

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

August 17, 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.

Commissioner Cimino moved to approve the minutes of the Board of County Commissioners of August 3, 2021 as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the Board of County Commissioners of August 10, 2021 as presented.

The motion passed unanimously.

General Public Comments

Christian Hornbaker asked clarification of masks mandates. Last year, there was a state-wide mask mandate.

Dannelle Gosselova stated that she would like to see an independent Board of Health.

Mariette McGrath encouraged people to attend the 100th birthday celebration for Betty Cramner on August 29, 2021 at 4:00 pm at Polhamus Park in Granby.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on August 18, 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 17, 2021, for payment on August 18, 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 18, 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 17, 2021, for payment on August 18, 2021, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment, vouchers, and interfund transfers presented on August 17, 2021, for payment on August 18, 2021, for Grand County.

The motion passed unanimously.

Pandemic and Fire Costs 8/17/2021

	East Troublesome Fire			
	COVID-19	Paid	Unbilled but expected	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$701,883			
Less:				
2020 Personnel costs	\$ 381,135.00	\$ 137,487.00		\$ 137,487.00
2020 Grand Foundation programs funded	\$ 230,000.00			
2020 Rural Health grant	\$ 10,000.00			
2020 other operating costs	\$ 115,852.00	\$ 205,974.00	\$ 44,592.00	\$ 250,566.00
Total 2020 costs	\$ 736,987.00	\$ 343,461.00	\$ 44,592.00	\$ 388,053.00
Net 2020 (costs) after reimbursements	\$ (35,104.00)	\$ (323,073.00)	\$ (44,592.00)	\$ (367,665.00)

2021 Reimbursement requested	\$ 50,540.00	\$ 103,867.00		\$ 103,867.00
Less:				
2021 Personnel costs	\$ 248,531.00	\$ 118,563.00		\$ 118,563.00
2021 Grand Foundation programs funded	\$ -			
2021 Rural Health grant	\$ -			
2021 other operating costs	\$ 15,165.00	\$ 133,988.00		\$ 133,988.00
Total 2021 costs	\$ 263,696.00	\$ 252,551.00		\$ 252,551.00
Net 2021 (costs) after reimbursements	\$ (213,156.00)	\$ (148,684.00)		\$ (148,684.00)
Total costs after reimbursements	\$ (248,260.00)	\$ (471,757.00)	\$ (44,592.00)	\$ (516,349.00)

Unrestricted Fund Balance calculation		
2020 operating revenues	\$27,100,000	
2020 operating expenditures	\$21,176,000	
2020 Unrestricted fund balance	10,760,000	
% of operating revenues	40%	
% of operating expenses	51%	

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to approve and authorize the Chair to sign the State of Colorado Intergovernmental Agreement Department of Health Care Policy and Financing and Grand County for term of July 1, 2021 to June 30, 2022 in the amount of \$24,754.65.
 The motion passed unanimously.

Deputy Emergency Manager Alexis Kimbrough presented the breakdown of eligible costs that Grand County can claim with FEMA. The costs are being reviewed and may change some. The costs are broken down in five categories:

- 1. Force Account Labor \$97,768.78
- 2. Contract Labor \$17,282.00
- 3. Rented / Leased / Purchased Equipment \$21,640.73
- 4. Worked Performed \$307,899.70
- Total \$444,591.21
- 5. Donated Resources \$959,794.16

At the 75 percent reimbursement, they are looking at \$333,443 from the federal government. The 25 percent can be split with state and local government.

The Southern Baptist group will be returning this week.

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

Public Health Director Abby Baker provided the Board with sample documents.

Ms. Baker reported there are more COVID cases this week from the previous week. There 18 cases in the last 7 days. There were seven cases yesterday that will report tomorrow. There were 31 cases in the last 14 days. Grand County is in the over 100 cases per 100,000. Grand County is in the high risk category. The positivity rate in Grand County is over 10 percent.

Hospitalizations have remained flat. Ms. Baker is keeping an eye on hospital resources across the state.

In the last week they have given 33 vaccines across the County. Grand County is about 62.6 percent fully vaccinated for the eligible population in Grand County. Natural immunity adds .6 percent. With natural immunity, Grand County is at 63.2 percent immunity in Grand County.

Grand County is providing more testing. The public health testing will be Tuesday and Friday between 10 and 12 for the free rapid testing.

The Foothills region of RETAK, the hospital bed capacity is at 34 percent. (ICU and acute beds)

Public Health Medical Director Dr. Jason Stuerman stated that he worked on Friday and attempted to send some patients to the front range and the closest beds were in Longmont and Castle Rock. The hospitals are taking

patients for things other than COVID so there are some limitations. Children's Hospital is at 98 percent capacity.

There is a limited ability to transfer patients due to the EMS restrictions and having ambulances out of the County for long periods of time.

EMS Chief Good Chief stated he is seeing longer time for transports.

Ms. Baker is keeping eye on resources for all medical needs.

With regard to informed consent, Ms. Baker is not able to provide additional information. Ms. Baker provided the consent form that is provided to people at time of vaccination. The form is used for the COVID-19 vaccination because it is still an emergency use authorization. Individuals are given information on the side effects of the vaccination.

The Board directed staff to prepare a letter to the citizen who has been requesting information regarding informed consent.

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

The Board agreed to leave fire restrictions at Stage 2.

Manager and Attorney Items

Grand Foundation Executive Director Megan presented information on Grand County Commissioners Block Grant program for 2021.

The Board allowed \$330,000 for the 2021 Block Grant Program including two set amounts for Headwaters Trail Alliance and Mind Springs Health. Grand Foundation followed those amounts with the exception of Mind Springs. When awarding the remaining money, there was approximately \$2,200 left over and gave it to Mind Springs.

Out of the \$330,000, following the designation of health and human services, education, and environment there is 64.6 percent (\$213,200) going to health and human services, education is 9.6 percent (\$31,800) and environment 25.8 percent (\$85,000).

Ms. Ledin asked if the Board is doing block grants for 2022. The grants are usually open September 15 and the application window closes October 15.

The Board agreed that it would like to continue with the block grant process in 2022.

The Grand Foundation has five basic categories:

1. Arts and culture
2. Sports and recreation
3. Education
4. Environment
5. Health and human services

The Board agreed that the County will support a grant again and will fund the three areas as it has in the past.

The Wildfire Fund has awarded \$1,918,857.

The Grand Foundation was granted \$250,000 for two years to hire case managers for the fire recovery. Part of that grant was written and awarded to pay \$22,000 to cover Alyssa's salary.

The Grand Foundation is the fiscal administrator and facilitator for the Windy Gap settlement. It will be \$15 million coming into Grand County ecological needs for non-profits to apply. Governmental agencies can apply to that in collaboration with non-profits.

Community Development

Commissioner Manguso moved to approve Resolution No. 2021-4-34, "A RESOLUTION APPROOVING THE AMENDED FINAL PLAT OF AMENDED LOTS 9, 10, 11, 12 AND 13 BLOCK 2, VAL MORITZ VILLAGE, BEING A REPLAT OF LOTS 9, 10, 11, 12 AND 13, BLOCK 2, VAL MORITZ VILLAGE,

LOCATED IN PART OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO” and authorize the Chair to sign applicable documents.
The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2021-7-41, “A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF LOT 32A, OLVEY’S FIRST SUBDIVISION, BEING A REPLAT OF LOTS 32-32, OLVEY’S FIRST SUBDIVISION LOCATED IN PART OF SECTION 6, TOWNSHIP 3 NORTH RANGE 75 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO” and authorize the Chair to sign applicable documents.
The motion passed unanimously.

With regard to the Moffat Tunnel, Commissioner Cimino stated that he would like to explore a tunnel district. County Attorney Leahy stated that there is still a tunnel district and DOLA became the Board of the District.

The Board reviewed the proposed ballot question for EMS.

Elected Official Term Limit Ballot Questions, Draft Resolutions

Commissioner Manguso moved to approve Resolution No. 2021-8-13, “CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF GRAND COUNTY, COLORADO, OF A REFERRED BALLOT QUESTION: (1) REGARDING WHETHER THE COUNTY SHALL: RESTABLISH THE NUMBER OF TERMS A PERSON MAY SERVE AS TREASURER AS THREE TOTAL TERMS; DEFINE A TERM SERVED; ESTABLISH JANUARY 1, 2022 AS THE EFFECTIVE DATE FOR TERMS SUBJECT TO THE PROPOSED THREE TERMS LIMITS, AND; (2) CERTIFYING THE QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 2, 2021 GENERAL ELECTION”

Discussion: Commissioner Linke stated that voters have a chance to make a decision every election on who to elect

Commissioner Linke wondered what problem the Board is trying to solve

Commissioner Linke stated that by putting this on the ballot, it implies support and he does not support

Commissioner Cimino aye

Commissioner Manguso aye

Commissioner Linke no

The motion passed.

Commissioner Manguso moved to approve Resolution No. 2021-8-14, “CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF GRAND COUNTY, COLORADO, OF A REFERRED BALLOT QUESTION: (1) REGARDING WHETHER THE COUNTY SHALL: RESTABLISH THE NUMBER OF TERMS A PERSON MAY SERVE AS SURVEYOR AS THREE TOTAL TERMS; DEFINE A TERM SERVED; ESTABLISH JANUARY 1, 2022 AS THE EFFECTIVE DATE FOR TERMS SUBJECT TO THE PROPOSED THREE TERMS LIMITS, AND; (2) CERTIFYING THE QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 2, 2021 GENERAL ELECTION”

Discussion: Commissioner Linke stated that voters have a chance to make a decision every election on who to elect

Commissioner Linke wondered what problem the Board is trying to solve

Commissioner Linke stated that by putting this on the ballot, it implies support and he does not support

Commissioner Cimino aye

Commissioner Manguso aye

Commissioner Linke no

The motion passed.

Commissioner Manguso moved to approve Resolution No. 2021-8-16, “CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF GRAND COUNTY, COLORADO, OF A REFERRED BALLOT QUESTION: (1) REGARDING WHETHER THE COUNTY SHALL: RESTABLISH THE NUMBER OF TERMS A PERSON MAY SERVE AS CLERK AND RECORDER AS THREE TOTAL TERMS; DEFINE A TERM SERVED; ESTABLISH JANUARY 1, 2022 AS THE EFFECTIVE DATE FOR TERMS SUBJECT TO THE PROPOSED THREE TERMS LIMITS, AND; (2) CERTIFYING THE QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 2, 2021 GENERAL ELECTION”

Discussion: Commissioner Linke stated that voters have a chance to make a decision every election on who to elect

Commissioner Linke wondered what problem the Board is trying to solve

Commissioner Linke stated that by putting this on the ballot, it implies support and he does not support

Commissioner Cimino aye

Commissioner Manguso aye

Commissioner Linke no

The motion passed.

Commissioner Manguso moved to approve Resolution No. 2021-8-17, "CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF GRAND COUNTY, COLORADO, OF A REFERRED BALLOT QUESTION: (1) REGARDING WHETHER THE COUNTY SHALL: RESTABLISH THE NUMBER OF TERMS A PERSON MAY SERVE AS ASSESSOR AS THREE TOTAL TERMS; DEFINE A TERM SERVED; ESTABLISH JANUARY 1, 2022 AS THE EFFECTIVE DATE FOR TERMS SUBJECT TO THE PROPOSED THREE TERMS LIMITS, AND; (2) CERTIFYING THE QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 2, 2021 GENERAL ELECTION"

Discussion: Commissioner Linke stated that voters have a chance to make a decision every election on who to elect

Commissioner Linke wondered what problem the Board is trying to solve

Commissioner Linke stated that by putting this on the ballot, it implies support and he does not support

Commissioner Cimino aye

Commissioner Manguso aye

Commissioner Linke no

The motion passed.

Commissioner Manguso moved to approve Resolution No. 2021-8-18, "CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF GRAND COUNTY, COLORADO, OF A REFERRED BALLOT QUESTION: (1) REGARDING WHETHER THE COUNTY SHALL: RESTABLISH THE NUMBER OF TERMS A PERSON MAY SERVE AS SHERIFF AS THREE TOTAL TERMS; DEFINE A TERM SERVED; ESTABLISH JANUARY 1, 2022 AS THE EFFECTIVE DATE FOR TERMS SUBJECT TO THE PROPOSED THREE TERMS LIMITS, AND; (2) CERTIFYING THE QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 2, 2021 GENERAL ELECTION"

Discussion: Commissioner Linke stated that voters have a chance to make a decision every election on who to elect

Commissioner Linke wondered what problem the Board is trying to solve

Commissioner Linke stated that by putting this on the ballot, it implies support and he does not support

Commissioner Cimino aye

Commissioner Manguso aye

Commissioner Linke no

The motion passed.

Commissioner Manguso moved to approve Resolution No. 2021-8-15, "CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF GRAND COUNTY, COLORADO, OF A REFERRED BALLOT QUESTION: (1) REGARDING WHETHER THE COUNTY SHALL: RESTABLISH THE NUMBER OF TERMS A PERSON MAY SERVE AS ASSESSOR AS THREE TOTAL TERMS; DEFINE A TERM SERVED; ESTABLISH JANUARY 1, 2022 AS THE EFFECTIVE DATE FOR TERMS SUBJECT TO THE PROPOSED THREE TERMS LIMITS, AND; (2) CERTIFYING THE QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 2, 2021 GENERAL ELECTION"

Discussion: Commissioner Linke stated that voters have a chance to make a decision every election on who to elect

Commissioner Linke wondered what problem the Board is trying to solve

Commissioner Linke stated that by putting this on the ballot, it implies support and he does not support

Commissioner Cimino aye

Commissioner Manguso aye

Commissioner Linke no

The motion passed.

Grand County Road & Bridge Asphalt Plan

Presented by County Engineer Tim Gagnon.

The Road and Bridge Superintendent and County Engineer recommend the following items:

1. Grand County continues to move forward with the Asphalt “Base” Plan, concentrating the County’s funding and resources on maintaining (and soon preserving) the asphalt road surfaces on our Primary and Secondary Roads.
2. Chip seal surfacing for all future maintenance resurfacing of Primary and Secondary Roads.
3. The Plan remains flexible and allows R&B to maneuver roads and surfacing options as needed, whichever Plan is selected.

If the “All Roads” Plan is selected, the Road and Bridge Superintendent and County Engineer recommend:

4. Chip seal surfacing for all future maintenance resurfacing of Tertiary & Subdivision Roads.
5. The budget should include costs to properly reconstruct the pavement section of all the Tertiary Roads and should not involve the County creating special districts for these roads or placing chip seal on old failing asphalt.
6. The County should notify the HOAs with roads in the Subdivision Roads category to be prepared to fund the road surface reconstruction improvements necessary to provide a sound asphalt pavement section, if they do NOT want the County to place chip seal on their existing asphalt roads.

MOU Drought Preparedness Plan

Commissioner Manguso moved to approve and authorize the Chair to sign the Memorandum of Understanding Grand County Drought Preparedness Plan as presented.

The motion passed unanimously.

Board Business

Commissioner Manguso moved to approve Resolution No. 2019-8-18, “A RESOLUTION APPROVING THE FINAL PLAT, BLUE VALLEY RANCH SPRING CREEK BRIDGE OUTRIGHT EXEMPTION, LOCATED IN THE SE1/4 OF THE NE ¼, SECTION 33, TOWNSHIP 1 SOUTH, RANGE 80 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO.

The motion passed unanimously.

The Board be appointing a representative to the Opioid Response Team no later than November 3, 2021.

Public Hearing – Grand Gravel, Kremmling, CO Special Use Permit Renewal

The public hearing scheduled to begin at 11:30 a.m. was called to order by Chair Linke at 11:30 a.m.

Community Development Director Robert Davis presented the exhibits as follows:

- | | |
|-----------|---|
| Exhibit A | Public Review Sheet |
| Exhibit B | Grand County Development Application |
| Exhibit C | Grand Gravel Mined Area Plan |
| Exhibit D | Grand Gravel night work request |
| Exhibit E | Map of adjacent property owners within 1,000 feet notified for Board of Commissioners meeting on August 17, 2021 |
| Exhibit F | List of adjacent property owners as determined by GIS within 1,000 feet notified of Board of Commissioners meeting of August 17, 2021 |
| Exhibit G | Memo sent to property owners |
| Exhibit H | Public Notice sign on property |
| Exhibit I | Public Notice dated July 7, 2021 |
| Exhibit J | Proof of Publication in July 15, 2021 issue of the Middle Park Times |
| Exhibit K | Certificate of Recommendation dated August 3, 2010 |
| Exhibit L | Resolution No. 2010-8-4 for Grand Gravel Special Use Permit |
| Exhibit M | Certificate of Recommendation dated August 17, 2021 |
| Exhibit N | Letter from Frank and Jodie Docheff received August 13, 2021 |
| Exhibit O | Email from CDPHE dated August 17, 2021 regarding Grand Gravel |

PROJECT NAME: Grand Gravel Pit Special Use Permit Renewal
APPLICANT: Richard, Thomas and Marilyn Curry
LOCATION: SE4SE4SE4 of Section 1 and NE4NE4 of Section 12, Township 1 North, Range 80 West of the 6th P.M., near Kremmling

APPLICABLE

REGULATIONS: Grand County Zoning Regulations Section XI, Section 11.8 Special Use Permits, Grand County Master Plan

ZONING: Forestry & Open

ATTACHMENTS:

A. Application

STAFF: Robert C. Davis, AICP, SMP, Director

REQUEST: The Applicant is requesting a Special Use Permit for a mobile concrete batch plant.

DISCUSSION

Grand Gravel (“Permittee”) has a gravel pit operation located on 21.21 acres in Sections 1 and 12, Township 1 North, Range 80 West. The gravel operation is located approximately five miles east of Kremmling and approximately one mile north of U. S. Highway 40 on Grand County Road 2 and has been in operation since 1999. The Permittee is requesting renewal of the Special Use Permit. Following is a brief history of the pit:

1998-2001:

Grand County issued a Special Use Permit for the gravel pit (Resolution No. 1999-3-3 recorded at Reception No. 99006037), with a specified permit period of May 19, 1998 to May 19, 2001.

2001-2006:

The Special Use Permit for the gravel pit was renewed (Resolution No. 2001-5-21 recorded at Reception No. 2001007011), with a specified permit period of May 19, 2001 to May 19, 2006.

2005-2010:

The Special Use Permit was amended to increase the size of the pit by 9.57 acres for a total of 19.57 acres and the Permit was also renewed (Resolution No. 2005-6-6 recorded at Reception No. 2005006246), with a specified permit period of June 14, 2005 to June 14, 2010.

August 2005:

Permittee was approved for nighttime hours to operate for a period from August 9, 2005 to September 9, 2005 for a CDOT paving project. (Resolution No. 2005-8-2 recorded at Reception No. 2005009090).

September 2005:

Permit was amended to correct the legal description and acreage of the property from 19.57 acres to 21.21 acres (Resolution No. 2005-9-11 recorded at Reception No. 2005010852), with a specified permit period of September 6, 2005 to September 6, 2010.

November of 2005:

Permittee converted their State Mining and Reclamation Permit from a 110c to a 112c permit.

The uses permitted at the gravel pit are:

- One (1) rock crushing plant
- Two (2) screening plants with a capacity not to exceed two hundred fifty (250) tons per hour average
- Four (4) loaders
- Portable scale and scale house
- Asphalt plant with a capacity of two hundred (200) tons per hour average with dust control
- Concrete batch plant
- Miscellaneous equipment to be used on occasion, such as dozers, scrapers, haul trucks, skid loaders, track hoes, water trucks and motor graders

COMPLIANCE WITH GRAND COUNTY MASTER PLAN

An integral component of the Master Plan with respect to the proposed use is environmental quality. Gravel extraction operations are ordinarily regulated by the Colorado Division of Minerals and Geology, Mined Land Reclamation Board, Colorado Division of Natural Resources and are required to manage erosion and sediment, drainage, water quality and air quality.

A stated goal of the Master Plan is to protect the county’s rural character and ranching economy while enhancing and maintaining the general county economy. This gravel pit is on the Curry Ranch, isolated from the general public and not visible from public roads. The reclamation plan is to return the mined area to range land and grazing uses.

An additional goal of the Master Plan is to provide adequate infrastructure. This pit will provide material for road repairs that will result in a better traveling surface and improve public safety for Grand County citizens and the general public.

Staff believes that this request is in compliance with the Grand County Master Plan.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

This property is located within the Forest and Open zone district. Gravel pit operations are regulated under Section XI, Uses Permitted by Special Review, Subsection 11.8(3):

- (a) Truck traffic to and from such uses shall not create hazards in the estate, residential, accommodations, and tourist areas;

The entire vicinity of this gravel pit is in the Forest and Open Zone District and there is no impact in the estate, residential, accommodations or tourist zone districts.

- (b) Truck traffic to and from such uses shall not unduly damage public roads;

County Road 2, is a gravel road and provides access to the site from US 40 to the south. The road is in acceptable condition and truck traffic has not shown any major damage to the public roads. In 2001, a condition was added to the permit stating: "Any repairs to County Road 2 deemed necessary by the Grand County Road and Bridge Department caused by excessive truck traffic by this operation will be the responsibility of the Permittee." In Resolution 2005-6-6 this language was omitted but added back in 2010.

- (c) A satisfactory general rehabilitation plan for the land shall be submitted prior to the start of the operation and implemented thereafter;

The general rehabilitation plan is part of the approved 112c Mining and Reclamation Permit under Permit Number M-1998-019.

- (d) Quarry, sand and gravel operations shall require a well permit issued by the office of the state engineer if ground water is exposed or water is required for operations.

At this time, the Grand Gravel operation does not require a well permit from the State of Colorado, as no water is being used on the site. The original Special Use Permit provided that a concrete batch plant would be allowed on site after adequate proof of water for such a use was provided to the county.

This condition shall be carried forward with any renewal of the Permit.

Staff did confirm with the Permittee that the gravel pit is still functioning as a dry pit and no water is being used.

- (e) A CDOT access permit is acquired, if necessary.

N/A

Staff believes that the request remains in compliance with the Grand County Zoning Regulations.

PUBLIC NOTICE

Public Notice was made in the July 15, 2021, issue of the Middle Park Times as required. All property owners within 1000 feet were notified by certified mailing.

STAFF COMMENTS

The SUP expired on September 6, 2020. The applicant indicated that because of ownership transition and personal issues, the previous operators neglected file a request for renewal. Upon discovery that the SUP had expired, coupled with the need to maintain contracts with clients, the applicant approached Staff and submitted an application for renewal on June 15, 2021. Staff discussed concerns with Jodi Docheff on August 13, 2021 concerning what appeared to be operations at the site. Staff contacted the applicant that there was observed activity at the site and requested the applicant cease operations. The applicant stated he would comply. The applicant provided the following comment on August 13, 2021:

During the last Special Use Permit, the land owner with the trade name Grand Gravel had a company with the trade name Grand Gravel Pit operating out of our pit. Grand Gravel Pit did not use this pit a lot. It is getting harder to get gravel in a lot of locations causing longer hauls to do jobs. Richard, Marilyn and Tom Curry are taking the operation of Grand Gravel back. We would like to crush the remaining material and reclaim pit in next 10 years.

United Companies was operating out of another pit run by Grand Gravel Pit with jobs for paving with Grand County and CDOT. Due to a dispute between Grand Gravel Pit and United they had to relocate to another site to complete the jobs they had bid with Grand County and CDOT in Summit County.

We would like to add the paragraph about Emergency Use and Special Jobs that I discussed with you. I don't see changes to our Special Use Permit other than adding these paragraphs.

The Special Use Permit has standard language regarding noise and dust:

- Noise and Dust–Permittee shall not allow noise and dust to create a nuisance to adjoining properties.

The following language relative to Emergency Use and Special Jobs will also be added to the SUP:

Emergency and Special Projects:

- a. Emergency Situation is defined as:

Non-routine situation which requires prompt action to protect the welfare of the public from potential hazardous incidents and damage to property. A person who, through no fault of his or her own, is placed in a sudden emergency, is not chargeable with negligence if the person exercised that degree of care which a reasonably careful person would have exercised under the same or similar circumstances.

- b. Projects Outside Required Hours of Operation-Procedure

Any Special Use Permittee, prior to providing a bid for a project outside the required hours of operation of their Special Use Permit, which is for the good for approval of a non-routine project, Permittee shall make application to the Department of Planning and Zoning. All property owners within 500' of said Special Use Permit shall be notified prior to review before the Board of County Commissioners.

The hours of operation will remain as 7:00 a.m. to 7:00 p.m. Monday through Saturday and will exclude trucks returning to the pit site after hours.

The Permittee is aware that if they are to use water on the site an appropriate and approved water source shall be provided.

Staff believes that a ten (10) year renewal period for this pit would be acceptable since no complaints have been issued during the permit term.

STAFF RECOMMENDATION

Staff recommends renewal of the Grand Gravel Pit Special Use Permit, with the following conditions:

- The Permit shall have an expiration date of September 6, 2030.
- Prior to recording any Resolution, the Permittee shall pay for all fees associated with the public notice and certified mailings.

The following conditions shall be added to the Permit:

- Permittee is required to provide Grand County proof of adequate water source for the concrete batch plant prior to it being placed in the gravel pit area if water use is anticipated at the site.
- Language relative to Emergency Use and Special Jobs will also be added to the SUP.
- All other terms and conditions as contained within the existing Grand Gravel Pit Special Use Permit, Grand County Board of County Commissioners Resolution No. 2010-8-4, recorded at Reception No. 20100007283 shall remain in full force and effect.

Jody Docheff lives near the permit. She noted that this is an expired permit. It cannot be renewed if it is expired.

Ms. Docheff noted that traffic with this permit is an issue.

Commissioner Manguso moved to approve the Grand Gravel Special Use Permit Renewal with expiration date of September 6, 2030, all fees must be paid, if concrete batch plant is added proof of adequate water must be provided, all other conditions in the existing permit with the addition of current MLRB regulation compliance.

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.
The motion passed unanimously.

Manager Items

Commissioner Manguso moved to authorize the Chair to sign the Temporary Access Agreement into the property to complete Phase 2 of the County Road 522 evaluation.
The motion passed unanimously.

Commissioner Manguso moved to approve the six letters thanking people for their work at the Middle Park Fair.
The motion passed unanimously.

Consent Agenda

Resolution No. 2021-8 -8, "AUTHORIZING THE CULTURAL SURVEY WORK RELATED TO THE FRASER VALLEY PARKWAY PROJECT TO PROCEED"

Resolution No. 2021-8-9, "APPROVING THE FIRST AMENDMENT TO THE SERVICES CONTRACT WITH MILLER ENGINEERS, INC. DBA SOUDER MILLER & ASSOCIATES FOR POST-CLOSURE ACTIVITIES AT THE KREMMLING LANDFILL AND GRANBY LANDFILL"

Resolution No. 2021-8-10, "APPROVING THE CONTRACT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR A FEASIBILITY STUDY OF THE RED DIRT HILL PROJECT"

Resolution No. 2021-8-11, "APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AND THE WINDY GAP FIRING PROJECT WATER ACTIVITY ENTERPRISE CONCERNING CONDITIONS 21 AND 22 OF THE 1041 PERMIT FOR THE 2012 WGFP"

Resolution No. 2021-8-12, "AUTHORIZING THE GRAND COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT TO UPGRADE THE SERVICES PROVIDED BY HOST COMPLIANCE, LLC FOR THE PROVISION OF ENHANCED SHORT-TERM RENTAL MANAGEMENT AND COMPLIANCE SOFTWARE"

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

West Grand School district – Goals & Vision, Mill Levy Override, and Upcoming Events

West Grand School District Interim Superintendent High School Principal Elizabeth Bauer and Finance Director Martha Schake presented.

West Grand School District will be requesting a mill levy override on the upcoming ballot in the amount of 4.525 mills

The request is for salaries and deferred maintenance and up-keep projects. The 4.525 mills could garner up to \$550,000 for the school district.

The current mills for general operating is 18.419 plus bond mill of 6.921. The total mills for West Grand School District is 25.340 mills.

If the ballot issues passes, the cost to a \$400,000 home would be \$126.70 additional each year which is a little over \$10 per month.

The goal is to have financial security for the school district for the long term. Sometime the grants come and go. In the past, grants have been used for an electric bus, HVAC at the high school, and new security camera systems.

West Grand will be at the financial cliff in the near future. Funding from COVID relief will be going away.

Calendar

- Aug. 18 Commissioner Linke Wolf Technical Committee Conference Call, 8 am to 4 pm
- Aug. 19 Colorado Geographic Naming Advisory Board Meeting via Zoom, 8 to 11 am
- Aug. 19 CCI Mountain District Meeting (with optional historical tour kickoff at 9 am) at the Gilpin County Courthouse, Central City, 10 am to 2 pm
- Aug. 19 National Association of Counties (NACo) West Region Video Conference Call, starting at 2 pm

- Aug. 19 Bi-Annual BOCC Update to the Town of Hot Sulphur Springs, HSS Town Hall, starting at 6:30 pm
- Aug. 20 Health Insurance Affordability Enterprise Board Meeting via Zoom, 8 to 10 am
- Aug. 20 CCI Western District Meeting in Montrose County, 10 am to 1 pm
- Aug. 20 “Wild Fire” Theatrical Concert Honoring Real Colorado Stories from the East Troublesome Fire, at Hideaway Park at Rendezvous Event Center in Winter Park, starting at 7 pm
- Aug. 25 Monthly Legislators Breakfast Meeting via Zoom, 8 to 10 am

Public Hearing – Special Use Permit for Byers Peak Properties, LLC Mobile Concrete Plant (continued from August 10, 2021)

The public hearing scheduled to begin at 1:30 p.m. was called to order by Chair Linke at 1:30 p.m. County Attorney Leahy provided the additional record as follows:

- Exhibit T Storm Water Management Plan for Construction Activities revised July 2021
- Exhibit U Email from Kent Whitmer dated August 3, 2021
- Exhibit V Email from Ingrid Karlstrom dated August 3, 2021
- Exhibit W Staff certificate to the Board of County Commissioners dated August 17, 2021
- Exhibit X Email from Jane Mather dated August 14, 2021
- Exhibit Y Email from Jane Mather dated August 9, 2021
- Exhibit Z Email from Jane Mather dated August 6, 2021
- Exhibit AA Email from Peggy Smith dated July 22, 2021
- Exhibit BB Email from Pete Stowkowski dated June 9, 2021
- Exhibit CC Email from Chris Baer dated June 7, 2021
- Exhibit DD Site map attached to Storm Water Management Plan dated August 2021
- Exhibit EE Figure 1, Site location map concrete batch plant
- Exhibit FF Staff certificate and recommendation dated August 17, 2021

With regard to required documentation for the analysis of conditions needed for the issuance of the SUP, the applicant has submitted an APEN application and related air quality documents. We have also received the CDOT approval of the traffic analysis, comments from the County Engineer and comments from the Town of Fraser regarding the July 9, 2021 Traffic Impact Study.

Outstanding items discussed last week included the need for a submission of the Stormwater Management Plan and a plan to handle the water needs on the site. It was discussed that applicant could either:

- a. Obtain consent of neighboring property owner for the use of an easement to transport water using water from St. Louis Creek through the Gaskill Ditch or
- b. Proof to Grand County that the Permittee possesses the right to convey water across neighboring property without the property owner’s consent or
- c. Proof of the use of the pond water decreed for industrial uses or
- d. Provide an alternative plan for getting water to the site. The plan should include truck trips needed and the impact those additional truck trips will have on the total amount of truck trips estimated in the Traffic Impact Study dated July 9, 2021.

The county is setting up a meeting with the Town of Fraser to further discuss maintenance implementation of CR 721 in light of the proposed concrete batch plant and other proposed development projects in the vicinity.

The SUP will be granted for an initial term of one year with an option to review.

The BOCC allowed the public hearing to be continued to August 17 that the request of the applicant but stipulated that if all of the required items expressed above, i.e., water plan and Stormwater Management Plan, etc., were not provided to the County by the meeting date, the hearing would be postponed for another 30 days.

Recommendation

There following 14 conditions must be met prior to the issuance of the SUP:

1. The Permittee must comply with all local and state permits provided prior to issuance of the SUP including:
 - a. Air Pollution Emissions Notice and any required air quality permits
 - b. Stormwater Management Plan (SWMP).
 - c. Provide the County and the Town of Fraser a plan for providing water to the site.
2. The following condition shall be applied to this permit for air quality concerns:
 - a. The Permittee is required to identify inversion days internally and take appropriate action to avoid air quality issues in the Fraser Valley. If a state air quality violation notice is issued, the Permittee

- will immediately be required to appear before the Board of County Commissioners and the Permittee is on notice that hours of operation may be limited and the permit may be revoked.
3. Address the County Engineer comments dated August 4, 2021 related to the analysis of CR 72/721 geometry and cross-section to determine compliance with Road and Bridge Standards including but not limited to horizontal and vertical alignment.
 4. Address County Engineer comments dated August 4, 2021 that the horizontal offset distance of the site access point and the new Filing 2 south road connection at CR 721 does not meet minimum intersection offset distances in the Standards.
 5. Verification that all Town of Fraser requirements as outlined in the June 30, 2021 letter have been addressed prior to the issuance of a SUP.
 6. The following conditions shall be applied to this permit to address truck traffic from being a hazard to estate, residential, accommodations and tourist areas:
 - a. Hours of operation shall be Monday through Saturday, 7:00am to 7:00pm and shall not include trucks returning to the pit. Truck loading of materials from the silos shall be allowed to begin at 6am, Monday through Saturday. No other operation are allowed within the 6am to 7am timeframe.
 - b. The routing of trucks will be required to avoid Norgren and should not filter through the Old Town neighborhood of the Town of Fraser except if there is a direct concrete job located within the Town of Fraser.
 - c. Trucks leaving the subject site be prohibited from making a left turn out of the site and using CR 721 to venture north.
 - d. No trucks will access US 40 from Eisenhower Drive in Fraser. All trips accessing US 40 will be routed through GCR 721 and to the intersection of GCR 72, and will use GCR 72 to access US 40 except if there is a direct concrete job located within the Town of Fraser.
 - e. 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.
 - f. Limitations to maximum concrete production and traffic will be defined in the SUP to ensure the actual concrete production and corresponding traffic complies with the information provided in the traffic study dated July 9, 2021 (i.e. max. 81 total daily trips (40 in/out), max. 350 cubic yards daily concrete production, etc.).
 7. The following shall be made a condition of this permit to address road damage:
 - a. During the term of this Permit, if any damage or injury is caused to County Road 721 or CR 72, said County Road being the public right-of-way over which materials will be transported when collected from the permit area, then and in that event, the County shall give written notice to the Permittee specifying the damage which is being caused by the Permittee's operation. Within ten (10) days after such written notice, which shall be deemed to have been furnished at the time of mailing to Permittee at its address shown on this Permit, Permittee shall correct its operation to eliminate such damage and at its expense, repair the damage alleged to have been caused to the county road. If Permittee denies responsibility for the damage alleged to have been caused by its operation, then and in that event, Permittee shall furnish written notice to the Board of County Commissioners of the County of Grand of its denial of liability within ten (10) days. Within twenty (20) days after receiving said written notice of denial of liability, the Board of County Commissioners of the County of Grand shall hold a Public Hearing. After hearing evidence regarding the alleged damage and the responsibility of the Permittee for such damage, the Board of County Commissioners of the County of Grand shall make findings regarding Permittee's liability or non-liability. If Permittee is found responsible for injury to County Roads 721 and 72, it shall so be advised in writing as provided for above in case of notice, and shall have ten (10) days in which to comply with the decision of the Board of County Commissioners of the County of Grand. Failure to comply with these provisions by the Permittee shall automatically result in the termination of this Permit Amendment and Permittee shall immediately cease operation.
 - b. Permittee shall pay its proportional share of road maintenance made on GCR 721, if and when it becomes applicable; Grand County shall determine the Permittee's proportional share for County Road 721 maintenance improvements, if and when made.
 - c. If the Permittee does not pave CR 721, 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. The Town of Fraser and the County will coordinate on identifying conditions for the maintenance of the CR 72 and CR 721
 8. The Permittee will clarify and identify equipment to be contained within this proposed operation.
 9. No sky-lining of equipment or structures shall be allowed.
 10. All signage shall be permitted and comply with the requirements outlined within the Grand County Zoning Regulations. If lighting is proposed, a detailed lighting plan shall be provided.
 11. Permittee shall be responsible for controlling and maintaining the site in attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.
 12. Permittee will provide an on-site wash-out area for the cleaning of the concrete trucks.

13. Permittee shall provide a berm to visually buffer and block view of the concrete plant from residential areas immediately west of the concrete batch plant site.
14. That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site
 - Abandonment
 - Violation of Terms and Conditions
 - Termination

Community Development Director Robert Davis stated that he has received a response from the town of Fraser and from the County Engineer and Road and Bridge Superintendent regarding the traffic study.

Mr. Davis just received the 166 page Storm Water Plan and he has not reviewed it. The applicant informed Mr. Davis that he will not truck in water.

Mr. Davis stated his recommendation is to approve the Special Use Permit with the conditions provided and that staff review the Storm Water Management Plan and water plan. Mr. Davis suggested removing recommendation number 6 with regard to traffic studies.

Mr. Lipscomb stated that he may need to truck water, so he would like to leave that in the plan.

Mr. Lipscomb requested a 5-year approval. It is a mobile plant and it will be temporary. It will likely be gone in five years.

In the recommendations, Mr. Lipscomb would like the following changes:

Remove 1A, 1B, 2A, 3, 4, 5, 6C, 6E, and 13.

Drew Tucker of Elk Creek Village HOA stated that if the plant is approved, he would like to see one year and then a sunset after 24 months.

Graham Powers stated that his question is about water. Mr. Powers stated that it appears that Mr. Lipscomb will need 134,000 gallons of water per week. Mr. Powers is concerned that Mr. Lipscomb has enough water. Mr. Powers stated that there is a trail head at Murdock's and at HTA. Mr. Powers believes that the developer should build a trail on County Roads 72 and 721.

Louise Powers of 18 County Rd 731, stated there is a need for a batch plant. She would like to see it for one year. Ms. Powers noted that yesterday afternoon and this morning there were dump trucks driving into the site and there was a plumb dust coming up behind it.

Based on a question from Jane Mather, the Board noted that it can add conditions to a renewal.

Mr. Lipscomb stated that he requested an administrative exchange for water.

Commissioner Cimino requested documentation of work already on County Road 522 (now known as Old Victory Road) by Mr. Lipscomb that would be connected to any part of the Fraser Valley Parkway that is built and used as a thoroughfare going to Kings Crossing Road.

Commissioner Cimino stated that bicycle and pedestrian trails are directly related to this project.

Mr. Lipscomb stated that there will be a portion of the Old Victory Road that is currently unpaved. In the annexation agreement with Fraser, the road is a public road. Mr. Lipscomb built great trails along the road.

As soon as the road is accepted by Fraser, it is connected from Kings Crossing to Murdock's.

Mr. Lipscomb is in support of a connection to the ballfields. He suggested a connection from County Road 72 over to County Road 5 at the ballfields. When this connection gets made, Mr. Lipscomb committed to link in trails into that system.

Mr. Lipscomb is not opposed to a connection from Elk Ranch Road to Old Victory Road and then to Kings Crossing.

Commissioner Linke summarized what he heard from Mr. Lipscomb. Mr. Lipscomb is committed to help contribute to the trail systems and connectivity to meet the needs of the community.

Commissioner Manguso moved to approve the Special Use Permit for Byers Peak Properties, LLC Mobile Concrete Plant with conditions and the following changes:

No. 2 shall read: The permittee shall take appropriate actions to avoid air quality issues on inversion days.

The Board agreed to combine 6b and c, noting if there is a job that requires a left turn, then the applicant can turn left.

6e stays in and includes the requirement: Permittee shall be required to submit monthly reports no later than the 10th of the month following.

With regard to 13, it shall read: The Permittee shall maintain the existing berm as a buffer to screen and buffer the view of the concrete plant.

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 4:00 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 14th day of September 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder