

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

January 7, 2020

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

Also Present: County Clerk and Recorder Sara L. Rosene  
County Manager Kate McIntire  
Assistant County Manager Ed Moyer  
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve Resolution No. 2020-1-1, "A RESOLUTION OF ACTIONS NECESSARY TO BEGIN THE WORK FOR GRAND COUNTY FOR THE YEAR 2020" and appoint the Board of Commissioners Chair for 2020

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-2, "A RESOLUTION APPOINTING THE COUNTY MANAGER TO SERVE AT THE PLEASURE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-3, "A RESOLUTION SETTING FORTH CERTAIN STATUTORY REQUIREMENTS BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, TO-WIT, ACTIONS CONCERNING MEETING DATES; BUILDING CLOSURE AND MEETING SCHEDULES FOR THE YEAR OF 2020; LEGAL NEWSPAPER AND PLACE OF POSTING MEETING NOTICES

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-4, "A RESOLUTION AUTHORIZING THE COUNTY ASSESSOR TO REVIEW FOR ABATEMENT OR REFUND AND TO SETTLE BY WRITTEN MUTUAL AGREEMENT ANY SUCH PETITION FOR ABATEMENT OR REFUND IN AN AMOUNT OF FIVE THOUSAND DOLLARS OR LESS PER TRACT, PARCEL OR LOT OF LAND OR PER SCHEDULE OF PERSONAL PROPERTY

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-5, "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE STANDARD MILEAGE RATE OF REIMBURSEMENT FOR 2020, SETTING THE MAXIMUM EMPLOYEE DAILY ALLOWANCE FOR MEALS AND INCIDENTAL EXPENSES FOR 2020, & SETTING THE MONTHLY REIMBURSEMENT AMOUNT FOR USE OF PERSONAL CELL PHONES FOR 2020

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-6, "A RESOLUTION CONTINUING THE POSITION OF COUNTY ATTORNEY TO SERVE AT THE PLEASURE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-7, "A RESOLUTION APPOINTING THE VETERANS SERVICE OFFICER

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-8, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DEFINING

**DUTIES AND AUTHORITY OF THE COUNTY MANAGER WITH RESPECT TO EMPLOYEES  
APPOINTED TO VARIOUS POSITIONS, DEPARTMENTS AND OFFICES**

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-9, "A RESOLUTION BY THE GRAND COUNTY BOARD OF HUMAN SERVICES DEFINING DUTIES AND AUTHORITY OF THE COUNTY MANAGER WITH RESPECT TO THE GRAND COUNTY DEPARTMENT OF HUMAN SERVICES

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-1-10, "A RESOLUTION BY THE GRAND COUNTY BOARD OF HEALTH DEFINING DUTIES AND AUTHORITY OF THE COUNTY MANAGER WITH RESPECT TO THE GRAND COUNTY DEPARTMENT OF PUBLIC HEALTH AND THE GRAND COUNTY HEALTH OFFICERS

The motion passed unanimously.

Approval of Board Minutes

Commissioner Linke moved to approve the Meeting Minutes of December 17, 2019, of the Regular Meeting of the Board of Commissioners.

The motion passed unanimously.

Commissioner Linke moved to approve the Meeting Minutes of December 19, 2019, of the Special Meeting of the Board of Commissioners.

The motion passed unanimously.

Commissioner Linke moved to approve the Meeting Minutes of December 23, 2019, of the Special Meeting of the Board of Commissioners.

The motion passed unanimously.

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

The Board would like to appoint Sheena Darland as the Director of the Grand County Housing Authority.

The motion passed unanimously.

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

General Public Comments

Commissioner Cimino moved to approve the Memorandum of Understanding to partner with Colorado Mountain College in applying for and distributing the Colorado Opportunity Scholarship 2019-2020 matching funds scholarship.

The motion passed unanimously.

Jeff Backman of the Grand County's Sheriff raised concerns of the health care plan for County employees. County Manager McIntire stated that she is working with the County's provider to get the problems resolved.

Finance Department

Commissioner Cimino moved to authorize the Chair to sign the Request for Taxpayer Identification Number and Certification W-9 Form.

The motion passed unanimously.

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on January 8, 2020, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on January 7, 2020 for payment on January 8, 2020 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on January 8, 2020, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on January 7, 2020, for payment on January 8, 2020 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve the wire payments, interfund transfers, and vouchers presented on January 7, 2020, for payment on January 8, 2020 for Grand County.

The motion passed unanimously.

#### Departmental Contracts, Comments and Issues

Commissioner Cimino moved to approve and authorize the Board to sign the Colorado Department of Transportation Certification of Mileage.

The motion passed unanimously.

The Board agreed to suspend the Road Hearings for 2020.

Commissioner Cimino moved to approve the letter addressing amendments ensuring water monitoring of the Fraser River regarding the Union Pacific Railroad Moffat Tunnel discharge to be signed via stamp when complete pending any comments that are sent by the Board.

The motion passed unanimously.

County Assessor Tom Weydert raised concerns over the County healthcare plan and how it is affecting County employees.

Commissioner Cimino moved to authorize the Fair Board to apply for a liquor license on County property for a skijoring event.

The motion passed unanimously.

#### Manager and Attorney Items

County Manager Kate McIntire presented her weekly update.

Commissioner Manguso requested a workshop with Sheriff's Department regarding vehicle use among other issues in an attempt to continue an open dialogue and understanding between the Board and the Sheriff's Department. The Board would like to extend the conversation regarding vehicle use to all departments.

Commissioner Cimino moved approve the 2019 Memorandum of Understanding between the County of Grand State of Colorado by and through its Board of County Commissioners and Colorado Cattlemen's Agricultural Land Trust.

The motion passed unanimously.

The District Attorney offered to meet with the Board members individually to discuss the issue with the Kremmling Police Department and the investigation by the District Attorney. The Board would like to meet with the District Attorney as a group.

#### Consent Agenda

Resolution No. 2019-12-19, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING APPOINTMENTS OF REPRESENTATIVES TO THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS MEMBERS' MEETINGS"

Resolution No. 2019-12-20, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HEALTH, APPROVING THE APPOINTMENT OF THE MEDICAL OFFICER FOR GRAND COUNTY PUBLIC HEALTH"

Resolution No. 2019-12-21, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF THE MEDICAL DIRECTOR AND ASSISTANT MEDICAL DIRECTOR FOR GRAND COUNTY EMERGENCY MEDICAL SERVICES"

Resolution No. 2019-12-23, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SALES AGREEMENT BETWEEN WAGNER EQUIPMENT CO. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PURCHASE OF ONE (1) NEW CATERPILLAR 1400LVR MOTOR GRADER"

Resolution No. 2019-12-24, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE TWO (2) SALES AGREEMENTS BETWEEN POWER EQUIPMENT COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PURCHASE OF TWO (2) NEW VOLVO LOADERS"

Resolution No. 2019-12-25, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN APPLICATION FOR EQUIPMENT LEASE TO U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR FINANCING ONE CATERPILLAR 140LVR MOTOR GRADER AND TWO VOLVO LOADERS"

Resolution No. 2019-12-26, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE ACCEPTANCE OF A PROPOSAL FROM U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR FINANCING ONE CATERPILLAR 140LVR MOTOR GRADER, ONE VOLVO L-90H LOADER, AND ONE VOLVO L-120H LOADER"

Resolution No. 2019-12-27, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE BOARD OF TRUSTEES OF THE TOWN OF KREMMLING, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO REGARDING SNOW REMOVAL ACTIVITIES AT THE KREMMLING-MCELROY AIRFIELD"

Resolution No. 2019-12-28, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE A SERVICES AGREEMENT BY AND BETWEEN THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS AND THE GRAND COUNTY BOARD OF HUMAN SERVICES"

Resolution No. 2019-12-29, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE AN AGREEMENT BY AND BETWEEN INVEST IN KIDS AND THE GRAND COUNTY BOARD OF HUMAN SERVICES CONCERNING THE IMPLEMENTATION OF THE INCREDIBLE YEARS PARENT PROGRAM"

Resolution No. 2019-12-30, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE BOARD OF HUMAN SERVICES, TO EXECUTE A COOPERATIVE LAW ENFORCEMENT AGREEMENT BY AND BETWEEN THE GRAND COUNTY BOARD OF HUMAN SERVICES, GRAND COUNTY SHERIFF'S DEPARTMENT, FRASER/WINTER PARK POLICE DEPARTMENT, GRANBY POLICE DEPARTMENT, AND KREMMLING POLICE DEPARTMENT"

Resolution No. 2019-12-31, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO

**TO EXECUTE A GRANT APPLICATION FOR FEDERAL ASSISTANCE TO SUPPORT IMPROVEMENTS AT THE KREMMLING-MCELROY AIRFIELD”**

Resolution No. 2019-12-32, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A GRANT APPLICATION FOR FEDERAL ASSISTANCE TO SUPPORT IMPROVEMENTS AT EMILY WARNER FIELD GRANBY GRAND COUNTY AIRPORT”

Resolution No. 2019-12-33, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE EMERGENCY MANAGEMENT PERFORMANCE GRANT ACTIVITIES WORK PLAN FOR 2020 BETWEEN THE COLORADO DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2019-12-34, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENTS OF WILL MACDONALD AS A DISTRICT I REPRESENTATIVE AND MARCUS DAVIS AS DISTRICT III REPRESENTATIVE TO THE GRAND COUNTY PLANNING COMMISSION”

Resolution No. 2019-12-35, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF MARCUS DAVIS TO THE GRAND COUNTY BOARD OF ADJUSTMENT”

Resolution No. 2019-12-36, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, APPROVING AND AUTHORIZING GRAND COUNTY’S SPECIAL COUNSEL AND EDWARD T. MOYER, III, ASSISTANT COUNTY MANAGER TO EXECUTE AN APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DISTRICT COURT, WATER DIVISION 5, COLORADO CASE NO. 19CW\_ (13CW46, 06CW92, 99CW227); CRWCD ET AL. (FRASER VALLEY PROJECT)”

Resolution No. 2019-12-38, “A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT TO THE TOWN OF FRASER FOR COUNTY ROAD 72 IMPROVEMENTS IN THE FORM OF A PAY NOW”

Resolution No. 2019HA-12-39, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO SIGN THE FIRST AMENDMENT TO THE SERVICES CONTRACT BETWEEN QUIKDRIY, LLC AND THE GRAND COUNTY HOUSING AUTHORITY”

Resolution No. 2019-12-40, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, TO EXECUTE A GRANT AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LOCAL AFFAIRS, FOR THE BENEFIT OF THE DIVISION OF HOUSING AND THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A COMMUNITY DEVELOPMENT BLOCK GRANT”

Resolution No. 2019-12-41, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSENT TO ASSIGNMENT OF GROUND LEASE BETWEEN MOUNTAIN PARKS SERVICES, INC., THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AND FARM CREDIT LEASING SERVICES CORPORATION FOR A SOLAR ENERGY PROJECT”

Resolution No. 2019-12-42, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BY AND BETWEEN CORVINUS GROUP, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE INSTALLATION OF SURVEILLANCE CAMERAS FOR THE CLERK AND RECORDERS OFFICE”

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

The Board requested a resolution opposing the reintroduction of wolves.

Commissioner Linke attended a conference call with Club 20 leadership. Commissioner Linke discussed the Blue Valley Land Exchange with the BLM Director.

The Board noted that the Work Force Center is being closed due to the lack of clients.

Commissioner Cimino has been working with Eric Bergman of CCI regarding the higher education providers in Grand County.

January 9 Commissioners Cimino and Manguso will attend UCC meeting at the Bait Shop at 7:30 a.m.  
January 10 The Board will attend the Grand Places 2050 meeting at 10 am at Balcony House at Winter Park Resort  
January 10 Commissioner Cimino will attend the Peak Steering Committee Teleconference at 2 pm  
January 10 Commissioner Manguso will attend the STAC meeting at 9:00 am  
January 13 The Board will attend the Mayor / Manager / Commissioner meeting at 10 am at the Kremmling Town Hall  
January 13 Commissioner Linke will attend a Club 20 Nominating Committee meeting  
January 15 Commissioner Linke will meet with the Middle Park Stockgrowers  
January 15 The Board will attend the Homegrown Talent Initiative at 5 p.m.  
January 16 The Board will attend the LEPC Local Emergency Planning Committee meeting at 9 am at the YMCA of the Rockies, Snow Mountain Ranch  
January 22 The Board will attend the monthly Legislative Breakfast at 8 am at Two Brothers Deli in Idaho Spring

#### ATH Specialties and Granby Sand & Gravel SUP Transfer

Mr. Taft stated that this is an administrative transfer.

PROJECT NAME: ESCO Construction Co. and ESCO Sand and Gravel, LLC (Formerly ATH Specialties Sales, Inc. and Granby Sand and Gravel, LLC) Special Use Permit  
APPLICANT: ESCO Construction represented by Eric Clark, Gabe Wallace and Daniel Deutscher  
LOCATION: 1830 CR 60, 1 ½ miles east of the Granby in the SE1/4 SE1/4, Section 33, Township 2 North, Range 76 West of the 6th P.M.  
ZONING: F -- Forestry and Open District  
APPLICABLE REGULATIONS: Section VI (6) and XI (11), Grand County Zoning Regulations and Grand County Master Plan  
ATTACHMENTS:  
A. Application with Narrative Letter  
B. Vicinity Map  
C. Draft Special Use Permit ("SUP") 2020 - 1 - XX  
STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: The Applicant is requesting approval of an amendment and renewal to the Special Use Permit for transfer to new permittees with substantially the same use for the existing property.

#### I. BACKGROUND a. HISTORY

ESCO Construction Co. and ESCO Sand and Gravel, LLC, represented by Eric Clark, Gabe Wallace and Daniel Deutscher, herein referred to as the Applicant, are requesting to transfer existing Special Use Permits to a new permittee. The existing permits are consistent with Resolutions No. 2016-6-48 and 2016-6-49 for the operation of a sand and gravel mining business and heavy equipment storage and construction business located on the same parcel. The parcel subject to this proposal is a Metes and Bounds parcel of land consisting of 38.65 acres. The site is located east of Granby Airport along County Road 60 before the southeastern entrance to Legacy Park Ranch.

The mining operations, construction and excavation businesses have been active on this site since at least 1973 when the operation was owned by Charles Burns under a Special Use Permit granted by Grand County Resolution 1973-9-1. The gravel pit and construction business has been most active between 2001 and the present transferring between four operators.

The existing Special Use Permit allows for the operation of an excavation and earth moving business, inside storage and maintenance of equipment, outside storage equipment as listed on the permit, storage of materials on site and provides unlimited employee vehicles on site.

#### b. PROPOSAL

The Applicant desires to continue the beneficial use of the property, as the operation has been used previously. ESCO Construction Co., located in Evergreen, Colorado, has been in operation since 1944. Eric, Gabe and Dan, are the owners and managing members of ESCO Construction and have been in the construction business for the majority of their lives. When the opportunity arose to purchase the land and acquire the business, the Applicant felt that this was a good fit for them. They intend to use the business to benefit from the growth in projects they've experienced in Grand County and adjacent communities.

#### II. STAFF ANALYSIS

Staff believes that under provisions "Binding Contract" of the current Special Use Permits this transfer is possible. Current practice is for the Special Use Permit to read "Assignability" with the same provisions which allows the use to continue with the land.

During a recent discussion and investigation of a complaint, the current permittee notified Staff that the property and business were under contract to sell. Staff acknowledged that the operation needed to supply information to remedy the complaint but felt that it would be difficult to verify compliance as business moves into a slower season. Within the Staff recommendation it was noted:

"On a quarterly basis, Permittee shall supply a summary of all truck trips out of the permit site. The information shall contain the total number of loads leaving the facility on a daily basis as well as a daily subtotal of all traffic headed east from the pit. If this information is not provided within 10 days of the following dates, April 1, July 1, October 1, and January 1, or the information is determined by the Grand County Department of Planning and Zoning(Community Development) to be inadequate, the Department of Planning and Zoning may request that the matter be reviewed by the Board of County Commissioners."

Staff has inconsistent records of trip reports between 2016 and today. This is likely to have been caused by staff turnover and not knowing who on staff received the reports in previous years. Recently, Staff has noted the reports give limited information regarding directional truck trips which do not entirely satisfy the SUP condition. The current Permittee has been made aware of the information Staff would like to receive.

As referenced in the previous transfer of this permit it was noted, the administration of the Grand County Zoning Regulations is, and has been policy to not specifically seek out zoning violations, which would include Special Uses. Instead, the County reacts to actual lodged complaints, either written or verbal. This policy has been in place and a part of zoning enforcement for the last several decades. Staff maintains active enforcing through this method. It is a fact, that the County is heavily complaint driven when it comes to zoning enforcement. In no way does this infer that this is the best practice for enforcement of regulations, but it informs as to the practice of code enforcement by the County. This is how we have responded to any recent complaints for this operation.

The Applicant has requested the following amendments to the existing permit:

- Transfer Permittee from ATH Specialties & Sales, Inc. and Granby Sand and Gravel to ESCO Construction Co. and ESCO Sand and Gravel, LLC.
- Continue permit term as a life of operation term.

#### III. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

##### A. MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is relevant to this Special Use Permit proposal.

##### Plan Element 6 – Economic Base

ESCO Construction and their mining support arm will continue to help meet construction needs throughout the County as it grows. The business helps keep employees and provides additional construction services in the County. It offers a greater business redundancy should other excavation, mining, or construction companies disappear or relocate. Construction costs are already being maintained near \$250 per square foot in the county. Should those costs rise the development and marketing of second homes - which helps support the recreation and tourism economy that drives Grand County, could stall.

## B. ZONING REGULATIONS

Section VI (6) Forestry and Open District allow the consideration of both gravel and mining operations and construction businesses, heavy equipment storage areas and earth-moving businesses as a use under special review.

## IV. STAFF RECOMMENDATION

Staff recommends approval of this application for the ESCO Construction Co. and ESCO Sand and Gravel LLC Special Use Permit with the following conditions:

1) The amended permit shall be for a lifetime under current ownership being ESCO Construction and ESCO Sand and Gravel.

Gabe Wallace of ESCO Construction stated that his company has been in business since 1944 based out of Evergreen, Colorado. This is fourth generation family-owned company.

The intention is to run the gravel pit business as it has been done in the past.

Tom Jones lives at Grand Senior Living is asking for that the Board listen to the people in the neighborhood. Mr. Jones noted that the drivers are staying at the posted limits and he appreciates that. He asks that it continue. They do not need more than the 50 trucks.

Terri Pratt is a homeowner on County Road 60. She is about  $\frac{3}{4}$  of a mile west of the pit. At the time they built their home (2006), the pit had very little usage. In 2015, the permits were transferred to ATH and Granby Sand and Gravel. At the time of the transfer, there were truck limits to go west bound to help relieve the pressure.

In the first year, there were a number of violations. In 2016, the number of violations were staggering yet there have been no consequences from the County.

On a normal day, the 1.5 mile trip from the pit to Highway 40 they are allowed 110 trips past her house – that is 55 trucks in and 55 trucks out. They pass 45 residences and seven businesses to do the 1.5 mile trip. In a 12-hour day, the Pratts have trucks passing their house every 6.5 minutes. On the day the applicants exceed the limits, it is worse. One day, there was a truck passing the Pratt house every 3.27 minutes.

Ms. Pratt stated that ATH self-reported trips over the limit 12 days in the month of September.

Mr. Pratt stated that a number of trucks are not covered and many are speeding.

There are no consequences being applied.

Ms. Pratt stated that the permits should be revoked.

Commissioner Cimino moved to approve the transfer of both the ATH Special Use Permit and Granby Sand and Gravel Special Use Permit to the new owner ESCO as presented.

Discussion: All the original requirements of the permit remain. If there are violations, they will be dealt with.

The motion passed unanimously.

Commissioner Cimino moved to convene an Executive Session at 11:20 a.m., pursuant to CRS 24-6-402, Sections (4)(e)(I), (4)(a), and (4)(b) – to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; for the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; And for Legal Advice (if needed) RE: Facility Needs. Present for the meeting were the Board, County Attorney, Assistant County Attorney, Finance Director, Human Resource Director, County Manager, and Assistant County Manager.

The motion passed unanimously.

The Executive Session ended at 12:08 p.m.

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

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

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I, Kristen Manguso, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

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There being no further business to come before the Board, the meeting was adjourned at 12:08 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 14<sup>th</sup> day of January 2020.

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Kristen Manguso, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder