

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

March 9, 2021

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

Also Present: County Clerk and Recorder Sara L. Rosene  
Acting County Manager Ed Moyer  
County Attorney Chris Leahy  
Assistant County Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the minutes of the March 2, 2021 Board of Commissioners meeting as presented.

The motion passed unanimously.

Grand County Housing Authority

Commissioner Linke announced that the Board is sitting as the Grand County Housing Authority.

Commissioner Manguso moved to approve the Subordination of Deed of Trust for Michael Williams II in the amount of \$10,000.

The motion passed unanimously.

Commissioner Linke announced that the Board is sitting as the Grand County Board of Commissioners.

Employee Recognition

Acting County Manager Ed Moyer provided the list of March employment anniversaries:

Matthew Habbe	EMS	1 year
Alyssa Woronovitch	Human Services	1 year
Jarrold Manguso	Clerk & Recorder	2 years
Chris Leahy	Attorney's Office	2 years
Jeanne Power	EMS	3 years
Abbie Baker	Public Health	3 years
Josh Schroeder	Airports	4 years
Amanda Antonio	Human Service	5 years
Mark Jensen	Information Services	6 years
Betty Stafford	Assessor's Office	10 years
Deb Lindblom	Assessor's Office	10 years
Richard Broady	Natural Resources	12 years
Everett "Shorty" Lemon	Road & Bridge	14 years

Public Comment

None

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on March 10, 2021, 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 9, 2021, for payment on March 10, 2021, 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 10, 2021, 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 9, 2021, for payment on March 10, 2021, for the Grand County Department of Human Services.  
 The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on March 9, 2021, for payment on March 10, 2021, for Grand County.  
 The motion passed unanimously.

**Pandemic and Fire Costs as of 3-9-2021**

	East Troublesome Fire			
	COVID-19	Paid	Unbilled but expected	Total Fire
2020 Cares Act Reimbursement Allocation	\$ 701,883			
Less:				
2020 Personnel costs	\$ 381,135	\$ 137,487		\$ 137,487
2020 Grand Foundation programs funded	\$ 230,000			\$ -
2020 Rural Health grant	\$ 10,000			\$ -
2020 Other operating costs	\$ 115,852	\$ 254,407	\$ 163,251	\$ 417,658
Total 2020 costs	\$ 736,987	\$ 391,894	\$ 163,251	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 391,894)	(\$ 163,251)	(\$ 555,146)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:				
2021 Personnel costs	\$ 89,532	\$ -		\$ -
2021 Grand Foundation programs funded	\$ -			\$ -
2021 Rural Health grant	\$ -			\$ -
2021 Other operating costs	\$ 12,230			\$ -
Total 2021 costs	\$ 101,762	\$ -	\$ -	\$ -
Net 2021 (costs) after reimbursements	(\$ 101,762)	\$ -	\$ -	\$ -
Total Costs after reimbursements	(\$ 136,866)	(\$ 391,894)	(\$ 163,251)	(\$ 555,146)
<b>Unrestricted Fund Balance calculation</b>				
2020 Operating Expenditure Budget		\$ 20,172,000		
2019 Unrestricted Fund Balance		\$ 6,194,000		
2020 estimated unrestricted funds increase		\$ 400,000		
<b>Projected 2020 Unrestricted Fund Balance</b>		<b>\$ 6,594,000</b>		
				<b>33%</b>

Departmental Contracts, Comments, Issue

Clerk and Recorder Sara Rosene presented the Clerk revenue for February 2021.

Commissioner Manguso moved to approve the Hotel and Restaurant Liquor License for Stillwater Grill, LLC doing business as Stillwater Grill as presented.  
 The motion passed unanimously.

Commissioner Manguso moved to approve Contract Amendment #2 between Grand County and Colorado Department of Human Services Office of Children, Youth and Families Division of Youth Services in the amount of \$106,317.47.  
 The motion passed unanimously.

Commissioner Manguso moved to approve the U.S. Bancorp Government Leasing and Finance, Inc. Lease Agreement in the amount of agreement \$204,467.15 to lease vehicles for the Sheriff's Office and authorize the Chair to sign.  
 The motion passed unanimously.

Grand County Board of Health

Commissioner Linke announced the Board is sitting as the Grand County Board of Health.

Public Health Director Abby Baker stated that the current case rate is 57 per 100,000. That keeps Grand County solidly in yellow. There was a bump in cases on Sunday. It was below 10 in one day.

Testing has gone down 50 percent in the county but allowing Grand County enough tests to catch illness when it happens. There were about 463 tests total done in the county in the last seven days. The tests were performed as follows:

Grand County Public Health           60 percent  
 COVID Check Colorado               4 percent

Denver Health	1.9 percent
Middle Park Health	9.5 percent
Other locations (total)	24 percent

The number of vaccines administered in the community is 4,394.

Grand County Public Health is providing its first of the three equity clinics.

This Friday, Public Health will be providing second doses for educators.

Johnson and Johnson vaccine will be available for ordering as early as March 23.

Currently, Grand County has one hospitalization.

The variant was detected in Grand County. It is a variant that is under investigation. It is the California/Denmark variant also known as B1427429.

The variant that has been causing a lot of concern is B117 variant. It has not been detected in Grand County.

Grand County has moved into yellow capacities and dial restrictions.

County Attorney Leahy noted that Grand County has no greater restrictions for places of worship than in other public areas.

The Chamber in Winter Park has been accepting applications for the Grand Star Program. Right now, two facilities have submitted applications and have been approved to operate at lower capacities once Grand County has been in yellow for seven days.

Ms. Baker stated that the assumed level of immunity in Grand County is between 25 and 28 percent due to natural immunity or vaccinated immunity.

Commissioner Linke announced the Board is sitting as the Grand County Board of Commissioners.

#### Manager & Attorney Items

Acting County Manager Ed Moyer presented his weekly update.

#### Consent Agenda

Resolution No. 2021-3-11, "AUTHORIZING THE GRAND COUNTY SHERIFF TO TRAVEL OUT-OF-STATE"

Resolution No. 2021-3-12, "APPROVING THE APPOINTMENT OF RICHARD BROADY AS THE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE GRAND COUNTY RURAL HEALTH NETWORK BOARD OF DIRECTORS"

Resolution No. 2021-3-13, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE A SERVICES CONTRACT BETWEEN GRAND COUNTY RURAL HEALTH NETWORK, INC. AND THE GRAND COUNTY BOARD OF HUMAN SERVICES"

Resolution No. 2021-3-14, "APPROVING AND AUTHORIZING THE CHAIR TO EXECUTE A GRANBY-GRAND COUNTY AIRPORT HANGAR LEASE AGREEMENT BETWEEN KENT TURNER AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2021-3-15, "AUTHORIZING THE EXECUTION OF THE LEASE APPLICATION FOR REPLACEMENT OF FOUR (4) GRAND COUNTY SHERIFF VEHICLES"

Resolution No. 2021-3-16, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE 2021 GRAND COUNTY WILDLAND FIRE OPERATING PLAN CONCERNING COORDINATED WILDLAND FIRE MANAGEMENT ACTIVITIES"

Resolution No. 2021HA-3-17, “APPROVING A REHABILITATION LOAN FROM THE GRAND COUNTY HOUSING AUTHORITY COMMUNITY DEVELOPMENT BLOCK GRANT”

Resolution No. 2021-3-18, “AMENDING RESOLUTION NO. 2021-1-4 TO AUTHORIZE THE GRAND COUNTY ASSESSOR TO REVIEW AND SETTLE PETITION FOR ABATEMENT OR REFUND FOR SCHEDULE R308410 IN AN AMOUNT EXCEEDING FIVE THOUSAND DOLLARS”

Resolution No. 2021-3-19, “APPROVING THE WAIVER OF AMENDED FINAL PLAT FEES”

Resolution No. 2021-3-20, “AUTHORIZING THE TRANSFER OF A GRAND COUNTY SHERIFF’S DEPARTMENT PATROL VEHICLE TO THE TOWN OF EMPIRE AS A GIFT”

Commissioner Cimino moved to approve the Consent Agenda.  
The motion passed unanimously.

#### Board Business / Correspondence / Calendar

Commissioner Linke attended a meeting with regard to the wolf release.

All three Board members attended the Mayor and Manager’s meeting as well as the Board of Health update.

#### Calendar

- March 10 AGNC at 10:00 AM via ZOOM
- March 10 Testify in support of HB21-1028 Annual Public Reporting Requirements for Colorado Division of Housing at the State Capital in Denver, starting at 1:30 pm
- March 10 Counties & Commissioners Acting Together (CCAT) – Tourism Subcommittee via Zoom, 4 to 5 pm
- March 11 Club 20 Winter Policy Committee Meetings (RE: Agriculture, Water) via Zoom, all day
- March 11 CCAT Transportation Subcommittee via Zoom, 8 to 9 am
- March 11 Colo. Counties, Inc. (CCI) Steering Committee Meetings (RE: Justice & Public Safety, General Government, Tourism, Resorts & Economic Development; Taxation & Finance, and Transportation & Telecommunications), 9 am to 3 pm
- March 11 Teach at Middle Park High School Government Class via Zoom 2:45 to 4:15 pm
- March 11 Sun Valley Lake Neighborhood Fire Recovery Meeting via Zoom, 5 to 6:30 pm
- March 11 Affordable Housing and Health Forum with Grand and Jackson counties via Zoom 5:30 to 7:30 pm
- March 11 QQ meeting at 10:00 AM via ZOOM
- March 12 Club 20 Winter Policy Committee Meetings (RE: Public Lands & Natural Resources, Energy) via Zoom, all day
- March 12 CCI Steering Committee Meetings (RE: Health & Human Services, Public Lands, Land Use & Natural Resources, Agriculture, and Wildlife & Rural Affairs), 9 am to 3 pm
- March 12 STAC via ZOOM at 10:00 AM
- March 15 Grand County Board of Health Workshop via Webex 1:30 to 2:30 pm

The Grand County Board of County Commissioners holds meetings from 8:00 a.m. to 5:00 p.m. daily until further notice.

The Grand County Board of County Commissioners and Grand County Board of Health will meet remotely, as needed, via conference call to discuss COVID-19 starting at 2:00 p.m.

Commissioner Manguso moved to authorize the Board to sign a letter outside the meeting to the Wildlife Commission supporting the Colorado Trappers Association in opposition of change.  
The motion passed unanimously.

#### Treasurer’s Report

County Treasurer Frank DeLay presented the Board with the monthly Treasurer’s Report.

The Board also reviewed the Treasurer’s Budget Report.

Commissioner Manguso moved to approve the Certification of Authorization to be signed by Frank DeLay, Teri Tanton and the Board of Commissioners.  
The motion passed unanimously.

Fire Recovery Update

Emergency Manager Joel Cochran stated that his office is working with towns and special districts of their adoption of the hazard mitigation plan.

Mr. Cochran stated that he is working on a public education project.

Recovery Manager Alyssa Ingles attended a recovery scoping meeting with FEMA. It is important to get as much as possible into the damage line item in the 60-day deadline.

FEMA divided Grand County's projected into two categories; emergency work (debris removal and emergency protective measures) and permanent work (sign replacements).

Once a debris contractor is on board, Ms. Ingles will come back with debris projects.

Public Hearing – Range View Subdivision 30' Right-of-Way Vacation (continued from 2/16/2021)

The public hearing scheduled to begin at 10:45 a.m. was called to order by Chair Linke at 10:48 a.m. County Planner Alex Taft added to the record:

- Exhibit N Email from Jean Johnson, representing Mountain Parks Electric, Inc. dated February 16, 2021.
- Exhibit O Email from Kathleen Jacoby, representing Xcel Energy dated January 13, 2021
- Exhibit P Email from Terry Ferruzza, representing CenturyLink dated February 22, 2021

PROJECT NAME: Lots 4-7, 22-28, and 30 Range View Subdivision, Amended Final Plat 30' Right-of-Way Vacation pursuant to C.R.S. § Title 43, Article 2, Part 3

APPLICANT: Michael Smith and Caroline Talcott

LOCATION: Lots 4-7, 22-28, and 30 Range View Subdivision, Amended Final Plat, located in part of Section 36, Township 4 North, Range 76 West of the 6th P.M. Grand County, Colorado.

APPLICABLE

REGULATIONS: C.R.S. § Title 43, Article 2, Part 3

ZONING: R– Residential District

ATTACHMENTS:

- a) Application and Narrative Letter
- b) Improvement Location Certificate, dated 6-23-2019
- c) Vicinity Map
- d) Title Commitment
- e) Recorded Property Transfer Deeds

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing the vacation of a Right-of-Way to cure encroachment and allow construction of a deck.

I. BACKGROUND

a. PROPOSAL

Michael Smith and Caroline Talcott, herein referred to as the Applicants, made an application requesting the vacation of a 30' Right-of-Way (ROW) adjacent to Lot 23. They are owners in a 25% (¼) interest of Lot 23 as Joint Tenants. The intention of this application is to cure encroachment of a deck on the 20' rear yard required in the Grand County Zoning Regulations.

The application was presented to the Board of County Commissioners originally in September 2019. Staff was told the Board would not vacate a single portion of the ROW. The Applicant and Staff discussed other options which included finding a way to vacate an entire stretch of unused ROW. In the Staff analysis section below more detail is listed about the notice completed to achieve a vacation of the whole stretch.

b. HISTORY

The construction of a deck on the property subject to this proposal was discovered by a complaint received from a neighboring property owner. It was then orange tagged during a blight inspection on an adjacent property. Staff received an application for this deck on August 30, 2018 and worked with the Applicant to find resolution to these issues that prevented the approval of the site plan and issuance of a building permit. These issues were on hold over the winter months and were picked up in March of 2019 when the Applicant proposed the possibility of a ROW vacation to grant the space needed to cure the encroachment.

State Columbine Subdivision was platted in November 24, 1920, recorded at Reception No. 25643, created by the State Board of Land Commissioners. Paul Eckleman purchased several of the lots in State Columbine

Subdivision, amended the State Columbine Subdivision Plat and created Rangeview Subdivision on July 10, 1947 recorded at Reception No. 65625.

One quarter ownership on Lot 23 began in December 1960 when Jack F. Faulkner and Kingston L Morris sold the property to Amos Sanches (Sanchez), John F. Kitson, John F. Conger, Leo R. Wadsack, and Alta L. Wadsack under a Warranty Deed recorded at Book 143 and Page 544. An agreement in Book 336 Pages 370-377 detailed rights and maintenance to the divided the improvements. That agreement generally views the improvements and the utilities to serve those improvements may be expanded so long as "the land occupied is not materially increased." The Applicants currently own what were identified as the 'Sanchez' improvements.

#### IV. PLANNING COMMISSION REVIEW

Planning Commission reviewed this application at their regular meeting on December 9, 2020. During that meeting Staff presented the application and background.

The planning Commission asked the total length of the ROW to be vacated, Staff has reviewed this using Grand County Parcel Viewer which shows approximately half a mile (2,640ft<sup>2</sup>) being the length of ROW between the junction GCR 497 Bloye Blvd and the south western corner of the ROW.

Few questions were asked, but the ones that were surrounded verifying that access was not being eliminated for any other properties. Staff represented that lots north west within Rio Rancho Small Tracts have private access easements created as part of the Plat and separate from any ROW within Range View. This is also true for Lots 1-2 State Columbine Subdivision which are accessed further north and east of this ROW.

The Planning Commission asked if Staff had confirmed that there are no utilities within the boundaries of the ROW. Staff represented that it still needed to occur, the Planning Commission asked for this to be an added condition.

Staff recommends approval of the vacation of the 30' Right-of-Way adjacent to Range View Subdivision Lots 4-7, 22-28 and Lot 30, with the following conditions:

1. The resolution for the road vacation shall reserve a private access easement for the owners, successors and heirs of the properties that currently utilize the portion of the unnamed ROW to be vacated for access.
2. A twenty foot (20') "public" utility easement, ten foot (10') either side of the centerline, shall be reserved in the utility access. The use of said easements will allow construction, maintenance, and repair for all "public" utilities. The condition, if the vacation is approved by the Board of County Commissioners the easement shall be addressed and reserved within the BOCC resolution granting approval.
3. Utilities companies are contacted and verification no utilities are located within the easement is confirmed prior to the Board of County Commissioners.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Commissioner Manguso moved to approve the Lots 4-7, 22-28, and 30 Range View Subdivision, Amended Final Plat 30' Right-of-Way Vacation as presented.

The motion passed unanimously.

Commissioner Manguso moved to close the Public Hearing.

The motion passed unanimously.

#### Executive Session

Commissioner Manguso moved to convene an Executive Session at 11:58 a.m. 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)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question and(4)(e) determining negotiating strategies and positions and instructing negotiators on for the acquisition of property. The topic of the meeting is the Kremmling Airport Fixed Base Operations.

In addition, an Executive Session in compliance with CRS 24-6- 402 (4)(f), which states, "Personnel matters, unless the employee asks for an open meeting (if multiple employees are involved, they must all request the open meeting), this provision does not apply to discussion concerning any member of the local public body, any

elected officials, or the appointment of a person to one such offices, nor does it apply to discussions of personnel policies generally. Topic is Edward Moyer.  
The motion passed unanimously.

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.

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I, Chris Leahy, 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.

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I, Merrit Linke, 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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The first executive session ended at 1:05 p.m. and the second executive session ended at 2:15 p.m.

There being no further business to come before the Board, the meeting was adjourned at 2:15 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 16<sup>th</sup> day of March 2021.

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Merrit Linke, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder