

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

August 10, 2021

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

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

Those present recited the Pledge of Allegiance.

The North West Transportation Planning Commission conversation will be moved to next week.

Employee Recognition

County Manager Ed Moyer presented the list of the employee August anniversaries:

Marty Pack	Public Health	1 year
Andrew Wilcoxon	EMS	1 year
Daniel Arellano-Garay	Sheriff's Office, Jail	2 years
Charles Zettlemyer	EMS	3 years
Wes Chessman	Community Development	3 years
Chelsea Sidener	Sheriff's Office, Jail	3 years
Amy Chamberlin	Human Services	4 years
Karen Crabb	Human Services	4 years
Daniel Vasquez	Sheriff's Office	4 years
Cordelia Stieve	EMS	5 years
Heather Gish	Sheriff's Office	6 years
Sheena Darland	Housing Authority	8 years
Ann Bear	Public Health	11 years
Robbin Stapleton	Animal Control	15 years
Diane Hugley	Public Health	21 years
Micah Benson	County Manager's Office & R & B	22 years
Taunia Shipman	Human Services	29 years
Colleen Reynolds	Human Resources	30 years

General Public Comments

Jessica Foley is a resident of Grand County and lives in Bussey Hill Subdivision. Ms. Foley stated that the house next door just was purchased. It does not have a septic field but is being rented to eight people. The holding tank at the property is 50 years old.

Ms. Foley stated that there should be an inspection of short-term rentals.

Christian Hornbaker expressed concern over a consideration of an independent Board of Health. Mr. Hornbaker stated that a Board of Health could be an advisory board but should not replace the Board of Commissioners.

Brook stated that she is living in Granby Jones. Brook is asking to set up a Granby Jones coop and would like the right of first refusal to purchase Granby Jones. The Board supports the idea presented.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on August 11, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on August 10, 2021, for payment on August 11, 2021, 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 August 11, 2021, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Cimino moved to approve the vouchers presented on August 10, 2021, for payment on August 11, 2021, for the Grand County Department of Human Services.  
 The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on August 10, 2021, for payment on August 11, 2021, for Grand County.  
 The motion passed unanimously.

**Pandemic and Fire Costs 8/10/2021**

	COVID-19	East Troublesome Fire		
		Paid	Unbilled but expected	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$701,883	\$20,388		\$20,388
Less:				
2020 Personnel costs	\$381,135	\$137,487		\$137,487
2020 Grand Foundation programs funded	\$230,000			\$
2020 Rural Health grant	\$10,000			\$
2020 Other operating costs	\$115,852	\$205,974	\$44,592	\$250,566
Total 2020 costs	\$736,987	\$343,461	\$44,592	\$388,053
Net 2020 (costs) after reimbursements	(\$35,104)	\$(323,073)	(\$44,592)	(\$367,665)
2021 Reimbursements Requested	\$50,540	\$67,677	\$-	\$67,677
Less:				
2021 Personnel costs	\$248,531	\$118,563		\$118,563
2021 Grand Foundation programs funded	\$			\$
2021 Rural Health grant	\$			\$
2021 Other operating costs	\$15,165	\$133,988		\$133,988
Total 2021 costs	\$263,696	\$252,551	\$-	\$252,551
Net 2021 (costs) after reimbursements	(\$213,156)	\$(184,874)	\$-	(\$184,874)
Total Costs after reimbursements	(\$248,260)	\$(507,947)	(\$44,592)	(\$552,539)

Unrestricted Fund Balance calculation	
2020 Operating Revenues	\$27,100,000
-2020 Operating Expenditures	\$21,176,000
2020 Unrestricted Fund Balance	\$10,760,000
<b>% of Operating Revenues</b>	<b>40%</b>
<b>% of Operating Expenses</b>	<b>51%</b>

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to approve the First Amendment to the Contract between Miller Engineers, Inc. dba Souder Miller & Associates and Board of County Commissioners of Grand County for extra services performed this year by contractor at the Granby and Kremmling Landfills in the additional amount \$25,020.  
 The motion passed unanimously.

If road and bridge can purchase a water truck it would be helpful. Mr. Baer stated that he needs to be able to move quickly. The Board supports approving the purchase of water trucks.

Commissioner Cimino moved to approve the renewal of the Hotel and Restaurant Liquor License with optional premises for Grand Manor LLC dba Apothecary Bar and Lounge as presented.  
 The motion passed unanimously.

Clerk and Recorder Sara Rosene presented the Clerk fees for the month of July 2021.

Commissioner Cimino moved to approve the request for out-of-state travel for three individuals to take ambulances to Jefferson, North Carolina to install boxes and approve out-of-state travel for future travel for boxes after manager approval.

Discussion: The trip back may include additional employees due to Road & Bridge possibly using the vehicles.

The motion passed unanimously.

### Manager and Attorney Items

Commissioner Manguso moved to authorize the Chair to sign the Temporary Access Agreement between Graham and Louise Powers, Ron Jones, Elizabeth Ann DeVries and the Board of County Commissioners conditioned upon a Temporary Access Agreement also being granted by the Jones Property.

The motion passed unanimously.

Commissioner Cimino moved to convene an Executive Session for legal advice at 11:15 regarding County Road 522 and various deadlines and options.

The motion passed unanimously.

Commissioner Cimino withdrew the motion and stated that is direction only for the Executive Session.

Commissioner Manguso moved to approve and authorize the Chair to sign the contract between Grand County and Colorado Department of Transportation for the Red Dirt Hill Safety Improvements.

The motion passed unanimously.

Commissioner Manguso left the meeting due to a meeting in Kremmling.

Commissioner Cimino moved to authorize and authorize the Chair to sign the Memorandum of Understanding for the adaptive management process for nutrients presented by the Manager contingent upon the Northern Water completing its part and all issues to this. The Chair will sign after final legal review outside the meeting after it is executed by the Municipal Subdistrict.

The motion passed.

### Consent Agenda

Resolution No. 2021-8-1, "APPROVING A GRANBY-GRAND COUNTY AIRPORT / EMILY WARNER FIELD HANGAR GROUND LEASE FOR HANGAR SPACE UNIT 24"

Resolution No. 2021-8-2, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO SIGN THE CONTRACT BY AND BETWEEN THE STATE OF COLORADO, DEPARTMENT OF HUMAN SERVICES AND THE GRAND COUNTY BOARD OF HUMAN SERVICES FOR THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM GRANT"

Resolution No. 2021-8-3, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO SIGN THE MEMORANDUM OF UNDERSTANDING MULTIDISCIPLINARY TEAM AGREEMENT WITH BETTER TOMORROW D/B/A BRIGHTER WORLD, CHILD ADVOCACY CENTER"

Resolution No. 2021-8-4, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO SIGN THE CORE SERVICES PROGRAM CONTRACT WITH DENVER CHILDREN'S HOME"

Resolution No. 2021-8-5, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO SIGN THE CORE SERVICES PROGRAM CONTRACT WITH EAST GRAND SCHOOL DISTRICT"

Resolution No. 2021-8-6, "APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH JACKSON COUNTY"

Resolution No. 2021-8-7, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING A WORKSHOPS POLICY FOR BOARD OF COUNTY COMMISSIONER MEETINGS"

Commissioner Cimino moved to approve the Consent Agenda.  
The motion passed.

Board Business / Correspondence / Calendar

Commissioner Cimino moved to retroactively approve the letter to the editor of the *Grand Gazette* regarding the Blue Valley Land Exchange with the Bureau of Land Management.  
The motion passed.

Calendar

Aug 12 Utility Coordinating Committee at Java Lava Café in Granby, 7:30 to 9 am.  
Aug 12 Colorado Counties, Inc. (CCI) Leading In Times of Great Change Meeting, via Zoom 2 to 3 pm  
Aug 12 Club 20 Chair call at 7:00 am  
Aug 13 Club 20 Executive Committee Call at 10:00 am  
Aug 16 Wildfire concert in Denver (benefits East Troublesome Fire victims)  
Aug 18 Commissioner Linke Wolf Technical Committee Conference Call 8 am to 4 pm  
Aug 19 Mountain District meeting of CCI in Gilpin County  
Aug 20 Wildfire concert in Winter Park at the Rendezvous Event Center at 7:00 pm (benefits East Troublesome Fire victims)

CSU Extension, Intern Presentation: Caitlyn Corcoran

Caitlyn Corcoran presented information on her work as a summer intern with CSU Extension Service.

Treasurer's Report

County Treasurer Frank DeLay presented the monthly Treasurer's Report.

Grand County Board of Health COVID-19 Update

Commissioner Linke announced the Board is sitting as the Board of Health.

Public Health Director Abby Baker reported 13 cases in the last seven days. There were 21 cases in the last two weeks. Current case rate is 82.71 for 100,000 cases. Grand County is on an incline on cases. The positivity rate is anywhere between 6.4 and 8.8 depending on which tests are included in the positivity denominator.

Ms. Baker stated that there have been some breakthrough cases in Grand County. There have been zero hospitalizations.

Ms. Baker stated they are seeing more break through cases with the Johnson and Johnson vaccine. It is about 66 percent effective. Pfizer is about 88 per effective to break through. Moderna is about 91 percent effective to break through cases.

There have been 29 variants identified in Grand County since March 1. Of the 29, seven are the Delta variant. One of the seven is a subgroup of the Delta variant.

Ms. Baker stated that over 95 percent of the cases in Colorado are the Delta variant. Nationwide the Delta variant is over 80 percent.

Since January in Grand County about 10 percent of all cases were pediatric cases (18 years of age and under).

The vaccination rate is 62.5 percent. With natural immunity, the vaccination/immunity rate is 63 percent.

Commissioner Linke announced the Board is sitting as the Board of County Commissioners.

Commissioner Manguso returned to the meeting at 10:50 a.m.

Short-term Rentals (STRs) – Staffing, Work Group, and Work Plan Goals Discussion

Community Development Director Robert Davis stated that enforcement has been an issue.

Cammi Freed has owned and operated short-term rentals for around 12 years. Ms. Freed stated Lake Havasu City, Arizona have good regulations and Grand County may want to look at it.

Katherine Ross suggested that a work group get together and help provide a plan on a way forward.

Mr. Davis stated that he does not have a full-time dedicated person to short-term rentals. Mr. Davis stated that his Administrative Assistant has stepped up and is doing planning tech work. The new planning tech is being trained to do short-term rental process.

The Board gave direction for the Manager to get the staff required to have significant progress by September 7 and to continue the efforts.

Commissioner Cimino moved to approve the County Manager to take action including new contracts that were not previously identified in the 2021 budget up to and not to exceed \$50,000 to get the staffing necessary to accomplish the stand up leading this work group and meeting the goals. There will be supplementals later. The motion passed unanimously.

### Board Business

Commissioner Cimino moved to convene an Executive Session at 11:38 a.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is County Road 522.

The motion passed unanimously.

The meeting was reconvened at 11:54 a.m.

I, Merrit Linke, 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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Commissioner Cimino moved to amend motion to proceed with cultural survey on County Road 522 with no restrictions or conditions with the County Manager moving forward with the work in Phase 2.

The motion passed unanimously.

### Public Hearing – Special Use Permit for Byers Peak Properties, LLC Mobile Concrete Plant

The public hearing scheduled to begin at 1:00 p.m. was called to order by Chair Linke at 1:03 p.m. County Attorney Leahy added to the record:

Exhibit Q Letter from Russell Pennington dated August 9, 2021  
Exhibit R Forest & Open Zoning Cornerstone Concrete Batch Plant  
Exhibit S Third memo to Board of County Commissioner's dated August 6, 2021 regarding items for SUP

Community Development Director Robert Davis presented:

Staff is recommending continuing the Public Hearing scheduled for August 3rd to either August 10 or August 17 in order to receive and review information requested by the Commissioners and the Town of Fraser. The following items have been requested for review and analysis prior to any approval of the Special Use Permit:

1. Water Rights. The Augmentation Plan doesn't allow use for a concrete plant. As such, this plan needs to be updated for industrial use or an alternative plan to bring water in from another source should be provided. The applicant states:

We are working on this with the division engineer and believe the pond capacity filled with free river water is available for any use including industrial uses and working with them to get a formal response. We do have alternative water means including adding a water tanker to the site and using our water sources that are decreed for industrial uses.

2. Proof of APENS application to the State. Staff has not received any determinations and associated applications.

3. Submission of an updated Stormwater Management Plan. Staff has not received an amended Stormwater Permit or a Stormwater Management Plan.

4. Clarification on the hours of operation—the applicant has indicated an interest in starting sooner than 7am.

5. Town of Fraser concerns,

- Providing documentation for a legal water source, the source of the water supply and an estimate of the anticipated water demand and consumptive use of the project.
- Access point evaluation at US 40, CR 72 and CR 721 will be required
- Trucks are to only access the site through CR 72 and 721.
- Review and comments of the traffic study

The applicant states they have repeatedly reached out to the former town interim manager as well as their board and staff and receive no responses.

#### Traffic Study Responses

CDOT has received and reviewed the traffic impact study and finds there is no need for a permit as it is not going to affect the highway by more than a 20% increase over background traffic volumes.

The County Engineer finds that although 75 trips/day is not a big traffic increase, a bigger issue is what impact the heavy concrete trucks will have on the gravel roads. Pavement design best practices may call for the road to be asphalted. The question being, if there is no asphalt on the road, the County may end up maintaining the gravel road. When the traffic from the proposed cement plant is added to projected traffic of the Mill Apartments, there will eventually be a need for a paved road.

It was suggested the County amend the condition for truck traffic to avoid the Old Town Fraser area to just require that all trucks entering and leaving the site do so via CR 72. In other words, the County should require that trucks leaving the subject site be prohibited from making a left turn out of the site and using CR 721 to venture north. If this was not required, trucks may end up using roads which are unpaved and could result in damage.

Lastly, there should be a limit on the maximum annual daily traffic or annual traffic as it relates to the projected numbers analyzed in the traffic study. The maximum rate of truck traffic should provide flexibility to the applicant.

Staff anticipates receiving more details from the County Engineer.

#### Grand County Road and Bridge has concerns:

1. The additional truck traffic is going to create additional maintenance beyond what GCRB can handle at this time. The ownership of the road and the sharing of maintenance conversation definitely needs to take place prior to making a decision. It is very important to understand what the role is going to be for Grand County and the Town of Fraser.
2. The increase in bicycle traffic has been substantial over the past few years so it's going to be very important how we figure out how to reduce that truck to bicycle conflict. Bike trails could be constructed to reduce such conflict, keep in mind there is limited space going underneath the train overpass.
3. Additional vehicle traffic has been added over the past year due to the Fraser Recycle Center, this creates another conflict at the intersection of CR 72 and 721 and makes the train over pass that much more congested. Most of these concerns are going to fall to Town of Fraser and CDOT and the impacts to Town and the HWY 40 intersection.

The County's assets that concern me are the traffic flow and what route are the trucks taking. Adding additional traffic to CR 73, 731, 50S and 50 will add to the already mentioned concerns with bicyclist and busy roadways. My recommendation would be to use the HWY 40 intersection as the trucks primary route to exit and enter the batch plant.

Many improvements should be considered to 72 and 721. Asphalt, bike lanes, drainage, signage and who is paying for the upgrades along with future maintenance.

Staff feels that given the responses relative to the traffic study, the following conditions should be added to the SUP:

1. The Permittee shall be required to submit an updated traffic impact study every two years until such time as traffic volumes require road improvements to minor collector status.
2. If the Permittee does not pave CR721, the Permittee shall be required to contribute to the cost of magnesium chloride on County Road 721 each year as determined by the Grand County Road and Bridge Department, as long as the road continues to be maintained by Grand County.

Andrew Tucker with the Elk Creek Village HOA asked if this is fixed duration permit.

Mr. Davis noted that the Planning Commissioner recommended five years.

Mr. Moyer stated that generally the permits are one year for the first year.

Ingrid Karlstrom stated that Mr. Lipscomb claimed there were not concrete producers in the Fraser Valley.

Paula Stuart stated that she lives at 87 Byers View in Fraser. Ms. Stuart wondered over the need for this and is concerned over protecting water.

Casey Fitzpatrick of County Road 5 stated that the traffic study seems a little off. Ms. Fitzpatrick stated that she is concerned over traffic on the road on Saturdays.

Kristine Tucker lives at the base of tubing hill. Ms. Tucker is concerned over children being on the road on Saturdays. She is concerned over the big trucks on the road because of its use by families.

Ken Whitmer is the attorney for Gold Medal Ranches and expressed concern over the water. Mr. Whitmer stated that there is an easement that allows water to go to the applicant's property but not for this purpose.

Jane Mather lives in Fraser stated that there is a need for good development practices from the applicant. The applicant needs to take to protect air quality in the Fraser Valley.

Commissioner Manguso moved to continue the public hearing for the Byers Peak Properties, LLC Mobile Concrete Plant to August 17, 2021 at 1:30 p.m.

Discussion: All of the items required must be presented to Community Development by August 13, 2021 or the hearing will be continued for 30 days.

The motion passed unanimously.

#### COVID-19 Consent Form Discussion

Mariette McGrath presented her concerns with regard to informed consent forms for COVID-19 vaccines.

Ms. McGrath noted that from the Vaccine Adverse Event Report System shows that 12,366 deaths were reported from vaccine. There were over 500,000 adverse reactions.

Ms. McGrath stated that it is everyone's responsibility to be informed.

There being no further business to come before the Board, the meeting was adjourned at 3:15 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 17<sup>th</sup> day of August 2021.

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Merrit Linke, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder