MINUTES OF A REGULAR
BOARD OF COUNTY COMMISSIONERS MEETING
GRAND COUNTY, COLORADO

James L. Newberry – Commissioner District 1; Nancy Stuart – Chairman – Commissioner District 2; Gary Bumgarner, – Commissioner District 3; Lurline Underbrink Curran, County Manager; Anthony J. DiCola, County Attorney; and Sara L. Rosene, County Clerk and Recorder.

April 21, 2009

The Regular Board of County Commissioners’ Meeting was called to order at 8:30 a.m.

Department heads present for the Board Business portion of the meeting was Ken Haynes, Brene Belew-LaDue, Dave Jones, Kris Manguso, Scott Penson, and Rod Johnson.

Commissioner Bumgarner moved to approve the minutes of the Regular Board of Commissioner’s meeting of April 14, 2009.

Commissioner Bumgarner  aye
Commissioner Newberry  abstain
Chairman Stuart   aye

The motion passed.

Commissioner Bumgarner moved to approve the minutes of the Special meeting of the Grand County Housing Authority of April 14, 2009.

Commissioner Bumgarner  aye
Commissioner Newberry  abstain
Chairman Stuart   aye

The motion passed.

Board Business

Commissioner Bumgarner moved to enter into a Construction Contract between Grand County and Top Notch Fence Company in the amount of $18,411 for the Williams Fork Pit.

The motion passed unanimously.

Mr. Clark reported that the railroad has set a start date for work in the canyon. This schedule allows the Road and Bridge Department to store the Magnesium Chloride cars in Kremmling.

Jennifer Scott provided the board with a “Burn Season Summary”. There were 26 fewer burn days in the 2008 – 2009 season, but the amount of cubic feet burned was up 37 percent. Ms. Scott noted that there were very few complaints this year. There were, though, two citations issued this year. In 2008, there was approximately $9,000 in revenue. To this point there has been $3,000 in 2009.

Commissioner Bumgarner moved to approve the Contract Amendment with DOLA stating that the crumb rubber surfacing that was to be placed at Flying Heels Horse Arena will be placed at the Bill Ballard Memorial Arena versus the Flying Heels Arena.

The motion passed unanimously.

Mr. Haynes stated that the Road and Bridge Department has been getting Flying Heels ready for the season.

Lori Clement presented the following Memorandum.
Request for Extension
The Glen Subdivision, Final Plat
Location: Winter Park Ranch Second Filing, Lot 24, Block 2

Mr. Dan O’Connell has requested a one-year extension of the Board of County Commissioners approval for The Glen Subdivision, Final Plat. The Board of County Commissioners originally approved The Glen Subdivision, Final Plat on April 14, 2008.

The one (1) year extension is allowed for under the Subdivision Regulations, Section 7.3(3)(e), which states: “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.”

The Glen Subdivision is located within Winter Park Ranch Subdivision, Second Filing, Lot 24, Block 2. The site is approximately 0.77 acres and is located at 1018 Cramner Avenue. The proposed development will consist of two (2) duplex Townhome units, with a total of twelve (12) bedrooms between the four (4) units.

Mr. O’Connell has indicated that the owner of the property intends to move ahead with the Final Plat and satisfy the conditions for recording during this one year extension period.

Staff would recommend that the Board accept this request, and extend the Final Plat approval through March 1, 2010.

[End of Staff’s Memorandum]

Commissioner Newberry moved to approve the Request for Extension for the Glen Subdivision Final Plat to March 1, 2010.

The motion passed unanimously.

Request for Extension
Bluebell Townhome Subdivision, Preliminary Plat
Location: Winter Park Ranch First Filing, Amended Plat, Lot 27

Mr. Mark House has requested a one-year extension of the Board of County Commissioners approval for the Bluebell Townhome Subdivision, Preliminary Plat. The Board of County Commissioners originally approved Bluebell Townhome Subdivision, Preliminary Plat on February 26, 2008.

The one (1) year extension is allowed for under the Subdivision Regulations, Section 7.2(3)(e), which states: “Approval of the preliminary plat shall be valid for no longer than twelve (12) months except in the case of an extension granted upon application and for a good cause shown…”.

Bluebell Townhome Subdivision is located within Winter Park Ranch Subdivision, First Filing, Amended Plat, Lot 27. The site is approximately 0.58 acres and is located on the north side of Mulligan Street between CR 8 and Spruce Way. The proposed development will consist of two (2) duplex Townhome units, with a total of ten (10) bedrooms between the four (4) units.

Mr. House has indicated that the current economy has caused a delay in the project. However, he intends to move forward with the Final Plat submittal within the next year.

Mr. House has been made aware that the future Bluebell Townhome Subdivision Final Plat submittal shall comply with all amendments and revisions to the Grand County Subdivision Regulations, Zoning Regulations,
Road & Bridge Standards, and Stormwater Drainage Design and Criteria Manual adopted since the original Preliminary Plat approval.

Staff would recommend that the Board accept this request, and extend the Preliminary Plat approval through March 1, 2010.

[End of Staff’s Memorandum]

Commissioner Newberry moved to approve the Request for Extension for the Bluebell Townhome Subdivision Preliminary Plat to March 1, 2010.

The motion passed unanimously.

Public Health Nurse Brene Belew-LaDue presented the following proposal:

Contract: Alpine Area Agency on Aging
Synopsis: State Fiscal Year 2010 State Funding
Fiscal: $21,153
Discussion: We are requesting the full amount that is estimated to be allocated to Grand County. This is a competitive grant. Grand County Council on Aging is also applying for the total amount. This will show both of the agencies’ needs.
Recommendation: Sign Request for Proposal

Commissioner Bumgarner moved to approve the Alpine Area Agency on Aging State Fiscal Year 2010 State Funding in the amount of $21,153.

The motion passed unanimously.

Jason Bock, Board President of Kremmling Sanitation District, asked the Board for help with a funding situation. The problem is caused by the inability to use their reclaim water system due to engineering and design issues. The District has not been able to pump reclaim water for irrigation. They have been accumulating treated wastewater in the ponds at a higher than expected rate.

The dike around pond #4 is close to being breached in a few low spots due to the high water levels. The District estimates that they need approximately 2,800 cubic yards of material spread at a depth of about 3 feet over a distance of about 1,240 feet to bring the dike up to the designated elevation. The dike was not completed to the design elevation due to other cost overruns and at the recommendation of the engineering company as a cost saving measure. The dike would have been adequate if the reuse system was designed correctly and operational for the past two years.

The District is requesting the County’s assistance for in-kind services from the county road and bridge department to load and haul approximately 2,800 cubic yards of fill material to bring the dike up to design elevation and about 100 cubic yards of road base gravel to top the new material on the dike.

The District is also requesting funds from the Water Quality Control Fund to pay for labor and equipment to place and roll the material, remove about 1,100 feet of fencing in the work area, and engineering costs for soil and compaction testing. The plan is to hire Bock Construction, Grand Fencing, Hammer Companies, and Ground Engineering for the work at the estimated cost of $13,000.

The District hopes to have the reclaim water system in operation for the 2010 season. This is critical to the District, the town, the school district and the county as they need the use of reclaim water for irrigation. Mr. Bock noted that even though the system will benefit the people in the area, the District is not a division of the Town of Kremmling; it is a special district.

Commissioner Bumgarner moved to provide in-kind services to Kremmling Sanitation District to haul 2,800 cubic yards of fill material and 100 cubic yards of road base gravel to top the new material on the dike. In addition, the County will use Water Quality Funds in the amount of $13,000 to pay for labor and equipment to place and roll the material, remove about 1,100 feet of fencing in the work area, and engineering costs for soil and compaction testing.
The motion passed unanimously.

Sheriff Rod Johnson presented the Board with the Annual Fire Operating Plan for Grand County for 2009. Sheriff Johnson recommended approval of the plan.

Commissioner Newberry moved to authorize the Chair to sign the Annual Fire Operating Plan for Grand County for 2009.

The motion passed unanimously.

Lucinda Elicker of Headwaters Trails Alliance came before the Board with property owners in Winter Park Ranch with regard to Tract M. The Trails Alliance would like to get Tract M as a trail. This would take some foot traffic off of County Road 804. The group would also like the existing taxes in the amount of approximately $90,000 abated.

Bob Woodbury stated that he understood from the Assessor that once the Covenants were filed, the Assessor would abate the taxes. Mr. Woodbury stated that he understands that now the Assessor will not abate the taxes until the Quit Claims have been sent over and the property has been transferred. The homeowners are not comfortable with that process because the homeowners have no assurance that the taxes will be abated. The homeowners would like a written assurance from the County that the taxes will be abated when the property is transferred.

Once the property is transferred, the dead trees can be removed by the Trails Alliance. The Trails Alliance can be responsible for any liability with regard to injuries on the trail. By moving ownership of the property, for the purposes of a trail, it would alleviate the three biggest concerns of the homeowners which are liability, taxes, and maintenance of the trail.

Commissioner Stuart asked if the property owners with the bridal easements were willing to make the easements open to the public. Ms. Elicker stated that the main use would likely be people who are in that area or renting in that area.

The Board cannot tell the Assessor what to do with regard to an abatement. The group before the Board will talk with the Assessor to see what he may require.

District Attorney Liz Oldham stated that she is trying to be proactive and creative with regard to the budget. Ms. Oldham stated that she applied for a grant for a sex assault deputy in Moffat County. If she obtains the grant, one of the positions in her office will be freed up to do work throughout the District.

Ms. Oldham stated that she is getting some unpaid interns. She reported that the Victim Witness Coordinator position in Grand County is open. The Moffat County person has been covering the position. It is not a long term solution, but it is helping at this time.

Chairman Stuart stated that, at this time, Grand County does not intend to reduce the budget to the District Attorney.

Remodel Issues

Todd Ficken presented the Board with a draw from the Roofing Company in the amount of $37,725.68.

Commissioner Newberry moved to authorize the Chair to sign Payment Application No. 4 in the amount $37,725.68 to the Roofing Company.

Discussion: This is for the roof on the Sheriff’s office.

The motion passed unanimously.

Chairman Stuart noted that the brick at the top of the roof on the Judicial Building is wet. Mr. Ficken will look into the matter.

Mr. Ficken presented the following PCOs for work on the Administration Building:
PCO 40R – floor plan changes that took place in the basement and the west end top floor. The total cost is $426
PCO 42R – conduit and boxes in the BOCC meeting room in the amount of $1,968
PCO 46 – cost to remove walls in the Treasurer’s office in the amount of $3,469
PCO 49 – cost to sand fill minor cracks and holes, prime and install two finish coats of enamel for 26 existing windows on second floor west end in the amount of $3,797
PCO 52 – cost to install AV cabinet in BOCC meeting room in the amount of $2,214
PCO 50 – cost to install two electrical outlets in reception area in the amount of $383

Commissioner Newberry moved to approve PCOs 40R, 42R, 46, 49, 50 and 52 for the Administration Building as presented by Mr. Ficken.

The motion passed unanimously.

Mr. Ficken assured the Board that he has been checking prices from all of the people doing the work. When possible, bids are being obtained.

The west side of the top floor is finished.

In the Judicial Center the key pad is done. Work is being one on the benches. Glass for the court clerk area is being replaced.

Colorado Hardscape is coming to look at the floor in the Judicial Building because there are spots on the floor.

The lights in the courtrooms have been blowing out and new ballast will be installed.

The Asbestos abatement is done on the middle floor of the west side. Big Valley has started work there again.

Finance Director

John Mizenko for Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on April 22, 2009, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Bumgarner moved to approve and sign the general warrants and warrants for social services to be paid on April 22, 2009.

The motion passed unanimously.

Housing Authority

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

Board Business

Commissioner Bumgarner moved to waive the dump fees for Church of Eternal Hills for the annual garage sale to help support Habitat for Humanity and pre-school scholarships.

The motion passed unanimously.

The Board received a letter from CDOT clarifying the discussion regarding Highway 9. CDOT will perform a traffic study that will document the existing traffic usage of the access for each user and existing background traffic utilizing State Highway 9. The study will assist CDOT in future evaluation of development proposals and will provide the basis for determining whether or not future roadway improvements are warranted.

Commissioner Bumgarner moved to authorize the County GIS Coordinator Kim Adams to create a map for the town of Hot Sulphur Springs showing the existing storage tank in Block 12 of the First Addition to Hot Sulphur Springs and congratulating the Town on getting Federal stimulus money to help with their water system.

The motion passed unanimously.
Commissioner Newberry moved to authorize the Board to sign the letter to the Bureau of Land Management supporting the renewal of the 17 livestock grazing permits/leases on 32 allotments within the Kremmling Field Office.

The motion passed unanimously.

Calendar

April 22  River District meeting in Glenwood Springs at 7:15 a.m.
          Windy Gap Firming Project meeting at the Corp of Engineers Office at 10:00 a.m.
          Department heads meeting
April 23  NWCCOG Executive Committee meeting at the Summit County Commons from 10 a.m. to noon
          TPR in Steamboat Springs at 10:00 a.m.
          Builders meeting at 5:30 p.m. at Distinguished Builders in Kremmling
April 24  CCI in Denver at 9:00
          Court Security meeting in Denver from 10 to 2
April 25  Ground breaking ceremony at a Habitat For Humanity Site on Grand Avenue in Hot Sulphur Springs
April 27  Conference call from 10:00 a.m. to noon
          1177 meeting at 1:00 p.m. in Glenwood Springs
April 29  I-70 Coalition meeting
May 11  Meeting with Town of Grand Lake at 7:30 p.m.
May 14  Health Advisory Committee meeting at 6:00 p.m.
June 8 – 10 Annual CCI Summer Conference
June 10 – 12 Court Security meeting in Montrose

Manager and Attorney Items

Commissioner Newberry moved to authorize the Chair to sign the Rental Agreement between Grand County and the National Versatility Ranch Horse Association for the term of July 24, 2009 through July 26, 2009, for use of the Flying Heels Arena.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to execute the contract between Grand County and Sasquatch Electrical for an Alarm Monitoring Contract for the elevator in the Administration Building.

The motion passed unanimously.

Commissioner Newberry moved to authorize the Chair to sign the Construction Contract between Grand County and Dillon & Daughters, Inc. in the amount of $1,250 to work on a receptionist work station to be completed by May 4, 2009.

The motion passed unanimously.

The Board received a letter of thanks from Norm Benson for plowing County 514 past the ball fields.

County Manager Underbrink Curran stated that Katherine Morris organized a meeting with the Bureau of Reclamation, WAPA, the Northern District, Headwaters Trail Alliance, and some of the Grand Lake users. The morning meeting was the Grand Lake Technical Clarity meeting. In the afternoon, the Bureau of Reclamation gave everyone an overview of what it takes for the Bureau of Reclamation to be able to look at the long term solution for Grand Lake which is probably construction of something.

Barb Green put together a draft MOU between Grand County, the Bureau of Reclamation, and the Northern District.
Ms. Underbrink Curran told the group that she does not care what the steps are, but there needs to be a goal. The clarity of Grand Lake needs to be to a certain standard by a certain date and that needs to be in the agreement.

The first thing that needs to happen is an assessment at a cost of approximately $200,000. The Bureau of Reclamation does not have money allocated for that and the next budget cycle is 2012. The Bureau can get Congressional direction to have them perform the assessment. The Colorado Big Thompson just got $14 million in stimulus money. Ms. Underbrink Curran stated that she will request $200,000 of that money for the assessment.

Ms. Underbrink Curran stated that Katherine Morris has been doing a very good job. She did an excellent job on the clarity technical group.

Assistant County Attorney Bob Franek presented the Board with the Middle Park Fair and Rodeo Board Bylaws for Board of Commissioners’ approval. It brings the board under the County so the Fair Board can be covered by the County’s insurance. The Fair Board is totally in charge of the Fair and the County does not have a representative on the Fair Board. The Fair Board can consist of between 5 to 7 members.

Commissioner Bumgarner moved to approve the Middle Park Fair and Rodeo Board Bylaws as presented by the Assistant County Attorney.

The motion passed unanimously.

Board Business

Chief Building Official Scott Penson stated that he is looking at making a change with regard to propane gas in structures. Right now, the County does not allow a propane device in a basement unless it is a walkout at grade. Propane is heavier than air and propane pools and there is a chance of an explosion.

Mr. Penson stated that he will bring this before the Board with recommendations.

Social Services Update

Social Services Director Glen Chambers stated that Grand County Colorado Works (TANF) allocations for fiscal year 2008-2009 is $105,499.81 with actually County maintenance of effort of $15,492.19 and targeted County maintenance of effort of $22,964.

Mr. Chambers stated that he would like permission to transfer $50,000 to Washington County who will be responsible for the County maintenance of effort of that portion which would be a savings to Grand County of between $7,000 and $10,000. This transfer will take Grand County’s TANF reserves to around the $100,000 which is allowed in Senate Bill 177.

Mr. Chambers has the authority to make this transfer and the Board supports the decision.

Public Hearing – Vacation of Portion of Circle Street a/k/a County Road 823

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chairman Stuart at 11:05 a.m. Assistant County Attorney Bob Franek set the record.

The following is all or part of staff’s Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on April 21, 2009.

A. Letter of Application dated December 17, 2008
B. Public Notice – Middle Park Times, dated 03/19/09
C. Proof of Publication – Middle Park Times, dated 03/19/09
D. Vicinity Map depicting the 500’ notification buffer, as established by the Grand County GIS System
E. List of property owners within the 500’ notification buffer, as established by the Grand County GIS System
F. Certified Mailings to all property owners within 500’ as established by the Grand County GIS System
G. Public Review Sheets (no signatures)
H. Aerial Photograph
I. Land Survey Plat
J. Tabernash Map
K. Email from Kathy Gingery dated January 2, 2009 (no objection)
L. Email from LL Kourse, Tabernash Meadows Water and Sanitation District, dated January 5, 2009 (no objection)
M. Email from Alan Green, Grand County Road and Bridge, dated April 10, 2009 (no objection)
N. Certificate of Recommendation to Grand County Planning Commission dated January 14, 2009
O. Grand County Planning Commission Resolution No. 2009-1-3
P. Grand County Planning Commission Minutes dated January 14, 2009
Q. Certificate of Recommendation to Grand County Board of County Commissioners dated April 21, 2009

RE:
Grand County Road 823 (aka Circle Street) Vacation
APPLICANT: Christopher R. Bergquist Sr. and Joann T. Sharp
LOCATION: A portion of County Road 823, commonly known as Circle Street, north of and adjacent to Lots 7 and 8, Block 2, Town of Tabernash
ZONING: Business
APPLICABLE SECTION OF CODE: Colorado Revised Statutes §43-2-303 and §43-2-302

STAFF CONTACT: Kristen Manguso
REQUEST: The Applicant is requesting to vacate that portion of County Road 823 (aka Circle Street) north of and adjacent to, Block 2, Lots 7 and 8, Tabernash.

DISCUSSION
Christopher R. Bergquist Sr. and Joann T. Sharp (“Applicant”), are the owners of Lots 4 through 8, Block 2 as recorded by Warranty Deed, Reception No. 2008000524.

The Applicant is requesting the vacation of a portion of County Road 823, (Hereinafter referred to as “Circle Street”) lying immediately north of and adjacent to their property and south and west of Railroad right-of-way.

A portion of this right-of-way adjacent to Lot 1, Block 1, Lot 1 and 2, Block 2 and a portion of Second Street adjacent to Lots 2 and 3, Block 2, and Lot 1, Block 1 were previously vacated by Resolution No. 1998-7-23. This request would extend that vacation west, through Block 2.

The recorded plat of the unincorporated Town of Tabernash dedicated the streets and alleys to the public for perpetual use. Since the streets are public, Grand County may vacate them under C.R.S. 43-2-303. Staff does not believe that this request will cut off access to any lots within the town of Tabernash as Circle Street is almost entirely located within the Railroad right-of-way. Further, as stated above, a portion of Circle Street adjacent to this request has already been vacated.

During the 1998 vacation hearing, the possibility of future easements for sewer lines was discussed, and it was decided that Main Street was the most logical location for the main lines. No other concerns regarding that vacation were discussed.

COMPLIANCE WITH COLORADO REVISED STATUTES §43-2-303:
Grand County applies the following methods of vacations to all vacation requests under C.R.S. 43-2-303. A vacation can only be authorized by the County if it meets one or more of the criteria that is outlined hereforth

1. All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:
(a) The city council or similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.

(b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

c) If such roadway constitutes the boundary line between two counties, such roadway or any part thereof may be vacated only by the joint action of the boards of county commissioners of both counties.

d) If said roadway constitutes the boundary line of a city or town, it may be vacated only by joint action of the board of county commissioners of the county and the duly constituted authority of the city or town.

2. (a) No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.

(b) If any roadway has been established as a county road at any time, such roadway shall not be vacated by any method other than a resolution approved by the board of county commissioners of the county. No later than ten days prior to any county commissioner meeting at which a resolution to vacate a county roadway is to be presented, the county commissioners shall mail a notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the county commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting.

c) If any roadway had been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.

d) If any roadway has been established as a state highway, such roadway shall not be vacated or abandoned by any method other than the resolution approved by the transportation commission pursuant to Section 43-1-106(11).

e) Paragraphs (b), (c) and (d) of this subsection (2) shall not apply to any roadway that had been established but has not been used as a roadway after such establishment.

(f) If any roadway is vacated or abandoned, the documents, vacating or abandoning such roadway shall be recorded pursuant to the requirements of Section 43-1-202.7.

C.R.S. 43-1-202.7 Recording of documents vacating or abandoning a roadway.

“If any roadway is vacated or abandoned by the state, by the county, or by a municipally, the documents vacating or abandoning such roadway, including but not necessarily limited to any resolution, ordinance, deed, conveyance document, plat or survey, shall be recorded in the office of the clerk and recorder of the county in which such roadway is located.”

3. In the event of vacation under subsection (1) of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

4. Any written instrument of vacation or a resubdivision plat purporting to vacate or relocate roadways or portions thereof which remains on record in the counties where the roadways
affected are situated for a period of seven years shall be prima facie evidence of an effective vacation of such former roadways. This subsection (4) shall not apply during the pendency of any action commenced prior to the expiration of said seven-year period to set aside, modify, or annul the vacation or when the vacation has been set aside, modified, or annulled by proper order or degree of a competent court and such notice of pendency of action or a certified copy of such decree has been recorded in the recorder's office of the county where the property is located.

43-2-302 VESTING OF TITLE UPON VACATION

1. Subject to the requirements set forth in sections 43-1-210 (5) and 43-2-106 governing the disposition of certain property by the department of transportation, whenever any roadway has been designated on the plat of any tract of land or has been conveyed to or acquired by a county or incorporated town or city or by the state or by any of its political subdivisions for use as a roadway, and thereafter is vacated, title to the lands included within such roadway or so much thereof as may be vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues, as follows:

(a) In the event that a roadway which constitutes the exterior boundary of a subdivision or other tract of land is vacated, title to said roadway shall vest in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.

(b) In the event that less than the entire width of a roadway is vacated, title to the vacated portion shall vest in the owners of the land abutting such vacated portion.

(c) In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway, except as provided in paragraphs (a) and (b) of this subsection (1). In the event that the boundary lines of abutting lands do not intersect said roadway at a right angle, the land included within such roadway shall vest as provided in paragraph (d) of this subsection (1).

(d) In all instances not specifically provided for, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking that portion of the vacated roadway to which his land, or any part thereof, is nearest in proximity.

(e) No portion of a roadway upon vacation shall accrue to an abutting roadway.

(f) Notwithstanding any other provision of this subsection (1), a board of county commissioners may provide that title to the vacated roadway shall vest, subject to a public-access easement or private-access easement to benefit designated properties, in the owner of the land abutting the vacated roadway, in other owners of land who use the vacated roadway as access to the owners' land, or in a legal entity that represents any owners of land who use the vacated roadway as access to the owners' land. Title shall vest to the owner of the land abutting the vacated roadway as otherwise required by paragraphs (a) to (d) of this subsection (1), unless the board expressly requires the title to vest pursuant to the authority set forth in this paragraph (f) in the resolution to vacate the roadway that is approved by the board.

The method of vacation for this request is in compliance under subsection (1)(b) and subsection (2)(f) of C.R.S. 43-2-303 and title shall be vested in accordance with C.R.S. 43-2-302. The referenced subsections are highlighted in italics.

Staff Comments

Staff does not have any concerns with the vacation of this portion of Circle Street (CR 823) in the town of Tabernash. The railroad, utility companies and all property owners within five hundred (500) feet of this request have been sent a courtesy notification prior to this meeting. LL Kourse from Tabernash Water and Sanitation District has stated they have no objection to this request.

State statute requires that at least ten (10) days prior to any County Commissioners meeting at which a resolution to vacate a county roadway is to be presented, the County Commissioners shall mail a notice by first-
class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the County Commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting. These notification requirements have been complied with prior to this hearing before the Board of County Commissioners.

Grand County Road & Bridge has no objection to the vacation of portion of Circle Street lying just north of Lot 7 containing .106 Acres.

PLANNING COMMISSION RECOMMENDATION
THE GRAND COUNTY PLANNING COMMISSION HEARD THIS REQUEST DURING THEIR JANUARY 14, 2009 MEETING AND RECOMMENDED APPROVAL BY RESOLUTION NO. 2009-1-3. THERE WAS SOME DISCUSSION ON THE REQUIREMENT THAT A SURVEY BE PROVIDED, AND ONE MEMBER FELT THAT WE SHOULD BE CONSISTENT AND EITHER ALWAYS REQUIRE A SURVEY FOR VACATIONS, OR NEVER REQUIRE ONE. STAFF BELIEVES THIS TO BE UNNECESSARY. EACH REQUEST IS DIFFERENT AND HAS UNIQUE SITUATIONS WHICH MAY CREATE THE NEED FOR A SURVEY. OTHER TIMES, THE RIGHT-OF-WAY IS CLEARLY SHOWN AND DEDICATED ON A PREVIOUS PLAT. THE SITUATION CAUSING STAFF TO REQUIRE A SURVEY WAS THE FACT THERE IS A SHED WITHIN CIRCLE STREET THAT BELONGS TO THE APPLICANT. STAFF NEEDED TO ENSURE THAT THE SHED WAS LOCATED ON CIRCLE STREET AND NOT WITHIN RAILROAD RIGHT-OF-WAY. AS IS SHOWN ON THE SURVEY, THE SHED IS 3.2 FEET FROM THE RAILROAD RIGHT-OF-WAY. ALTHOUGH THIS DOES NOT MEET SETBACK REQUIREMENTS, THIS SHED IS CONSIDERED A PRE-EXISTING NON-CONFORMING USE AND MAY CONTINUE.

Staff Recommendation

1. Staff recommends approval of vacating those portions of Circle Street adjacent to Lots 7 and 8, Block 2, Town of Tabernash, as presented.

The applicant had no comments.

Commissioner Newberry moved to authorize the vacation of County Road 823, also known as Circle Street, as presented in the staff’s recommendations.

The motion passed unanimously.

Commissioner Bumgarner moved to close the public hearing.

The motion passed unanimously.

East Grand Fire Protection District – Fire Code

Dennis Soles thanked the Board for considering the adoption of a Fire Code. A great deal of research was done on the International Fire Code. The Fire Code is part of a family of codes. The codes are written together to complement each other.

Adam Gosey, of East Grand Fire District, stated that the group would like the Board of Commissioners to appoint a commission for the creation, review, and adoption of a Fire Code. Mr. Gosey stated that the group is not asking the Board to adopt the Code today. The East Grand Fire District has adopted a Fire Code.

The Building Code is to cover the creation of the building to the completion and occupancy of the building. After that, the Building Code has nothing to do with the building. From the Fire Department’s standpoint, that is a problem. Typically buildings are fine, until people start using them.

Once the Fire Code is adopted, it allows that buildings are checked periodically for issues of life safety. Periodic check of the buildings will be performed on public buildings. Mr. Gosey stated that a tri-plex would be included in the public building category. A duplex could be added, if the Board desires.
Mr. Gosey stated that if the code passes, buildings will need to be retrofit with smoke detectors and carbon monoxide detectors.

Mr. Gosey stated that the fire districts pay for the inspections. County Manager Underbrink Curran asked who will pay for the inspections that are outside the East Grand Fire Protection Districts. Mr. Gosey stated that Fire Districts will inspect the areas where they would normally respond. The Districts have agreed that they will provide inspections to the Districts who do not have qualified people to perform the inspections. The Districts do have the authority to impose the inspection fee. That decision is up to the individual District Board. The District Boards have agreed that if a fee is imposed, it will be a nominal fee.

The inspections will determine if spaces are being blocked incorrectly or if additional work has been done on the building that is in violation of the Code. The Fire Code is for everything that happens after the building is built. The Fire Code is basically a maintenance code.

Mr. Gosey stated that Fraser and Winter Park have adopted the Fire Code. Every District has the ability to adopt a Fire Code. If the County adopts the Code, the Districts will have more authority. If the County does adopt the Code, the police powers of the County will be inherited by the Districts.

Ms. Underbrink Curran stated that once the Fire Code is adopted, the Districts can adopt a more restrictive Code. The County would then lose the ability to control changes to the Code and the enforcement of it. The Districts could have a more narrow focus with regard what is required by the County. There could be an additional cost to the businesses that would not be required by the County.

Mr. Gosey stated that Fraser and Winter Park had some of the same concerns. It has been three years since they adopted the Code and it has not been a problem. The Commission would look at the model Code and make decisions as to what would work for Grand County.

The current agreement with the County allows enforcement up to the 1997 Uniform Code which is an archaic out-of-date Code. What allows it to work is that people that come to the District are using the 2003 or 2004 Code.

The Code is set up so that one specific business or type of business cannot be targeted.

At this time, there is no cost for performing inspections. A District can decide to create a fee for inspection. It is likely that any fees will be nominal.

At this time, inspections are voluntary in most of the County. Mr. Soles stated that the East Grand Fire District has found that the businesses are cooperative with regard to inspections.

Commissioner Newberry asked how much of the information with regard to adoption of the Code has been provided to the general public. He asked if there has been any feedback. Commissioner Newberry asked how involved the County would need to be financially if the Code was adopted.

Mr. Gosey stated that the County’s involvement in the adoption of the Fire Code would be limited to the cost of having staff participating in Commission. The Commission would consist of representatives of the County and the Fire Districts. Mr. Gosey stated that the Commission would look at what part of the Code needs to be retained and what needs to be removed. The Fire Departments are reviewing specific amendments.

Mr. Gosey stated that the public is involved in the process. The public has elected fire board members that represent them. The Commission will bring back recommendations to the Board of Commissioners and a hearing will be held for public comment. The Commission can consist of people in the community such as architects and homebuilders.

By law, the Commission needs to consist of the County Board of Commissioners (or its designee), the Fire Chiefs and members of the public as the Board may appoint. The membership on the Commission is very open ended.

Commissioner Newberry stated that it sounds like the Commission is put into place to investigate the implementation of a Fire Code. Mr. Gosey agreed with that assessment. Mr. Gosey stated that the Board of
County Commissioners may adopt such ordinances (with regard to the Fire Code) only after it approves the formation of and receives recommendations of a Commission.

Mr. Gosey stated that the Code looks at different type of businesses and the load of the building as to how the Fire Code impacts the building.

Commissioner Bumgarner stated that the Board of Commissioners needs to know what the additional cost would be to individuals if the Code is adopted. Ms. Underbrink Curran stated that the Commission needs to discuss how the costs for inspections will be covered.

Commissioner Newberry left the meeting for a previously scheduled meeting.

Mr. Gosey stated that the Commission needs to consist of representatives of the County in order to get the items in the Code that the County wants.

Commissioner Bumgarner moved to authorize the initial ground work being laid for a Fire Code Adoption and Revision Commission. This in no way guarantees that the Board of Commissioners will adopt a Fire Code.

Discussion: Commissioner Bumgarner urges that the Commission include the public not just the people from the fire departments or those that have a vested interest in adopting the Code. This in no way guarantees that the Code will be adopted. The cost of implementing the Code is a grave concern of the Board of Commissioners. Commissioner Bumgarner stated that he has an appreciation for public safety, but there is a concern for the cost of building.

The motion passed.

Board Business

County Manager Underbrink Curran presented the Board with the following Resolutions for Board approval:

Resolution No. 2009-4-1, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE AWARD OF A CONTRACT TO TOP NOTCH FENCE COMPANY, INC. FOR THE INSTALLATION OF A PERIMETER FENCE AT THE WILLIAMS FORK VALLEY GRAVEL SITE”

Resolution No. 2009-4-20, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DIRECTING THE GRAND COUNTY SHERIFF TO PROCEED WITH THE PROPOSED UPDATES TO THE KITCHEN AND PLUMBING IN THE GRAND COUNTY JAIL”

Resolution No. 2009-4-21, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A POLICY REGARDING THE USE AND OCCUPANCY OF HOMEOWNER/BUILDER DETACHED SINGLE FAMILY DWELLINGS”


Resolution No. 2009-4-23, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICE CONTRACT BY AND BETWEEN ROUTT COUNTY SUPERVISED VISIT-SAFE EXCHANGE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR SUPERVISED PARENTING TIME AND CASE MANAGEMENT SERVICES”

Resolution No. 2009-4-27, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DIRECTING THE GRAND COUNTY DEPARTMENT OF
ROAD AND BRIDGE TO DISASSEMBLE THE MAINTENANCE BUILDING LOCATED AT THE GRANBY LANDFILL, AND TO RELOCATE AND TO RE-ERECT THE MAINTENANCE BUILDING AT THE WILLIAMS FORK VALLEY GRAVEL SITE"

Resolution No. 2009-4-25, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AWARD OF CONSERVATION TRUST FUND MONIES TO THE GRAND COMMUNITY GARDENS, INC.”

Resolution No. 2009-4-26, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN USA SECURITY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION AND CONNECTION OF DOOR ACCESS CONTROL HARDWARE”

Resolution No. 2009-4-27, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE APPLICATION FOR PAYMENT #7 FROM BIG VALLEY CONSTRUCTION, LLC FOR THE GRAND COUNTY ADMINISTRATION BUILDING REMODEL PROJECT”

Resolution No. 2009-4-28, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF MELANIE SCHMIDT AS A MEMBER TO THE GRAND COUNTY HISTORIC PRESERVATION BOARD”

Commissioner Bumgarner moved to approve Resolution No. 2009-4-1 and Resolution Nos. 2009-4-20 through 2009-4-28 as presented.

The motion passed.

Commissioner Newberry returned to the Board meeting.

Public Hearing Willits Company, Inc. – Special Use Permit Amendment, Temporary Asphalt Plant

The public hearing scheduled to begin at 2:00 p.m. was called to order by Chairman Stuart at 2:00 p.m. Assistant County Attorney set the record.

The following is all or part of staff’s Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on April 21, 2009.

R. Letter of Application dated March 19, 2009
S. Public Notice – Middle Park Times, April 2, 2009
T. Proof of Publication – Middle Park Times, April 2, 2009
U. List of Property Owners within 500’ as established by the Grand County GIS System
V. Vicinity Map depicting the 500’ notification buffer as established by the Grand County GIS System
W. Certified Mailings to all property owners within 500’ as established by the Grand County GIS System
X. Public Review Sheets (no signatures)
Y. Aerial Photograph – Willits Pit
Z. Aerial Photograph – Traffic Pattern
AA. Grand County Board of County Commissioners Resolution No. 2008-12-70, approving renewal of the Willits Company, Inc. Special Use Permit (ending date of permit: January 18, 2011)
BB. Grand County Board of County Commissioner Meeting Minutes, February 10, 2004 Road Hearings
CC. Department of Transportation, Trail Ridge Road, Rocky Mountain National Park, Solicitation Number: CO-PRA-ROMO-10(5)
DD. Department of Transportation, Trail Ridge Road, Solicitation Number: DTFH68-09-B-00011
EE. Tabulation of Bids, Trail Ridge Road
FF. Letter from Grand County Road and Bridge dated March 31, 2009
GG. Email from Alan Green, Grand County Road and Bridge, dated April 13, 2009
HH. Email from Ken Haynes, Grand County Road and Bridge, dated April 13, 2009
II. Letter from Coulson Excavating Co., Inc., dated April 14, 2009
LOCATION: Approximately 38 acres, located 1.5 miles from the Town of Granby on Grand County Road 60, in a portion of SE1/4 SE 1/4, Section 33, Township 2 North, Range 76 West of the P.M., Grand County, Colorado
ZONING: Forestry and Open
APPLICABLE CODE SECTIONS: Grand County Zoning Regulations, Grand County Master Plan
STAFF CONTACT: Kristen Manguso
REQUEST: The Permittee is requesting a temporary amendment to their Special Use Permit to allow for a portable asphalt plant and an increase in daily traffic for the months of June, July, August and through September 15, 2009.

DISCUSSION
Willits Company, Inc. was granted a permit for a gravel operation by Resolution No. 2005-01-13. The permit was renewed by Resolution 2005-12-67 and again by Resolution No. 2006-12-40. Resolution No. 2007-5-8 further clarified terms and conditions of the permit. The latest renewal took place December of 2008, and was approved by Resolution No. 2008-12-70. The Permittee is requesting a temporary amendment to allow for a portable asphalt plant and an increase in the amount of allowed truck traffic to and from the site for the months of June, July, August and the first half of September of this year.

The permit currently allows for operations as follows:

April 1 to November 30: Full operation of the gravel pit (crushing, etc.) is allowed between the hours of 7:00 a.m. and 7:00 p.m., with truck traffic allowed from the hours of 7:00 a.m. to 5:00 p.m.

December 1 to March 31: Limited operations (no crushing, washing) are allowed between the hours of 8:00 a.m. and 4:00 p.m.

These hours of operation do not include maintenance and repair of equipment.
On March 16, 2009, Coulson Excavating Company, Inc. was awarded a contract by the Federal Highway Administration, Department of Transportation to replace asphalt on 17.36 km (10.75 miles) of Trail Ridge Road within the Rocky Mountain National Park. In order to satisfy this contract, Mr. Ken Coulson and Mr. Bob Willits are requesting a temporary amendment to the Willits Special Use Permit to allow for a portable asphalt plant and an increase in traffic to and from the pit for the months of June, July, August and the first half of September. If approved, the portable asphalt plant shall be removed from the site by September 15, 2009.

The main reasons the Willits pit was chosen for this paving contract are for the quality of the material and the location. Federal contracts have strict quality requirements for pavement, and after testing, it was determined that product from the Willits pit was able to meet that criteria. Several other pits within Grand County were considered, and disqualified. Below are the reasons why they were not chosen.

The Northern Conservancy District pit. This pit is located on Grand County Road 40, just west of US Highway 34. Under the 2004 renewal, condition No. 10 (a) requires that “All materials produced by this quarry pit will be used for the governmental purposes only within Grand County. No commercial sale of materials will be made at anytime”. Due to this condition, this pit cannot be considered.

The Thompson/Hahn pit was also considered. As you may recall, this pit recently was purchased by Reclamation Ridge, LLC (Dan and Donna Hahn). Staff was informed of legal proceedings regarding the material in the pit, and on April 9, 2009 received notice from Georgia Noriyuki representing Reclamation Ridge that the District Court has determined that Mr. Pratt has exclusive access to 50% of the material and Reclamation Ridge is also able to use 50% of the pit. This determination was made too late for the pit to be considered for this federal contract.

Mr. Richard Linke operates a pit located off County Road 55. It was determined that the material at this pit is unable to meet the quality requirement of the federal government for this paving project, and was disqualified.

The last pit Staff feels that could have been considered as a possible candidate is the Morrow pit located off of County Road 5. The Morrow pit currently has an asphalt plant on site and is located approximately 14 miles further from the paving project than the Willits pit. As you may recall, this pit went through many of the same issues that exist at the Willits pit, such as safety concerns due to the amount of truck traffic on County Road 5. Staff does not support this pit being used due to the amount of truck traffic that would have to travel an additional 28+ miles round trip.

It is Staff’s opinion that the Willits pit is the best location for this temporary use.

In consideration of the past opposition to the Willit’s pit, principally truck traffic concerns over the use of the intersection of County Road 60 and 6th Street, Staff has researched the possibility of all or a portion of the truck traffic using the publicly dedicated, County maintained roads within Legacy Park Ranch Subdivision.

In 2004, a request was made for Grand County to maintain 8.8 miles of public roadways within Legacy Park Ranch, effective October 1, 2004. This request was approved unanimously by the Board of County Commissioners; however it was conditioned upon the developer bringing the roads back up to County standards and receiving a recommendation of acceptance by the County Engineer prior to that date. Tim Gagnon of G & H Engineers wrote a letter recommending acceptance of all publicly dedicated roadways within Legacy Park Ranch on November 15, 2004. It was also agreed to waive the two (2) year warranty period since the roads did not receive preliminary acceptance when first requested by the developer.

During the 2004 road hearings, Commissioner Newberry is quoted in the minutes as stating that “he sees value in this road as far as the connection between Highways 34 and 40.” Further, the Certificate of Recommendation for the Willits Pit dated November 16, 2004, when discussing the status of Legacy Park Roads becoming public stated that “once this change in status comes about (i.e. the roads being accepted for maintenance by Grand County) the roads (within Legacy Park Ranch) will certainly be a viable alternative route for traffic from this operation”.

Staff has prepared a map of Legacy Park Ranch and nearby developments depicting all lots along the recommended truck route that are improved residential according to Assessor records. Of property owners with a Grand County mailing address, three (3) lots are within the Legacy Park Subdivision. Two (2) are located in Fall Valley Estates Subdivision, five (5) within Ridge Estates Subdivision and there are homes built within metes and bounds parcels, the Baylog Outright Exemption and the Ouray Ranch subdivision as well. Assessor records show the remaining improved residential lots are owned by individuals with mailing addresses outside of Grand County. Considering that out of 106 platted lots within Legacy Park Ranch, twelve (12) are improved residential along the proposed truck route, and the trucking hours being limited to 7am to 5pm, Staff does not believe that this would create “hazards in developed residential areas”.

Staff has contacted the County Road and Bridge Department for their input on this possibility and received positive responses. Chris Baer, Granby District Foreman supports the use of Legacy Park as an alternate route, however, he recommends that trucks use County Road 6233 loaded and return using CR 623 to CR 6235 then north on CR 6234 to avoid any issues with trucks meeting each other on the 90 degree corners. Another option

Regular Board of County Commissioners Meeting – Grand County, Colorado
April 21, 2009
Page 16 of 26
would be to require the loaded trucks to travel through Legacy Park and as they return empty, they would go through Granby. ✔ This shall be made a condition of the temporary Permit if approved.

District two receives their Magnesium Chloride or “mag” for application on County Roads for dust control on June 5 this year. The foreman for this district has stated he will apply the “mag” to Legacy Park roads first, and should be done no later than the 12th of June. ✔ No truck traffic shall be allowed through Legacy Park until those roads have been treated. A concern has been expressed that since the “mag” will be newly applied, the truck traffic may cause premature wear and the roads through Legacy Park Ranch could require a second application this year. ✔ If this is the case, the Applicant shall pay for a second application of “mag” on the roads affected by this temporary increase in truck traffic.

✔ If dust becomes an issue through Legacy Park Ranch, the Applicant shall water the roadways to control dust.

The Applicant has provided a letter that would provide mitigation of dust impacts to County Road 60. Coulson Excavating Company, Inc. has provided a written estimate to repair and overlay County Road 60 from 6th Street to the end of the existing pavement and also to pave the gravel area from the end of the pavement to the Willit’s Pit entrance. The pavement would be installed in two (2) lifts; two (2) inches prior to beginning work on Trail Ridge Road and the final two (2) inches to be placed at the completion of the project. As indicated in the letter provided, the Applicant is proposing this at below cost to Grand County. Coulson and Willits would provide all the aggregates, labor and equipment to complete this work and Grand County would need to purchase the asphalt binder (oil) at and estimated cost of $121,000. The estimated market value cost of this work would be approximately $353,000. Staff has discussed this possibility with Ken Haynes, Road and Bridge Superintendent, and he believes this would be excellent mitigation for future dust on County Road 60, which has been a source of complaint in the past.

COMPLIANCE WITH GRAND COUNTY MASTER PLAN

A specific County goal is to maintain access to natural and recreational areas for all citizens. This temporary use is to allow for a portable asphalt plant and an increase in truck traffic to and from the existing Willits gravel pit which will serve to asphalt approximately 10 ¾ miles of Trail Ridge Road within Rocky Mountain National Park. The paving project is necessary to ensure access within the park continues to be safe for summer visitors and tourists.

The Willit’s pit is located within the Town of Granby’s urban growth area. Growth areas are the areas of the County where more dense or intense residential and commercial development is to be directed. The Master Plan also gave some latitude with respect to rural type commercial operations (i.e., a resource extraction operations like a gravel pit) in that they could be located outside of growth areas. In this case, the Willits pit will be a staging area and provide the high quality material necessary for the paving project within Rocky Mountain National Park.

Another Master Plan goal is to protect the County’s rural character while enhancing and maintaining the general economy. Grand County’s economy is based on tourism and construction. By allowing this temporary use, Coulson Excavating will be bringing approximately 30 people to work on this job. These individuals will be staying in local hotels, eating at local restaurants and spending money in Grand County. With the current economic climate, Staff believes this will have a positive effect on the local economy.

This requested temporary amendment is in compliance with the Grand County Master Plan.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

The proposed special use is located in the Forestry and Open Zone District. The Forestry and Open Zone District allows for “sand and gravel operations” subject to the additional provisions of Section 11.8(3). This request is to allow for a temporary increase in traffic and a portable asphalt plant. Neither of these requests will affect the current compliance of the existing Special Use Permit in relation to the Zoning Regulations.

STAFF COMMENTS

Wally Baird, Town of Granby Manager has submitted a letter stating their support of this temporary use. This is what Staff believes to be a “once in a lifetime event” and this temporary amendment will allow for the paving of approximately ten (10) miles of Trail Ridge Road within the boundaries of Rocky Mountain National Park. Federal Government contracts have very strict requirements for their paving, and this contract has been awarded to Coulson Excavating Company, Inc. Staff has reviewed the contract bidders and no local paving company had submitted a bid. Staff anticipates no other reason for another temporary amendment such as this in the future, and wants the Applicant to understand that Staff is supportive of this request since it is being viewed as a once in a lifetime event.

Liz McIntyre expressed concerns that once the portable asphalt plant was placed within the Willit’s pit, that the plant would be used to supply asphalt for other paving projects within Grand County. Staff does not support the use of this asphalt plant for any other projects except the paving of Trail Ridge Road and County Road 60. ✔ The portable asphalt plant shall not be used to supply asphalt for any other project unless prior approval has been given by the Board of County Commissioners.
We have received a letter from Patrick Brower who is against the use of County Road 60 for this use. Staff is proposing that any truck traffic over the fifty (50) currently allowed be routed through the publicly dedicated and County maintained roads in Legacy Park Ranch instead of increasing traffic along County Road 60.

PUBLIC NOTICE
Public notice of this hearing was published in the March 27, 2009 Middle Park Times/Sky-Hi News as required. Public notice of the hearing was sent by certified mail to all property owners within 500 feet of the permit site and the Town of Granby. Courtesy Notification was sent to Legacy Park HOA, Ouray Ranch HOA and to interested parties. Three separate mailings to Ouray Ranch HOA using County Assessor mailing records were returned as undeliverable.

STAFF RECOMMENDATION
Staff recommends approval of the Willits Gravel Pit Temporary Permit Amendment with the following conditions:

1. This amendment shall be for the months of June, July, August and until September 15, 2009.
2. The portable asphalt plant shall be removed by September 15, 2009.
3. An impervious liner (natural or man-made) must be placed on the site that will accommodate the entire asphalt plant. This liner shall be removed by September 15, 2009.
4. The increase in truck traffic shall not be allowed past September 15, 2009, or after the completion of paving Trail Ridge Road by Coulson Excavating Company, Inc., whichever is earlier.
5. This amendment is to allow for the pavement of ten (10) plus miles of Trail Ridge Road within Rocky Mountain National Park by Coulson Excavating Company, Inc. The portable asphalt plant shall not be used to supply asphalt for any other project except County Road 60 unless prior approval has been given by the Board of County Commissioners.
6. On days when Coulson Excavating is not trucking for the paving project within Rocky Mountain National Park, the 50 trucks per day limit currently in effect for the Willits’ pit shall be adhered to.
7. When traveling through Legacy Park Ranch Subdivision, trucks shall use County Road 6233 loaded and return using CR 623 to CR 6235 then north to CR 6234 to avoid any issues with trucks meeting each other within Ridge Estates I and II Subdivision.
8. No truck traffic shall be allowed through Legacy Park until Magnesium Chloride has been applied. If a second application is required, the Applicant shall work with the Road and Bridge Department regarding the cost.
9. If dust becomes an issue through Legacy Park Ranch, the Applicant shall water the roadways to control dust.
10. The portable asphalt plant shall not be used to supply asphalt for any other project unless prior approval has been given by the Board of County Commissioners.
11. All other terms and conditions of Special Use Permit 2008-5-8 shall remain in full force and effect.

[End of Staff’s Certificate]

Ms. Manguso stated that the Certificate was restricting this to County Road 60. Mr. Coulson told Ms. Manguso that he had been approach by others who would like work done in the Granby area. This will require additional changes to the permit such as the number of trips. Ms. Manguso stated that the applicant will need to get a temporary access permit from CDOT for the intersection. Speed signs showing speed limit of 25 miles per hour will be required to be posted on Ouray Hill.

John Kovacs, owner of Cold Springs Greenhouse on County Road 60, stated that he has been there a long time and has used County Road 60 quite a bit. Most of the problems on County Road 60 are because of driver problems. This request will help the economy. Mr. Kovacs stated that he goes through the intersection 6 times per day all year round and does not have problem with the truck traffic.

Ken Coulson of Coulson Excavating stated that he did not mean to get everyone in the community upset. Mr. Coulson stated that his company was the lower bidder on Trail Ridge Road. Mr. Coulson stated that he needed to let the Federal Highway Administration have an idea where he was going to have a pit. The other gravel pits in town were having legal issues or air permit issues that Mr. Coulson thought would be difficult to overcome. Mr. Coulson stated that he thought that with Mr. Willits experience, his pit would be the best for what he needed.

Mr. Coulson stated that he has been approached about some other work. Mr. Coulson stated that there will be more Trail Ridge Road jobs in fiscal years 2010 and 2013.
Mr. Coulson stated that he tried to make a proposal to the County with Mr. Willits to try to mitigate his existence as much as possible. Mr. Coulson stated that he is not here to run rampant over the valley. He added that he is trying to make a living and do the best job possible.

Lee Morrow President of Morrow and Sons Construction stated that they have been here forever. Mr. Morrow stated that he is not trying to keep this permit from being okayed. He realizes that it is his competition. There are other options other than the Willits pit. The Morrow pit is further away, but it does not take the trucks on the County Roads. Mr. Morrow wondered why the Planning Department is recommending the Willits location so strongly.

Tom Jones stated that he represents the seniors. Mr. Jones stated that County Road 60 will not handle the traffic from this permit. The seniors are in danger when they go for walks. Mr. Jones presented the Board with a petition in opposition to the permit from the people on County Road 60.

Tim Davis of Ouray Ranch Homeowners Association stated that he had a long talk with staff yesterday and the staff was very helpful. Ouray Ranch is not opposed to economic development in the County, in fact, they applaud that type of effort.

There are points in the application that need serious scrutiny. Mr. Davis stated that staff suggests that there will not be a creation of hazards in developed residential areas as a result of this. Mr. Davis stated that the application does not discuss the potential 80 trips per day. That would be 1 truck every 7.5 minutes coming through Ouray Ranch or the Legacy Park area. That would be a huge hazard.

Mr. Davis stated that the application does not discuss the type of trucks, weights of the trucks, or the impact on the infrastructure both internally and to the surface. Ouray Ranch has sewer lines going through the roads that will be impacted.

Mr. Davis stated that if the truck brakes fail, there is a serious jeopardy for lost life. There is only one river access point on the road. The trucks will be in that area.

Mr. Davis stated that the trucks will make a wide sweep onto Highway 34 where traffic is coming down the hill. There is no entrance ramp for roads turning onto the highway.

There has been no consideration to wildlife impact and river impact. Magnesium Chloride has been known to leach into the water shed. There is a discussion of additional coats of Magnesium Chloride. The wildlife in the area has not been considered in the Certificate of Recommendation.

Mr. Davis stated that he has not seen any highway studies or bridge studies.

Mr. Davis stated that he put together a risk analysis. There is much less risk if there is an alternative route. Mr. Davis stated that the Homeowners Association does not want to see the trucks going through Legacy Park.

Lisa Wren, who lives at 622 County Road 620, stated that there is a safety concern. Ms. Wren stated that she understands that not all of staff and the Board have been here for a long time. She moved to Grand County eleven years ago and she lives here permanently. She noted that the people here pay taxes in Grand County. By approving something like this, the Board is devaluing property that is high-end property. When she moved here, County Road 623 was a dirt road. When she started to build her house, the County decided to pave County Road 620 because they needed to some work on the bridges on the Colorado. Because the road was paved, it got more traffic.

Ms. Wren stated that she has nine grandsons who range in age from 12 to 1 and six of them are coming this summer. She does not want one truck every seven minutes while they are here. She added that she will sue the County if one of her kids gets hit out there. Ms. Wren stated that she brought her property for quality of life. The allowance of this change does not conform to the Master Plan.

Stephanie Young who lives in Ouray Ranch is on the 14 percent grade going down County Road 623. She stated that there is a blind intersection with her driveway. Having the trucks going up and down is an accident waiting to happen. She added that she has kids, horses, and dogs on her property. She walks and rides her bike on the road and there are no sidewalks. The only way to access the fishing is down County Roads 623 and 620. She is opposed to the application.
Wendy Magwire who lives in Legacy Park Ranch suggested that the Park Service put the batch plant in the Park.

Gary Peters stated that he lives above Ouray Ranch which is above the hill that the Board is considering sending the 84,000 pound tractor/trailers down. Mr. Peters stated that he is the owner of Pete’s Towing and is familiar with accidents.

Mr. Peters stated that the people who bought in Legacy did not intend that the roads become a highway. If they had known that the roads would have become that, they would not have signed the roads to the County. Mr. Peters stated that he spoke with some people that will not buy in Legacy because the County is allowing trucks on the roads in Legacy Park.

Mr. Peters stated that when Willits applied for the original permit, a stop light was promised in Granby. He was opposed to that permit. The pit was put in anyway and they did not want it. Mr. Peters does not the road paved. The road is not wide enough for a tractor/trailer. Mr. Peters stated that fully loaded trucks should not be sent down the hill. A 25 mile-per-hour speed limit sign will do no good.

Mr. Peters stated that truck drivers will have to swing into both lanes to turn onto the highway. People coming down the hill will have to go beyond a curve before they can see the truck. Mr. Peters added that there are other gravel pits in the County that can handle this.

Tom Jones stated that he believes that there is a gravel pit at Dickey Ranch. That may be a better location.

Randy Brenner, representing Everist Materials, stated that he lives in the west end of the County. Mr. Brenner stated that he priced the project. Two of the bidders were going to use his prices and come out of the Morrow Pit. Mr. Brenner stated that Mr. Coulson has a very good reputation. Mr. Brenner stated that Everist does not do the construction; they manufacture and sell asphalt.

Mr. Brenner stated that if this is allowed, it could give an advantage to one company over another. There are other small businesses that rely on Everist. It could affect the other small businesses in the County from getting the smaller jobs. Mr. Brenner stated that the material in the Morrow pit is superior to other pits that he has been in.

Mr. Brenner stated that Mr. Willits is a very good operator. Mr. Brenner stated that he wants Mr. Coulson to be successful and added that there are other options in the County.

Andy Snow stated that he is a homeowner in Legacy Park Ranch and is the President of the HOA. He wondered why Legacy Park was not notified prior to the meeting that truck traffic was being considered for the neighborhood.

Ms. Manguso stated that the HOA was notified and Mr. Franek confirmed that statement.

Mr. Snow stated that the association is opposed to the truck traffic. He stated that it does not make sense that the Board would approve the permit when there are 47 people opposed and 1 for the permit. The Legacy Park Homeowners Association is opposed to the granting of the permit.

Ted Pratt is a business owner and he operates a gravel pit. In addition to that he owns a home on County Road 60. He is dismayed with the recommendation from staff. It says that because Mr. Pratt was late in the court ruling, he could not be considered. Mr. Pratt stated that the court ruling was issued on the 30th of March to proceed status quo with the pit.

Mr. Pratt stated he submitted bids prior to the 4th of March. Mr. Pratt stated that he understands that the Willits pit did not get involved until after the bidding process. Mr. Pratt stated that he bid out of the Linke pit knowing that it would cost more because of the trucking. Mr. Willits did not have an asphalt plant permit. Mr. Pratt stated that he cannot bid on a project if, every time he bids, the local government is going to change the rules and allow someone to come after all the bidding process is done. His pit is fully capable of doing this project.
Mr. Pratt stated that he has been permitted for an asphalt plant for years and could still bid this project in two ways. Mr. Coulson could bring in his own crushing permit or Mr. Pratt is fully capable of crushing the material by renting one more crusher. He will not disturb any residences.

Mr. Pratt has met with Morrow and Linke and all are very concerned. All of their equipment is taxed in this County. None of that applies to the Willits pit.

Mr. Pratt stated that he is dismayed about the Certificate of Recommendation and that it made comments about other pits. None of the pits were contacted to give input to the Planning Department.

Mr. Pratt stated that as a homeowner on County Road 60 he does not see a dust problem. Mr. Pratt is opposed to the County paving the road. He moved to a rural area and that is where he wants to live. Mr. Pratt stated that the County should first put sidewalks in for the seniors.

Mr. Pratt stated that the pavement offer from Mr. Willits is not mitigation; it is a bribe to the elected officials. It does not belong in the political process.

Andy Snow of Legacy Park Ranch stated that staff does not believe that the granting of the permit will “create hazards in developed residential areas.” Mr. Snow stated that the statement from staff is ridiculous.

Robert Wohlford, Ouray Ranch Manager stated that he lives at the bottom of the hill. The 25 mile per hour speed limit is a joke. Mr. Wohlford stated that the County cannot enforce the limit now.

Kathy Acord with Acord Asphalt stated that Acord Asphalt is a small paving company in the County. She would like that the permit be allowed for Rocky Mountain National Park only.

Leslie Larkin stated that she is a Legacy Park resident. Ms. Larkin stated that between the gravel pit and Legacy Park there is a horse boarding facility. It is growing. There are kids riding horses. There are beginners. There are people with green horses. If they want to ride anywhere other than the arena, they must go out onto the road. It is an accident waiting to happen.

Kristie Delay stated that she is a County Road 60 resident. When this permit was first issued, she was on the interested parties mailing. She wondered if that still exists because she was not notified. Ms. Manguso stated that this is just a temporary permit. Ms. Delay stated that she understood that Mr. Coulson had to notify the federal government of the pit he was going to use. She wondered what Mr. Coulson is going to do if this permit fails.

Mr. Coulson stated that he does not know what he will do. He added that he has other options. Mr. Coulson stated that Mr. Willits did not come into the bidding process late. Mr. Coulson stated that he had four bids; they were from Mr. Pratt, Reclamation Ridge LLC, Willits, and Linke.

Ms. Delay stated that it appears that Mr. Coulson is trying to reinvent the wheel. There are three facilities in the County that have asphalt capacity.

Carol Hunter stated that she did not receive any information on this. She would like to be added on the interested parties list.

Lisa Wren stated that when the initial variance was issued for 2004, many of the people in the room today were there for the meeting. There was a big discussion then over the intersection of 6th Street, Highway 40, and County Road 60. That intersection is a problem. The Board of Commissioners agreed that it would work on that intersection. She wondered if that agreement was a “put off” and she wondered if anything had been done.

Dick Reed of Ouray Ranch stated that he is also concerned over trucks heading north bond on Highway 34. When there is traffic on the highway in the summertime, he is often waiting to get out there. There are people coming south bound off of the Coffee Divide that pass slower traffic at a high speed. There is not a lot of space along there.

Susan Reed of Ouray Ranch stated that this feels like “here we are again”. This has been discussed so many times. Every time there is a little push on this batch plant. She drove the area where there trucks will be driving
and there are 50 driveways entering the road from the batch plant to Highway 34. There are 45 driveways from the batch plant on 6 to Highway 40. This area is all residential.

Ms. Reed stated that she is concerned that this is not a temporary request and added that she is opposed to the request.

Patrick Brower stated that he lives on County Road 60 on the Granby side. Mr. Brower stated that approving this would make the road more hazardous. There are standing problems with County Road 60 that need to be resolved before something like this should be approved. Mr. Brower stated that this seems like a rush deal. Mr. Brower suggested that Mr. Coulson request on extension and to reopen the process to people that have existing asphalt plants. Mr. Brower is concerned that the plant will not be temporary. Mr. Brower stated that he thought that the gravel pit was to be temporary. It was to provide material to the roads in Legacy Park Ranch. The pit has continued.

Liz McIntyre asked Mr. Coulson what sort of jobs the 30 people he will be employing will do. Mr. Coulson stated that there will be 3 people at the asphalt plant, 7 or 8 truck drivers (local workers), 8 people on the paving crew, and 5 people on base crew.

Ms. McIntyre asked if this is a new use of the permit. Ms. Manguso stated that it is a temporary amendment to allow for a portable asphalt plant until September 15, 2009.

Ms. McIntyre stated that the zoning regulations say that truck traffic to and from such use shall not create hazards in developed estate, residential, accommodations, and tourist areas. It sounds like staff does not believe that the additional trucks will create a hazard in the developed estate, residential, accommodations, and tourist areas.

Ms. McIntyre stated that it appears that staff believes that the use serves an obvious public need even though there are three other pits that are permitted and that can serve the need within 15 miles. She wondered if other people would be given the same consideration.

Todd Winczewski of Legacy Park stated that the Willits pit is like a bad dream that does not go away. There are so many other pits in the County. Mr. Winczewski stated that he was at the initial special use permit for Mr. Willits. Mr. Winczewski stated that he has heard that Mr. Willits has been in violation of his permit.

Skip McClelland stated that he has lived on County Road 60 for a number of years. He stated that he lived on the road when Legacy was built. He has put up with the cars going through. It is ridiculous that there is an argument about this. There is more traffic on the road because of Legacy. The gravel pit is not creating the problem.

Mr. McClelland stated that HUFT money is accepted for the road. If the people in Legacy did not want the roads into the County system, Mr. McClelland wondered why they requested that the roads be added.

Terry Pratt lives on County Road 60 and owns Flintstone Gravel. She stated that if Mr. Willits submitted a timely bid, that is wonderful. Mr. Willits provided the bid outside the parameters of the existing permit and that should not be other people’s problem. Mr. Pratt stated that there were 35 violations of excess trucks over the 50-truck limit in his current permit. She wondered who will be monitoring the truck traffic.

Ms. Pratt stated that her pit was in litigation. She tried to get the lawsuit resolved fast in order to accommodate the short construction season which gave them status quo to operate the contract in the Flintstone permit which has an asphalt permit. Ms. Pratt stated that her pit can accommodate Mr. Coulson’s needs.

Mr. Willits stated that he was asked to submit bids by Peter Kiwit Company, LaFarge, and Coulson. These were bid before the project. He added that he was not going to bid the project because he does not have an asphalt plant. Mr. Willits stated that LaFarge called him and said that he could not get a bid that he was comfortable with. Mr. Willits stated that he told LaFarge that he does not have an asphalt plant and he can give a bid and call the County to see what the process is of permitting a temporary asphalt plant site.

When Mr. Willits stated that he qualified his bid and made it very clear that he did not have a plant. LaFarge and Kiwit let him know they were using Mr. Willits’ price even though the bid was based upon getting
permission for an asphalt plant. Mr. Willits stated that LaFarge and Kiwit were very comfortable with Mr. Willits’ experience, his price, his facility, and his product.

Mr. Willits stated that he had to get a special use permit before he could do Legacy Park. Mr. Willits trucked 30,000 ton of material to Legacy. He did not see anyone saying how terrible that was. The only way that Legacy got its roads to County certification was from that pit. When he was doing the work for Legacy, it was not a problem.

Mr. Willits stated that Mr. Brenner from Everist mentioned that Mr. Willits had an unfair advantage for the asphalt plant to be there for local contractors. Mr. Willits stated that he disagrees with that. Mr. Willits stated that he imagines that Coulson will sell to Everist.

Mr. Willits addressed the “one truck every 7 minutes.” Mr. Willits stated that there will be 40,000 ton of asphalt. If one hauled 50 loads per day in 20 days, the project would be complete. It is not a project that is truck, after truck, after truck and day after, day after day. In the asphalt business, there will be a section ready and then there is a break for a few days.

Mr. Willits is a minor user on County Road 60 and yet he has put an offer on the table to do, by far, more than his share to upgrade the road. The senior center has problems with access for the senior citizens to walk. Mr. Willits stated that his drivers are courteous to them. Mr. Willits recommends that the County widen to the north side of County Road 60 by 4 or 5 feet. Then asphalt could be added with a stripe for a walking path and a bike path. Mr. Willits stated that he would donate the materials. He noted that he is not trying to bribe anyone. Mr. Willits stated that he has been a supporter of local projects since he has been here. Mr. Willits stated that he has owned a residence in Fraser for 16 years.

Mr. Willits stated that he would like a chance. He will prove again that he is a good neighbor. He is safe and it will allow Coulson to provide a good product.

Chairman Stuart stated that the County has looked into sidewalks. She added that, with Mr. Willits’ help, they have tried to get a sidewalk into town. There has been some work for a sidewalk starting at the back of senior housing.

Chairman Stuart stated that at the intersection of 6th Street, County Road 60, and Highway 40, she has worked on that since she has been on the Board. She is trying to get the intersection on the CDOT list of hazardous locations. CDOT has no money. In addition, CDOT recognizes that it is a bad intersection but it is not considered hazardous.

For the purposes of disclosure, Commissioner Bumgarner stated that he received an e-mail from Greg Norwick and spoke with him outside of the hearing. He also received an e-mail from Eileen Waldow and Lisa Wren. Commissioner Bumgarner stated that he also spoke with several of the gravel operators outside of the hearing.

Commissioner Bumgarner also disclosed that he has a gravel pit on the west end of the County and Everist materials works out of the pit.

Ms. Manguso stated that a traffic study is not required by CDOT because this is just temporary.

Commissioner Bumgarner stated that the Willits pit was never intended to close after the roads in Legacy were done. Ms. Manguso stated that the original permit was under Mr. Kattenberg’s name. It was a permit long before Legacy Park.

Commissioner Bumgarner noted that the economic stimulus would be the same no matter who brings the project into the County. Commissioner Bumgarner stated that paving the road is NOT a bribe, it was proposed mitigation. The County has required similar mitigation on other projects.

Richard Linke stated that he has a quarry on the Cottonwood. He tried to permit the Willits pit 20 years ago. He had opposition from the seniors and the people down the road. Mr. Linke stated that it is not appropriate to bid the project without a source.

Chairman Stuart stated that roads in Legacy Park are public roads. The public can use the roads.
Commissioner Newberry asked that people not come in and say that they are riding horses and that children are playing in the road. The County is working on the roads all the time. No one wants to see anyone hurt.

Commissioner Newberry moved to deny the Willits Company Inc. Special Use Permit Temporary Amendment.

Discussion: Commissioner Bumgarner asked if he needs to abstain from the vote. County Manager Underbrink Curran stated that the Commissioner identified on the record that he has a gravel pit. Unless Commissioner Bumgarner feels that he has a conflict by owning a gravel pit, then he should not abstain. Commissioner Bumgarner stated that, in this incidence, he feels that he does not have a conflict because his pit is not in the discussion. His pit is at the west end of the County.

Commissioner Newberry aye
Commissioner Bumgarner aye
Chairman Stuart no

The motion passed.

Commissioner Newberry moved to close the public hearing.

The motion passed unanimously.

**Nissa Erickson, District Representative, Congressman Polis’ Office**

County Manager Underbrink Curran stated that the County met with the Bureau of Reclamation and they let the County know the regulations and how they will have to approach the long-term solutions for the clarity of the Three Lakes area. Ms. Underbrink Curran stated that the County understands that the Bureau is working on a 2012 budget and there is no current funding that would allow the County to get the appraisal. The appraisal will cost no more than $200,000.

The CB-T project was awarded $14 million in stimulus money. Ms. Underbrink Curran stated that improvements will be made to different components of the CB-T project. Ms. Underbrink Curran stated that it appears that it may be possible to divert up to $200,000 out of $14 million and begin the appraisal process.

The County just wrote a letter to Mike Ryan, regional director stating that, while the County understands that the physical components of the CB-T project are old and need improvements, no less important is the quality of the Three Lakes area under Senate Document 80 and the County is asking for up to $200,000. The County understands that sometimes Congressional intervention can help. The appraisal process is very important to the County.

Ms. Underbrink Curran stated that it is a CB-T project and is delivering water to the east slope, but it is not conforming to Senate Document 80 which is federal legislation that guaranteed Grand County some things. Because that federal legislation is from the 1930s, it is not clear if a cost benefit analysis would apply.

Commissioner Newberry stated that under Senate Document 80 and the Colorado Big Thompson, the west slope is a beneficiary of the Colorado Big Thompson as well as the east slope. It has been way out of balance; weighted toward the east slope. As of now, the entire $14 million will be used for the diversion and to provide upgrades for the east slope. Again, west slope is left out. Grand County is left with the problems. Grand Lake is the largest natural lake in Colorado and needs some care.

Commissioner Bumgarner stated that Green Mountain was built as a Bureau of Reclamation project that was built to deliver water to the Grand Valley in the later part of the year. The pumps by Kremmling are a Bureau of Reclamation project so when the water level drops because of the Big Thompson project it will provide water to the west slope beneficiaries.

Ms. Underbrink Curran stated that Grand County understands the delivery of water for the east slope and Grand County feels very strongly under Senate Document 80 that the west slope was guaranteed certain things. Grand County wants the Congressional delegation to hold the balance.
Commissioner Newberry stated that there are proposals for firming projects but the proposals have not come to the County. The County is trying to do a stream management plan. If all of the things for the County do not work out, Grand County is willing to go to litigation. All those involved would be better off if all can negotiate.

County Manager Underbrink Curran stated that there have been encouraging talks from both Denver Water and the Northern Colorado Water Conservancy District. The County is hopeful that the talks will result in some sort of an agreement where Grand County will actually end up better than we are today and we can maintain that level into the future. Grand County has taken the position that there are past, present, and future actions by the same entities. That is unusual in any NEPA process that a past action and a present action is also what is proposed for the future by the same persons.

With regard to forest health, Commissioner Bumgarner stated that he is very concerned for the loggers 20 years from now. Commissioner Bumgarner stated that the forests need to be managed and wants to make sure that the Colorado Delegation understands that. Chairman Stuart stated that the Forest Service needs to be given money to manage the land.

Commissioner Newberry stated that the State is working on a forest plan and they have contracted with the Nature Conservancy to come up with the plan. Commissioner Newberry stated that does not believe that the Nature Conservancy should be the only part of the planning anymore than the logging industry should be. There needs to be a balance. Commissioner Newberry asked for any help the Congressman can give with regard to this state issue.

Ms. Underbrink Curran stated that under Senate Document 80 there were power plants that were put in place to pay for the project. The CB-T project has been long paid for by those power projects and the power is now on the open market. Ms. Underbrink Curran suggested that there be consideration given that the power plants again help pay for the things that need to be done to clean up Grand Lake.

Commissioner Bumgarner stated that we need to take care of our veterans and their health care. Right now veterans have to go to Craig, Grand Junction, or Denver for health care. The Board would like the veterans to be able to use local facilities and have the providers paid by the Veteran’s Administration.

County Manager Underbrink Curran stated that the federal government is looking at ways to improve health care delivery. In Colorado, we had an “Ask A Nurse” program. Ms. Underbrink Curran stated that she understands that it is a very expensive program that Colorado is about to loose. She added that, from a federal level, it would help to limit the number of times people have to go to an emergency room.

Commissioner Newberry stated that he would like the message to go back to Diana Degette asking that she not push to put the Troublesome into wilderness designation. Commissioner Newberry stated that it just does not fit into wilderness. The County is not anti-wilderness, the Troublesome just does not fit.

King Mountain Ranch – Hotel and Restaurant Liquor License Renewal

County Clerk and Recorder Sara Rosene stated that Michael Smith is the General Manager for King Mountain Ranch and has completed all the necessary documents for the renewal of their Hotel and Restaurant Liquor License with Optional Premise. All fees have been paid and the County Clerk recommends approval.

Commissioner Newberry moved to approve the renewal of the Hotel and Restaurant Liquor License with Optional Premises for King Mountain Ranch.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 4:40 p.m. Minutes were taken and prepared by Sara L. Rosene, County Clerk and Recorder. Approved this _____ day of April 2009.
ATTEST:

_________________________________
Sara L. Rosene
Grand County Clerk and Recorder

[NOTE: UNLESS OTHERWISE NOTED, ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE ON FILE AND MAY BE REVIEWED IN THE CLERK AND RECORDER’S OFFICE.]