

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

September 28, 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
 County Manager Ed Moyer
 Assistant County Manager Micah Benson
 County Attorney Chris Leahy
 Assistant County Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Manguso stated that she would like to recognize the County Coroner Brenda Bock who was awarded the American Patriot Award at the Grand Lake Constitution Week. This was in recognition of her relentless pursuit of the truth of COVID-19 statistics.

Finance

Commissioner Manguso moved to authorize the Chair to sign the Memorandum of Understanding for Control of Confidential Data for Grand County Lodging Tax, Grand County Sales Tax and State Retail Marijuana Sales Tax.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on September 29, 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 September 28, 2021, for payment on September 29, 2021, for the Grand County Housing Authority.

The motion passed unanimously.

Commissioner Cimino moved to approve the vouchers presented on September 28, 2021, for payment on September 29, 2021, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on September 28, 2021, for payment on September 29, 2021, for Grand County.

The motion passed unanimously.

Pandemic and Fire Costs

	COVID-19	East Troublesome Fire	
		Paid	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	\$205,974
Total 2020 costs	\$736,987	\$343,461	\$343,461
Net 2020 (costs) after reimbursements	\$(35,104)	\$(323,073)	\$(323,073)
2021 Reimbursements Requested	\$50,540	\$103,867	\$103,867
Less:			
2021 Personnel costs	\$275,401	\$118,563	\$118,563
2021 Grand Foundation programs funded			
2021 Rural Health grant			
2021 Other operating costs	\$17,231	\$299,721	\$299,721
Total 2021 costs	\$292,632	\$418,284	\$418,284
Net 2021 (costs) after reimbursements	\$(242,092)	\$(314,416)	\$(314,416)
Total costs after reimbursements	\$(277,196)	\$(637,489)	\$(637,489)
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%		

Department Contracts, Comments, Issues

Road and Bridge Superintendent Chris Baer stated that he has received some concerns over the signs that have been posted to slow people down. The sign is similar to



The Grand County signs meet all safety requirements. The Board supports the use of the signs.

Commissioner Cimino moved to approve a Proclamation:

WHEREAS, the Board of County Commissioners of the County of Grand recognizes that it plays a vital role in identifying, protecting its citizens from, and responding to cybersecurity threats that may have significant impact to our individual and collective safety and privacy; and

WHEREAS, critical infrastructure (i.e., financial services, educational institutions, energy, telecommunications, transportation, utilities, health care, and emergency response systems, etc.) is increasingly reliant on the support of information systems and technology; and

WHEREAS, cybersecurity education and awareness is crucial for everyone, including large corporations, small businesses, financial institutions, schools, government agencies, the home user, and anyone who connects to the internet, be it with a computer, mobile phone, or other internet-connected device; and

WHEREAS, monitoring your accounts, being conscientious of what you share online, keeping computer software up to date, creating unique passwords and changing them regularly, installing antivirus programs and firewalls, and using mobile devices and other internet-connect devices safely are ways people and organizations can protect themselves from phishing, viruses, ransomware, other types of malware, financial loss, and loss of sensitive data; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play, and awareness of essential cyber hygiene will improve the security of Grand County's information, infrastructure, and economy; and

WHEREAS, the Federal Government of the United States of America, the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (www.cisa.gov), the Multi-State Information Sharing and Analysis Center (<https://www.cisecurity.org/ms-isac>), the National Association of State Chief Information Officers (www.nascio.org), and the National Cyber Security Alliance (www.staysafeonline.org) all recognize October as Cybersecurity Awareness Month; and all citizens are encouraged to visit these websites, and the STOP. THINK. CONNECT.™ Campaign website (www.cisa.gov/stopthinkconnect or www.stopthinkconnect.org) to learn about cybersecurity to put that knowledge into practice in their homes, schools, workplaces, and businesses;

NOW THEREFORE, be it resolved the Board of County Commissioners of the County of Grand, State of Colorado, do hereby proclaim it is officially supporting National Cybersecurity Awareness Month 2021.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the NWCCOG Economic Development District EDA CARES Act Recovery Assistance to Counties Addendum to Contract. This addendum awards an additional \$20,000 of EDA CARES Act grant funds.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Amendment to Granby Airport Hangar Ground Lease between Grand County and Tabernash Aviation Services for Hangar 7.

The motion passed unanimously.

Commissioner Manguso moved to rescind all fire restrictions effective at noon on September 29, 2021.

The motion passed unanimously.

Commissioner Manguso moved to approve out-of-state travel for Dave Miller and Neil Brown for a criminal investigation to travel to Idaho.

The motion passed unanimously.

Mr. Moyer stated that there will be a EWP project on state property. The County cannot waive liability for the state.

Commissioner Cimino moved to re-appoint Sally Leclair and Darcy Schichting to the board of Grand County Library District to serve terms that will end December 31, 2024.

The motion passed unanimously.

Grand County Board of Health

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

Grand County Public Health Director stated that she issued an Advisory Notice for Grand County on September 24 advising community of the critical point Grand County is now.

There have been 104 COVID-19 cases in the last seven days. There were 159 cases in the last two weeks. That puts the case rate at 651.66 per 100,000 residents.

There has been 1,974 since the pandemic began. That is 12.5 percent of the total population based on the 2019 census data estimates.

There have been six deaths due to COVID and four deaths with COVID.

Right there are four hospitalizations reported and that will go up to eight tomorrow.

The hospital capacity in the Foothills RETAK is:

ICU capacity is at 15 percent which means there are 45 beds available

Acute care beds are at 19 percent which is about 220 beds available

As of today, 63.7 percent of population is estimated to be fully vaccinated

There are 2.9 percent natural immunity (have had COVID-19 in the last 90 days)

66.6 percent of the Grand County population have some immunity

Those with one dose of vaccine brings the community immunity to 73.5 percent

Ms. Baker stated that 29 percent of the COVID-19 cases in the last 90 days have been pediatric cases.

Rapid testing is still taking place on Tuesdays and Fridays at the 620 Hemlock Street Building. The tests are available between 10 and noon.

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

Manager and Attorney Items

Commissioner Cimino moved to approve and authorize the Chair to sign the Services Contract Amendment #1 between Metcalf Archaeological Consultants, Inc. and Grand County in the amount of \$4,202.50.

The motion passed unanimously.

Consent Agenda

Resolution No. 2021-9-19, "APPROVING AN OWNERSHIP TRANSFER OF AIRPLANE HANGAR NO. 7 GRANBY-GRAND COUNTY AIRPORT, EMILY WARNER FIELD"

Resolution No. 2021-9-20, "APPROVING AN AIRPORT HANGAR GROUND LEASE FOR SPACE D AT KREMMLING AIRPORT-MCELROY AIRFIELD"

Resolution No. 2021-9-21, "APPROVING THE SERVICES CONTRACT WITH SNOW MARTIN, INC. d/b/a CABIN WORKS FOR JANITORIAL SERVICES AT THE DEPARTMENT OF HUMAN SERVICES OFFICE"

Resolution No. 2021-9-22, "APPROVING THE GRANT FOR A WATER STRUCTURE RIGHT-OF-WAY / TEMPORARY USE PERMIT WITH THE BUREAU OF LAND MANAGEMENT"

Resolution No. 2021-9-23, "APPROVING THE SERVICES CONTRACT WITH WHINNERY CONSTRUCTION, INC. FOR EMERGENCY WATERSHED PROTECTION (EWP) PROJECT WORK ALONG DROWSY WATER CREEK"

Resolution No. 2021-9-24, “APPROVING THE SERVICES CONTRACT WITH WESTERN STATES RECLAMATION, INC. FOR EMERGENCY WATERSHED PROTECTION (EWP) PROJECT WORK”

Resolution No. 2021-9-25, “APPROVING THE SERVICES CONTRACT WITH MERIDIAM PARTNERS, LLC FOR EMERGENCY WATERSHED PROTECTION (EWP) PROJECT WORK ALONG SMITH CREEK”

Resolution No. 2021-9-26, “APPROVING EXECUTION OF A HOLD HARMLESS PROVISION FORM FOR USE OF A PORTION OF GRANBY ELEMENTARY SCHOOL TO CONDUCT THE “INCREDIBLE YEARS” PARENT PROGRAM”

Resolution No. 2021-9-27, “APPROVING AN AMENDED MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF FRASER FOR A REDUCED GRANT AWARD AMOUNT FROM THE OPEN LANDS, RIVERS AND TRAILS FUND”

Resolution No. 2021-9-28, “APPROVING THE APPOINTMENT OF GRAND COUNTY’S 2022 REPRESENTATIVE TO THE CCI LEGISLATIVE COMMITTEE”

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

Board Business / Correspondence / Calendar

Sept. 28 Middle Park Health Kremmling Campus Ribbon-Cutting Ceremony, 214 S. Street, starting at 3 pm.
Sept. 28 Bi-Annual BOCC Update to the Town of Granby, Granby Town Hall, starting at 5:30 pm
Sept. 29 Freeport McMoRan Molybdenum Cattle Study Webex Conference, 2 to 3:30 pm
Sept. 30 Colorado Counties, Inc. (CCI) “Inside Airbnb” Remote Walk-Through via Zoom noon to 1 pm
Sept. 30 CSU Extension Conversation and Dinner at Kremmling Fairgrounds, starting at 6 pm
Sept. 30 CDOT Transportation Planning Regions Meeting in Steamboat Spring at 10:00 am
Oct. 4-8 Grand County Budget Hearings, Administration Building, 308 Byers Ave., Hot Sulphur Springs, 8:30 am to 5 pm (As Needed)
Oct. 4 Transit Advisory Committee Meeting at Winter Park Town Hall, 4 to 5 pm
Oct. 5 Tri-County District Attorney Budget Hearing via Conference Call and Webex, 3 to 3:30 pm
Oct. 8 CCI Legislative Committee Meeting via Zoom, 10 am to 2 pm
Oct. 14 Freeport McMoRan Inc. / Henderson Mill Tour, starting at 8:30 am

Peters Outright Exemption

Project Name: Peters Outright Exemption
Applicant: Peters, Kurt F
Location: Metes & Bounds 81 All 48.67 acres – 12.93 in SE4SE4 29.11 Acre in NE4SE4 6.63 acres in NW4SE4 of Section 30 T2N 81 Described in B184 P421
Zoning: Forestry & Open (F) District
Applicable Regulations: Grand County Zoning Regulations, Grand County Outright Exemption Regulations
Attachments: A. Develop Application
B. Project Narrative Letter
C. Proposed Final Plat
D. Vicinity and Detail Maps
E. Title Commitment
F. 2019 Property Tax Receipt
G. Proof of Water Right
H. Email from CDOT, dated August 3, 2021
I. Planning Commission Resolution 2021-8-1
Staff: Taylor Schlueter, County Planner
Request: Approval of Outright Exemption to split off 13.11 acres from existing 48.67 acres metes and bounds parcel.

PURPOSE OF REQUEST

The Applicant has requested an Outright Exemption to separate 13.11 acres around an existing mobile home, from an existing 48.67-acre metes and bounds parcel. The applicant's stated intention is to make the sale of the mobile home and its surrounding property more affordable to potential buyers. There are no plans at this time to develop the remaining 35.56-acre property.

BACKGROUND & HISTORY

The oldest record of ownership on file is a deed showing a Mr. George Unfug in 1984. Mr. Unfug then sold the property to Kurt and Joan Peters in 2002. In 2004, a Quit Claim Deed put the property under sole ownership of Mr. Peters, who lives directly across GCR 134 from the project area. The mobile home currently on the property was placed there in 1977.

STAFF COMMENTS AND ANALYSIS

Outright Exemptions are generally used when it involves the adjustment of a tract boundary, or adjusting a boundary to eliminate an existing encroachment particularly for a metes and bounds parcel or if it would involve acquisition of access from one parcel to another. Generally, Outright Exemptions should not result in the increase of the number of parcels or density; the resulting lot already has an existing home, and a plat note has been added to this Outright Exemption specifying that Parcel A will never increase in density. The unusual circumstances of the proposal, given the large size of the properties involved and the low impact of the planned land division, have led Staff to feel that an Outright Exemption is the most appropriate process for this proposal.

The entire 48.67 parcel is not in any growth area and is currently zoned Forestry & Open, which requires a minimum of five acres for any lot. Parcel A will be 13.11 acres and will be accessed via Colorado State Highway (CSH) 134 off an existing driveway that the applicant has stated dates back over fifty years. There is no access permit on record with CDOT for this access, and Staff has reached out to CDOT to verify if one will be required. Since the access point was put in in 1976, it predates the 1979 point at which CDOT began permitting access points. Proof of this conclusion is provided in an email dated August 3, 2021.

The entire property is currently classified as Agricultural Land by the Grand County Assessor. Burke Spring Creek runs through the northern portion of both properties. The applicant has provided proof of water rights on this property.

PLANNING COMMISSION

On August 11, 2021, the Grand County Planning Commission Recommended Approval of the Peters Outright Exemption with the nine (9) conditions as presented, plus two (2) additional conditions. See Resolution No. 2021-8- 1.

STAFF RECOMMENDATION

Staff recommends approval of the Peters Outright Exemption. Seven (7) of eleven (11) conditions have been met by the Applicant since the August 8, 2021 meeting of the Planning Commission including (1) change of title, (2) dedication, (3) surveyor's certificate, (4) verification of CDOT access, (5) an additional condition specifying no increase in intensity of development, (6) fixed typos on the plat, and (7) change of parcel title from 'Parcel B' to 'Parcel A'. Staff

has added a condition requiring the Final Plat to show the right-of-way width on C.S.H. 134 (5). As such, the following five (5) conditions shall be met prior to the recording of the Outright Exemption:

1. An electronic copy of the Final Plat shall be submitted.
2. All recording fees are to be paid by the Applicant.
3. Quit Claim Deed to describe the amended legal description of the lot shall be completed and recorded with the Grand County Clerk and Recorder's Office.
4. A title commitment that is less than six months old shall be completed and submitted before a hearing before the Board of County Commissioners.
5. The Final Plat shall show the right-of-way width of Colorado State Highway 134.

Commissioner Manguso stated that this is creating the opportunity to create a four-lot outright exemption. The County cannot allow that. She also noted that there is a mobile home on the property that may not be legal.

Commissioner Cimino moved to deny the Peters Outright Exemption.
The motion passed unanimously.

Board Business

Commissioner Manguso moved to approve Resolution No. 2021-9-18, "A RESOLUTIN GRANTING A ONE (1) YEAR EXTENSION TO THE RECORDING REQUIRMENT OF THE FINAL PLAT AND EASEMENT FOR LOTS 4 & 5, BLOCK 5, GRAND VIEW HIGHLANDS – FINING NO. 1, COUNTY OF GRAND, STATE OF COLORADO"

The motion passed unanimously.

Abatement

Deputy Assessor Deb Lindblom stated that the law does not allow for proration for damage from fire.

Abatement No. AB21-16, Schedule Number R1000050 for Catherine Shannon Good.

Abatement case presented by Betty Stafford, Certified Residential Appraiser.

The Subject property is 3.78 acres located in the Busse Subdivision Exemption: Lot 4 on the North Fork of the Colorado River. It is bordered by the Grand Lake Metropolitan Recreation District and near the Grand Lake Golf Course to the east and the North Fork of the Colorado River to the west. There appears to be many Beetle killed trees sitting on the property without mitigation before the East Troublesome Fire hit.

The petitioner is requesting an Abatement for the Tax Year of 2020 as this property was burned by the East Troublesome Fire on 10/21/20. The petitioner believes that the "land was totally destroyed by the East Troublesome Fire" and is requesting that we apply an abatement for the two post-fire months of 2020, November & December.

The value for the 2020 taxes was \$138,730, which is \$36,700/ac. The comparable sales typically for this time period would be from 7/1/16-6/30/18. However, per State Statute, our office may go back 5 years to capture sales that are relevant to a property. This property with acreage sits on the Colorado River and the sales were limited. That is why we went back 5 years pulling the Qualified Sales shown on the map to establish a proper valuation for this property for the year 2020.

In reviewing post base Sales/Listings after the East Troublesome Fire; our office has not been able to determine a negative impact of the sales of properties that were involved with the fire. The following chart is **not** a list of comparables to the Subject property, but a list of Vacant Land Sales/Listings that occurred **after the fire** and were directly involved with the fire.

Acct	Sub	Address	Acr es	2020 Value	Sale Date	Sold price	Comments
R185070	M&B	1469 CR 452	2.37	\$69,140	12/21/2021	\$115,000	Vacant land only-never had a house on it
R101051	M&B	8575 Hwy 34	6.41	\$258,150	01/14/2021	\$315,000	Vacant land only-never had a house on it
R174370	M&B		5	\$55,000	1/25/2021	\$131,600	Vacant land only-never had a house on it
R174390	M&B		6.26	\$68,680	1/25/2021		Sold with above sale – Both river front (vacant)
R185380	M&B	1400 CR 452	2.56	\$61,440	3/20/2021	\$106,500	SFR burned, has a well
R185180	M&B	1451 CR 452	1.73	\$41,520	8/8/2021	\$150,000	Listed 6/4/21 \$150,00 under contract
R027360	Trail Creek	1246 412	1.3	\$71,500	8/2/2021	\$165,000	Listed 6/11/2021 \$99,900 under contract
R098050	Trail Creek	178 CR 4115	.74	\$47,900			Listed 6/17/2021 \$149,900

This chart is a sample of the sales that had a similar impact from the fire as the Subject experienced. Both the sold price and the listing prices are higher than the 2020 Value of the properties.

Based on ARL VOL 2, Rev 01/21- Destroyed or Demolished Property Proration Rule

"The assessed value of a real property **improvement** that is demolished or destroyed is prorated" It later goes on to say, "When calculating prorated values for destroyed or demolished real property, the most important thing to remember is to **prorate only the improvement value.**"

Land is not considered an improvement and therefore is not subject for proration.

CONCLUSION: It is the recommendation of the Assessor's Office that this abatement request be **DENIED.**

This report is for informational purposes only for the Board of Equalization and should not be construed or used in any way as an appraisal.

Commissioner Cimino moved that the request for abatement be denied.
 The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 11:45 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 19th day of October 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder