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

March 13, 2018

Present: Commissioner Richard D. Cimino, Commissioner District 1
Commissioner Merrit S. Linke, Commissioner District 2 - Chair
Commissioner Kristen Manguso, Commissioner District 3

Also Present: Clerk and Recorder Sara Rosene
County Attorney Robert Franek
County Manager Lee Staab

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the minutes of the Board meeting of February 20, 2018 as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the Board meeting of February 27, 2018 as presented.

The motion passed unanimously.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on March 14, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on March 13, 2018 for payment on March 14, 2018 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on March 14, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on March 13, 2018, for payment on March 14, 2018 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve the wires payments and vouchers payments presented on March 13, 2018, for payment on March 14, 2018 for Grand County.

The motion passed unanimously.

Road and Bridge Update

Commissioner Cimino moved to approve and authorize the Chair to sign the Certificate of Farming Use or State Use as presented by Road and Bridge Superintendent Chris Baer.

The motion passed unanimously.

Commissioner Cimino moved to approve the Services Contract between Grand County and Heavy Equipment Training Advantage, LLC for 30 hours of accredited motor grader instruction and onsite training in road grading and summer maintenance in the amount of \$4,900 as presented by Road and Bridge Superintendent Chris Baer.

The motion passed unanimously.

Mr. Baer noted that DNR has issued 359 permits. Road crews are steaming and flushing culverts.

Commissioner Manguso moved to authorize the Chair to sign the Participating Addendum for State of Colorado Governor's Office of Information Technology Contract with Centurylink Communications, LLC f/k/a Qwest Communications Company, LLC d/b/a Centurylink QCC between Grand County and Centurylink

Communications, LLC f/k/a Qwest Communications Company, LLC d/b/a Century Link QCC as presented by Information Technology Director Kris Magnusson.

The motion passed unanimously.

Commissioner Manguso moved to authorize the Chair to sign the Annual Maintenance Agreement between Grand County and Peak Performance Imaging Solutions for the Laserfiche Software in the amount of \$5,778.

The motion passed unanimously.

Clerk and Recorder Sara Rosene presented the County Clerk fees for February 2018. The revenue is up year-to-date over last year.

Commissioner Cimino moved to approve the Office of Emergency Management to submit the application for the EMPG grant.

Discussion: The Emergency Management Performance Grant (EMPG) is federal pass-through dollars that come to Colorado. It helps offset the cost for the Office of Emergency Management. Chief Jennings is applying for \$69,316.51.

The motion passed unanimously.

County Manager Lee Staab presented his weekly report.

Consent Agenda

Resolution No. 2018-3-1, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A JOINT FUNDING AGREEMENT BY THE UNITED STATES GEOLOGICAL SURVEY, U.S. DEPARTMENT OF THE INTERIOR AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR WATER RESOURCES INVESTIGATIONS"

Resolution No. 2018-3-2, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENTS OF BAMBI STATZ AND MARTHA FRAZIER AS REPRESENTATIVES TO THE GRAND COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES"

Resolution No. 2018-3-3, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF KIMBERLY CAMERON AS A REPRESENTATIVE TO THE GRAND COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES"

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business

- March 8 Commissioner Manguso attended the UCC meeting
- March 8 Commissioner Cimino testified in favor of HB 18-1205 to provide health insurance for individuals in the market place. It was projected to pass the House but is likely that it will not pass the Senate.
- March 9 Commissioners Manguso and Linke attended the Stockgrowers Annual meeting
- March 10 Commissioner Linke attended the Stockgrowers Annual banquet
- March 9 Commissioner Linke attended a Club 20 conference call
- March 12&13 All three commissioners attended a County Strategic Planning workshop

Calendar

- March 14 Commissioner Cimino will attend the ceremony to induct Gary DeFrange into the State Tourism Hall of Fame
- March 15 Commissioner Linke will testify at the Capital on conservation easement bills
- March 15 & 16 Commissioner Cimino will attend CCI legislative meetings and CCAP legislative meetings
- March 19 Commissioner Cimino will attend the Winter Park Transit Advisory Committee meeting

April 4 Commissioner Linke will attend the Workforce Board meeting in Craig

Treasurer's Report

County Treasurer Christina Whitmer presented the monthly Treasurer's Report.

The Board reviewed the escrow report.

Water Protection Update

Water Quality Specialist Katherine Morris and Assistant County Manager Ed Moyer presented:

Update from Project Partner Calls on February 21 & 27, 2018:

- Bureau of Reclamation/Army Corps of Engineers/Department of Justice filed responses. Subdistrict filed motion to intervene and it was approved. State also discussing doing this. BOR and USACE to file draft administrative record by end of February.
- Grand County and West Slope may need to join in an amicus brief. Under Federal Rules there is no provision for this, but River District has experience in doing so on other projects.
- Municipal Subdistrict of Northern Water published RFP for Watershed Plan – Environmental Assessment on March 5. It's on GC Website and will be in county newspapers. Proposal due March 26. NRCS involved with selection of contractor. Estimated one year timeline to complete watershed plan. Grand County will assist consultant with Public Outreach. Northern working on Categorical Exclusion (CatEx) request on NEPA portion.
- WG Amended Decrees and Connectivity Channel Water Rights Application submitted to Water Court by Northern Water and Colorado River District.
 - Grand County friendly objector. Two outside objectors not party to or a project partner.
 - Water Court Case – Status Update. All parties agreed to keep in front of referee. Objectors had 45 days to comment.
 - NW met with State Engineer to address minor comments in decree, which will be distributed.
- Total project cost: \$15.4M (\$12.3 Construction + \$1.8M Final Engineering + \$1.3M NEPA, Permitting, Monitoring and Admin.) \$10.5M committed funding. \$4.9M shortfall.
- Fundraising Update: US Army Corps of Engineers – Sacramento, CA Office is interested in funding through their Continuing Authorities Program (CAP). TU working on letter of request to initiate appropriation to fund feasibility analysis. Mely spoke with NRCS regarding USACE funding. NRCS allows additional Federal funding, but will need to amend Project Budget to comply with Federal funding and local match percent requirements. ACM and Project Partners to meet USACE Sacramento Office staff for Windy Gap tour March 23.
- 5 Years to Complete Project, with an additional 1 year request for extension (Commissioner Linke was right!).
- Project Partners diligently working on Grand County Open Lands Rivers and Trails Funding Application – deadline March 15.
- Next Project Partner Call – Wed. March 21.

Aquatic Nuisance Species (ANS) meetings

- Mussel-Free Colorado Act (HB18-1008) passed the house on Feb. 26, and the Senate on March 8th. Next will be Senate Appropriations.
- Next local meeting March 20th. CPW is coordinating with ANRA.
- Green Mountain Reservoir suspect for quagga mussel veligers.
- Last year, ramp and gate closures did not occur as discussed in the Three Lakes to prevent entry of boats that have not been cleaned. Measures to fix this are being contemplated.
- There is a funding shortfall of over \$100K to match what was done in 2016.

Grand County Mutual Ditch & Reservoir Company

- GCMD&RC Members to meet with Grand County Irrigated Land Company the night of March 16 (big Friday night for ACM!) to discuss the proposed Pilot Project.
 - retain 89.5 shares (190 AF) of total 115.5 shares of the Vail Ditch stored in Meadow Creek Reservoir; and
 - make available to Denver in late summer in exchange for direct delivery of the water in the fall when there are low flows on the upper Fraser River.
 - Goal is for current lessee of the 85.5 shares to still irrigate with early season water through mid-late June.

Next Steps:

- Continue working with Grand County Irrigated Land Company, current lessee of 85.5 shares, Denver Water, and State Engineer's Office.

- Discuss potential partnership with Colorado Water Trust and CWCB in order for water to be compensated as an instream flow lease. This could also be available to GCILC shareholders.
- Revenues could be used for ditch improvements.

Grand Lake: Pre-NEPA

- CPW has indicated they don't have enough capacity to develop a nutrient balancing pilot program proposal for Willow Creek and Shadow Mountain Reservoirs this year, so we're hoping they can fit it in next year.
- Next pre-NEPA Cooperative Agency Meeting: Friday, March 23, 2018.

[www.grandcountyLearningbydoing.org](http://www.grandcountylearningbydoing.org)

Management Committee

What is LBD?

- Learning by Doing Cooperative Effort (LBD) is a unique partnership between Colorado River District, Denver Water, Middle Park Water, Municipal Subdistrict of Northern Water, Colorado Parks and Wildlife, Trout Unlimited and Grand County.
- LBD emerged as part of the Colorado River Cooperative Agreement (Denver Water Moffat Project negotiations) and the Windy Gap Firing Project – IGA (Municipal Subdistrict of Northern Water negotiations).
- There are two separate Cooperative Effort Intergovernmental Agreements (IGA's) between West Slope Partners and: 1) Denver Water and 2) Municipal Subdistrict of Northern Water, that establish LBD. (these are in the BOCC Box).
- The IGA's establish and promote a long-term partnership of collaboration and cooperation that continue to build relationships and recognize commitments developed through prior negotiated agreements.
- LBD's overarching goal is to maintain and, where reasonably possible, restore or enhance the condition of the aquatic environment in Grand County within the Fraser and Williams Fork River Basins and the mainstem of the Colorado River.
- The Management Committee oversees LBD efforts and the Technical Committee advises on LBD's monitoring and operations. The parties are committed to building a stable, permanent relationship that respects the interests and legal responsibilities of each organization, while achieving the LBD's goals.
- LBD is working. Learning By Doing partners are finding ways to maintain healthy flows for fish and wildlife, while meeting diverse needs, including municipal water demands.
- Denver Water and Northern Water have worked in good faith by participating and funding LBD prior to the IGA Effective Dates and their projects being approved; this has included Denver Water providing environmental water releases (total of 2,581 AF in 2015-2017) on tributaries to the Fraser River during critical times in late summer.

Management Committee Members

- Mely Whiting-TU (Co-Chair)
- Paula Daukas/Jessica Alexander-DW (Co-Chairs)
- Ed Moyer – GC (Treasurer)
- Kiki Sayre – LBD Coordinator
- Jeff Drager – Municipal Subdistrict NW
- Jason Turner/Mike Eytel - CRWCD
- Lori Martin/Heather Warren/ Karlyn Armstrong - CPW
- Stan Cazier/Kent Whitmer – MPWCD

Technical Committee Members

- Travis Bray/Jessica Alexander/Paula Daukas-DW
- Ed Moyer/Katherine Morris – GC
- Jeff Drager/Esther Vincent/Jen Stephenson – Municipal Subdistrict NW
- Mely Whiting/Kirk Klancke/Dennis Bickler -TU
- Lori Martin/Jon Ewert/Karlyn Armstrong – CPW
- Jason Turner/Mike Eytel/Don Meyer – CRWCD
- Bruce Hutchins – GCWSD
- Seth Mason - NWCCOG
- Jon Morrissey – USFS
- Terry Stroh – Reclamation
- Robert McVay/Jessie Webb – HSS
- Stan Cazier/Kent Whitmer/Kristina Wynne/Mike Salyer – MPWCD
- Torie Jarvis – NWCCOG

Management Committee

Next LBD Technical and Management committee meetings will be held on March 22 in Frisco.

- Working on MOU between LBD and LBD, Inc. prior to LBD passing a consensus Resolution creating the entity, approving the Board of Directors and filing the Articles and Bylaws.
- Finalizing river restoration funding guidelines/matrix.
- Reviewing and approving 2018 LBD Operations Plan, which will include a “Readiness for a Dry Year Discussion”.
- Reminder: Fraser Flats: “public dedication” on May 16, 2018 at 4:00 p.m.

Monitoring Subcommittee

- Getting ready to present monitoring programs to the technical and management committees on March 22.
- Reviewing the Draft 2017 Stream Management Plan Annual Report & planning for next year’s SOW.
- Planning for 2017 and 2018 LBD monitoring reports.

2018 Water Outlook: Denver Water Project Operations

- Snowpack above Denver Water facilities for the South Platte Basin is currently 77% of average and for the Colorado Basin is 94% average. However, these basins statewide are running closer to 83 % of average for the South Platte Basin and 78% of average for the Colorado Basin. Denver Water’s supply reservoirs are currently 89 percent full. Normally for this time of year, Denver Water’s reservoirs are 80 percent full.
- Moffat Tunnel is expected to take all water available in February and March. Flows are expected to be between 7 and 12 cfs, with about 2-3 cfs coming from Jones Pass

2018 Water Outlook: C-BT Projected Operations

- Most probable plan for 2018 is Granby won’t fill with project water, so Northern can fill remaining space with Windy Gap water. No spill is anticipated.
- Total system storage is above average, but Horsetooth isn’t so high. Reclamation wasn’t able to start moving water through AT as early as they would have liked because of construction projects last year. They do plan to have moved the water they need to prior to the start of clarity operations.
- GL Clarity slow and steady constant 250cfs. No expected outages—no maintenance anticipated on the east slope.
- Forecast for April – July inflows: 198KAF. That’s 90% of the long term average of 220KAF, which fits with snowpack at 90% of average for March, slightly higher for Willow Creek, Green Mountain also 90%.
- No anticipated reductions in releases in Granby Dam releases.
- Weather forecast is to expect higher than average air temperatures and near normal precipitation.

RICD 404 Compliance

- The final 2017 monitoring report for the whitewater feature has been submitted to the Corps in compliance with (USACE) Permit No. SPK-2013-00580.
 - No new aggradation or degradation is evident.
 - Substrate condition is the best of the three years of monitoring.
 - Stonefly counts are consistent with prior years. MMI is attaining.
 - No new fish passage evaluations were conducted.

UPRR Moffat Tunnel Discharge

- Notice of Violation/Cease and Desist Order/Clean-Up Order
 - \$10K/day penalty possible
 - Violations include
 - Failure to submit required monitoring data and reports (2012, 2014, 2015)
 - pH exceedances (2012 & 2015)
 - Failure to notify of change in discharge associated with tunnel maintenance activities in September-November, 2016
 - Discharging without a permit (new hose discharged from a different location)
 - Over-ground concentrated discharge due to failure of bag filtration
 - Discharge contained the following pollutants, among others: mercury, iron, lead, manganese, uranium, copper, zinc, total dissolved solids (TDS), total suspended solids (TSS). *
- Required Corrective Action (10 paragraphs) key points:
 - 30 days to submit delinquent data;
 - 30 days to hire a habitat/ecological restoration contractor to evaluate ongoing and potential future impacts to the Fraser River;

- 30 days to evaluate the ability of the new treatment system “**to effectively treat water from the Moffat Tunnel during any and all repair activities**” (emphasis added);
- 120 days to submit results of the evaluations, including short- and long-term measures to rectify impacts identified, along with a time schedule for completion. **Time schedule will become a condition of the Order, and must be implemented** (emphasis added).
- UPRR must respond by tomorrow (March 14), and can request a hearing.

Executive Session

Commissioner Manguso moved to convene an executive session pursuant to C.R.S. § 24-6-402(4)(e) to determine positions relative to matters subject to negotiations, developing strategy for negotiations and instructing negotiators and pursuant to C.R.S § 24-6-402(4)(b) for conference with attorney for the purpose of receiving legal advice on specific legal questions, regarding county interests in water, water rights, water clarity and water cases and the Colorado River Cooperative Agreement implementation.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 5:19 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of March 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder