

MINUTES – REGULAR MEETING
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
May 20, 2014

Present: Commissioner James Newberry, Commissioner District 1
Commissioner Merrit Linke, Commissioner District 2
Commissioner Gary Bumgarner, Commissioner District 3 - Chair

Also Present: County Manager Lurline Underbrink Curran
County Attorney Jack DiCola
County Clerk and Recorder Sara Rosene
Assistant County Attorney Bob Franek
Finance Director Scott Berger
Road and Bridge Supervisor Ken Haynes
County Planner Kris Manguso
Housing Authority Director Jim Sheehan
County Engineer Tim Gagnon

Those present recited the Pledge of Allegiance.

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on May 21, 2014, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve and sign the warrants to be paid on May 21, 2014.

The motion passed unanimously.

Housing Authority

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

General Public Comments/Issues by any member of the public wishing to address the Board

Chas McConnell and John Dickinson came before the Board representing Citizens for Transparency in Grand County Government. Mr. McConnell read the following:

We are Chas McConnell and John Dickinson and we are spokespersons, and members of a group that call ourselves Citizens for Transparency in Grand County Government. Our group's membership is growing as we hear from our friends and neighbors about their concerns in Grand County Government.

You have stated in your Grand County goals that you will strive for transparency in our Government. So we have a list of questions and concerns to achieve this goal.

We are confused about the Building Department scandal that went on for 12 years.

- 1) In one letter sent by the County Attorney and the commissioners to myself, Chas McConnell, it states that our County Manager discovered it. How did our manager uncover the fraud and embezzlement in the building department?
- 2) We received from the Sheriff the following quote that is in his report: Quote "*It looks like the county was aware of a problem in the Building Department in 2012 and Lur, (the county manager), says Tina, (the county treasurer) called her about three times to let her know there was an issue.*" Unquote. Why didn't the building department head, the county manager, and the board of county commissioners take action, even after three calls from the treasurer?
- 3) Our County Treasurer, Tina Whitmer, has stated, that when she confirmed that the deposit slips (which Scott Berger received from the building department), were fake, she immediately called the County Manager. Is it true that when Tina Whitmer called the County Manager to make her aware of these fake deposits slips, that the county manager's response was "Let's keep this in the family". Is it also true that when Ms. Whitmer heard this statement from the County Manager, she said, "I'm going to the District Attorney?"

- 4) Our County Commission installed resolution 2005-1-24, for handling cash and checks back in 2005. Whose idea was it to have this policy put into place? The County has also stated that over 100 employees handle cash and checks. Why were these policies never followed? Do we have regular reviews of all departments with how they are handling their deposits? Do you review all receipts, along with deposit slips? Do you get them every day like the policy states? Is there proper oversight with checks and balances in place?
- 5) Is it true that the Forensic Audit is focusing mainly on the Building Department and the cash and check handling policies in the County? Will the insurance cover our total loss extending back 12 years?
- 6) Are county employees, managers and the BOCC held accountable when crimes are discovered within Grand County which are committed by Grand County employees?
- 7) We have heard reports of 1500 gallons of fuel stolen from the county, by a county employee, another incident of a lesser amount stolen, and even another incident of an elected county official stealing gas and using a county vehicle for his own private business, is this true? Is the management style in this county to “keep it in the family” instead of informing the public, and the sheriff?
- 8) In light of the Building Department scandal, the length of time involved, the size of the problem, how do citizens in Grand County have any confidence that this does not extend into other departments?

Our conclusion is that a Fraud Audit of the entire county is necessary. Do you all understand the difference between a forensic audit and a fraud audit?

Will you agree to do this fraud audit of all departments minus the Building Department right here and right now?

[End of written document Messrs. McConnell and Dickinson]

Chairman Bumgarner stated that the County is paying for a forensic audit of County Departments.

Mr. McConnell stated that he would like outside auditors to discuss what is going on with the current forensic auditors. Mr. McConnell has information that he would like to provide to the County’s forensic auditor.

Commissioner Newberry stated that the County Attorney is the only employee involved with the auditors in the investigation. Commissioner Newberry suggested that the Citizens for Transparency in Grand County Government could provide information to the auditors through the County Attorney with a copy of the information going to the Board of Commissioners.

The Board will meet with the Citizens for Transparency in Grand County Government at 7:00 a.m. on Monday June 2, 2014.

Departmental Contracts, Comments, Issues

Public Health Nurse Brene Belew-LaDue presented a contract with the Office of Planning and Partnership for Core Public Health Services. This is an annual contract with the State Health Department to provide Public Health Services. The contract is in the amount of \$39,072.

Commissioner Newberry moved to authorize the Chair to sign the contract between Grand County Public Health Services and CDPHE Office of Planning Partnership for Core Public Health Services in the amount of \$39,072.

The motion passed unanimously.

Ms. Belew-LaDue presented the Board with a contract with the state health office for the Child Fatality Review Team. This contract is for the continuation of the planning grant and the County will receive \$3,800 each year for the program.

Commissioner Newberry moved to authorize the Chair to sign the contract between Grand County and the Colorado Department of Public Health and Environment in the amount of \$3,800 for the Child Fatality Review Team.

The motion passed unanimously.

Sheriff Rod Johnson presented the Board with the lease from Stillwater Church for the County to store a Search and Rescue vehicle at the church. The lease is from June 1, 2014 through December 31, 2015.

Commissioner Linke moved to authorize the Commissioners to sign a facilities lease between Grand County and the Stillwater Community Church regarding a parking spot for a Search and Rescue Vehicle in the amount of \$700 per month.

The motion passed unanimously.

Sheriff Johnson stated that he would like to find a place in the Grand Lake area for Road and Bridge, EMS, and Search and Rescue.

Road and Bridge Update

Road and Bridge Supervisor Ken Haynes stated that he received a General Release of Liability Form for the triathlon in Grand Lake. It will take place on August 16, 2014.

Mr. Haynes presented a Services Contract that is an amendment for time. This will allow KRW to complete the proper abandonment of the wells at the Granby Landfill. The extension of time is to July 31, 2014.

Commissioner Newberry moved to authorize the Chair to sign the First Amendment to the Contract with KRW Consulting Incorporated.

The motion passed unanimously.

Mr. Haynes stated that Grand County has an annual contract with TWS Aviation Fuel Systems LLC to change elements in the filter vessels in Kremmling and Granby in the amount of \$4,347.23.

Commissioner Linke moved to authorize the Service Contract between TWS Aviation Fuel Systems LLC and Grand County regarding changing the Jet A fuel filter elements at both airports and the refueler in the amount of \$4,347.23.

The motion passed unanimously.

Mr. Haynes presented a Barter Agreement between Wendy and Bill Thompson and Grand County for 26 large rocks for 20 loads of river bottom sand.

Commissioner Newberry moved to authorize the Chair to sign the Barter Agreement between Grand County and William and Wendy Thompson as presented.

The motion passed unanimously.

Mr. Haynes asked what the Board what they would like him to do with regard to plowing the Rollins Pass Road. Mr. Haynes recommended that the County allow the road to melt naturally.

Commissioner Newberry stated that if there is still snow in August, the County might need to plow the road. Commissioner Newberry asked the Town of Winter Park if they wanted the road opened for the 4th of July and they did not indicate that they did. Commissioner Newberry noted that Grand County budgeted money to maintain the road but did not budget money to plow it. Rather than taking money out of the maintenance budget to reopen the road, the Board will leave money in the budget to maintain the road.

Mr. Haynes stated that he plans on replacing the bridge on Highway 125 this fall. CDOT wants a letter of consent from Grand County to work within the County's right-of-way. The benefit of that is to improve the access to the highway.

Ms. Underbrink Curran stated that Terry Blum would like authorization to place a light along with the sign that is within the road right-of-way. Mr. Blum would like the County to waive the requirement for a surety bond and any permit fees waived.

Mr. DiCola stated that he understands that Mr. Blum wants to install a lamp post in the County's right-of-way.

Mr. DiCola stated that it might make sense to have a working in right-of-way permit and the County can waive the fee for that. Mr. DiCola stated that he would say in the permit that the County is giving them a permit to install their light in our median. The light will remain their property and their responsibility.

Ms. Underbrink Curran suggested the following motion: Approve the Pole Creek Meadows Homeowner's Association placing their light pole in road median. Cost and maintenance is the responsibility of the Homeowner's Association. The County will waive the fees for the permit. There is no need for a surety bond.

Commissioner Newberry moved to approve the Pole Creek Meadows Homeowner's Association placing their light pole in the county road median. The cost and maintenance is the responsibility of the Homeowner's Association. The County will waive the fees for the permit. There is no need for a surety bond.

The motion passed unanimously.

Commissioner Linke stated that the request for the light was to help with school bus safety. He noted that it is not a good place for the school bus to stop.

Commissioner Linke stated that he had a request from Flying Heels for more stalls. He wondered if the County has more panels that could be used. Ms. Underbrink Curran stated that the County does have panels and the panels will be moved to Flying Heels.

Commissioner Linke stated that people are asking for RV hook-ups at Flying Heels Arena. The County may want to consider providing that sometime in the future.

Commissioner Linke stated that bleachers are going to be installed at Flying Heels Arena. He noted that the Chamber of Commerce may want to use the bleachers for the 4th of July parade.

Commissioner Newberry stated that he would like some research done on what can be used at the Flying Heels Arena for covered bleachers. Ms. Underbrink Curran suggested that Alan Carter could provide a design.

Commissioner Linke stated that the old metal bleachers need to be replaced. He suggested that the County may want to consider building a 100-foot building with seating as phase 1. Then the existing covered stands could be removed and new covered stands could be put in as phase 2.

Ms. Underbrink Curran provided a drawing of what the Chamber wants to have for the Beer Garden for Flying Heels Arena. The Chamber needs a letter identifying the area. Commissioner Newberry stated that the County should allow beer to be sold but it needs to be in a confined area on the property. Commissioner Linke will work with Cathy Hook to best define the area.

Chairman Bumgarner asked that a message board be placed at the top of the slide on County Road 1.

Mr. Haynes stated that the people that had work done on County Road 640 are happy with the work done.

Commissioner Newberry asked if a decision was going to be made on County Road 83. Ms. Underbrink Curran stated that there is a workshop this afternoon and County Road 83 will be discussed but the Board cannot make a decision in the workshop. Chairman Bumgarner stated that the Board can reconvene after the workshop.

Commissioner Linke stated that he believes the decision can be made now. He had asked for the numbers with regard to the ongoing maintenance costs of the asphalt and the Board was provided with that information. The costs did not seem to be way out of line. In his opinion, he would like to move forward with it.

Mr. Gagnon stated that a lot of the extra money that is being thrown around is based on expected savings on County Road 804. Mr. Gagnon stated that he will not know that number for two or three weeks for County Road 804. Staff is taking some of the savings and putting into County Road 83.

Commissioner Linke does not want to bank on savings from County Road 804 to do County Road 83.

Ms. Underbrink Curran stated that in the memo she gave the Board, the Road and Bridge Supervisor suggested a double lift of chip and seal on County Road 61 from the County boundary (turn off to the bus barns) all the way to Highway 34. This is on the list to be fixed this year. Mr. Haynes noted that this road is one of the good roads that needs to be kept up. Mr. Underbrink Curran thought that there might be a possibility of a partnership

with the town on the piece that goes past the high school to the intersection. The county road starts at the turnoff to the bus barn.

Ms. Underbrink Curran stated that she is bringing a list to the Board in the workshop today to discuss the work that needs to be done.

Commissioner Newberry wants to make sure that we all understand that there were things put on the list that were not budgeted for. If none of the other stuff was happening, we would still be talking about the list because it was not budgeted for. To budget for ongoing maintenance needs to be pushed back to 2015 because that is when they start having the conversations. What is being talked about here is moving funds from one project to another project and money that we have. There may be money available in capital reserves that the County might spend. The list provided by Road and Bridge is a list of what needs to be done, but it should be in 2015. High priority items will not go undone.

Ms. Underbrink Curran stated that staff has prioritized roads from collector roads to a subdivision by itself.

Chairman Bumgarner stated that “we are in agreement to spend what it takes with the numbers that you have brought forward on County Road 83 to complete that in 2014.” Commissioners Linke and Newberry agreed with that statement.

Commissioner Newberry noted that the County cannot count on any cost savings from County Road 804.

Ms. Underbrink Curran stated that the total cost is \$750,000. The landowner will be giving \$250,000 toward the project. Ms. Underbrink Curran stated that staff needs to get the chip and seal guy scheduled if the County is going to do this. She would like to go ahead and see about doing the chip and seal, getting a bid on County Road 61 and seeing if the town wants to do its part at the same time. Chairman Bumgarner is fine with this. Commissioner Newberry stated he is fine with it as well and noted that driving up to the airport there is a problem. Ms. Underbrink Curran stated that staff is recommending to take that road to gravel.

Chairman Bumgarner stated that the Board is agreeing to spend \$500,000 on County Road 83 and the Board is agreeing to get a number on County Road 61. Commissioner Linke stated that the Board asked for the numbers on the maintenance cost and what was spent in the past. The Board received the numbers and they seem in line with what the Board is doing. Commissioner Linke agreed to “go ahead and do it.” Chairman Bumgarner stated that part of the discussion is to not obligate the landowner to do maintenance in the future.

Ms. Underbrink Curran stated that if the County does the work at \$12,000 per mile and every 10 years or so chip and seal it, that asphalt will probably not need to be replaced for 30 years.

Ms. Underbrink Curran stated that the County Attorney needs to work on an agreement with Mr. Fanch.

The County needs to bid the project.

Mr. Gagnon stated that he got the geotechnical testing back. Because of the higher traffic numbers between the highway and Safeway, Mr. Gagnon felt it was important to get the geotechnical testing. That stretch of asphalt is in a lot worse shape. There is a need for a full-depth asphalt section of seven inches between the highway and the start of the County project. The section from that portion to the top of the road came back with a recommendation of six inches of full depth asphalt. The first design was to put 1.5 inches on top of the five inches that exist. Mr. Gagnon looked at pulverizing the surface in an effort to save the County money.

The geotechnical engineer said that if we pulverize the section from the highway to Safeway, it will require only five inches of asphalt and as the project goes up the hill there will be a need for four inches of asphalt.

Mr. Gagnon ran numbers on that information and his estimates are that on the section from the highway to Safeway, there will be a savings of \$50,000 if pulverized and the remainder of the project would break even. Mr. Gagnon feels that if there are seams and saw cuts, the cuts will reflect up to the surface. If they pulverize four inches down, the cuts and seams will not be an issue. Mr. Gagnon believes that it will take less time to do the pulverizing. Most of the savings will be in the lower section of the road.

Mr. Gagnon would like to extend the bidding one more week to get a pulverizing machine cost.

Board Business

Commissioner Newberry stated that State Representative KC Becker was in Granby at a Town Hall meeting. Commissioner Newberry reported to Representative Becker that the Rural Health Network survey said that mental health issues are the number one priority for need in Grand County as far as health services. Representative Becker is interested in seeing the survey and Commissioner Newberry would like the survey sent to her. Ms. Underbrink Curran will have the public health nurse send the Community Health Survey to KC Becker.

Commissioner Linke would like to send a letter to Jill Ozarski on Senator Udall's staff thanking them for hosting the Rollins Pass meeting. Commissioner Linke would like the letter to reiterate the County's concerns and some of the points that Grand County tried to get across. Commissioner Linke stated that Boulder's big concern is the environment. Commissioner Linke tried to stress that doing nothing (which is what is going on now) is not a management plan. There are not any environmental protections going on now.

Commissioner Newberry stated that the letter should include that Grand County is also concerned about the environment. Commissioner Newberry stated that it rubbed him the wrong way that it was presented that Boulder was the only one concerned over the environment. Commissioner Newberry stated that he believes that Grand County is just as locked into the environment, if not more than Boulder.

Commissioner Linke stated that Ms. Ozarski said that they are going to pass the research part to Boulder because they were the experts in the concern.

Commissioner Linke stated that the four questions that they are going to research coming out of the meeting are:

1. The liability which we think we have addressed.
2. What flexibility is there for the alignment of the road? Grand County pointed out that there are not a lot of choices because it is a pretty narrow corridor. The choices are to fix up the trestles and use the actual railroad grades or use the Boulder Wagon Road.
3. Their environmental concerns. Grand County does not agree with pawing that off onto Boulder.
4. Get some clarity about the ownership of the road. County Attorney DiCola does not believe there is a question.

Commissioner Newberry stated that he heard the Forest Service say that they own the road and once this is complete, the Forest Service is willing to grant the County an easement.

Commissioner Linke stated that the Forest Service brought up the National Register of Historic Places and the question of authority of how did Boulder have the authority to close the road. If it is on the register, Grand County should have the authority to reopen.

Commissioner Newberry suggested that we should go back to the point of what happened before.

County Attorney DiCola asked how to get over the hurdle of Boulder asking the same three questions over and over and over again.

Commissioner Newberry stated that he was told at the meeting that Boulder has not had time to work on this because of the floods.

Commissioner Linke stated that Ms. Ozarski recognized that each county was representing its constituents. Commissioner Linke stated that it was not clear to him that the Boulder County Attorney, one Commissioner, and the Boulder County Executive Secretary represent the constituency because at the hearing in Boulder only 10 of the 60 people present were against opening the road.

Commissioner Newberry understood that Boulder County received a number of e-mails stating opposition. Commissioner Linke would like to completely discount any reference to e-mails.

County Attorney DiCola asked if the Board thinks that Udall's office will be any assistance to Grand County in getting the road open. The Board believes that Udall's office will be of no assistance in getting the road open.

Commissioner Linke would like the letter the Board is sending to be a letter of record that acknowledges what was heard at the meeting and bringing up the concerns again on the record.

Commissioner Newberry stated that it was told to Grand County that the Senator does not have a position on this. Grand County is confused on that as then Congressman Udall was part of the Act that said that this would happen. Grand County received a promise.

Ms. Underbrink Curran gave the Board a scanned letter from Alva B. Adams who was the Senator at the time the CBT project was going through and whatever commissioner was sitting there had expressed concerns that Grand Lake was going to be impacted. Grand County received a promise on that as well.

Commissioner Linke stated that he heard from Cassamassa that “shall” simply means that there is not going to be a “no action” alternative. Something has to be done at the end of the process.

Ms. Underbrink Curran stated that the Board needs to take exception that this has to be NEPA. This can be a categorical exclusion.

Mr. DiCola stated that the County should write letters to Udall’s office. He noted that it is a waste of time. Mr. DiCola said that Grand and Gilpin Counties may need to go to court. Commissioner Newberry stated that Udall’s office finally did something, so Grand County needs to document what happened and Grand County’s frustrations.

Mr. DiCola will do Open Records requests to Boulder and to the Forest Service with regard to all records with regard to that accident on Rollins Pass.

Mr. DiCola stated that Gilpin County has a deed from the railroad for Rollins Pass. There is no deed recorded in Grand County and no deed recorded in Boulder County. Mr. DiCola stated that the railroad could put a train in that right-of-way but the Federal government controls it.

Ms. Underbrink Curran stated that she sent condolences to the family of Judge Wayne Williams who passed away recently.

Commissioner Newberry moved to approve the lease with Coutts which is an ongoing lease that is part of the County’s property on County Road 50 that is adjacent to their house. The lease allows the Coutts to store snow on the County’s property.

The motion passed unanimously.

Commissioner Newberry stated that he likes the information based on the response to the letter to a public broadcast. He could not remember the name of the guy that was on the panel. Ms. Underbrink Curran noted that he is part of the Environmental Group. Commissioner Newberry stated that the break out on the amount of money that Grand County has spent, how the County budgeted for this, and some of the money that the County got reimbursed. The numbers are close to \$9 million where the County got \$4 million in revenues coming backing in. The County spent roughly \$5.5 million on all water issues for a number of years. The \$3.7 million on the Fraser part of it is relatively accurate. He is not sure that it can be nailed down. Commissioner Newberry would like the letter cc’d to the local newspapers and put on the Commissioner’s Corner.

Commissioner Newberry stated that the broadcast guy stated that Grand County spent \$6 million and were deep in debt so the County had to settle with Denver to get the County’s money back. Commissioner Newberry noted that it is not even close to being correct.

Commissioner Newberry moved to authorize the Commissioners to sign the letter that was prepared.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Commissioners to sign the letter to the United States Department of Interior, Bureau of Land Manager, Kremmling Field Office regarding Grand County Hazardous Tree removal programmatic EA.

The motion passed unanimously.

Commissioner Newberry moved to spend \$1,500 out of District 3 for the walkway to the skate park and crack seal as presented in the application from West Grand School District.

The motion passed unanimously.

Commissioner Linke stated that there was nothing to report from the last Grand County Rural Health Network meeting. Commissioner Linke stated that he took part in the audit by teleconference. Commissioner Linke had a question with regard to the assets which are much bigger this year. The reason is because of grants coming in that have not been completely spent. Commissioner Linke noted that the audit was very good and the Rural Health Network is doing a good job in terms of managing their finances. One of the things they pointed out is that they have no mortgage, no line of credit, and no high operating cost. The auditor also pointed out how much money is going out for every dollar received. Anything above 72 percent that is going out for services is good. Grand County Rural Health Network has 80 percent going out to provide services.

Commissioner Linke noted that 60 percent of the money is going for salaries and it was noted as a positive because it facilitates a retention of people and generates a culture of people that provide services.

Commissioner Linke reported that he asked for information on a patient navigator for mental health issues and has not yet received an answer.

Ms. Underbrink Curran reported that the flow is so high in the river that there is a sandbar at Shoshone. Commissioner Newberry stated that he believes the high river flow is at the heart of the issue on the whole Shoshone outage protocol. It is not so much the power generation call as it is the call of the river, the frequency of down time and the fluctuation on the call. The call needs to be consistent.

Commissioner Newberry attended the State of the River meeting and felt that it was an excellent presentation. Commissioner Newberry stated the quick overview was that all the reservoirs in Grand County will fill and some will spill. Wolford and Green Mountain Reservoirs will spill. Granby will come to the top and not spill.

Commissioner Newberry stated that he understands that the Colorado River reached the gulf of California for the first time since the 1970s. Ms. Underbrink Curran noted that it will take 10 years' worth of big water to fill Lake Powell.

Calendars

May 20	Meeting with loggers at 6:30 p.m. at the County Administration Building
May 21	Legislative Breakfast in Idaho Springs at 8:00 a.m. Senior Awards at the Senior Center in Frisco from 10:00 a.m. to 1:30 p.m. Grand Enterprises meeting at 7:00 p.m. at Granby Town Hall
May 22	Tabernash Sewer meeting at Tabernash Tavern
May 24	Trail Ridge Road opening ceremony at 2:00 p.m.
May 26	Memorial Day BBQ at Cliffview at 12 p.m.
June 6	Irrigators meeting in Kremmling

Manager and Attorney Items

Ms. Underbrink Curran stated Travis Hoesli reported that there has been a confirmed case of equine herpes virus in Colorado and some of the horses that were at the State High School Junior Rodeo Event were from Grand County.

Grand County received the remittance check from Mountain Parks Electric in the amount of \$6,790.65.

Ms. Underbrink Curran stated that the Board received an overview of the seeding project from the Soil Conservation District. The overview identified where it was seeded, how much was seeded, and a "thanks" for the County's support.

Ms. Underbrink Curran requested a motion to allow the Chair to execute a License Agreement between Grand County and the Department of Labor and Employment. This will allow the economic study group to get the statistics from the Department of Labor for the economic study.

Commissioner Linke moved to authorize the Chair to sign a License Agreement between Grand County and the Department of Labor and Employment regarding getting the data for the study.

The motion passed unanimously.

Ms. Underbrink Curran asked for a motion to allow the Chair to execute a Construction Contract between Grand County and Vasala Incorporated for the new AWAS unit at the Granby/Grand County Airport. The cost

is \$148,849 and 80 percent will be paid for by state funds. Grand County's match is \$14,885 less \$5,000 from the Friends of the Granby Airport.

Commissioner Linke moved to authorize a Construction Contract between Grand County and Vasala Incorporated regarding the AWAS installation. The total amount due from the County is \$14,885. The Friends of the Granby Airport will be paying \$5,000.

Discussion: Grand County will pay for maintenance on this.

The motion passed unanimously.

Ms. Underbrink Curran scheduled a Big Lake Ditch meeting for June 6, 2014, at 10 a.m. at the Parshall Road Shop. All the interested consultants will get a tour of the ditch and anyone else who would like to tour. All the people that were there and are owners along the ditch gave their permission to allow people enter in and be at the tour.

Ms. Underbrink Curran gave direction to Ed Moyer to take over the representation of the wild and scenic from the water attorney. Grand County does not need a water attorney any longer.

Ms. Underbrink Curran has Carriage Contract negotiations beginning next Tuesday.

Ms. Underbrink Curran stated that there is a proposed stop pump from the middle of July to past September 1. That will be heavily reliant on how fast the front range uses its water, whether it is going to be dry, etc. The stop pump is always proposed. The Board asked Ms. Underbrink Curran to put together a short memo on the proposed stop pump for Grand Lake and for the Board of Commissioners.

Ms. Underbrink Curran stated that Grand County is part of the junior filing on the Gross Reservoir expansion. It protects the 375 going to the water users in the Fraser Valley and 1,000 acre feet that will come for release to Grand County. However, that does reduce Denver's senior call.

Commissioner Newberry thanked Ms. Underbrink Curran for her presentation to the Water Leadership Group.

The County received a performance contract from Vince Morgan. The County needs to require insurance from him.

Panorama Town Homes Amended Final Plat Recording Extension

The following is all or part of staff's Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on May 20, 2014.

TO: Grand County Board of County Commissioners
FROM: Kristen Manguso
DATE: May 20, 2014
SUBJECT: Request for Extension – Panorama Townhomes Amended Final Plat Recording
LOCATION: A portion of the Ridge at Meadow Ridge, Lot 17, Block 1, Replat of Winter Park Ranch 2nd Filing – 448 Cranmer Ave
APPLICANT: Elizabeth Bowes-Spiegel and Mark Spiegel

Elizabeth and Mark Spiegel ("Applicant") are requesting an extension to their Amended Final Plat approval that allowed for a replat of Lot 17, Block 1 in Winter Park Ranch. The Amended Plat was conditionally approved by this Board on July 17, 2012 and an extension to the recording requirement was made on July 9, 2013.

Due to the sluggish real estate economy, the Applicant is requesting an additional one (1) year extension to the recording requirement contained within the subdivision regulations, which reads as follows:

Section 7.3 (3)(e) "...Approval of any final plat shall expire after one (1) year if not recorded in the Office of the Grand County Clerk and Recorder following the date of the Board of County Commissioners Final Plat approval. One (1) year extensions may be requested in writing by the developer and will be considered by the Board of County Commissioners."

Staff recommends that the Board accept this request, and extend the recording requirement for Panorama Townhomes until July 17, 2015.

[End of Staff's memo]

Commissioner Newberry moved to authorize the Panorama Town Home Amended Final Plat recording extension as presented by the Planning Director.

The motion passed unanimously.

Attorney Items

Mr. DiCola has the CDOT contract ready to go. Mr. DiCola stated that Blue Valley Ranch is going to pay half the cost of George Fosha. The County's share will be \$35,000 over the next three years. Mr. DiCola spoke with Mr. Fosha about his scope of work and Mr. DiCola is going to expand that to advise the County with regard to all local agency requirements in the state contract.

In the CDOT contract it says that the local agency has to concur in the acceptance of the bid. Mr. DiCola would like Mr. Fosha to help with that. The County has to concur within three days. There is also a provision in the contract that says that "by indicating its concurrence in such award, the local agency by and through its representative agrees to provide additional funds if necessary."

Commissioner Linke moved to authorize the Board to sign the Agreement made between the State of Colorado for the use and benefit by CDOT and Grand County as presented.

Commissioner Linke	aye
Commissioner Newberry	no
Chairman Bumgarner	aye

The motion passed.

Mr. DiCola has a conference call with Blue Valley Ranch to hammer out their final agreement. They made some small changes and generally inured to the County's benefit. If the bid comes in less, Blue Valley Ranch has agreed to leave the money with Grand County for the use of public projects. Blue Valley has agreed to pay for the escrow agreement.

Mr. DiCola asked how Mr. Fosha is going to handle draw requests. Ms. Underbrink Curran stated that Mr. Fosha will need to approve the requests.

With regard to the lumber meeting this evening, Mr. DiCola stated that no County shall lend or pledge the credit or faith thereof directly or indirectly in any manner to or in aid of any person, company, or corporation public or private for any amount or for any purpose whatever or become responsible for any debt, contract, or liability of any person, company, or corporation public or private.

Ms. Underbrink Curran stated that she proposed that the County may help timber producers put the bid together if they had a group to bid. If there is a group, the County could draft an agreement where they each understood what wood they would get if the bid were successful, how much they would each owe toward improvements, and where they would escrow the money.

Mr. DiCola stated that he is happy to help but his staff does not have the expertise to set up a partnership.

With regard to the County Road 804 project, Mr. DiCola stated that Tim Shenk did not have insurance. The County has requested that he get insurance and he now has insurance. Mr. DiCola called the attorney that wanted curb and gutter. Mr. DiCola explained to him that he could contact the Sheriff to see how many accidents there have been on the road. Mr. DiCola told the attorney that he did not want him threatening the County Manager with closing down the project. Mr. DiCola stated that he explained to the attorney that while he had a background in military law, Grand County has no liability with regard to county roads. Grand County wants to keep the roads safe. Mr. DiCola advised the County Manager and the Road and Bridge Superintendent not to talk to this person.

Mr. DiCola will attend the pre-bid meeting for County Road 804.

Mr. DiCola stated that he understands that Mr. Moyer would like the community of Tabernash to be self-governing.

Ms. Underbrink Curran stated that the community does not want to take on the District's debt. Ms. Underbrink Curran stated that there have been conversations with the district about setting up a sub-district.

Mr. DiCola stated that CTSI has denied the claim of Bob Barnes.

Mr. DiCola stated that the SilverCreek Water and Sanitation Board asked if the County would commend Dave Bailey for 33 years of service. He was on the SilverCreek Board and is retiring for health reasons. The Board would like to do a letter for Mr. Bailey and for Kirk Klancke in his retirement.

County Attorney DiCola presented the following Resolutions for Board approval:

Resolution No. 2014-5-9, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO RECOGNIZING THE 2014 NATIONAL PUBLIC WORKS WEEK, MAY 18-24, AND CELEBRATING THE MEN AND WOMEN IN GRAND COUNTY WHO PROVIDE AND MAINTAIN THE INFRASTRUCTURE AND SERVICES COLLECTIVELY KNOWN AS PUBLIC WORKS"

Resolution No. 2014-5-10, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND TO EXECUTE LICENSE AGREEMENT #14WBR0003N BETWEEN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OFFICE OF ATMOSPHERIC RESEARCH AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR REAL PROPERTY LOCATED AT THE GRAND COUNTY – GRANBY AIRPORT"

Resolution No. 2014-5-11, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM POLICY STATEMENT CONCERNING U.S. DEPARTMENT OF TRANSPORTATION ASSISTED CONTRACTS AT THE GRANBY-GRAND COUNTY AIRPORT"

Resolution No. 2014-5-12, "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 THE SERVICES CONTRACT BETWEEN KRW CONSULTING, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING CONSULTATION AND SUPPORT SERVICES FOR ACTIVITIES AT THE KREMMLING LANDFILL AND GRANBY LANDFILL"

Resolution No. 2014-5-13, "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 DAVID L. ANDREWS D/B/A ANDREWS RADIO SERVICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION, PROGRAMMING, SERVICING, MAINTENANCE AND/OR REPAIR OF CERTAIN EQUIPMENT"

Resolution No. 2014-5-14, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE SECOND AMENDMENT TO THE SERVICES CONTRACT BETWEEN BOWMAN COLORADO GROUP LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING THE RECONSTRUCTION OF COUNTY ROAD 804"

Resolution No. 2014-5-15 "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A STATEMENT OF WORK BETWEEN INTELICHOICE INC. DBA EFORCE SOFTWARE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2014-5-18 "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE WAIVER OF THE USE FEE FOR THE USE OF THE CSU EXTENSION HALL BY THE KREMMLING AREA CHAMBER OF COMMERCE"

Resolution No. 2014-5-19, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING A PURCHASING POLICY FOR GRAND COUNTY, COLORADO, EFFECTIVE MAY 13, 2014”

Resolution No. 2014-5-20, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CAPITAL EXPENDITURE TO MAKE REPAIRS TO THE MAINTENANCE SHOP ROOF AND TO SEAL COAT AND STRIPE THE ADMINISTRATIVE AND JUDICIAL BUILDING PARKING LOTS”

Commissioner Linke moved to approve Resolution Nos. 2014-5-9 through 2014-5-15 and 2014-5-18 through 2014-5-20 as presented.

The motion passed unanimously.

Commissioner Newberry asked if the Board is going to answer the questions presented by the transparency group. Mr. DiCola would like to go into executive session with regard to the questions. Mr. DiCola stated that the conversation needs to be in executive session because it involves personnel issues with regard to the manager.

Mr. DiCola stated that this also requires advice from him with regard to how the County responds, why the County responds, and if it responds.

Mr. DiCola stated that some of the questions being asked are like, “Have you stopped beating your wife?” One of the questions is “Are you the guys that will go to jail when someone steals money?” Mr. DiCola stated that one of the questions is “The manager said *this*” and that is baloney and she did not say it.

Commissioner Newberry stated that he does not know how the Board reviews the questions.

Mr. DiCola stated that he believes the Board’s attorney knows the answers to all of these except that he also believes that some of the assumptions they make are incorrect.

Commissioner Linke asked Mr. DiCola the process for the Board to answer the questions.

Mr. DiCola stated that question numbers 3 and 7 have assumed facts that are not true. Mr. DiCola stated that he is tired of hearing about the alleged statement that is simply not true. Ms. Underbrink Curran stated that the statement is simply not true and the statement affects her ethicality. Mr. DiCola stated that for anyone to hint that “we are going to keep it in the family” is baloney.

Ms. Underbrink Curran stated that the questions came directly from the group to the Board to be answered. Ms. Underbrink Curran asked if the Board is assigning this to someone or is the Board going to answer itself. Commissioner Newberry stated that he believes it is a combination.

Commissioner Linke stated that he would like the Board to direct the County Attorney and County Manager to answer the questions and the Board will review those answers. The Board can either accept or reject the answers and may provide different answers.

Commissioner Newberry stated that he would like to hear from the County Manager and have her say exactly what happened instead of sitting back and waiting. Mr. DiCola asked how many times the County Manager needs to refute what the County Treasurer said about this. Commissioner Newberry stated that it may not have been on the record.

Chairman Bumgarner understands that the forensic auditor will interview the County Manager and ask that type of question.

Mr. DiCola stated that just because the Treasurer keeps saying it over and over again does not make it true. Commissioner Linke stated that the answer could be part of the Board’s answers.

Commissioner Newberry stated that when the Board answers the questions, it needs to be very forthright and say exactly what happened.

Commissioner Newberry stated that the Board is directing staff to give the Board a draft of the answers. He asked if the draft should be reviewed in executive session. If it is done in executive session, the Board can review the draft answers with the staff.

Mr. DiCola stated that to intimate in any way shape or form that the County is not being perfectly frank and open with regard to the entire issue is ridiculous. Mr. DiCola stated that he cannot imagine being any more transparent with regard to this issue.

Commissioner Newberry stated that he agrees with Mr. DiCola but he is hearing different things in the community. There are many different determinations in the public.

Chairman Bumgarner stated that the Board can hold an executive session at 8:00 a.m. next week. The Board will call the meeting to order and then go into executive session.

Mr. DiCola stated that for the Treasurer to keep making this stuff up really upsets him.

Commissioner Newberry stated that he wants to set the record straight.

Mr. DiCola stated that with regard to the contract with East Grand Fire Protection District, the County has a normal public improvement contract that the county has done before. Normally, the County requires a bond, an escrow agreement, a letter of credit, or something to secure their performance. Mr. DiCola has no problem with waiving it for an established fire district but he wants the Board's permission to do it.

The Board is fine with waiving the bond requirement for East Grand Fire Protection District.

Commissioner Linke received a letter from a citizen regarding past sins. Mr. DiCola stated that the County received attorney fees award against this individual (Mike Zink) for filing frivolous claims against the County. Mr. Zink sold his tax credits and the Department of Revenue is now saying they are no good and he has to pay back the money.

Katherine Morris – Water Matters Update

Water Quality Specialist Katherine Morris came to the Board to provide an update on:

1. Nitrogen enrichment enclosures contemplated for Willow Creek Reservoir
2. Cyanotoxin Monitoring Program Changes
3. Mussels in Grand County
4. Three Lakes Technical Committee work
5. Molybdenum standard

Nitrogen enrichment enclosures contemplated for Willow Creek Reservoir

There are rafts floated out onto the reserve with enclosures that are 3m x 10m are open at the bottom to the rest of the water body. Because of stratification in the summertime due to temperature, they essential and are isolated because they are going down through two of the layers because the water that is in there to start with , will stay there.

Jesse Lepak, PhD, Aquatic Research Scientist (Lakes and Reservoirs) for Colorado Parks and Wildlife presented at the Three Lakes Technical Review Committee. The Colorado Parks and Wildlife will be trying six of the enclosures in Willow Creek Reservoir.

Dr. Lepak suggested that this concept be introduced to the entities that might be interested. The conventional wisdom is that nutrient removal is the objective.

Northern Water has worked with C Lazy U to achieve nutrient reductions in the Willow Creek watershed and this could be reviewed as part of the work.

The concept can be illustrated with a plant analogy:

Peanuts can obtain nitrogen from the air, hence in nitrogen-starved soil, peanuts would out-compete a plant such as corn without nitrogen supplementation. Cyanobacteria are the peanuts in this analogy and phytoplankton is the corn. Unlike corn and peanuts, which are both good, cyanobacteria are "bad" because they can produce

cyanotoxins and herbivores like *Daphnia* won't eat them. CPW wants to give a competitive edge to phytoplankton.

Cyanobacterial blooms in Willow Creek Reservoir, which has the worst water quality of the C-BT system.

Bloom die-off and subsequent bacterial consumption of dead algae at the reservoir bottom cause:

- Twice yearly problems of oxygen depletion
- In-reservoir loading of ammonia (a nitrogen form, but toxic to fish)
- Phosphorus
- Manganese (Willow Creek is currently impaired for manganese)
- Iron
- Bioavailable mercury (Granby Reservoir fish consumption advisory)
- Arsenic

With a different ratio of nitrogen to phosphorus, CPW hopes to give a competitive advantage to “edible” phytoplankton versus the current “inedible” variety (cyanobacteria).

Willow Creek TN:TP ratio is 10:1. From a study of 5,000+ water bodies, the optimal ratio to suppress cyanobacteria is >75:1.

Fishery improvement was the primary goal. In the case of Willow Creek, the objective is better water quality: the fishery would be a secondary benefit.

There are Kokanee Salmon and Rainbow Trout in Willow Creek Reservoir, along with a lot of suckers.

Nitrogen enrichment enclosures contemplated for Willow Creek Reservoir –

- Edible proportion of algae increase
- Undesirable algae decreased
- Water Quality improved
- Others have followed suit

The documented water quality benefits included increased water clarity as measured by a Secchi disk.

The best case scenario: If a majority of algae could be taken up in the food chain, there is the potential for nutrient sequestration and potentially removal via fishing.

Cyanotoxin program changes

- No detachable cyanotoxin in the last five years (2009-2013)
- This year we are moving to a “survey” approach, rather than sending weekly samples for a costly analysis
- GCWIN will use an instrument to measure a type of fluorescence to approximate cyanobacterial cell counts. If cell counts exceed 15,000, they will collect a water sample for cyanotoxin analysis.

Mussels in Grand County –

- Grand County water bodies have been mussel-free for five years and were “delisted” of February this year.
- Mussel decontamination stations will remain

The plot from Northern Water supports the hypothesis that Three Lakes waters are generally too low in calcium to support mussels. Because of Grand County geology, calcium concentrations generally increase as one heads west through Grand County, such that Wolford Mountain Reservoir probably does not benefit from this same “protection.”

Ms. Morris provided plots that suggest that the pulse of TSS from the Colorado River upstream of Shadow Mountain Reservoir can be seen in both Shadow Mountain Reservoir and Grand Lake. Some are suggesting that this one of the major factors causing poor clarity in Grand Lake.

Being an extremely low water year, 2012 was in some ways misleading, so this is not the final word. In most years, the Granby Pump Canal pumps about 450,000 kg/year TSS. Right now because of the plots provided, the contributions from the pump canal are not shown to have the same impact as that of the Colorado River, but she noted that she cannot believe that they can pump in 450,000 kg/year of particulates and not affect clarity (1,000kg roughly equals 1 ton).

Three Lakes Technical Committee Work

Ms. Morris would like to promote an investigation of the benefits of restoring beaver habitat in the Colorado River above Shadow Mountain Reservoir, particularly in Rocky Mountain National Park where beaver are present only about every other year. Beaver dams trap sediment which appears to be an issue in the Colorado River that may be affecting Grand Lake Clarity. Beavers promote wetland development with a cost of attendant water quality and hydrologic benefits.

With regard to the Grand Ditch breach restoration, Ms. Morris advocated for enclosure fencing. Enclosure fencing is in the final plan, but implementation is delayed at least 2 years because of the 2013 fall floods and other timing issues with the final EIS.

With regard to interflows, all nutrient sources need to be considered.

The reason interflow was not included in 2011 report was that the interflow loading is a modeled parameter and model revision were due or underway as a result of several changes to assumptions that had been discovered from model review and reporting and because changes to the input data largely as a result of a thorough data review by Northern.

While Ms. Morris is working with the Three Lakes Technical Committee is investigation ways to address potential issues in the Colorado River, she is also advocating for balanced representation of what the inputs to the system are so that they can determine what is “tunable.”

Molybdenum Standard

The Colorado Department of Public Health and Environment proposed molybdenum standards are:

- 160 µg/L for agriculture
- 210 µg/L for water supply

Climax Molybdenum Company proposed alternate standards:

- 300 µg/L (agriculture) for the Williams Fork
- 3,967 µ/L (water supply) for the Blue River segment 14 and Lower Tenmile Creek
- No molybdenum standards for Clinton Creek and Blue River segment 15

The Northwest Colorado Council of Government and Grand County support CDPHE’s proposed standards for Williams Fork with recognition they may change after Climax’s new supporting data is reviewed.

Commissioner Newberry asked if Ms. Morris is asking Grand County to take a position on something. Commissioner Newberry stated that Ms. Morris stated that she had a problem with the graph regarding the North Fork. Commissioner Newberry asked if the Technical Committee is trying to go forth with data that she is not comfortable with. Ms. Morris stated that she has commented on it.

Ms. Underbrink Curran stated that if, and when, the report comes out and Katherine’s comments are not acknowledged then Grand County will put a letter in noting that it is a big concern to Grand County. Part of what Katherine is talking about on the North Fork is what many of the Technical Committee people have been pointing to saying that it is the North Fork’s non-point sources that are causing the trouble. This year, the Technical Committee has agreed to have the North Fork studied because it is one of the items in the final report that the group got from GEI. There was a list of data gaps that had to be filled before the Bureau of Reclamation will decide what path is taken to clean up Grand Lake. One of the data gaps was studying the North Fork. The study of the North Fork will be started this year as well as storm water. The Bureau of Reclamation is paying for a good portion of these things. Just because sediment is coming down the North Fork it doesn’t mean that things could not be done further up in the basin. The island where the North Fork shoots only came from the sediment that came out of there.

Commissioner Newberry stated that he spoke with a person that believed that the Fraser is adversely affected by beavers in the river.

Ms. Underbrink Curran stated that there have been studies that have shown that beavers are healthy for the rivers.

Board Business

Commissioner Linke moved to change the start time for next week's meeting to 8:00 a.m. and for the meeting on June 2 change that start time of that meeting to 7:00 a.m. The 8:00 meeting will start with an executive session under 4b (attorney/client advise) regarding responses to the transparency group.

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 3:06 p.m. The minutes were taken by Clerk and Recorder Sara L. Rosene. Approved this _____ day of June 2014.

Gary Bumgarner, Chair

Attest:

Sara L. Rosene, Grand County Clerk and Recorder