

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

July 10, 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 Manager Lee Staab
County Attorney Robert Franek
County Assistant Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to approve the minutes of the Board of Commissioners meeting of June 19, 2018.

The motion passed unanimously.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on July 11, 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 July 10, 2018 for payment on July 11, 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 July 11, 2018, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Manguso moved to approve the vouchers presented on July 10, 2018, for payment on July 11, 2018 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Manguso moved to approve the wires payments, interfund transfers, and vouchers payments presented on July 10, 2018, for payment on July 11, 2018 for Grand County.

The motion passed unanimously.

Grand County received \$1,600,931 in PILT payments which is \$147,000 more than last year.

Department Contracts, Comments, Issues

Commissioner Cimino moved to approve Resolution No. 2018-7-2, "A RESOLUTION PROVIDING FOR THE DISTRIBUTION OF THE NATIONAL FOREST RESERVE APPORTIONMENT" in the amount of \$84,234.75 as presented by the Treasurer's Department.

The motion passed unanimously.

Commissioner Cimino moved to approve the Services Contract and authorize the Chair to sign the contract between Grand County and Brian Dolan in an amount not to exceed \$1,000 for refrigeration services as presented by Brene Belew-LaDue.

The motion passed unanimously.

Commissioner Manguso moved to approve the Change of Manager for the Trail Ridge Marina LLC dba Trail Ridge Marina replacing Paul Valentine with Renee Valentine as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve the Services Contract between the Grand County Sheriff's Department and T. W. Vending Inc. d/b/a TurnKey Corrections for a duration of four years.

The motion passed unanimously.

Richard Hubler of Community Development presented a Temporary Use Permit for Stuffed Limited. Mr. Hubler stated that he has been working CDOT to determine where the location of the right-of-way at the intersection of U. S. Highway 34 and U. S High 40.

Commissioner Cimino moved to approve the Temporary Use Permit for Stuffed Limited.

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2018-7-3, "A RESOLUTION ISSUING A TEMPORARY USE PERMIT TO JESSICA KENNEDY AND AMBER DONALDSON OF STUFFED LIMITED FOR SEASONAL RETAIL FOOD SALES FROM A MOBILE VENDING UNIT LOCATED AT 945 WEST AGATE AVENUE, COUNTY OF GRAND, STATE OF COLORADO" as presented by Robert Hubler.

Commissioner Linke announced that the Board is sitting as the Board of Human Services.

Commissioner Manguso moved to approve the Grand County Human Services Contract with New Directions for Life, Inc. to provided services to eligible youth and families effective from July 1, 2018 to May 31, 2019. The contract shall not exceed \$5,000 from CORE services funding.

The motion passed unanimously.

Commissioner Manguso moved to approve the Intergovernmental Agreement with Northwest Colorado Counties with Garfield County as the fiscal agent. The IGA is between Garfield, Grand, Jackson, Routt, Moffat, Summit, Lake Pitkin, Eagle and Rio Blanco to be effective from July 1, 2018 through June 30, 2019. It is not to exceed \$8,154.90 and that amount is split between Grand and Jackson Counties.

Discussion: This is to pay for shared resources pay for a regional traveling eligibility technician.

The motion passed unanimously.

Commissioner Cimino moved to enter into a Contract with Northwest Colorado Council of Governments for Non-emergent Medicaid Transport (NEMT) through Mountain Ride effective from July 1, 2018 to December 31, 2018. This is to process where from 40 to over 100 trips per month for Grand County. The amount is not to exceed \$12,380.

The motion passed unanimously.

Commissioner Manguso moved to approve the USDA Forest Service Contract for the Sale of Mineral Materials between Grand County and the U.S, Forest Service.

Discussion: There is no cost to the County.

The motion passed unanimously.

Commissioner Manguso moved to approve the Rental Agreement between the Board of County Commissioners and Power World, LLC for the use of Flying Heels Area for use between July 18 and 22 at a cost of \$100 per day.

The motion passed unanimously.

Commissioner Manguso moved to approve the Bill of Sale for the Airplane Hangar to Touch and Go, LLC which is an assignment of hangar ground lease.

The motion passed unanimously.

Commissioner Manguso moved to approve the Amendment to the Kremmling Airport Hangar Ground Lease which allows for leasing of Hangar 7 for Touch and Go LLC.

The motion passed unanimously.

Manager and Attorney Items

Commissioner Manguso moved to approve the letter to Diane Matheson for her work on the Open Lands, Rivers, and Trails Advisory Committee.

The motion passed unanimously.

Commissioner Manguso moved to approve the letter to Superintendent of Rocky Mountain National Park regarding Fall River Entrance Station.

The motion passed unanimously.

Commissioner Manguso moved to approve the letter to the Grand County Sheriff Brett Schroetlin, Lieutenant Dan Mayer, and Lieutenant Jeff Bachman for their work on the fires.

The motion passed unanimously.

Commissioner Manguso moved to approve the letter to the Andrew O'Neil (IT System Administrator), Deb Rutenberg (Human Services Director), Elaine Hendrekin (Administrative Assistance), and Kelly Oxley (Executive Administrative Assistant) for their work on the fires.

The motion passed unanimously.

Commissioner Manguso moved to approve the letters Brene Belew-LaDue (Director of Public Health), Tina Strang (Home Health Director), Jennifer Gelbhaus (of Public Health) for their work on the fires.

The motion passed unanimously.

Commissioner Manguso moved to approve the letters Ray Jennings (Director of EMS), Christian Hornbaker (Emergency Manager), Tanner Neighberger (EMT) Nadine Kentfield (Administrative Assistant), Karla Whitacre (EMT), Erica Mentzer (Paramedic), Kraig Schueter (Paramedic), Jessica Knezovich (Paramedic), and Jeanne Power (Captain) for their work on the fires.

The motion passed unanimously.

Commissioner Manguso moved to approve the letters to Chris Baer (Superintendent), Matt Williams, Mike Meindle, Greg Dennett, Matt Williams, Bill Clark, Zach Broady, Josh Schroeder, Scott Pitkin, and Drew Gross for their work on the fires

The motion passed unanimously.

County Manager Lee Staab presented his weekly update.

Consent Agenda

Resolution No. 2018HA-6-42, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, APPROVING A LOAN FROM THE GRAND COUNTY HOUSING AUTHORITY DOWN PAYMENT ASSISTANCE PROGRAM, AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE WIRE TRANSFER REQUEST"

Resolution No. 2018-6-50, "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 PURFOODS, LLC DBA MOM'S MEALS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR HOME-DELIVERED MEAL SERVICES FOR ELIGIBLE COUNTY CITIZENS"

Resolution No. 2018-6-51, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE BID PROPOSAL FROM ROCKY MOUNTAIN EXCAVATING, INC. FOR A PORTION OF THE 2018 COUNTY ROAD 5 ASPHALT SURFACING PROJECT, AND APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN ROCKY MOUNTAIN EXCAVATING, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2018-6-52, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AGREEMENT BY AND AMONG CHARLES M. MCCONNELL AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR FUNDING ASPHALT INSTALLATION ALONG A GRAVEL SECTION OF COUNTY ROAD 830"

Resolution No. 2018-6-53, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN ACORD ASPHALT, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ASPHALT INSTALLATION ON A GRAVEL SECTION OF COUNTY ROAD 830"

Resolution No. 2018-6-54, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A 50% DISCOUNT OF THE USE FEE FOR THE USE OF THE CSU EXTENSION HALL AND THE MIDDLE PARK FAIRGROUNDS AND ARENA BY THE ROCKY MOUNTAIN FARRIER'S ASSN."

Resolution No. 2018-6-55, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A WAIVER OF THE DEPOSIT FOR THE USE OF THE CSU EXTENSION HALL AND THE MIDDLE PARK FAIRGROUNDS AND ARENA BY ROCKY MOUNTAIN INTERNATIONAL HARVESTER RENDEZVOUS"

Resolution No. 2018-6-56, "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 GROUND ENGINEERING CONSULTANTS, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ASPHALT TESTING SERVICES ON A PORTION OF COUNTY ROAD 830"

Resolution No. 2018-6-57, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A FIRST AMENDMENT TO A SERVICES CONTRACT BETWEEN GROUND ENGINEERING CONSULTANTS, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING COUNTY ROAD 5"

Resolution No. 2018-6-58, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AMENDMENTS TO THE SHORT TERM RENTAL PERMIT FEE STRUCTURE"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2018-7-4, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF EQUALIZATION, APPROVING DOUG DOUDNA TO SERVE AS A REFEREE TO HEAR 2018 BOARD OF EQUALIZATION APPEALS"

The motion passed unanimously.

Assessor - List of Protests and Appeals

County Assessor Tom Weydert provided the Board with the Abstract which is the value of the County.

Mr. Weydert stated that the value changed about one percent from 2017 to 2018.

Mr. Weydert provided the Board with a list of people who did not return the Personal Property Declarations.

Mr. Weydert provided the Board with the protests and decisions completed this year.

Board Business/Correspondence/Calendar

Commissioner Cimino attended a meeting with Senator Gardner on June 28. Commissioner Cimino submitted a letter to CCI regarding the individual market place health care proposal.

Commissioner Manguso spoke with Senator Gardner about the Kremmling Airport and improvements that can be made.

Commissioner Manguso attended the Middle Park Water Conservation District in Kremmling. There is about \$1 million in a fund that can be leveraged.

Commissioner Linke stated that he discussed the County's fire efforts with Senator Gardner.

- July 11 Commissioner Manguso will attend the Granby Rotary at Mavericks at noon
- July 11 Commissioner Linke will attend an Anchor employees meeting
- July 12 Commissioner Manguso will attend the UCC meeting at the Glory Hole in Hot Sulphur Springs at 7:30 a.m.
- July 12 & 13 Commissioner Linke will attend CCI summer meetings in Lake City
- July 26 & 27 Commissioner Linke will attend the CCI summer meetings at the Granby Library

Commissioner Cimino suggested that staff contact Senator Gardner to correspond with the Department of Reclamation regarding support of the connectivity channel at Windy Gap. Mr. Moyer stated that he has been in contact with that office.

Commissioner Cimino moved to convene an Executive Session pursuant to CRS 24-6-402(4)(b) which states the local public body may utilize executive sessions for conference with an attorney for the local body for the purpose of receiving legal advice on a specific legal question relating to the Cliffview Assisted Living Center. Present for the session is the Board, County Attorney Franek, Assistant County Attorney Maxine LaBarre-Krostue, County Manager Lee Staab, Assistant County Manager Ed Moyer, Housing Authority Manager Sheena Darland, and Finance Director Curtis Lange.

The motion passed unanimously.

The session ended at 11:05 a.m.

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

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

Public Hearing – Board of Health – Adoption of CDPHE Regulation No. 43 Regarding On-Site Waste-Water Treatment Systems

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chair Linke at 11:15 a.m. County Attorney Franek set the record.

- Exhibit A Public Notice
- Exhibit B Proof of Publication in Middle Park Times May 31, 2018
- Exhibit C Draft of the proposed Grand County Regulations presented to the Grand County Planning Commission on May 9, 2018
- Exhibit D Final version of the Regulations presented to the Board of County Commissioners as approved by the Colorado Department of Health and Environment
- Exhibit E Highlighted Summary of CDPHE Regulation #43 changes
- Exhibit F Comment letter with recommended changes from Charles Cousino, OWTS Coordinator at CDPHE, dated June 1, 2018
- Exhibit G Letter accepting final version of Grand County OWTS regulations from Charles Cousino, OWTS Coordinator at CDPHE, dated June 15, 2018
- Exhibit H Staff Memo to Board of County Commissioners, dated July 5, 2018
- Exhibit I Public Review Sheets

Richard Hubler of Grand County Community Development stated that this is an update to the current existing On-site Wastewater Treatment Systems (Septic Regulations). The last time this was reviewed was in 2014.

Mr. Hubler stated that there was very little minimal reworking of the regulations by Colorado Department of Public Health and Environment. The State Regulations were approved and Grand County was required to adopt something that is at least as strict as the State Regulations. Because Grand County had updates in 2014, there were only minor changes.

The major changes from the current regulations is that the County is increasing the number of persons per bedroom for the calculations to two people for all bedrooms.

Unlike the State, Grand County will not be adopting the licensing of contractors and servicers of OWTS. Grand County will as not be adopting transfer of title inspections and the permit for continued use.

Grand County requires that all OWTS be designed and stamped by an engineer.

Commissioner Cimino moved to approve the updated On-Site Wastewater Treatment System Regulations for Grand County as presented by the Community Development Department.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Public Hearing – Grand County Rural Health Network Special Event Permit

The public hearing scheduled to begin at 11:35 a.m. was called to order by Chair Linke at 11:35 a.m.

Jen Fanning, Executive Director of the Grand County Rural Health Network, is requesting a Special Events Permit. The event will be held at B Lazy 2 Ranch and Event Center at 454 County Road 5, Fraser, Colorado on August 23, 2018.

They will sell malt, vinous and spirituous liquor at 5:30 .m. until 10:00 p.m. on August 23, 2018.

All fees have been paid to the State and to Grand County. The Sheriff posted a notice and no remonstrance have been received. The Clerk and Recorder's Office recommends approval of the request.

Commissioner Manguso moved to approve the Special Events Permit for Grand County Rural Health Network to be held on August 23, 2018 from 5:30 p.m. to 10 p.m. contingent upon a Temporary Special Use Permit being issued from Planning and Zoning.

The motion passed unanimously

Commissioner Manguso moved to amend her motion to approve the Special Events Permit liquor license as presented.

The motion passed unanimously.

Commissioners Manguso moved to close the public hearing.

Public Hearing – Noxious Weed Management – Division of Natural Resources

The public hearing scheduled to begin at 10:40 a.m. was called to order by Chair Linke at 11:41 a.m. County Attorney Franek set the record.

- Exhibit A Public Hearing Legal Notice
- Exhibit B Proof of Publication in the Middle Park Times on June 21, 2018
- Exhibit C Newspaper publication - copy
- Exhibit D Copy of the webpage posting the Public Hearing and comment period
- Exhibit E Copy of email sent to all Grand County Noxious Weed Advisory Board Members for review of Amended Plan
- Exhibit F Grand County Noxious Weed Management Plan
- Exhibit G Certificate of Recommendation dated July 10, 2018

Natural Resources Director Amy Sidener stated that the GCNWMP was first presented and approved in 1997 after the passage of the Colorado Noxious Weed Act in 1995 or 1996. This plan applies to all of unincorporated areas of Grand County, and also to all incorporated towns within the County as each Town has adopted the County plan as their statutorily required Noxious Weed Management Plan. It has been amended three times, in 2001, 2007, and the latest in 2013. These updates were to keep the plan current with language and updates to the State Law. This update is a little more beefy than the past updates. This is primarily due to a Supreme Court finding that herbicide applications are no longer exempt from Clean Water Act rules. We are now required to apply for a National Pollutant Discharge Elimination System (NPDES) permit from the State/EPA for any and all herbicide applications made in or near Waters of the US/Waters of the State. At this time, we fall under the State of CO General Permit and are required to submit annual reports to the State, stating how many pounds/gallons of each active ingredient we apply. To meet the requirements in the General Permit, we are also required to include Pest Management Options in our NWMP. These include: No Action; Prevention; Mechanical or physical methods; Cultural methods; Biological control agents and Pesticides. These Pest Management options have been added into plan for each species known to be present in Grand County.

Another reason for updating the plan is to stay current with what noxious weed species are present in the County and to what extent. I have been working for GC Natural Resources for 12 years and in that time I have seen at least 2 new species show up. The State Dept of Ag gathers data from all counties annually on species present and acres infested. Each year we are given the "species" of the year" that will need to be reported on, the State takes this information and uses it to update the State species plan which trickles down to the Counties, designating the level of control required in our County for that species based on our report of abundance/presence.

In general, operational management plans should be reviewed every 5 years for compliance, consistency and evaluation. That is what we are here to do today.

What is the general "status" of noxious weed populations in Grand County? Well, I can tell you that we all feel real good on ourselves up until July of every year! This is the time when EVERYTHING is showing it's ugly face. But, in general, things aren't too bad, considering....

- Our "weed" season is about 6 months out of the year, April to October. Much better than many front range areas where it has almost become 12 months out of the year.
- Each year sees more tourists coming to Grand County, also dragging along a little bit of "home" without even realizing it.
- We "know" we have (or have had) 4 of 19 List A species-Cypress spurge, myrtle spurge, orange hawkweed and purple loosestrife
- We know of 22 of 38 List B species present in the county
- And 4 of 13 List C species

As you can see, we are dealing with mostly List B species which are designated by County as to the management goal for each-suppression or eradication. This decision is made by CDA based on the mapping info we provide to them on quantity and density of populations within Grand County. If populations are "small" enough to be eradicated, that is what the Rx will be; if there are too many acres of infestation, a suppression Rx will be more likely; and it is possible to have a combination Rx where an area may be designated as a "containment" area where populations of a species are large and the rest of the county may be designated for eradication or suppression because population numbers are not high in other areas of the county.

The list A species we are primarily dealing with is Orange Hawkweed-pretty well entrenched in the GL and FWP areas of the county. Majority on private properties where it was probably planted as an ornamental and then went wild. I am meeting with the State List A/EDRR team leader this week to tour our OH areas and start creating a specific plan for OH in Grand County as our eradication effort has not been successful to date. Suppression, yes.

The 4 C list species: Common mullein, Field bindweed, Cheatgrass and Halogeton. Bindweed new to County since about 2010? Treating it like a list A as it is new and trying to eradicate it but find more/new populations every year. Mullein has been treated more like a suppression or possible eradication List B for the past 10 years; and Cheatgrass is the sleeper. It is here in very significant numbers which is concerning for fire reasons and habitat reasons, particularly when it comes to GrSG and critical winter habitat for big game in Middle Park. List C species are often like that due to the fact they are a "C" species-these are species that have widespread presence Statewide and are not under a Eradicate/Suppress mandate but are sort of left up to the individual Counties to decide. The tendency has been to "ignore" the C list species when in reality, each entity should inventory what they have and how much and act accordingly. If you don't have it at all, it should be treated as a List A-keep it OUT!

If have some but not a lot, maybe look at it as a B list and treat as you can.

The past 9 years, GCNR has averaged 470 acres of treatment throughout the county-which includes some BLM, USFS, CDOT and some SLB property for which we are "contracted" to do. Based on the acres treated, we seem to hold steady from year to year; making progress in some areas and finding new populations in other areas.

Actual acres surveyed:

3200 Acres on BLM

485 Ac on YRD USFS

2900 Acres on SRD

2500 Acres on PRD

1573 on CDOT

2000+ on State Lands

3764 ac of County properties: ROW, gravel pits, R&B shop areas, etc. That covers more than 16,000 acres that are "looked" at each year.

Commissioner Cimino moved to approve the updated Noxious Weed Management Plan as presented by the Division of Natural Resources.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

Sheriff's Office – Fire Restrictions Discussion

Sheriff Brett Schroetlin recommended that Grand County stay at Stage 2 Fire Restrictions. Grand County currently meets 6 of the 7 criteria that is considered for fire restrictions.

Sheriff Schroetlin stated that fire arm discharge is not covered under the current fire restriction.

Public Hearing – Amending the CMR Investors, Inc. Devils Thumb Ranch Employee Housing / Guest Lodging Special Use Permit

The public hearing scheduled to begin at 1:30 p.m. was called to order by Commissioner Linke at 1:30 p.m.

PROJECT NAME: Devils Thumb Ranch Employee Housing/Guest Lodging Special Use Permit Renewal
APPLICANT: CMR Investors, Inc. represented by Mr. Eric Mason Chief Operations Officer and team
LOCATION: 2635 County Road 83 ("CR 83"), approximately 2.65 miles east of US Hwy 40, County of Grand, State of Colorado

APPLICABLE

REGULATIONS: Grand County Zoning Regulations Section 11.8 (1) Camping

EXHIBITS: Letter from Peter Van Dusen, as a consulting party for CMR Investors, Inc.

STAFF PLANNER: Alexander Taft

REQUEST: The Applicant has requested a continuance for ability to review and discuss the proposal with the neighbors.

I. DISCUSSION

CMR Investors, Inc. as represented by Mr. Eric Mason and team (the "Applicant") are the owners of Hurd Creek Ranch Outright Exemption Parcel and a Metes and Bounds parcel of 88 acres, commonly known as Rams Curl Ranch. The Hurd Creek Ranch parcel property is located on CR 83 approximately 2.25 miles east of US Hwy 40, currently contains Moose Lodge and the Bunk House, which will be unaffected by this proposal. The additional Rams Curl Ranch parcel will be added to the existing special use permit that serves the Hurd Creek Ranch Parcel.

The Applicant and team has requested a continuation of the hearing scheduled for Tuesday, July 11, 2018. The Applicant has requested a continuance from the scheduled hearing date of July 11 in order to discuss this proposal with neighboring property owners. Staff is in support of this continuation as staff has also been in contact with several parties adjacent to this proposal.

II. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners open the public hearing and continue the hearing to Monday, August 6, 2018, at 2:30 p.m.

Commissioner Cimino moved to continue the hearing to August 6, 2018 at 2:30 p.m. as requested.

The motion passed unanimously.

Board Business

Commissioner Cimino moved to approve Resolution No. 2018-7-5, "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AMENDING THE GRAND COUNTY PURCHASING, CONTRACTING, AND CREDIT CARDS POLICY, AND CAPITAL EXPENDITURES POLICY"

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2018-7-6, "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ESTABLISHING A POLICY REGARDING THE AUTHORITY OF THE COUNTY MANAGER TO EXECUTE CONTRACTS BINDING ON THE COUNTY"

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2018-7-7, "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO REVISING GRAND COUNTY POLICY AND PROCEDURE PURSUANT TO CRS 30-11-107(aa) FOR APPROVAL OF EXPENDITURES AND ISSUANCE OF PAYMENTS OUTSIDE THE ORDINARY COURSE OF BUSINESS"

The motion passed unanimously.

District Attorney Semi-Annual Update

District Attorney Brett Barkey stated that he moved an attorney from Grand County to Moffat County. DA Barkey stated that the State will be providing an attorney to Grand County.

Moffat County has the biggest case load and that is where most the staff is located.

DA Barkey will be returning 2017 money to Grand County. The County may want to consider rolling the money over to the next year.

DA Barkey stated that he will be requesting an increase for staff.

Mr. Barkey reported on the number of cases district wide as well as those specifically in Grand County. The biggest bulk of felonies in Grand County this year were drug related.

Mr. Barkey stated that he will be coming before the Board to request salary increases for his staff.

Public Hearing – Grand County Road 137 Vacation and Continuation from 2016

The public hearing scheduled to begin at 3:00 p.m. was called to order by Commissioner Linke at 3:00 p.m. County Attorney Franek set the record by listing the exhibits as follows:

- A. Public Notice- Middle Park Times, June 12, 2018
- B. Proof of Publication- Middle Park Times, June 21, 2018
- C. List of adjacent property owners, as established by the Grand County GIS
- D. Map of adjacent property owners, as established by the Grand County GIS
- E. Public Review Sheets (no signatures)
- F. Vicinity Map
- G. Gore Lakes Unit 1 plat with the location of the road vacation indicated
- H. Gore Lakes Unit 2 plat with the location of the road vacation indicated
- I. Amended Plat of Gore Lakes with the location of the road vacation indicated
- J. Photograph of locked gate dated May 31, 2016
- K. Survey response map provided by Road and Bridge dated March 1, 2016
- L. Table of unaffected vs. affected lots, survey responses and comments
- M. Land Survey Plat of Grand County Road 137 also known as Pinney Road
- N. Certificate of Recommendation with Exhibits to Grand County Board of County Commissioners dated July 11, 2018
- O. Draft Grand County Resolution dated June 23, 2016
- P. Letter from Amy Van Den Einde and Robert Clifton dated November 13, 2017

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.

Based on discussions with residents, the gate has been in existence for at least forty (40) years. It is presumed that residents in either Gore Lakes Unit 1 or Gore Lakes Unit 2 are responsible for constructing the gate. The gate was constructed in order to keep trespassers out of private property and safe guard the few existing cabins. 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. The solution is vacation of the ROW being proposed today.

Although GCR 137 is an unimproved road, it is classified by GCRB as a Secondary Maintained Road. Secondary roads have 450 average daily traffic (“ADT”) or less. 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 previous GCRB 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 G). Ownership of land in the neighborhood has or is in transition. The surveyed parties against the vacation of this ROW have either access before the gate or are selling property along the road.

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. Based on this response, the previous proceedings to consider vacating this section of GCR 137 occurred. It should be noted that GCR 137 is a dead end road that does not provide access to any notable public interest. The road provides access to private property, but no public or federal lands. Lots 5, 6, 7, 8, 10, 11, 14, 15, 18, and 25 have spur access easements off the road. Also, because the portion of GCR 137 to be vacated is not maintained due to the gate. Typically, these homes are only used during the warm season.

Due to the lack of timely submission of a BOCC required survey, the original hearing was continued several times. Staff is requesting a final review and decision on this ROW vacation.

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 they would treat the locked gate as any gated subdivision. The lock shall be cut or force is used to 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 these cases, emergency responder access was undocumented.

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 rely on GCR 137 to access their properties indirectly. Indirectly, because they have access easements that stem off of GCR 137. For this road vacation, all property owners directly adjacent to the road were notified directly by first-class mail. Also, notice was published in the Middle Park Times at least 10 days prior to the public hearing, which is compliant with the State Statute.

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

PLANNING COMMISSION RECOMMENDATION

Planning Commission during their regular meeting reviewed this application June 8, 2016. Planning Commission asked for several clarifications about possible alternatives to vacating the ROW. Property owners at the meeting explained the impact of the gate. Planning Commission after reviewing the materials supplied and public input recommended approval of the partial ROW vacation.

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.

The property owner stated that the gate was put up in the 1970s to protect the homes that had been broken into.

The road has never been maintained by the County. The property owners on the road maintain it.

A majority of the property owners want the gate to stay. The Sheriff's Department and EMS have the code to the gate.

Bill Honer stated that the property owners in the area hired Warren Ward to survey the property. The owners found that the road falls outside the right-of-way. The owners of the property purchased the road and are willing to give an easement to the remainder of the property owners.

Commissioner Manguso stated that the County can vacate what is on the plat. If you do not have easement from the property owners on the road, Commissioner Manguso stated that she is hesitant to vacate the road.

Mr. Honer stated that he understood that when the road is vacated, the County can reserve an easement for the property owners. Mr. Honer suggested that the vacation be completed based on the easements being provided.

The Board directed County Attorney Franek to help with the legalities of preparing the deeds.

Commissioner Manguso moved to continue the public hearing for the County Road 137 vacation to September 18, 2018 at 10:15 a.m.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 3:29 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this ____ day of July 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder