

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

September 6, 2022

Present: Commissioner Richard D. Cimino, Commissioner District 1  
Commissioner Merrit S. Linke, Commissioner District 2  
Commissioner Randal F. George, Commissioner District 3

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 announced that the fire discussion with the Sheriff will take place today at 10:45 a.m.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner's meeting of August 2, 2022.

The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner's meeting of August 9, 2022.

The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner's meeting of August 16, 2022.

The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner's meeting of August 23, 2022.

The motion passed unanimously.

#### General Public Comments

Mariette McGrath reminded the Board that next week is Constitution Week in Grand Lake. More information can be found at [www.grandlakeusconstitutionweek.com](http://www.grandlakeusconstitutionweek.com).

#### Finance

Commissioner Cimino moved to approve and the Board sign a letter designating fund balance for December 31, 2021.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on September 7, 2022, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner George moved to approve the checks presented on September 6, 2022, for payment on September 7, 2022, for the Grand County Housing Authority.

The motion passed unanimously.

Commissioner George moved to approve the vouchers presented on September 6, 2022, for payment on September 7, 2022, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner George moved to approve wire payment and vouchers presented on September 6, 2022, for payment on September 7, 2022, for Grand County.

The motion passed unanimously.

#### Departmental Contracts, Comments, Issues

Commissioner Cimino moved to approve the Report of Changes for the Hotel and Restaurant Liquor License with Optional Premises for Fraser Valley Metropolitan Recreation District dba Bistro 28 at Pole Creek as presented.

The motion passed unanimously.

Commissioner George moved to approve the renewal of the Hotel and Restaurant Liquor License for SD & AD, Inc., Roadhouse Bar & Grill as presented.

The motion passed unanimously

Josh Schroeder presented a Services Contract for Granby Airport with SWCA. This is for the northwest development project and the airport facility needs to borrow some fill material from one area of the airport to finish building the access road. The FAA is requiring a cultural survey to ensure that no cultural sites are disturbed. This request is not in the 2022 budget.

Commissioner George moved to approve and authorize the Chair to sign the Services Contract between Grand County Board of County Commissioners and SWCA Incorporated dba SWCA Environmental Consultants for the cultural review at the Granby Airport for the fill material to be borrowed in the amount of \$5,410.

The motion passed unanimously.

Mr. Schroeder reported that most of the lights at the Kremmling Airport that project light onto the tarmac have degraded. Mr. Schroeder is looking to upgrade the lights from incandescent to LED. Grand Power & Plumbing quoted \$3,900 to upgrade the lights to LED.

Commissioner George moved to approve and authorize the Chair to sign the Services Contract between Grand County Board of County Commissioners and Grand Power & Plumbing LLC d/b/a Grand Power for the installation of LED lights at the Kremmling Airport in the amount of \$3,900.

The motion passed unanimously.

Commissioner Linke announced the Board is sitting as the Board of Human Services.

Human Services Director Deb Ruttenberg reported that the State of Colorado Office of Economic Security has additional American Rescue Plan Act of 2021 funds to provide to the County for the SNAP program. The amount being authorized by the state is \$800.76.

Commissioner Cimino moved to approve the Contact between the Grand County Department of Human Services and the State of Colorado Office of Economic Security for additional ARPA funds in the amount of \$800.76 which is a total amount received by the County of \$1,601.51.

The motion passed unanimously.

Ms. Ruttenberg presented the Intergovernmental Contract Amendment #1 for the Promoting Safe and Stable Families Program for a grant in the amount of \$41,263. It is a Contract between the Grand County Board of Human Services and the Colorado Department of Early Childhood. The start date is October 1, 2022 and ends September 30, 2023.

Commissioner George moved to approve and authorize the Chair to DocuSign the Intergovernmental Contract Amendment #1 between Grand County Department of Human Services and the Colorado Department of Early Childhood in the amount of \$41,263 as presented.

The motion passed unanimously.

Ms. Ruttenberg is trying look at new way to locate folks for her department in a variety of ways. Ms. Ruttenberg presented a Subscriber Agreement to try out the services for a 14-day free trial. This would be for child support services to provide a tool to help find the paying parent and to either establish or help collect on an already established order that benefits the child. The information provided in nationwide and not just specific to Colorado which is helpful for child support. It would also help with child welfare to perform a diligent search to find relatives.

Commissioner George moved to approve and authorize the Chair to sign by DocuSign the Subscriber Agreement for TRADS Services for the 14-day trial as presented.

The motion passed unanimously.

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

Undersheriff Wayne Shafer presented Amendment No. 1 to the Telecommunications License Agreement No. TS-12-0118 between Tri-State Generation and Transmission, Inc. and Grand County Board of Commissioners for the North Cottonwood Telecom Site to add equipment. There is no cost to Grand County.

Commissioner George moved to approve Amendment No. 1 to the Telecommunications License Agreement No. TS-12-0118 between Tri-State Generation and Transmission, Inc. and authorize the Chair to sign.

The motion passed unanimously.

Assistant County Manager Micah Benson presented an update on the EWP program. There is a meeting this morning with the property owners at Drowsy Water Ranch to review some design alternatives to see what else can be done to prevent the type of damage that happened in the last flooding event.

The pre-construction meetings for the Landslide Ditch and the East Fork Ditch happened last week and construction should start soon.

Construction is complete on the Corral Creek Arch Culvert on County Road 21.

Ms. Benson presented a map of the areas where aerial mulching took place. Ms. Benson identified areas that were logged. Almost 7,500 acres were mulched between the Forest Service and the BLM for a total cost of \$17.3 million.

Commissioner George moved to approve Resolution No. 2022-8-16, "A RESOLUTION APPROVING AMENDMENTS TO THE MOUNTAIN MADNESS, INC. SPECIAL USE PERMIT LOCATED ON THE MUNRO OUTRIGHT EXEMPTION IN THE SE1/4 OF THE SE1/4 OF SECTION 24, T1N, R77W OF THE 6<sup>TH</sup> P.M., GRAND COUNTY, COLORADO" and authorize the Chair to sign all applicable documents. The motion passed unanimously.

#### Manager and Attorney Items

County Manager Moyer stated that he attended a meeting of Grand Places 2050 and there was discussion where the group heads next with funding. The Town of Winter Park has been contributing some of the administrative staff costs. The next meeting is on October 21 at the Granby Town Hall.

Mr. Moyer stated that he had preliminary budget meetings with the departments.

Mr. Moyer reported that with regard to County Road 522 and the wetland mitigation permit conditions, there is a meeting with the Red Hawk Ranch consultant this afternoon. Mr. Moyer also met with Richard Tardy on behalf of the Pole Creek Valley Owners Association to give a general update on County Road 522. Mr. Moyer also sent correspondence to the Corps of Engineers to give them update regarding the amended wetland mitigation plan and financial guarantee. The Corps of Engineers is allowing the County to make that financial guarantee in the form of a line item in the budget for construction as well as wetland mitigation for the entire project.

There will be a legal protection of the wetland sites in the form of a conservation easement or a deed restriction.

Mr. Moyer met with Tom Yoder of the Tabernash Meadows Water and Sanitation District to further discuss the property at the wastewater treatment facility that Grand County owns. One thing that came up is what was defined originally as wetlands and what was defined as uplands may have changed. If there is a portion of the property that may not be as high quality of wetlands or they have changed, then that might present an opportunity for the County to look at doing wetland enhancement or wetland mitigation in that area of the property. That is the southeast area of the property that is north of residential homes.

There are .6 acres of land for wetland mitigation at Red Hawk Ranch. The requirement is 9.1 acres of wetland mitigation. If there is an area that can be expanded, the County will do so. The County will need to get a specialist onto the property to reevaluate the wetland delineation and ask the Corps of Engineers to look at the site.

#### Board Business / Correspondence / Calendar

Commissioner George moved to authorize the Board to sign thank you letters regarding the 2022 Middle Park Fair and Rodeo to the following:

Members of the Middle Park Fair & Rodeo Jr. Livestock Sale Committee and Volunteers  
Middle Park Fair & Rodeo Ground Crew  
CSU Extension  
Fairgrounds Manager – fairgrounds  
Middle Park Fair Board  
Barn & Show Superintendents  
The motion passed unanimously.

Mr. Moyer stated that Allen Pulliam has retired from the County and from the Foothills RETAC and Mr. Moyer suggested that Chief Good be appointed.

Commissioner Cimino moved to appoint Chief Robert Good to the Foothills RETAC.  
The motion passed unanimously.

### Consent Agenda

Resolution No. 2022-09-02, "APPROVING AN APPOINTMENT TO THE FOOTHILLS REGIONAL EMERGENCY MEDICAL & TRAUMA ADVISORY COUNCIL (RETAC)"

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

### Calendar

Commissioner George attended a Zoom meeting of the draft State Water Plan.

Commissioner Linke attended the Quarter 3 2022 Henderson Community Partnership Panel.

Commissioner Linke attended the Hickenlooper event at C Lazy U for Forest Management.

All three commissioners attended the Windy Gap Connectivity Channel event.

Sept 7 GC BOCC Bi-Annual Update to the Town of Fraser, at Fraser Town Hall, starting at 6 pm  
Sept 8 Utility Coordinating Committee Meeting at Java Lava Cafe, in Granby, 7:30-9 am  
Sept 9 – 10 Club 20 Fall Conference and Candidate Debates at Colorado Mesa University in Grand Junction, All Day  
Sept 11 Pig in the Park in Granby at 11 am  
Sept 12 Mayors / Managers/ Commissioners Meeting with Town of Winter Park as Host, Winter Park Town Hall, 10 am to noon  
Sept 13 RiverBank Fundraiser at Denver Botanic Gardens, starting at 5:30 pm  
Sept 14 GC BOCC to Attend Department Head Meeting in the Grand County Administration Building Boardroom, 8 to 9:30 am  
Sept 15 National Association of Counties (NACo) West Region Regular Conference Call, 2 to 3:30 pm  
Sept 15 Peak Health Alliance Executive Committee Meeting via Zoom, 2 to 3 pm  
Sept 15 Counties & Commissioners Acting Together (CCAT) Ad Hoc Committee Meeting via Zoom, 3:30 to 5 pm  
Sept 16 Colorado River District Annual Water Seminar at Colorado Mesa University in Grand Junction, All Day  
Sept 16-18 Stanko Ranch Community Dialogue "Living and Ranching and Wolves" Community Retreat in Steamboat Springs, All Day  
Sept 17 Military Veterans Park Dedication in Grand Lake at 9:00 am  
Every Friday High Country Conservatives Lunch Gatherings at Rockies Restaurant in Grand Lake, Noon to 1 pm

### Public Hearing - Oldcastle Gravel Pit Special Use Permit Amendment to Renew & Transfer of Ownership from ESCO Sand & Gravel LLC to Oldcastle SW Group Inc.

The public hearing scheduled to begin at 10:15 a.m. was called to order by Chair Linke at 10:20 a.m. County Attorney LaBarre-Krostue set the record as follows:

- A. Application dated June 23, 2022
- B. Kattenberg Pit History
- C. Public Notice - Middle Park Times, August 15, 2022
- D. Proof of Publication - Middle Park Times, August 18, 2022
- E. Vicinity Map as established by the Grand County GIS System
- F. List of adjacent property owners, as established by the Grand County GIS System
- G. Certified Mailings to all property owners within 1000' as established by the Grand County GIS System
- H. Minutes from July 27, 2016 Board of County Commissioner Meeting
- I. Minutes from September 21, 2021 Board of County Commissioner Meeting
- J. Board of County Commissioners Resolution No. 2020-1-12 Recorded by Reception No. 202000041
- K. Email from Josh Schroeder, Grand County Airport Supervisor Regarding Glide Path dated August 18, 2022
- L. Email from Serena Rocksund, Colorado Parks & Wildlife dated August 15, 2022

- M. Public Review Sheets (no names)
- N. Certificate of Recommendation dated September 6, 2022

PROJECT NAME: Kattenberg Gravel Pit Special Use Permit Renewal and Amendment  
APPLICANT: Oldcastle SW Group Inc. dba United Companies represented by Jason Burkey  
LOCATION: 1830 CR 60, 1 ½ miles east of the Granby in the SE1/4 SE1/4, Section 33, Township 2 North, Range 76 West of the 6th PM PARCEL ID: 13293340011

#### APPLICABLE

REGULATIONS: Zoning Regulations, Master Plan  
ZONING: F/O – Forestry and Open Zone District  
ATTACHMENTS: Vicinity Map and Memo outlining History of the pit; BOCC Resolution No. 2020-1-12; BOCC Minutes September 21, 2021; BOCC Minutes July 27, 2016  
STAFF PLANNER: Kristen Manguso  
REQUEST: The applicant is requesting to change the name of the permit back to the Kattenberg Pit, amend the owner of the pit from ESCO Sand and Gravel, LLC to Oldcastle SW Group Inc. dba United Companies and renew the permit for a five (5) year period.

#### DISCUSSION

The applicant is the current owner (Reception No. 2022002825) of what is known as the “ESCO pit” located off County Road 60 approximately 1 ½ miles east of Granby. If approved, this request would change the permittee to Oldcastle SW Group, Inc. dba United Companies and renew the permit for five (5) years.

During review of the previous permits, staff found a discrepancy in the hours of operation. In 2011, the hours were as follows:

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

December 1 to March 30: Limited operations (no crushing, washing) are allowed between the hours of 8:00 a.m. and 4:00 p.m.

However, when the permit was renewed on June 27, 2016, the hours of operation changed in the actual permit issued. The “full operation” hours ended October 31 instead of November 30 and “limited operations” in the permit were changed from December 1 to November 1. Please keep in mind that there was nothing within the certificate or discussed during the BOCC meeting amending the hours. √Since there was no formal action taken, staff recommends returning to the last approved hours which are:

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

December 1 to March 30: Limited operations (no crushing, washing) are allowed between the hours of 8:00 a.m. and 4:00 p.m.

On April 1, 2022, ESCO Sand & Gravel LLC sold the gravel pit to Oldcastle SW Group, Inc., a Colorado corporation by General Warranty Deed recorded at Reception No. 2022002825. Further a Bargain and Sale Deed recorded at Reception No. 2022002826 reads, in part, as follows: “any and all water rights, ditches and ditch rights, reservoirs and water storage rights and groundwater wells and groundwater rights including but not limited to 4 shares of capital stock of the Grand County Irrigated Land Company”.

There is also a Water Use and Easement Agreement recorded at Reception No. 2022002827 which allows Oldcastle to access, install, operate, use, maintain, and repair a diversion structure and water line from the Willis No. 1 Ditch on the Wallace Property for its use to fill a proposed augmentation pond on the Oldcastle Property.

√If the Applicant wishes to construct and fill an augmentation pond, written documentation shall be provided from the Division of Water Resources authorizing the pond and use of the water for concrete batch plant operations prior to start-up of the plant.

#### HISTORY

There was a Public Hearing before the BOCC on September 21, 2021 to amend the permit and allow for a concrete batch plant and asphalt plant to operate from this pit. There was never any Resolution prepared or recorded memorializing these approvals, however, the BOCC minutes confirm approvals were granted with the following conditions which are addressed below and will be included in any newly approved permit:

1. The applicant will have to 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

The Applicant has submitted an application for an APEN permit to allow for Aggregate/Sand and Gravel mining along with crushing, screening and washing. √Prior to start-up of any asphalt or concrete operations, the appropriate APEN permits shall be provided to Grand County.

b. Proof of water for the concrete and asphalt operations The Applicant has provided adequate proof of water for the concrete batch plant from the Vail Ditch and a Water Use and Easement Agreement for the Willis No. 1 Ditch. √Prior to start-up of any concrete operations, the Applicant shall provide written documentation showing that the water is able to be used for this purpose.

2. The Permittee will clarify and identify equipment to be contained within the asphalt and concrete batch plant operations.

The above condition is able to be satisfied with the following statement which shall be included in any approved special use permit:

√“Any and all equipment necessary for the operation of asphalt and concrete operations.”

3. Permittee will provide an on-site wash-out area for the cleaning of the concrete trucks.

√The above shall be included as an additional condition within the Permit

4. All other terms and conditions contained with the existing ESCO Sand and Gravel SUP, Resolution No. 2020-1-12, recorded at Reception No. 2020000414 shall remain in full force and effect.

The following three (3) conditions were added during the September 21, 2021 BOCC meeting:

5. Agreed upon fixed formula for cost share of road maintenance to be agreed upon between the County and applicant

In the past, the Permittee has been billed for a proportional share of mag chloride applied to County Road 60. The applicant has confirmed by email they will continue to contribute as required, and noted as Condition “E” within the permit.

6. Renewal of the amendment for the SUP is reviewed by the end of March 2023 to be considered for extension or cancellation.

As the current permit expires at the end of March, staff is recommending a five (5) year term to expire September 30, 2027.

7. Verification of glide path at the airport.

Staff contacted Josh Schroeder, Grand County Airport Supervisor, who responded with the following statement:

“I was able to confirm that the gravel pit does fall outside of the glide path at Granby. Whenever the question comes up, you could answer by saying that it does fall just outside the glideslope for runway 9 but it is situated within the airport traffic pattern.”

#### PUBLIC COMMENTS

Staff received an email from Serena Rocksund, representing Colorado Parks and Wildlife confirming the only change was the Permittee. They have no comment.

#### STAFF COMMENTS

The Kattenberg pit currently operates under the Division of Reclamation, Mining and Safety Mineral Permit No. M-2004-017. This permit was originally issued in 2004, and permits a total site area of 38.65 acres of which 20.83 acres are allowed to be disturbed. The Applicant has provided staff copies of submittal to the State of Colorado to transfer the Permit into their name.

The application to amend the APEN was submitted on April 12, 2022 and shows an annual production of 150,000 tons of material to be processed each year. } The Applicant shall provide final copies of the APEN permit once the transfer is complete.

The pit operates under Colorado Discharge Permit number COG502141. The request has also been submitted to transfer the discharge permit into the name of “Kattenberg Pit” owned by Oldcastle SW Group, Inc.

## STAFF RECOMMENDATION

Staff recommends approval of the Kattenberg Gravel Pit Special Use Permit with the following conditions to be included in any approved permit:

1. Hours of operation shall be:  
April 1 to November 30: Full operation of the gravel pit (crushing, etc.) is allowed between the hours of 7:00 a.m. and 7:00 p.m., with truck traffic allowed from the hours of 7:00 a.m. to 5:00 pm.  
  
December 1 to March 30: Limited operations (no crushing, washing) are allowed between the hours of 8:00 a.m. and 4:00 pm
2. Prior to construction and filling of an augmentation pond, written documentation shall be providing from the Division of Water Resources authorizing the pond and use of the water for concrete batch plant operations prior to start-up of the plant.
3. Prior to start-up of any asphalt or concrete operations, the appropriate APEN permits shall be provided to Grand County.
4. The Applicant shall provide copies of all permits for the gravel operation including the discharge permit, existing APEN and mineral permit once the transfers are complete and in the name of the Applicant.
5. Permittee will provide an on-site wash-out area for the cleaning of the concrete trucks. This shall be a condition contained within the any approved permit.
6. Under "Equipment" the following shall be added: Any and all equipment necessary for the operation of asphalt and concrete operations.
7. The permit shall be for a five (5) year term, to expire September 30, 2027.
8. All other terms and conditions contained with the existing permit shall remain in full force and effect, including the requirement to enforce the "Good Neighbor Trucking Policy"

Daniella Gosselova asked about water rights and water use and how the underground water supply will be recharged. She is concerned over how the wells will work in that area.

Ms. Manguso stated that she believes that asphalt does not require water. These are new portable plants.

Ms. Manguso added that the applicant has Vail Ditch water. The applicant also have a water use and easement agreement for the Willis Ditch No. 1. They have adequate water for the concrete if they chose to use it.

The applicant intends to bring in portable plants brought in for specific projects. It is not fulltime operation.

United Companies representative Jason Berkey stated that this is a dry pit and the state mining permit allows them dig to a certain level above groundwater.

Tyra Bartuska of United Companies stated that they currently have a substitute water supply plan into the state. She expects it to be approved by the state in late September. United Companies is currently purchasing municipal water to control dust at the permit.

United Companies also has a well permit application into the state to DWR and it should be approved around the end of September. That anticipates United Companies drilling a physical well for the long perpetuity of dust control. United Companies has a contract with Middle Park Water for any water losses or water uses at the pit.

Ms. Bartuska stated that there is a perched aquifer ground water in the pit that is irrigation induced. Ms. Bartuska explained that while mining in the pit, DNR allows them to mine into the groundwater but then United Companies needs to fill to the spot of two feet above the ground water. There will be no exposed ground water into perpetuity.

Commissioner Cimino moved to approve the Kattenberg Gravel Pit Special Use Permit Renewal and Amendment with conditions.

Discussion: The history provided by staff will be included in the resolution

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.

The motion passed unanimously.

Grand County Sheriff – Fire Restrictions

With the indicators, Grand County should be moving into Stage 1 Fire Restrictions.

Stage 1 allows for open fires in developed campgrounds. (It takes away fires in dispersed areas) Stage 1 allows for charcoal grills at home. Open fires at private residences is also allowed.

Things that are not allowed in Stage 1 are smoking except in an enclosed building or vehicle. No exploding targets are allowed.

Sheriff Schroetlin stated that he would like the Stage 1 Fire Restrictions to take effect at 12:01 am on Thursday, September 8. The Sheriff recommended that this be in effect for 30 days.

The Federal partners are likely going into this same restriction.

Sheriff Schroetlin confirmed that his department used the standard fire matrix to make this decision.

Commissioner Cimino moved to enter into Stage 1 Fire Restrictions going into effect at 12:01 a.m. on September 8 and will be in place for 30 days and authorize the signatures of the Board to be stamped on the Resolution.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 10:47 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 13<sup>th</sup> day of September 2022.

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Merrit Linke, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder