

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

April 26, 2022

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

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

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to appoint Commissioner Cimino as Chair for today.  
The motion passed unanimously.

General Public Comments

Dave Nosler lives just outside of Fraser. Mr. Nosler came to speak about cement plant emissions in the Fraser Valley. On County Road 5, Mr. Nosler stated that there is a cement plant that will be reopening based on a sign that was posted on the property. Mr. Nosler wondered if he would be receiving notification in the mail.

There is smoke coming from a facility. Mr. Nosler stated that the state has regulated the issue of smoke to the County. He wondered if a burn permit would be required for the cement facility.

Mr. Nosler stated that a new State regulations requires the cement emissions to comply with haze regulations.

Mr. Moyer was directed to have staff review the new regulation.

Susan Volk of Tabernash stated that she supports the improvements on Highway 40. Ms. Volk asked that the Board consider finding a way to get Conroy Excavating directly onto Highway 40 instead of going through residential areas on gravel roads.

Finance

Commissioner Linke moved to approve Resolution No. 2022-4-8, "AMENDING AND READOPTING THE GRAND COUNTY PURCHASING, CONTRACTING AND CREDIT CARD POLICY"  
The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on April 27, 2022, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on April 26, 2022, for payment on April 27, 2022, for the Grand County Housing Authority.  
The motion passed unanimously.

Commissioner Linke moved to approve the vouchers presented on April 26, 2022, for payment on April 27, 2022, for the Grand County Department of Human Services.  
The motion passed unanimously.

Commissioner Linke moved to approve wire payment, vouchers, and interfund transfers presented on April 26, 2022, for payment on April 27, 2022, for Grand County.  
The motion passed unanimously.

Departmental Contracts, Comments, Issues

Commissioner Linke moved to approve the lease purchase agreement for the lease of two graders in the amount of \$627,502 for a seven-year contract with one annual payment in the amount of \$98,255 and allow Chair's signature to be stamped.  
The motion passed unanimously.

Commissioner Linke moved to allow a blanket motion for the signature of Chair Manguso in her absence for her signature to be stamped for all approved documents.

The motion passed unanimously.

Commissioner Linke moved approve the Ground Lease transfer for Hangar No. 10 from Ryan Fosha to James L Peyton II as presented.

The motion passed unanimously.

Commissioner Linke moved approve the new Airport Hangar Ground Lease at the Kremmling Airport McElroy Airfield for a T-Hangar for units 19 through 26 as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the Intergovernmental Agreement Security / Surveillance and Law Enforcement for Northern Water and Reclamation Facilities throughout Grand County, Colorado in the amount of \$60,000 to Grand County.

The motion passed unanimously.

Commissioner Linke moved to approve Resolution No. 2021-5-28, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF TRACT 5A, GUDGEL SUBDIVISION, BEING A REPLAT OF TRACT 5 AND 6, GUDGEL SUBDIVISION, LOCATED IN E 125 FT OF TRACT 5 & n 50FT OF THE E 125FT OF TRACT 6., COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously

Commissioner Linke moved to approve the grant request from the Colorado Department of Public Health and Environment for the emergency EMS grant to pay for 50 percent of the budget repairs subject to review and approval by the County Attorney and the Finance Director and authorize the Chair to sign outside the meeting.

The motion passed unanimously.

#### Manager and Attorney Items

Commissioner Linke moved to approve the OLRT grants that are applied for by HTA.

The motion passed unanimously.

Commissioner Linke moved to approve the OLRT grant in the amount of \$3,030 for the Continental Restoration Project the Continental Divide Trail Coalition.

The motion passed unanimously.

Commissioner Linke moved to approve the Services Contract between Grand County and David Kilty Inc. dba Kilty and Company for appraisal service for lands associated with the proposed County Road 522 project and authorize the Contract to be signed outside the meeting.

The motion passed unanimously.

County Manager Moyer stated that the Community Funding Partnership Contract between Windy Gap Water Activity Enterprise and Grand County Funds for the Colorado River Connectivity Channel is in the dropbox.

Mr. Moyer stated that the Board approved a Community Funding Partnership Contract with the River District. That was for their \$1,025,000 that will be going to the connectivity channel. The Board of Commissioners approve \$1 million of the OLRT that is for the connectivity channel.

The agreement with Northern Water spells out how the funds will be distributed to the project and how the Windy Gap Enterprise will be sending the County invoices.

Mr. Moyer will bring the finalized agreement back in a week.

Mr. Moyer stated that the Windy Gap Watershed Plan Agreement is between Trout Unlimited, Municipal Subdistrict of Northern Water, Grand County, and United States Department of Agriculture NRCS. The Windy Gap project was funded \$5.6 million from NRCS and there is an additional ask for a substantial amount of additional funding for the project that would not necessarily come through RCPP but another NRCS funding category.

The purpose of the Watershed Agreement is: 1) Construction of the project in accordance with the Watershed Plan EA, 2) The operation and maintenance of the project, and 3) Cost share of the Agreement.

Commissioner Linke moved to approve the Windy Gap Watershed Plan Agreement between the Trout Unlimited, Municipal Subdistrict Northern Colorado Water Conservancy District, United States Department of

Agriculture Natural Resources Conservation Service and Grand County Board of Commissioners to be executed outside the meeting following County Attorney final review and approval.  
The motion passed unanimously.

### Consent Agenda

Resolution No. 2022-4-5, "APPROVING ROTARY CLUB OF GRANBY'S USE OF THE FLYING HEELS RODEO ARENA GROUNDS AND FACILITIES FOR LIQUOR AND CONCESSION SALES DURING CERTAIN EVENTS, SUBJECT TO ISSUANCE OF A SPECIAL EVENT LIQUOR PERMIT AND THE CONDITIONS THEREOF"

Resolution No. 2022-4-6, "APPROVING THE APPOINTMENT OF JANET ENGEL AS A MEMBER OF THE MIDDLE PARK FAIR & RODEO BOARD OF DIRECTORS"

Resolution No. 2022-4-7, "APPROVING SPRING 2022 GRANT AWARDS OF OPEN LANDS, RIVERS AND TRAILS FUNDS"

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

Commissioner Linke moved to approve the request for \$50,000 to replace the bucking chutes at the Flying Heels Arena. The Flying Heels Arena Association is donating \$60,000 toward new bucking chutes. The disbursement from the Conservation Trust Funds will be as follows:

District 1      \$10,000  
District 2      \$25,000  
District 3      \$15,000

The motion passed unanimously.

Assistant County Manager Micah Benson stated that the Road and Bridge Department put out a bid for asphalt work. Two bids were received: United Companies in the amount of \$2,483,850 and Acord Paving in the amount of \$2,237,419.78. Ms. Benson asked for the Board to accept the low bid and allow Road and Bridge to move forward with the contract.

Commissioner Linke moved to accept the bid for asphalt paving from Acord Paving in the amount of \$2,237,419.78.  
The motion passed unanimously.

Commissioner Linke moved to approve the welcome letter for the Middle Park Fair Book as presented.  
The motion passed unanimously.

Commissioner Linke moved to approve the letter Concurrence Letter Request for the Northern Colorado water Conservancy District – Perpetual Access Easement to CPW – 21-037 and authorize the Chair to sign outside the meeting.  
The motion passed unanimously.

The Board gave direction for an updated scope of work from Mr. Waller for legislative services.

### Calendar

April 27	Legislator Breakfast via Zoom, 8 to 10 am
April 28	Associated Governments of Northwest Colorado (AGNC) Legislative Call via Zoom, 8:30 to 9:30 am
April 28	Counties & Commissioners Acting Together (CCAT) Committee (Hybrid) Meeting (As Needed), 3:30 to 5 pm
April 28	Emergency Fire Fund at 1:00 pm
April 29	Colorado Counties, Inc. (CCI) Steering Committee Meetings (Hybrid), 9 am to 3 pm
April 29	CSU Executive Advisory meeting at 11 am
May 2	CCAT Governing Board (Hybrid) Meeting, 11:30 am to 1 pm
May 2	Winter Park Transit Advisory Committee meeting
May 3	Avian Influenza Town Hall With Colorado State Veterinarian via Zoom, 6 to 7 pm
May 5	AGNC Legislative Call via Zoom, 8:30 to 9:30 am
May 5	CCAT Committee Meeting (Hybrid, As Needed), starting at 3:30 pm
May 9	Mayor / Manager / Commissioner Meeting with Town of Hot Sulphur Springs as Host, 10 am to noon
May 17	State of the River meeting at River Run

**Public Hearing – Igadl Retail Marijuana Store Renewal**

The public hearing scheduled to begin at 10:15 am was called to order at 10:15 am by Acting Chair Cimino. Clerk and Recorder Sara Rosene set the public record as follows:

<b>Exhibit A</b>	Cover Letter
<b>Exhibit B</b>	Copy of State Application
<b>Exhibit C</b>	Trade Name Registration
<b>Exhibit D</b>	Certificate of Good Standing from the Colorado Secretary of State
<b>Exhibit E</b>	Entity Documents
<b>Exhibit F</b>	Documents Demonstrating Legal Possession of Property
<b>Exhibit G</b>	Diagram of Premise
<b>Exhibit H</b>	Financial Documents
<b>Exhibit I</b>	Copy of any Inspections, Violations
<b>Exhibit J</b>	Current Colorado State Tax License
<b>Exhibit K</b>	Security Plan
<b>Exhibit L</b>	Copy of Application Fees Submitted to the State
<b>Exhibit M</b>	Copy of Application and License Fees Submitted to the County
<b>Exhibit N</b>	Grand County Marijuana Business License Application
<b>Exhibit O</b>	N/A - info from community development
<b>Exhibit P</b>	Letter from Applicant Detailing Previous / Current Marijuana Licenses Held
<b>Exhibit Q</b>	Copy of Supplemental information provided to the State
<b>Exhibit R</b>	State of Colorado Conditional Marijuana License
<b>Exhibit S</b>	Map of 1000 buffer around the proposed premise
<b>Exhibit T</b>	Map of the 2 mile radius
<b>Exhibit U</b>	Grand County Assessor's Property Record and Schedule Number
<b>Exhibit V</b>	Proof of Property Taxes Paid
<b>Exhibit W</b>	Applicants Marijuana Management Plan
<b>Exhibit X</b>	Marijuana License Applications and Badges for Current Employees
<b>Exhibit Y</b>	Proof of Publication in the Middle Park Times dated March 24, 2022
<b>Exhibit Z</b>	Proof of Posting at location
<b>Exhibit AA</b>	AA-1 Email dated April 19 2022 from Aaron Anderson in favor of the facility AA-02Email in dated April 25, 2022 from Tyler Dodd in favor
<b>Exhibit BB</b>	Petition signatures in favor of the facility. 121 signatures. Of those, there are 30 that appear to be in the 3 mile radius

Commissioner Linke moved to set the neighborhood at a two-mile radius. The motion passed unanimously.

To: Grand County Board of County Commissioners  
 From: Sara L. Rosene, Grand County Clerk and Recorder  
 Date: April 5, 2022  
 Re: Retail Marijuana Store (the term "retail marijuana" is commonly known as "recreational marijuana")  
 Applicant: Igadl, Ltd., David G. Salturelli, Manager  
 Location: 843 W. Agate, Unit A, Granby, CO  
 Zone District: Tourist  
 Applicable Regulations: Ordinance #18  
 Request: The Applicant is requesting a County Retail Marijuana Store License.

**Discussion:**

Grand County Board of County Commissioners passed Resolution No. 2014-1-26 and Ordinance #14 and then updated the ordinance in Ordinance #18 to exercise the authority of the County of Grand to allow state licensed marijuana establishments to exist in unincorporated Grand County in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions. This regulation and ordinances were adopted pursuant to constitutional and statutory authority as well as the county's authority under its police power in order to preserve the public health, safety, and general welfare.

The applicant for this Retail Marijuana Store Igadl, Ltd. David G. Salturelli is the Manager of Igadl, Ltd. The location is 843 W. Agate Avenue, Unit A, Granby, CO 80446. The building is owned by Northwest Land Co and is leased James Jason McSwane that expires April 30, 2024. The applicant provided a sublease from James Jason McSwane to Igadl, Ltd that expires April 30, 2024. On February 15, 2022, the applicant provide a Consent to Assignment, Assumption, and Amendment of Lease Agreement and Termination of Commercial Sublease. Igadl has possession of the property under the terms of the Consent to Assignment.

The license for lgadl was approved by the Board of County Commissioners on August 25, 2020. The applicant provided a renewal application in August of 2020. The facility has not been open to the public. The lease agreement between the owner of the property, the lessee, and the sub-lessee has been in question and no hearing was scheduled until now.

### **Ordinance #18 - Classes of licensing**

**For the purpose of regulating the cultivation, manufacture, testing, distribution, offering for sale, and sale of retail and/or medical marijuana, the Board of County Commissioners, in the Board's sole discretion, upon application in the prescribed form made to the Clerk and Recorder, may issue and grant to the applicant a local license from any of the following classes, and Grand County hereby authorizes issuance of the licenses of the following classes by the state licensing authority in locations in unincorporated Grand County, subject to the provisions and restrictions set forth in this regulation and ordinance:**

- (1) Retail marijuana store. Retail marijuana stores may operate only in areas zoned as Business District or as Tourist District.**

#### **Section 7 - Ordinance #18 - Set Neighborhood, Schedule Hearing and Notice**

- (1) Upon receipt of a complete application for a marijuana establishment and payment of fees and costs, the Clerk and Recorder shall designate the neighborhood to be considered during the public hearing. The neighborhood designated shall be either the presumptive neighborhood consisting of the area within a two mile radius of the main entrance to the premises, or a different neighborhood established by considering the geographical area around the premises subject of the application, the persons potentially to be served by the license, community of the area, where inhabitants obtain services and products, distances between municipalities and communities, and such other factors as the Clerk and Recorder may determine demonstrate a "neighborhood." A neighborhood may include areas within municipal boundaries without including the entire municipality. No designation of neighborhood shall include the entire county or a majority of the land acreage of the County. Notice of the neighborhood designated shall be provided to the applicant and made public within five business days following receipt of a complete application.
- (2) Upon receipt of a complete application, the Clerk and Recorder shall schedule a public hearing upon the application before the Board of County Commissioners not less than thirty days from the date the application is complete. Public notice of the application and public hearing shall be given not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made, and by legal publication in a newspaper of general circulation in the area of the licensed premises. Published notice shall contain the same information as that required for posted notice.
- (3) Posted notice shall be by posting a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the public hearing, and the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the posted notice shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the posted notice shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.
- (4) The applicant shall also cause publication of a display advertisement of not less than a one-quarter page of the newspaper containing the same information as that required for posted notice.
- (5) If the building in which retail or medical marijuana is to be sold is in existence at the time of the application, any sign posted as required in subsections (2) and (3) of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

#### **Section 8 - Ordinance #18 - Public Hearing**

- (1) *The public hearing shall consider the neighborhood established pursuant to Section 7(1).*
- (2) *At any public hearing held pursuant to this regulation and ordinance, a Party in Interest shall be allowed to present evidence and to cross-examine witnesses.*
  - (a) *The following shall have automatic Party in Interest status for all proceedings:*
    - {I} The applicant; and*
    - {II} A person residing, holding, or owning any property interest in the neighborhood may file with the Clerk and Recorder written objections to or support for an application, and/or may appear in person at such public hearing to submit such objection or support.*

*(b) A person who is not an automatic Party in Interest under Section 8{2}(a) but who is affected or aggrieved by the action of the Board of County Commissioners may be granted Party in Interest status, but only after the person files with the Board of County Commissioners a written request to be added as a Party in Interest. The request*

*must set forth a brief and plain statement of the facts which entitle the requester to be admitted and the matters which the requestor claims should be decided. Such written request shall be filed at least 5 days prior to the scheduled public hearing. The Board of County Commissioners shall determine requested Party in Interest status on the day of the public hearing. Nothing shall prevent the Board of County Commissioners from admitting any person or agency as a Party in Interest to a public hearing for a limited purpose. The Board of County Commissioners shall have the authority to decide Party in Interest status and may grant Party in Interest status to those not conforming to these requirements upon a showing of good cause or excusable neglect.*

*(3) The Board of County Commissioners has the discretion to accept or reject comments, statements, and/or documents from any person, whether or not the person qualifies as a Party in Interest.*

*(4) The Board of County Commissioners shall give all evidence the weight it deems appropriate.*

*(5) The Board of County Commissioners has authority to refuse to issue any marijuana establishment license for good cause. For purposes of this subsection (5), the term "good cause" means:*

*(a) The applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Retail Marijuana Code, the Colorado Medical Marijuana Code, this regulation and ordinance, or any rule or regulation promulgated pursuant thereto; and/or*

*{b) With respect to a second or additional retail or medical marijuana establishment license applied for by the same applicant, the Board of County Commissioners shall consider the effect on competition of the granting or disapproving of additional licenses to such licensee, and no application for a second or additional license that would have the effect of restraining competition shall be approved; and/or*

*(c) Evidence that the issuance of the license and subsequent operation of the business will adversely impact the health, welfare or public safety of the neighborhood in which the marijuana establishment is proposed to be located.*

*(6) Before entering any decision, approving or denying the application, the Board of County Commissioners shall consider, except where this regulation and ordinance specifically provides otherwise, the facts and evidence adduced as a result of public hearing required by this section, and any other pertinent matters affecting the qualifications of the applicant for the conduct of business as a marijuana establishment.*

*(7) The Board of County Commissioners shall also consider:*

*(a) The reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, or otherwise; and*

*(b) The number and availability of other marijuana establishments in or near the neighborhood under consideration.*

*(8) The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this regulation and ordinance and applicable law.*

### **Comments**

The Grand County Clerk and Recorder has received all documentation required by Grand County Ordinance #18. The fees required by law and statute have been remitted.

The type of license being requested allows the applicant to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

### **Recommendation**

If, after taking testimony at the public hearing, the Board of Commissioners approves the license, the Clerk and Recorder recommends that a license be renewed.

1. Current list of employees provided to the County Clerk on a quarterly basis.
2. Certificate of Occupancy from Community Development to allow use of the building.

David Michel, Attorney for IgadI, stated that this location is now open and operating. Mr. Michel added that IgadI has over 170 employees statewide.

Mariette McGrath asked about the tax revenue from IgadI and how the taxes are distributed. Ms. McGrath asked if the schools are getting money.

Commissioner Cimino stated that the statewide taxes were to go to education. The law did not state the level of education. As far as an individual business is concerned, it is a privacy matter. The County cannot release

information regarding specific businesses and sales tax. The tax revenue from marijuana goes to the County General Fund.

Aaron Anderson stated that he is the Director of Sales for IgadI. The store in Granby is the eighth location of IgadI since the original location opened in Tabernash. The business has been well received in Grand County.

IgadI Logistics Director Brandon is proud to work at IgadI. He hopes that Grand County continues to be the hub of the IgadI empire.

Mr. Moyer stated that he was informed that the Town of Granby was opposed to the facility.

Commissioner Linke wondered why this is needed in this neighborhood.

Mr. Michel stated that there is no testimony in opposition to the facility.

Granby Town Manager Ted Cherry stated that the Town testified against this and remains in opposition to the license.

Commissioner Linke moved to approve the IgadI Retail Marijuana Store renewal at 43 W Agate, Granby as presented.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

#### Flying Heels Arena Association, Facility Use Agreement and Fee Waiver Request

Commissioner Linke stated that he has not financial interest in the Flying Heels Arena.

Commissioner Linke moved to approve the facility use agreement for Flying Heels Arena and fee waiver request.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 11:25 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 24<sup>th</sup> day of May 2022.

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Kristen Manguso, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder