

MEETING MINUTES
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES
GRAND COUNTY BOARD OF HEALTH
GRAND COUNTY HOUSING AUTHORITY
June 1, 2020

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

Also Present: County Clerk and Recorder Sara L. Rosene
County Manager Kate McIntire
Assistant 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 Regular meeting of the Board of County Commissioners of May 12, 2020, as presented.

The motion passed unanimously.

General Public Comments

None

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on June 3, 2020, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on June 1, 2020 for payment on June 3, 2020 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 June 3, 2020, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on June 1, 2020, for payment on June 3, 2020, for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve the wire payment, interfund transfers, and vouchers presented on June 1, 2020, for payment on June 3, 2020 for Grand County.

The motion passed unanimously.

Potential Coronavirus effect to 2020 budget as of 6-1-2020.

Sales and Lodging taxes, Building and Short-Term Rental fees, Clerk & Recorder fees, and Highway Users taxes are all expected to be lower than originally budgeted, for 2020. Sales taxes are now projected to be only 50% of the budgeted level and Lodging taxes are projected to be 30% of the annual budget. Building permits and Short-Term Rental renewals are projected to be 50% of the original budget amount. Clerk & Recorder fees are projected to be 25% lower than budgeted and Highway User Taxes are projected to be slightly lower than budgeted for 2020. Airport reimbursements for projects are projected to be increased from 95% to 100% of costs.

	Current expected	2020 Budget
Sales tax	\$ 3,615,000	\$ 7,230,000
Lodging tax	\$ 387,600	\$ 1,292,000
Building permits	\$ 468,350	\$ 936,700
Short-term rental fees	\$ 68,150	\$ 136,300
Clerk & Recorder	\$ 650,000	\$ 800,000
Airport project reimbursements	\$ 4,849,000	\$ 4,624,000
Highway Users tax	\$ 1,909,000	\$ 2,009,000

Total \$11,947,100 \$17,028,000
Revenues expected to be down \$5.1 million in 2020.

EXPENDITURES in excess of budget per month

	Spent 3/14 thru 5/29	Projected Monthly	Expected Costs thru 6/30
Emergency Operation Center personnel	\$ 153,000	\$ 56,332	\$ 209,332
Grand Foundation Business Grant Program & PPE	\$ 130,000	\$ -	\$ 130,000
Isolation facility @ 100k/ mo	\$ 5,000	\$ -	\$ 5,000
County OT (predominately PH & Sheriff thru 5-29)	\$ 10,665	\$ 3,927	\$ 14,592
Other Operating expenses	\$ 89,218	\$ 32,848	\$ 122,066
Totals	\$ 387,883	\$ 93,107	\$ 480,989

Expenditures expected to be higher \$481k
Expected Effect to 2020 budget (\$5.6 million)

Projected Budget Deficits and Postponed or Eliminated Operations and Projects	
Projected County wide effects to Fund Balance	\$(5,600,000)
Add back Restricted Funds using restricted fund balance to cover deficits	
Lodging taxes	\$ 904,400
Open Lands, Rivers and Trails	\$ 834,231
Use TABOR emergency reserve for COVID-19 unbudgeted expenditures	\$ 480,989
Less Restricted Funds using surplus to cover costs	
Airports - FFA increased project funding to 100%	\$ (285,000)
Total budget shortfall less restricted funds	\$(3,665,380)
% Unrestricted fund balance of operating budget	17%
Postponed or Eliminated Operations and Projects	
Hiring freeze projected savings	\$ 500,000
Excess Hire Lag savings over budget	\$ 420,500
Pay plan consultant cancelled	\$ 40,000
Windy Gap pumping plan cancelled	\$ 35,000
Internship program cancelled	\$ 25,000
Total Budget Shortfall less restricted funds and these projects	\$(2,644,880)
% Unrestricted fund balance of operating budget	22%

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

Commissioner Cimino moved to approve the Consulting Services Agreement between Grand County and MGT of America Consulting, LLC in an amount not to exceed \$4,960 as presented.

The motion passed unanimously.

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

Teri Tanton noted that she has been the Deputy Treasurer and Chief Deputy Public Trustee for Grand County for the past 16 years.

Ms. Tanton reported that she came to the Board in regards to the resignation of Grand County Treasurer and Public Trustee Christina Whitmer and the temporary vacancy that her vacancy has created.

Ms. Tanton understands that the Board does not want to appoint her because she is a Democrat. Ms. Tanton came forward with Rannette Bakke who is has been the Treasurer Coordinator and Deputy Public Trustee for the past 16 years presented a proposal.

Proposal for position of Interim Grand County Treasurer / Public Trustee

Teri Tanton and Rannette Bakke would like to submit a proposal to fill the vacancy of Grand County Treasurer/ Public Trustee as Co-Treasurer's/ Public Trustee's

In addition to our normal salaries, with regards to the additional responsibilities and efforts that will be required, we will accept an equal splitting of the Treasurer's/Public Trustee's standard salary.

This is what the Board of County Commissioner's implemented in the accounting office for interim Financial Director.

This will allow us to provide continued stability and efficiency to the county and our community and help to create a smooth transition through the process.

We feel that with this proposal we can fulfill the obligations of the Grand County Treasurer's/Public Trustee's office and the needs of the citizens, the county and its Government.

In conclusion, we feel that as Co-Treasurer's/Public Trustee's, we will and can provide a seamless transition through the next election and continue to maintain the integrity and expectations of the Grand County Treasurer's/ Public Trustee's office and will allow the citizens of Grand County to choose the next Treasurer/Public Trustee.

Respectfully,
Teri Tanton
Rannette Bakke

Commissioner Cimino moved to accept the 2020 Emergency Management Performance Grand (EMPG) Award Letter – 20EM-21-22 in the amount of \$54,500 as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-5-22, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING CERTAIN EXTENSIONS OF TIME SET FORTH IN RESOLUTION NO. 2019-8-17 AND THE SERVICE PLAN OF RED HAWK RANCH WATER AND SANITATION DISTRICT: EXTENDING THE TIME ALLOWED TO ACQUIRE A SERVICE AGREEMENT” as presented.

The motion passed unanimously.

Board of Health

Commissioner Manguso announced that the Board is sitting as the Board of Health.

The County received a variance to the State Public Health Order and the County updated its Order last week.

Short term lodging is open with precautions. Worship is open with precautions.

A Recreation Playbook has been provided.

There is an increased case count in Grand County. The case count is up to 15 confirmed cases with 10 occurring in the last 10 days.

The testing is being performed as outbreak testing.

Manager and Attorney Items

County Manager Kate McIntire presented her weekly update.

Consent Agenda

Resolution No. 2020-5-21, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CONSTRUCTION CONTRACT BY AND BETWEEN OLDCASTLE SW GROUP, INC. DBA UNITED COMPANIES AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE 2020 ROAD RESURFACING PROJECTS”

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Linke has been participating in the Scenic Byway calls. In the past, Eagle County has not accepted its portion of County Road 1 as part of the Scenic Byway. Commissioner Linke would like to ask the Eagle County Commissioners to participate in the Scenic Byway program.

Commissioner Cimino moved to sign a letter Sky Foulkes thanking him for the high level of partnership and commitment in the COVID-19 response.

The motion passed unanimously.

Commissioner Cimino moved to approve and sign letters to Senator Bennet, Congressman Neguse, and Senator Gardner regarding the Blue Valley Land Exchange adding the copy to William Penley and John Swartout (CCI).

The motion passed unanimously.

Commissioner Cimino moved to enter into Easement Agreement between Steven Duane Peterson and Shelby Rae Peterson and the Board of County Commissioners for a 20-foot wide access and utility easement. The Board also approve a letter of thanks.

The motion passed unanimously.

Commissioner Cimino moved to convene an Executive Session at 9:25 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. The topic of the meeting is the County Treasurer.

The motion passed unanimously.

The meeting reconvened at 9:47 a.m.

I, Kristen Manguso, 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, 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.

Commissioner Cimino stated that the Board had an executive session to discuss co-Treasurers.

The Board discussed the different scenarios with regard to the Treasurer leaving on July 2, 2020.

Commissioner Cimino moved to convene an Executive Session at 9:59 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. The topic of the meeting is the County Treasurer.

The motion passed unanimously.

The meeting reconvened at 10:17 a.m.

I, Kristen Manguso, 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, 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.

Commissioner Cimino would like to seek applicants for Treasurer.

The Board would like to consider a ballot question to “de-Gallagherize.”

Commissioner Cimino would like to consider putting a question on the ballot for the other elected officials.

Ratzlaff Outright Exemption – (Request to combine two parcels and remove previous common property line)

PROJECT NAME: Ratzlaff Outright Exemption
APPLICANTS: Janelle Ratzlaff & Thomas Cole Fustos-Ratzlaff
LOCATION: W ½ & E ½, W ½ W ½ NE ¼ SECTION 18, TOWNSHIP 1 NORTH, RANGE 77 WEST OF 6TH PRINCIPAL MERIDIAN, commonly known as 2176 GCR 55

APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations
ZONING: Forestry and Open District
ATTACHMENTS:
A. Vicinity Map
B. Detail Map
C. Eagle View Aerial Imagery of Site
D. Application and Narrative Letter
E. Title Commitment
F. Proposed Outright Exemption Plat

STAFF PLANNER: Jacob Cote, Planner I
REQUEST: Applicants are requesting approval of an Outright Exemption to vacate the lot line separating two Metes & Bounds lots to create a single parcel.

I. BACKGROUND

a. Proposal
The Applicant, Janelle Ratzlaff and Thomas Cole Fustos-Ratzlaff, are the current owners of two separate lots southeast of the Town of Hot Sulphur Springs in unincorporated Grand County via Warranty Deed recorded July 25, 2018 at Reception No. 2018005804. Applicants are requesting approval of an Outright Exemption to vacate the lot line separating the two lots, to create a single parcel on which they intend to build a new single-family residence. The resulting parcel will create one well only.

b. History
The Applicant acquired the lots in July 2018. Properties are accessed from GCR 55 and abut the Arapaho National Forest on their southern lot lines. Lots are exceptionally deep, narrow— roughly 2,720’ in length and 160’ in width—, and are both 10 acres. The lots are located outside of any Grand County Master Plan-defined Growth Area.

Lots are located in the Forestry and Open District and are not in a subdivision. The western parcel addressed at 2176 GCR 55 and the parcel immediately east of 2176 GCR 55 are two Metes, and Bound parcels. A septic system has been installed and an initial inspection has been completed. Per the applicant’s application letter dated 2/21/20, a final grade inspection has yet to be completed.

There are two existing structures on the lot, both designated Single Family Building by the Grand County Assessor’s Office. The 1-bed, 1-bath cabin built in 1934 has a footprint of 493 SF; the second structure’s footprint is 156 SF.

II. STAFF COMMENTS AND ANALYSIS

This Outright Exemption would allow the Applicant to combine their two adjacent Metes and Bounds lots, forming a single parcel on which they intend to build a single-family home and maintain year-round occupancy. The existing structures on the property will be demolished and a new structure will be built. Applicant will submit demolition permit prior with building permit submittal. The issuance of a demolition permit will precede issuance of a building permit.

The site’s topography—a sharp and steady incline from north to south, reaching the National Forest—makes infeasible any development on the site other than the northernmost edge, where the existing structures are located. The proposed development on this property, being single-family residential, will match surrounding properties, which are all single-family residential and agricultural.

Because extensive residential or commercial development on the site—or any sites in the vicinity—is unlikely, impractical, and not permitted per the Forestry and Open Zoning District regulations, the proposed use seems to be, at this time, the highest and best use of the property. Vacation of the lot line separating the two lots would ensure zoning regulation compliance for improvements on the property. Staff finds that 1.4 (1) (b) of the Outright Exemption Regulations is the one that best applies as this involves adjustment of a tract boundary to eliminate a potential existing encroachment of a substantial structure.

III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this application during their regularly scheduled meeting on April 8, 2020.

Commissioners and County Staff discussed the applicability of some Staff recommendations and appropriately revised the recommendations to reflect the intent of the Outright Exemption process. These revisions have been made and are reflected in the conditions proposed here.

Planning Commission unanimously recommends approval of the Ratzlaff Outright Exemption with the following conditions to be met prior to recording of the Plat:

1. The lot’s address shall be placed on Final Plat Mylar [§2.2(3)].
2. Acreage shall be shown for each of the two parcels to be combined [§3.2 (2) (g)].
3. Documented proof of sewer and water supply availability shall be submitted [§3.2(2)(r)].
4. Statement of taxes due showing current taxes paid shall be submitted [§3.2(2)(s)].
5. Electronic copy of the Final Plat shall be submitted prior to recording of the Final Plat [§3.2(2)(t)].
6. Applicant shall show proof of amended existing well permit to reflect the new boundary conditions due to the Outright Exemption prior to issuance of building permit.
7. Applicant shall submit application for exemptions for a new well permit that will allow for one single family dwelling prior to the recording of the plat.

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 Cimino moved to approve the Ratzlaff Outright Exemption as presented.

The motion passed unanimously.

Amended Final Plat – Amended Lot 7A, Moose Run Subdivision & Outright Exemption (Request to relocate designated building envelope)

PROJECT NAME:	Amended Final Plat, Lot 7, Moose Run Subdivision
APPLICANT:	Property owners: Jeffery and Jennifer Uhland
Owners represented by:	James K. Pool Architects, Architect
LOCATION:	255 GCR 5002
ZONING:	Forestry/Open District (F)
APPLICABLE REGULATIONS:	Grand County Zoning Regulations, Subdivision Regulations
ATTACHMENTS:	Letter of Application, Amended Final Plat, Vicinity Map, Title Commitment, Moose Run HOA & DRC Letter of Approval
STAFF PLANNER:	Jacob Cote
REQUEST:	Approval of an Amended Final Plat to relocate the designated building envelope, to preserve significant quantity of prominent trees located in current platted building envelope.

I. DISCUSSION

a. Proposal:

James K. Pool Architects, the “Applicant”, is proposing an Amended Building Envelope (ABE) on behalf of the current owners of Lot 7 of the Moose Run Subdivision, Jeff and Jennifer Uhland, the “Owner”. The Owner intends to construct a single-family residence on the property. The existing platted building envelope contains a stand of prominent trees; to develop within the existing building envelope and comply with fire mitigation practices, the owner would have to remove a significant number of these trees from the property. The proposed Amended Final Plat would relocate the building envelope to the southwest minimizing the development’s impact on a stand of prominent trees on the property. The building envelope was designated by the Moose Run Subdivision and Outright Exemption Final Plat. By moving the building envelope, the Owner can ensure the preservation of the trees, minimizing the development’s impact on neighbors’ views and seclusion.

The total area of the subject lot 3.51 acres (152,850 SF), and the total area of the building envelope area is 0.36 acres (15,625 SF). There is not yet a well permit for the property, nor has a septic system been installed. The subdivision is a member of the East Grand Water Quality Board.

The Moose Run Subdivision is located in southeast Grand County, west of the Town of Fraser, within the Fraser Growth Area. Lots in the immediate vicinity of the subject parcel range in size from approximately 3 acres to 3.5 acres in size.

b. History: ABE’s in Moose Run Subdivision

The Moose Run Subdivision was originally platted in November 2000, recorded at Reception No. 2000-011832. It contained one filing, consisting of 40 lots. Five other Amended Building Envelope applications have been processed through the County for this subdivision:

LOT #	RECEPTION #
17, 18, 19, 37	2000-011832
14	2006-008252

II. STAFF COMMENTS AND ANALYSIS

Staff supports this proposal in consideration of five other Amended Building Envelopes which have been approved in the Moose Run Subdivision for similar reasons. Permission has been granted by the Moose Run Design Review Committee and Homeowners' Association to amend the building envelope's location on the property; documentation is available as an attachment to this Staff Report.

III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this application during their regularly scheduled meeting on May 13, 2020. Commissioners and County Staff discussed Homeowners Association approval—included in application as an attachment—and the unusual Urban Growth Area boundaries, which include the Moose Run Subdivision. Planning Commission unanimously recommends approval of the Amended Final Plat, Amended Lot 7A, Moose Run Subdivision & Outright Exemptions, Reception No. 2000-011832, with the following conditions to be met prior to recording of the Plat:

1. The title of the Amended Final Plat shall be amended as recommended in Section 4.3 (2) (a).
2. The legal description shall be amended as recommended in Section 4.3 (2) (b).
3. Location and description of monuments shall be shown on the Plat as recommended in Section 4.3 (2) (i).
4. The Dedication shall be amended to read as indicated as shown in Section 4.3 (2) (k).
5. The a 14" x 18" black-line Mylar(s) with approved addresses and road numbers shall be placed on the Final Plat Mylar as required as recommended in Section 4.3 (2) (w).
6. A statement of taxes showing that all taxes have been paid shall be submitted as recommended in Section 4.3 (2) (x).
7. An electronic copy of the Final Plat shall be submitted as recommended in Section 4.3 (2) (y).
8. All recording fees are to be paid by the Applicant

Commissioner Cimino moved to approve the Amended Final Plat – Amended Lot 7A, Moose Run Subdivision & Outright Exemption the addition of one more condition of all the other Covenants of Moose Run still apply.

The motion passed unanimously.

The Board agreed that the answer is no to returning money to the ROSH Board.

School Fees: Mill Apartments – Parcel 2, Filing 2, Byers Peak Ranch and future proposed and filings within Byers Peak Ranch

The applicant was not present so the Board did not discuss.

Calendar

June 3 All Hands meeting at 8:30 a.m. (All three commissioners)

June 4 De-Gallagherizing meeting call at 11:00 a.m. (Commissioner Linke)

Commissioner Cimino moved to convene an Executive Session at 11:20 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. The topic of the meeting is Grand County EMS.

The motion passed unanimously.

The meeting reconvened at 12:12 p.m.

I, Kristen Manguso, 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, 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.

There being no further business to come before the Board, the meeting was adjourned at 12:15 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 9th day of June 2020.

Attest:

Kristen Manguso, Chair

Sara L. Rosene, Clerk and Recorder